

Development of Wind Energy Facilities in Victoria

Policy and Planning Guidelines



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Introduction

The planning application process for a wind energy facility can be complex. It is strongly recommended that proponents engage a town planning consultant to assist them navigate the planning process. This will save time and confusion. A planning consultant can also assist you to save time preparing plans and other documents for endorsement, and navigation of the amendment process.

Victoria has abundant wind resources, and wind energy facilities have the potential to provide for a significant proportion of Victoria's growth in electricity consumption. Victoria's wind resources are well suited to supporting a large-scale grid of connected wind energy facilities. The Victorian Government supports the development of the renewable energy sector as an important contributor to the sustainable delivery of Victoria's future energy needs.

These guidelines provide advice to inform planning decisions about a wind energy facility proposal.

The purpose of these guidelines is to set out:

- a framework to provide a consistent and balanced approach to the assessment of wind energy projects across the state;
- a set of consistent operational performance standards to inform the assessment and operation of a wind energy facility project; and
- guidance as to how planning permit application requirements might be met.

The guidelines also provide advice about locations in the State that are not appropriate for wind energy facilities. They provide a framework to ensure proposals for wind energy facilities are thoroughly assessed, including other considerations and approvals required in the process.

These guidelines include a Glossary where certain terms used in the guidelines are defined.



1. Wind energy facilities

This section includes the definition of a wind energy facility and associated infrastructure as outlined in the Victoria Planning Provisions (VPP).

1.1 What is a wind energy facility?

A wind energy facility is defined in Clause 73.03 (Land use terms) of the VPP as:

Land used to generate electricity by wind force. It includes land used for:

- a) any turbine, building, or other structure or thing used in or in connection with the generation, of electricity by wind force;
- b) an anemometer.

It does not include turbines principally used to supply electricity for domestic or rural use of the land.



1.2 Anemometers and electricity grid connections

1.2.1 Anemometers

In Clause 73.01 (General terms) of the VPP, an anemometer is defined as a 'wind measuring device'. It is used to measure the wind speed and direction at a site.

In accordance with Clause 62.02-1 (Buildings and works not requiring a permit) of the VPP, a temporary anemometer may be located on a site for up to three years to monitor the suitability of the wind resource for a potential wind energy facility, without requiring a planning permit. At the end of the three-year period, the temporary anemometer must be removed or a planning permit issued for its long-term use.

An anemometer can also be assessed and approved as part of a wind energy facility.

1.2.2 Electricity grid connections

A wind energy facility requires a transmission or distribution system of power lines including substations and converter installations and other works to connect the wind energy facility to the electricity network. While the transmission or distribution system is generally off-site and distant to the wind energy facility, proponents are often seeking sites with close proximity to existing distribution systems.

The use of land to transmit or distribute electricity generated by wind, whether or not on the same land title as a wind energy facility, is a separate land use to that of a wind energy facility as defined in the VPP. The transmission or distribution system is defined as either a 'Utility installation' or a 'Minor utility installation' in Clause 73.03 (Land use terms) of the VPP, depending on the nature and capacity of the transmission or distribution infrastructure. The Minister for Planning is the responsible authority for planning permit applications for transmission infrastructure associated with a wind energy facility. This includes any removal of native vegetation associated with this infrastructure.

A single planning permit application can include the wind energy facility and electricity network connection. Refer to Sections 3.2 and 4.3 of these guidelines.

1.3 Characteristics of a wind energy facility

Wind energy facilities are typically located on sites that have steady winds throughout the year, good road access, proximity to the electricity grid and the capacity of the grid (existing and planned). They can vary considerably in size and scale depending on the physical features of the land, the wind resource available and the grid capacity available.

A wind energy facility typically includes:

- a series of wind turbines;
- one or more substations;
- a temporary construction compound;
- wind monitoring equipment, which can include an anemometer;
- access tracks; and
- underground cabling connecting the wind turbines to the on-site metered point of output from the converter station where the generated electricity will enter the distribution system. This includes connections from the wind turbines to the onsite substations (i.e. an electricity generation, transmission and distribution system where voltage is transformed from high to low, or the reverse, using transformers).

A larger facility may also include:

- a quarry;
- concrete batching plant(s); and
- an operations and maintenance facility.

Wind turbines currently used in new wind energy facilities are large, rotating, three-bladed machines that produce in excess of 3.0 MW of electrical output. The most common wind turbine has a generator and rotor blades mounted on top of a steel tower. The rotor blades generally rotate on a horizontal axis and the total height of the turbine can be as high as 220 to 230 metres.

2. Wind energy in Victoria

This section outlines the broad planning policy and statutory context most relevant to assessment of wind energy facilities in Victoria.

2.1 Identifying suitable locations for wind energy development in Victoria

Wind energy facilities should not lead to unacceptable impacts on critical environmental, cultural or landscape values. Critical values are those protected under Commonwealth and Victorian legislation and assets of state or regional significance, mapped and recognised through planning schemes, including the Planning Policy Framework (PPF). In order to identify suitable locations for new wind energy development, the following matters need to be taken into consideration.

2.1.1 Environmental values

A responsible authority and applicants must consider a range of relevant environmental values and risk factors when identifying suitable sites for wind energy facility development.

These matters are set out in the VPP and include (but are not limited to) the following considerations:

Flora and fauna

Impacts on flora and fauna species and habitat from wind energy facilities and associated infrastructure can be minimised through siting and design measures at the project planning stage. Project specific impacts can vary widely with location and species. The assessment of a proposed development must carefully examine any risk to flora and fauna species and project design and adaptive management measures should be applied where necessary.

Flora and fauna can be protected at the national and state levels.

At the national level, responsible authorities and proponents need to be aware of the following:

- The Commonwealth *Environment Protection and Biodiversity Act 1999* (EPBC Act) provides for the protection of matters of national environmental significance, including nationally significant threatened species and wetlands protected under the Convention of Wetlands of International Importance (the Ramsar Convention).
- The habitat values of wetlands and wetland wildlife habitat designated under the Ramsar Convention, or utilised by designated species under the *Japan-Australia Migratory Birds Agreement* (JAMBA), the *China-Australia Migratory Birds Agreement* (CAMBA), the *Republic of Korea – Australia Migratory Birds Agreement* (ROKAMBA).

At the state level, responsible authorities and proponents must consider (as relevant) the following:

- The *Flora and Fauna Guarantee Act 1988* which provides protection for species and ecosystems that are of statewide importance.
- The PPF which sets out the state planning objectives for protection and conservation of biodiversity - refer to Clause 12.01 (Biodiversity) of the VPP.
- Clause 52.17 (Native vegetation) of the VPP which provides the relevant decision-making framework for native vegetation protection and conservation.
- Other sections of the Planning Scheme may require additional consideration of flora and fauna matters. These may be found in the PPF and the zone and overlay provisions.

Native vegetation

Losses of native vegetation and habitat could occur as a result of the siting of turbines and associated infrastructure and creation of access for large turbine components (including on land away from the wind energy facility site). If native vegetation is proposed to be removed as part of a development proposal the responsible authority must have regard to the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning 2017).

The PPF sets out the Victorian Government's policy objective and provides relevant strategies and guidelines for native vegetation management in Clause 12.01 (Biodiversity) of the VPP. Additional planning provisions are set out in Clause 52.16 (Native vegetation precinct plan) and Clause 52.17 (Native vegetation).

Other environmental values and risk factors must also be considered in identifying suitable sites for wind energy facilities as set out in the PPF.

2.1.2 Significant landscape values

The Victorian Government recognises that the Victorian community places a high value on landscapes with significant visual amenity due to their environmental, social and economic benefits. Strategic planning plays an important role in identifying and managing these important landscapes.

A responsible authority and proponents must consider (as relevant) Clause 12.05 (Significant environments and landscapes) of the VPP.

In addition, strategic landscape studies have been completed for a number of regions across Victoria, including the *Great Ocean Road Region Landscape Assessment Study* (2004) and the *Coastal Spaces Landscape Assessment Study* (2006). These studies identify visually significant landscapes and provide appropriate recommendations for improved planning scheme guidance. Clause 12.02 (Coastal areas) of the PPF requires these studies to be considered by decision makers.

Relevant local strategic studies may also be referenced in the PPF, and significant landscapes may be recognised in overlays, such as the Environmental Significance Overlay, Vegetation Protection Overlay or the Significant Landscape Overlay.

To help guide appropriate site selection, design and layout of individual wind turbines, consideration should be given to the significance of the landscape as described in relevant planning scheme objectives, including relevant overlays and strategic studies referenced in the planning scheme.

Suggested mitigation measures to minimise the potential impact of wind energy facilities on a landscape set out in Section 5.1.3 of these guidelines should also be considered.

There are also requirements relating to landscape assessment under the state environmental assessment process. For details refer to Section 3.3.1 of these guidelines.

2.1.3 Aboriginal cultural heritage values

Wind energy facilities and associated infrastructure have the potential to impact on Aboriginal cultural heritage values. These values are protected under Victoria's *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2007*. It is important that any impacts and the views of relevant Aboriginal people are considered in the early planning stages of a wind energy facility. The Department of Environment, Land, Water and Planning's (DELWP) Planning Practice Note 45: *The Aboriginal Heritage Act 2006* and the *planning permit process* provides guidance and assistance. The practice note can be obtained at www.planning.vic.gov.au/resource-library/planning-practice-notes.

Where wind energy facilities are located on Crown Land, a range of legal requirements, including the provisions of the Commonwealth *Native Title Act 1993*, may apply.

A responsible authority and proponents must also consider Clause 15.03-2 (Aboriginal cultural heritage) of the PPF, which sets out the Victorian Government's policy for the protection and conservation of places of Aboriginal cultural heritage significance.

If approval is required under the *Aboriginal Heritage Act 2006*, this must occur before a planning permit application can be determined.

2.1.4 Exclusion of wind energy facilities in National Parks, State Parks and Coastal Parks and other high quality environmental and landscape locations in the state

Wind energy facilities are not permitted in the following areas, in recognition of their landscape and environmental values:

- National Parks and other land subject to the *National Parks Act 1975*;
- Ramsar wetlands as defined under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*;
- Yarra Valley and Dandenong ranges, Bellarine and Mornington Peninsulas, the Great Ocean Road area within five kilometres of the high water mark, and Macedon and McHarg Ranges;

- the land within five kilometres of the high water mark of the Bass Coast, west of Wilsons Promontory;
- all land west of the Hume Freeway and the Goulburn Valley Highway;
- all land within five kilometres of the high water mark of the coast east of the urban area of Warrnambool; and
- any other areas as identified in the schedule to Clause 52.32 in the relevant planning scheme.

The specific locations of these areas where wind energy facilities are not permitted are specified in the relevant planning schemes, in Clause 52.32-2 and the schedule to this clause.

Exceptions to wind energy facility prohibitions include:

- Where the turbines are principally used to supply electricity for domestic or rural use of the land. These turbines are excluded from the definition of a wind energy facility in the VPP.*
- Turbines on land in a residential zone, an industrial zone, a commercial zone or a special purpose zone that are integrated as part of the development. This allows for the consideration of turbines in an urban setting which would allow for the generation of electricity to support the energy needs of a dwelling, industry, business or the like on the land.*
- Turbines on land described in a schedule to the *National Parks Act 1975* principally used to supply electricity to a facility used in conjunction with conservation, recreation, administration, or accommodation use on that land. This allows for the generation of electricity for park facilities.

*A turbine generating electricity for onsite use may be connected to the grid. The critical question in these circumstances is whether the wind energy facility or turbine(s) generates an amount of electricity that is generally proportional to the electricity requirements of the use of the land.

2.1.5 Exclusion of wind energy facilities in locations that are likely to be required for future population growth

A wind energy facility is a prohibited use in an Urban Growth Zone.

A wind energy facility is also prohibited on land within five kilometres of major regional cities and centres specified in the Regional Victoria Settlement Framework plan in the PPF, being: Ararat, Bairnsdale, Ballarat, Bendigo, Benalla, Colac, Echuca, Geelong, Hamilton, Horsham, Mildura, Moe, Morwell, Portland, Shepparton, Swan Hill, Traralgon, Sale, Wangaratta, Warrnambool and Wodonga.

These locations are specified in the relevant planning schemes in the schedule to Clause 52.32-2. The five kilometre exclusion areas are proposed to be replaced by more specific locations once the future growth planning for these centres has been completed.

These prohibitions do not apply:

- where the turbine is principally used to supply electricity for domestic or rural use of the land
- on land in a residential zone, an industrial zone, a commercial zone or a special purpose zone that is integrated as part of the development. This allows for the consideration of turbines in an urban setting which would allow for the generation of electricity to support the energy needs of a dwelling, industry, business or the like on the land.

2.1.6 Turbines within one kilometre of an existing dwelling

If an existing dwelling is located within one kilometre of any turbine (measure from the centre of the tower at ground level) that forms part of a proposed wind energy facility, the permit application must be accompanied by evidence of the written consent of the owner of the dwelling. The application is prohibited by the planning scheme where evidence of written consent is not provided. This does not apply:

- where the turbine is principally used to supply electricity for domestic or rural use of the land
- on land in a residential zone, an industrial zone, a commercial zone or a special purpose zone. This allows for the consideration of turbines in an urban setting.
- to an application to amend an existing permit unless the amendment proposes to increase the number of turbines or move a turbine so that it is located closer to an existing dwelling (within one kilometre of a turbine measured from the centre of the tower at ground level) than the closest permitted turbine to that dwelling. Refer to Section 4.3.1(b) of these guidelines.



3. Policy framework for wind energy facility proposals

This section provides a decision-making framework for the assessment of wind energy facility applications.

3.1 Decision-making framework for a planning permit application

The use and development of land for the purpose of a wind energy facility requires a planning permit, under Clause 52.32-2 of the VPP.

All planning schemes include provisions that apply to assessing proposals for wind energy facilities. These provisions include:

- the definition of a wind energy facility in Clause 73.03 (Land use terms)
- state planning policy for renewable energy in Clause 19.01-2 of the PPF
- planning provisions and requirements for planning permit applications set out in Clause 52.32
- planning permit exemptions for anemometers erected for less than three years set out in Clause 62.02-1.

3.2 Who is the responsible authority?

The Minister for Planning is the responsible authority for a new application for a permit for a wind energy facility.

Refer to Section 6 of these guidelines regarding planning permit administration and enforcement.

Note: If a project is subject to the requirements of the *Environment Effects Act 1978*, the *Planning and Environment Act 1987* (P&E Act) prescribes the planning permit process that will apply. See Section 3.3.1 of these guidelines.

3.3 Other statutory approvals

Apart from obtaining planning approval for a wind energy facility, proponents should be aware that there may be other regulatory requirements at both the state level in Victoria and the national level.

Some of these approvals must be obtained before a planning permit application can be determined. Failure to look into these matters early can result in delays to determination of a planning permit application.

Other statutory approvals may include:

- for Victoria:
 - *Environment Effects Act 1978*
 - *Aboriginal Heritage Act 2006*
 - *Water Act 1989*
 - *Heritage Act 2017*
 - *Wildlife Act 1975*
 - *National Parks Act 1975*
 - *Livestock Disease Control Act 1994*
 - *Plant Health and Plant Products Act 1995*
 - *Flora and Fauna Guarantee Act 1988* (FFG Act)
 - *Catchment and Land Protection Act 1994* (CaLP Act)
- for the Commonwealth
 - *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)
 - *Native Title Act 1993*

The onus is on the proponent to contact the relevant agency to determine its requirements. Relevant agency contacts and a list of legislation that may impact on a proposed wind energy facility can be found at delwp.vic.gov.au/planning-wind-energy.

Note: Other components of wind energy facilities such as quarries and removal of native vegetation may require approval under other legislation as well as other permissions from the Australian Energy Market Operator or electricity network.

3.3.1 State environmental assessment

If an Environment Effects Statement (EES) is required for a wind energy facility, this process must be completed before the planning permit application can be determined.

The Minister for Planning is responsible for administering the *Environment Effects Act 1978* and for deciding whether an EES is required under that Act. If a proposal is likely to have a significant effect on the environment, the proponent should refer it to the Minister for a decision on the need for an EES.

The onus is on the proponent to refer a proposal to the Minister for Planning to determine whether an EES is required.

The Minister for Planning will require a preliminary landscape assessment to accompany a referral of a proposed wind energy facility. Should an EES be required, then it must include an independently peer-reviewed visual impact assessment by a suitably qualified and experienced person.

The ministerial guidelines for assessment of environmental effects under the *Environment Effects Act 1978* provide guidance on EES processes. More information can be found at www.planning.vic.gov.au/environment-assessment/EES-documents.

3.3.2 Commonwealth environmental assessment

A proposal may also need approval under the EPBC Act if it is likely to have a significant impact on matters of national environmental significance, for example, listed threatened or migratory species.

When a person proposes to take an action that they believe may need approval under the EPBC Act, they must refer the proposal to the Commonwealth Minister for Environment. If the Minister determines that an approval is required, the proposed action must be assessed under the EPBC Act.

Further information on the operation of the EPBC Act is available from the Federal Department of Environment, or for help in deciding whether an action should be referred, you should consult the EPBC Administrative Guidelines on Significance at environment.gov.au/epbc/publications, including the *Significant Impact Guidelines 1.1: Matters of National Environmental Significance* (2009) and the *EPBC Act Policy Statement 2.3 – Wind Farm Industry* (2009).

If approval is required under the EPBC Act, the project may need to be assessed using an assessment process specified under that Act, or an accredited state impact assessment process may be able to be used.

Under the Bilateral Agreement (2009) between Victoria and the Commonwealth, the following Victorian processes can be accredited:

- EES process
- Advisory Committee process
- planning permit process.

The Commonwealth Minister for Environment will make the final decision under the EPBC Act, even if a project is assessed using an accredited state impact assessment process.

4. Planning permit applications - information for applicants

This section provides information for persons making an application for a permit for a wind energy facility.

Proponents are encouraged to make themselves familiar with the planning process prior to commencing the process.

Chapter 3 of Using Victoria's Planning System is a good starting point for permit applicants. This guide is available at: planning.vic.gov.au/guide-home/using-victorias-planning-system.

4.1 The planning permit application process

Section 4.2 of these guidelines provides further details about preparing a planning permit application.

Proponents should also determine if any other parts of the proposal trigger the need for planning permit approval, such as off-site works or native vegetation removal.

Planning scheme zoning and overlay information for any location in Victoria can be obtained from www.planning.vic.gov.au/schemes-and-amendments/browse-planning-schemes-by-map or <http://mapshare.maps.vic.gov.au/vicplan/>.

4.1.1 Pre-application consultation with community, stakeholders and the Department of Environment, Land, Water and Planning (DELWP)

Pre-application consultation with DELWP and other stakeholders provides an opportunity for information gathering and exchange. Proponents should also consider engaging with the community where the wind energy facility is proposed.

At the pre-application meeting you can discuss:

- the planning application process
- the EES process
- the EPBC process
- information requirements for native vegetation removal and avifauna and bats

DELWP has established the wind farm planning permit one stop shop to coordinate across-government responses for wind energy facility permit applications. Proponents can meet with DELWP planning and other government agencies to discuss their application at the pre-application stage. Requests for a pre-application meeting should be made by calling 1800 789 386 or by email at development.approvals@delwp.vic.gov.au.

The development of a community and stakeholder communications and consultation plan is highly recommended, as it will help drive an effective and efficient consultative program.

Pre-application consultation is not a formal statutory requirement of the planning process, however effective pre-application consultation offers benefits for proponents and interested parties alike. After a planning permit application is lodged, there are statutory requirements to notify the public of a proposal.

Pre-application consultation provides the proponent with an opportunity to identify and understand any concerns of the community and stakeholders, and to obtain information and feedback on existing conditions and potential issues to address before lodging the planning permit application. Early consultation will assist in developing a well-conceived proposal and contribute to an efficient assessment process.

Some principles to guide consultation include:

- start early
- ensure the consultation is well planned
- provide suitable opportunities for input by stakeholders
- communicate effectively by:
 - listening to what stakeholders and the public have to say
 - listening to what the local council, the DELWP and other agencies have to say
 - providing sufficient information to enable stakeholders to make a useful contribution
 - providing briefings on progress and further information on request
 - being prepared to make improvements/changes to the proposal in response to stakeholder inputs
 - monitoring stakeholder involvement and inputs to refine and better target the consultation.

DELWP has developed a Guide for Renewable Energy Developers, Community Engagement and Benefit Sharing in Renewable Energy Developments. This resource for developers can be found at: https://www.planning.vic.gov.au/_data/assets/pdf_file/0022/126418/Community-Engagement-and-Benefit-Sharing-in-Renewable-Energy-Development1.pdf.

4.1.2 Lodgement and processing of planning permit applications

All applicants are encouraged to engage a planning consultant with experience in the Victorian planning system to prepare and lodge their planning permit application.

A planning permit application must be lodged with the Minister for Planning who is the responsible authority, via the DELWP planning wind farm team.

An application will not proceed until the proponent provides all the required information. A planning application must include sufficient information and explanation to allow the responsible authority to come to a sound and timely decision. Clauses 52.32-3 and 52.32-4 contain details of information that must be submitted with an application. Note that there may be other requirements in other parts of the planning scheme that you must also address in your application.

These guidelines will assist proponents in the design and siting of proposed wind energy facilities and in preparing planning permit applications.

When all the relevant information has been received and is determined to be satisfactory, the responsible authority will proceed with the public notice and referral requirements. Upon completion of notice and referral, the responsible authority will determine the application.

4.1.3 Decision options

The Minister for Planning may decide to grant a permit, refuse to grant a permit, or where objections have been received, issue notice of decision to grant a permit, giving objectors an opportunity to lodge an application for review at VCAT.

When drafting a permit, a responsible authority must comply with Form 4 of the Planning and Environment Regulations 2015. Model conditions for permits for wind energy facilities have also been developed and are attached to these guidelines (see Attachment B).

If a permit is granted or notice of decision issued for a wind energy facility, it will normally be subject to conditions relating to noise, lighting of turbines, site environmental management, decommissioning and rehabilitation requirements, among other things.

If a permit application is called in and is issued under Division 6 of the *Planning and Environment Act 1987* then the Minister's decision is final and cannot be reviewed by VCAT.

4.2 Preparing a planning permit application

4.2.1 Pre-application discussions

Research the planning controls and then talk to the responsible authority regarding:

- the relevant State and local planning policies, guidelines and other planning scheme requirements that apply to the proposal
- the requirements of any referral authorities or other agencies that may have an interest or be affected by the proposals
- scheduling a pre-application meeting (refer to Section 4.1.1 of these guidelines).

In addition, you should contact the Australian Energy Market Operator for early advice about grid connection matters.

4.2.2 Seek expert advice

It is strongly encouraged that proponents engage a town planning consultant to manage their application.

An application should be accompanied by an assessment of the ecological, visual, noise, traffic, aviation and other environmental impacts of the proposal prepared by suitably qualified persons.

Expert advice on these matters should be sought early to inform the site selection process and the preparation of the site analysis and design response. The assessments submitted with the application should clearly state the facts, matters and all assumptions on which the assessments were based.

4.2.3 Prepare the site analysis

A site analysis is an assessment of the subject site and its surrounds. It will comprise a plan, photographs or some other suitable information describing the land and the matters that influence the proposal.

The information requirements for a site analysis for a wind energy facility are set out in Clause 52.32 and Section 4.3.2 of these guidelines. If the land is also to be used for other purposes, such as agriculture, the site analysis should include information about this.

4.3 Meeting application requirements

Clause 52.32 of the VPP outlines information which must accompany an application for a permit for a wind energy facility.

The following provides assistance to applicants on matters that should be addressed to meet these information requirements. The level of information required to be provided by proponents will vary depending on the size and extent of the proposal, and the requirements of the responsible authority and any referral authorities.

4.3.1 Turbines within one kilometre of a dwelling

(a) Evidence of written consent

Where an application includes a turbine or turbines* within one kilometre of an existing dwelling, the application must include evidence of written consent of the owner of each dwelling within one kilometre of a turbine.

An application is prohibited if the written consent of dwelling owners within one kilometre is not provided.

The application requirements in Clause 52.32-3 require a planning permit application to include:

- 1: a plan showing all dwellings within one kilometre of a proposed turbine* that forms part of the wind energy facility
- 2: evidence of the written consent of the owner of any existing dwelling located within one kilometre of a proposed turbine* that forms part of the wind energy facility.

This does not apply to a wind energy facility that is located on land in a residential zone, an industrial zone, a commercial zone or a special purpose zone.

Evidence of written consent should include:

- a statement of consent that includes
 - the name and address of the owner(s) of the dwelling
 - the address of, and title particulars for, the land on which the dwelling is located
 - a statement that the owner consents to an application being made that includes a turbine(s) located as shown on the attached plan

- a plan showing:
 - the dwelling
 - the proposed location of the turbine(s) * within one kilometre of the dwelling
 - the distance between the dwelling and the proposed turbine(s) *.

The location of the turbine(s) can be a specific site or a more general area in which the turbine(s) will be sited.

The plan should be able to be read and reconciled with the plans of the wind energy facility that form part of the application (including the plan showing all dwellings within two kilometres of a proposed turbine that forms part of the wind energy facility and a list of the distances of these dwellings to the nearest turbine).

The statement of consent attached to the plan should both be signed and dated by the owner of the dwelling.

Attachment A can be used as a statement of consent.

Note *: measured from the centre of the tower at ground level.

(b) Applications to amend a planning permit

Clause 52.32-3 enables amendments to a planning permit under Section 72 or 97I of the P&E Act to be considered by the responsible authority without the need for a dwelling owner consent where turbines are within one kilometre of a dwelling, in certain circumstances.

To be exempt from dwelling owner consent the following requirements apply to an application to amend a planning permit:

- it does not increase the number of proposed turbines, or
- the movement of a turbine, measured from the centre of its tower at ground level, does not result in it being located closer to a dwelling (within one kilometre of a turbine) than the closest permitted turbine to that dwelling.

Proposals to amend a planning permit will be required to meet the relevant application requirements (refer to Section 4.3) and may be subject to a public notification process at the discretion of the responsible authority.

Refer to Section 6 of these guidelines to determine who is the responsible authority for an amendment to an existing permit.

4.3.2 Site and context analysis

(a) A site and context analysis

A site and context analysis is an application requirement of the planning scheme. The site and context analysis may include a site plan, photographs or other techniques to accurately describe:

- in relation to the site:
 - site shape, dimensions and size
 - orientation and contours
 - current land use
 - the existing use and siting of existing buildings or works on the land
 - existing vegetation types, condition and coverage
 - the landscape of the site
 - species of flora and fauna listed under the FFG Act and the EPBC Act
 - sites of cultural heritage significance
 - wind characteristics
 - any other notable features, constraints (e.g. acid sulphate soil, highly erodible soils and land instability) or other characteristics of the site
- in relation to the surrounding area:
 - existing land uses
 - above-ground utilities
 - access to infrastructure
 - direction and distances to nearby dwellings, townships, urban areas, significant conservation and recreation areas, water features, tourist routes and walking tracks, major roads, airports, aerodromes and existing and proposed wind energy facilities
 - the siting and use of buildings on adjacent properties

- the location of all existing dwellings within one kilometre of the nearest turbine measured from the centre of the tower at ground level (adopting a precautionary approach, accounting for micro-siting variation in final placement of turbines). Where the proposal includes any turbines within one kilometre of an existing dwelling, the application must be accompanied by evidence of the written consent of the owner of the dwelling. The application is prohibited under the planning scheme where evidence of the written consent is not provided
- the landscape, including any significant landscape features
- views to and from the site, including views from existing dwellings and key vantage points including major roads, walking tracks, tourist routes and regional population growth corridors
- sites of flora and fauna listed under the FFG and EPBC Acts, including significant habitat corridors, and movement corridors for these fauna
- sites of cultural heritage significance
- National Parks, State Parks, Coastal Reserves and other land subject to the *National Parks Act 1975*
- land declared a Ramsar wetland as defined under section 17 of the EPBC Act
- location of any nearby land included in the schedule to Clause 52.32-2 of the planning scheme (i.e. specified areas of landscape and environmental significance, specified coastal locations and areas identified to accommodate future population growth of regional cities and centres) showing that the setback requirements are met
- any other notable features or characteristics of the area
- bushfire risks.

(b) A location plan

A plan showing the area around the site including:

- local electricity grid (including capacity)
- access roads to the site.

4.3.3 Design response

(a) A development plan

A development plan comprising:

- detailed plans of the proposed development showing:
 - the layout of the wind turbine generators and associated buildings and works (this can include anemometers)
 - GIS coordinates showing the location of each turbine and key infrastructure
 - distances from each turbine to the closest dwelling and to the site boundary
 - location of all houses within one and two kilometres of a turbine
 - the location and dimensions of all buildings and works
 - the location of all vegetation removal
 - proposed connections to the electricity grid (the on-site metered point of output from the converter station where the generated electricity units will enter the distribution system)
 - access roads on the site
 - a concept plan that includes the capacity of new grid connections, network transmission infrastructure, electricity utility works and access road options
 - accurate visual simulations showing the appearance of the development in the context of the surrounding area and from key public view points
 - measures to manage any fire risks associated with the facility or connections to the electricity grid
 - a rehabilitation plan for the site, including plans for revegetation and regeneration works.

(b) Written reports

Written reports including:

- A description of the proposal.
- An explanation of how the proposed design derives from and responds to the site analysis.
- A description of how the proposal responds to any significant landscape features for the area identified in the planning scheme.

- An assessment of:
 - the visual impact of the proposal on the surrounding landscape
 - the visual impact on abutting land that is described in a schedule to the *National Parks Act 1975* and Ramsar wetlands and coastal areas
 - the impact of the proposal on any species (including birds and bats) listed under the FFG Act or EPBC Act
 - the impacts upon Aboriginal or non-Aboriginal cultural heritage
 - A statement of why the site is suitable for the wind energy facility
 - An environmental management plan including any rehabilitation and monitoring requirements.

(c) Noise assessment

The proponent is required to submit a pre-construction (predictive) noise assessment report demonstrating that the proposal can comply with New Zealand Standard NZS6808:2010, Acoustics - Wind Farm Noise, including an assessment of whether a high amenity noise limit is applicable under Section 5.3 of the Standard.

The pre-construction (predictive) noise assessment report must be accompanied by an environmental audit report prepared under Part IXD, Section 53V of the *Environment Protection Act 1970* by an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970*. The environmental audit report must verify that the acoustic assessment undertaken for the pre-construction (predictive) noise assessment report has been conducted in accordance with the New Zealand Standard NZS6808:2010, Acoustics - Wind Farm Noise.

4.3.4 Flora and fauna impacts assessment

In the first instance, proponents should contact the wind farm team in Statutory Planning Services at DELWP or the Commonwealth Department of Environment directly for advice on who to approach regarding whether the proposed wind energy facility may impact species of flora or fauna protected under the FFG Act or the EPBC Act.

Where it is reasonably likely that species listed under the FFG Act or the EPBC Act will be present on or near the site, or using the site as a migratory corridor, applicants for a wind energy facility permit should conduct surveys at the appropriate time for at least 12 months preceding the planning permit application. DELWP or the Commonwealth Department of Environment (as appropriate) should be consulted on the timing of the surveys. Survey work should determine the species present, any adverse impacts

likely to arise from the proposed wind energy facility, and any appropriate mitigation measures.

Potential biodiversity impacts

Possible impacts of a wind energy facility on biodiversity can be considered under six categories set out below. Responsible authorities should consider the following matters in assessing applications and developing permit conditions:

Direct removal of native vegetation and habitat

- May arise for turbine tower footings, tracks and other infrastructure;
- May be minimised by layout design and micro-siting;
- Address unavoidable losses under Victoria's Native Vegetation Framework.

Native fauna casualties resulting from construction activities

- Site induction to minimise risks to wildlife onsite;
- Minimise risks to wildlife arising from excavation works.

Bird and bat casualties resulting from collisions with moving turbine blades

- Site selection rotor swept area size, ground clearance of the rotor and turbine layout will impact on risk level, especially for large, slow-flying birds (e.g. waterbirds, raptors);
- As well as direct collision, bats can be killed by barotraumas (lung injury);
- Some bird and bat species may require special consideration due to significance, behaviour or movement patterns.

Bird and bat casualties resulting from collisions with stationary infrastructure (for example towers, anemometers, fences, powerlines)

- Lighting may disorient birds at night, increasing collision risk;
- Fences, wires and transmission lines can be difficult for many species to avoid, resulting in fatalities;
- Transmission lines pose a well-documented hazard for many species of large birds.

Indirect habitat loss resulting from avoidance

- Some species may avoid turbines by large margins, leading to loss of access to adjacent habitat;
- Different avoidance distances may apply to different species or to particular species at different seasons.

Cumulative barrier effects

- Migratory or otherwise mobile species may require turbine-free corridors through which to travel between critical sites (e.g. breeding and non-breeding habitats);
- Corridor needs may vary according to relevant species.

In evaluating wind energy facility impacts on birds and bats including cumulative impacts of a number of discrete wind energy developments within a broad area, it is important to place the collision risks inherent in wind energy facilities in context with other anthropogenic collision risks such as fences, windows and motor vehicles. However, potential impacts of specific developments should still be identified, quantified, minimised and where necessary offset to ensure that the net impact of wind energy facility developments on biodiversity values, especially with regard to threatened species, is at worst neutral.

4.3.5 Environmental Management Plan

The preparation of an Environmental Management Plan (EMP) will be required. An environmental management plan details how the site will be managed through construction, and sets out future operational and maintenance requirements. It may include:

- measures to minimise the amenity and environmental impacts of the construction and decommissioning of the facility
- organisational responsibilities, and procedures for staff training and communication
- a construction component that includes procedures to manage dust and noise emissions, erosion, mud and stormwater run-off and procedures to remove temporary works, plant, equipment, buildings and staging areas, and reinstate the affected parts of the site, when construction is complete
- complaints management processes.

4.3.6 Aircraft safety issues

The height of wind energy turbines can be substantial, resulting in potential impacts upon nearby airfields and air safety navigation. Applicants for a wind energy facility permit should address aircraft safety issues by considering the proximity of the site to airports, aerodromes, or landing strips.

Applicants should consult with the Civil Aviation Safety Authority (CASA) for wind energy facility proposals that:

- are within 30 kilometres of a declared aerodrome or airfield
- infringe the obstacle limitation surface around a declared aerodrome
- include a building or structure the top of which will be 110 metres or more above natural ground level (height of a wind turbine is that reached by the tip of the turbine blade when vertical above ground level).

Early engagement with aviation safety organisations like CASA is encouraged as aviation safety is a complex area of wind energy facility assessment.

In addition to CASA consultation, the following is relevant for anemometers and other pre-permit infrastructure.

The Aeronautical Information Service of the Royal Australian Air Force (RAAF AIS) maintains a database of tall structures in the country. The RAAF AIS should be notified of all tall structures meeting the following criteria:

- 30 metres or more above ground level for structures within 30km of an aerodrome; or
- 45 metres or more above ground level for structures located elsewhere.

The contact details for the RAAF AIS are: Tel: (03) 9282 5750; ais.charting@defence.gov.au.

Operators of certified aerodromes are required to notify CASA if they become aware of any development or proposed construction near the aerodrome that is likely to create an obstacle to aviation, or if an object will infringe the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation Services – Operations (PANS-OPS) surfaces of an aerodrome. Operators of registered aerodromes should advise CASA if the proposal will infringe the OLS; CASA will ask Airservices to determine if there is an impact on published flight procedures for the aerodrome.

4.4 Application to amend a planning permit

An application to amend a planning permit must be lodged with the responsible authority. Refer to Section 6.1 of these guidelines regarding who is the responsible authority.

4.4.1 Applications to amend a permit under section 72 of the P&E Act

Clause 52.32-8 specifies that an application to amend a planning permit made under section 72 of the P&E Act is exempt from the review rights of the P&E Act (decision requirements of section 64(1), (2) and (3) and review rights of section 82(1)) if the amendment of the permit does not:

- increase the number of turbines; or
- change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.

4.4.2 Applications to amend a permit under section 97I of the P&E Act

This section relates to amending referred wind energy facility planning permits, known as 'called in' planning permits.

Clause 52.32-9 specifies that an application to amend a permit under 97I of the P&E Act is wholly exempt from being referred to a planning panel (section 97E(1)) if the application does not seek to:

- increase the total number of turbines; or
- increase the maximum height of any turbine; or
- change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.

Clause 52.32-9 also specifies that the requirements of section 97E(1) of the Act are modified so as to require referral of objections and submissions to an advisory committee established under section 151 of the P&E Act if an application to amend a permit does not seek to:

- increase the total number of turbines by more than 15 per cent; or
- increase the maximum height of any turbine by more than 20 per cent; or
- change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling.



5. Information for responsible authorities assessing a wind energy facility

This section outlines the key criteria for evaluation of the planning merits of a wind energy facility.

5.1 Assessing wind energy facility proposals – matters for consideration

Proposals for wind energy facilities must be assessed against state planning policy, local planning policy and other matters specified in section 60 of the P&E Act.

These guidelines provide a responsible authority with assistance for the assessment of a wind energy facility. The extent and breadth of issues that arise and require assessment will differ between proposals and will need to be determined on a case-by-case basis. A responsible authority should endeavour to balance environmental, social and economic matters in favour of net community benefit and sustainable development.

An explanation of matters to be considered by a responsible authority in assessing permit applications for wind energy facilities follows. Some suggested impact reduction measures specific to wind energy facilities are outlined below.

5.1.1 Contribution to government policy objectives

The PPF requires that a planning authority make decisions on the basis of fair, orderly, economic and sustainable use and development of land. In this context the PPF contains a specific policy position regarding renewable energy – refer to Clause 19.01-2 (Renewable energy). This is the overarching policy statement regarding wind energy development which states:

Objective

To promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met.

Strategies

Facilitate renewable energy development in appropriate locations.

In considering proposals for renewable energy, consideration should be given to the economic and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.

In planning for wind energy facilities, recognise that economically viable wind energy facilities are dependent on locations with consistently strong winds over the year.

5.1.2 Amenity of the surrounding area

A wind energy facility can affect the amenity of the surrounding area due to noise, blade glint, shadow flicker, visual impact, and electromagnetic interference.

(a) Noise

A wind energy facility can create noise due to the:

- mechanical noise produced by the wind turbine generators
- movement of the rotor blades passing the tower
- construction noise.

The impact of the noise depends on the sensitivity of the surrounding land uses, existing background noise levels, topography, wind speed and direction, power output from the turbines and any special auditory characteristics¹ present

A wind energy facility must comply with the noise limits in the New Zealand Standard NZS 6808:2010 Acoustics – Wind Farm Noise (the Standard).

The 'A-frequency-weighted L90 centile level' is the metric used in the Standard to assess wind energy facility noise. This is expressed as dB LA_{90(10mins)}, and in effect means a sound level measurement will be the average decibel which was equalled or exceeded for 90 per cent of the time over a 10-minute period.

The Standard specifies a general 40 decibel limit (40 dB LA_{90(10min)}) for wind energy facility sound levels outdoors at noise sensitive locations, or that the sound level should not exceed the background sound level by more than five decibels (referred to as 'background sound level +5 dB'), whichever is the greater.

Noise sensitive locations are defined in the Standard as, "*The location of a noise sensitive activity, associated with a habitable space or education space in a building not on a wind farm site*", and include:

- any part of land zoned predominantly for residential use
- residential uses including land uses listed in the accommodation group at Clause 73.04 of the planning scheme
- education and child care uses listed in the child care centre group and education centre group at Clauses 73.04 of the planning scheme.

For further information on types of locations included refer to Section 2.4 (Definitions) of the Standard.

A 45-decibel limit is recommended for stakeholder dwellings. A stakeholder dwelling is one on the wind energy facility site, or one that has an agreement with the wind energy facility to exceed the noise limit.

Under Section 5.3 of the Standard, a 'high amenity noise limit' of 35 decibels may be justified in special circumstances. All wind energy facility applications must be assessed using Section 5.3 of the Standard to determine whether a high amenity noise limit is justified for specific locations, following procedures outlined in 5.3.1 of the Standard. Guidance can be found on this issue in the VCAT determination for the Cherry Tree Wind Farm².

A wind energy facility proponent needs to prepare two main noise reports as part of a project's development: (1) a pre-construction (predictive) noise assessment to demonstrate the project will operate in compliance with noise limits; and (2) a post-construction noise assessment to demonstrate that the project is operating in compliance with noise limits.

New planning permit conditions will require post construction noise compliance to be demonstrated to the satisfaction of the responsible authority. Refer to the example permit conditions in Attachment B.

These assessments must be undertaken by an acoustic engineer. The wind energy facility operator must provide the responsible authority with an assessment by an appropriately qualified and experienced acoustician that demonstrates whether the facility is compliant with the noise standard. The acoustician must be able to demonstrate to the responsible authority appropriate qualifications and experience to carry out the task.

Measurement and compliance assessment methods are set out in the Standard.

All noise assessment reports must be accompanied by an environmental audit report prepared under Part IXD, Section 53V of the *Environment Protection Act 1970* from an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970*. The report must verify that the acoustic assessment undertaken for the purpose of the post-construction noise assessment has been conducted in accordance with the Standard. Further information is set out in the following sections of these guidelines.

¹ Refer to Section 5.4, Page 23 of the Standard for further information.

² Cherry Tree Wind Farm v Mitchell Shire Council (2013).

Wind energy facility noise compliance

Wind energy facility noise compliance must be established by testing and assessment by acoustic consultants against the requirements of the Standard, by following the methodology presented in the Standard.

In seeking to demonstrate compliance, parties must engage an environmental auditor, appointed under the *Environment Protection Act 1970*, to conduct a 'Risk of Harm' audit under section 53V of the *Environment Protection Act 1970* to verify that wind energy facility noise assessments have been conducted in accordance with the Standard. These audits will be used to inform the responsible authority's decision on a project's noise compliance with operational noise limits as defined by the Standard.

Even if not required by older planning permits, proposed or existing wind energy facility operators should consider obtaining an audit as part of any submission, to demonstrate ongoing compliance to satisfy permit requirements. This arrangement may also be accessed by a responsible authority for the purposes of undertaking an audit of noise compliance assessments. A full list of EPA appointed auditors is available on the EPA website, or can be obtained by contacting the wind farm team in Statutory Planning Services at DELWP.

What is a statutory environmental audit conducted by an EPA appointed auditor?

An environmental audit of the wind energy facility noise assessments is conducted to verify that the noise assessments carried out by acoustic consultants on behalf of the proponent have been conducted in accordance with the Standard. The goal of including environmental audits in wind energy facility planning permit conditions is to assist responsible authorities in determining whether a proposed and / or operating wind energy facility will be able to operate in compliance with the Standard. In addition, conducting these audits will demonstrate that noise assessments have been carried out as per the methodology and requirements stated in the Standard.

Environmental audits are required to be conducted on both the pre-construction (predictive) noise assessment and the post-construction noise assessment.

Reporting from an environmental audit will consist of a section 53V audit report stating the auditor's findings. The report issued by the EPA appointed auditor is a declaration that the noise assessments:

1. have been conducted in accordance with the Standard; and
2. meet the requirements of the permit or other regulatory instruments.

The section 53V 'Risk of Harm' audit report, signed by the auditor, must address matters 1 and 2 above and detail the considerations they have relied upon in forming their views. This report should be thorough but concise. The report must have adequate detail including an annexure listing all documents examined or relied upon to permit any reader to follow the deliberations that the auditor undertook in forming their view.

Auditor duties

An EPA appointed auditor is expected in undertaking any function to apply sound engineering and audit practices, behaving in an ethical manner upholding the reputation of the "audit system" and adhere to the wording and intent of relevant guidelines. EPA has guidelines detailing the duties and responsibilities of an EPA appointed auditor. To find out more about the roles and responsibilities of an EPA appointed auditor please visit the EPA website. A good starting point is EPA publication 865 *Environmental Auditor Guidelines for Appointment and Conduct*.

Noise management plans

Once a permit has been issued for a wind energy facility, the proponent must prepare and submit a noise management plan to the responsible authority for endorsement prior to development. The noise management plan must be accompanied by a peer review report assessing its suitability prepared by an EPA appointed auditor. The noise management plan once endorsed will form part of the permit.

The noise management plan, must include a:

- Post-construction noise assessment report methodology: detailing how this will be prepared to demonstrate whether or not the facility complies with the performance requirements specified in the Standard.

- Noise Investigation Reporting: detailing procedures when complaints are received in accordance with the endorsed Complaints Investigation and Response Plan or when potential non-compliance with the performance requirements in the Standard is otherwise detected.
- Noise Remediation Plans: detailing procedures when non-compliance with the performance requirements in the Standard is found to have occurred.

The peer review of the noise management plan is to be conducted in a manner deemed appropriate by the environmental auditor and would typically include the following steps:

- Review the noise management plan as a whole to determine its suitability and ability to meet the requirements of permitting conditions in line with industry best practices based on ISO 14001:2015 Environmental Management Systems for management plans.
- Detailed review of the noise compliance reporting plan to verify that it can adequately assess the post-construction noise compliance of the wind energy facility in line with the Standard.
- Detailed review of the noise investigation reporting plan to verify its suitability to receive, record and respond to complaints in line with AS/NZS 10002:2014 Guidelines for Complaint Management in Organizations.
- Detailed review of the noise remediation plan to verify its capability to address identified non-compliances in line with industry best practices as identified in Clause 10.2 (non-conformity and corrective actions) of ISO 14001:2015.

(b) Blade glint

Blade glint can result from the sun reflecting from turbine blades.

Blades should be finished with a surface treatment of low reflectivity to ensure that glint is minimised.

(c) Shadow flicker

Shadow flicker results from the position of the sun in relation to the blades of the wind turbine as they rotate. This occurs under certain combinations of geographical position and time of day. The seasonal duration of this effect can be calculated from the geometry of the machine and the latitude of the site.

Shadow flicker can be modelled in advance and siting and design can mitigate the problem. This is more likely to be an issue for turbines located to the east or west of a dwelling.

The shadow flicker experienced immediately surrounding the area of a dwelling (garden fenced area) must not exceed 30 hours per year as a result of the operation of the wind energy facility.

(d) Electromagnetic interference

The effect of wind turbines on electromagnetic waves will usually be relatively limited. Potential electromagnetic interference effects can be calculated from information about affected telecommunications transmitting or receiving stations, local conditions, turbine design and location.

The potential for electromagnetic interference from the generation of electricity from a wind energy facility should be minimised, if not eliminated, through appropriate turbine design and siting.

The siting of wind turbines in the 'line of sight' between transmitters and receivers should be avoided.

5.1.3 Landscape and visual impact

The degree of visual impact of a wind energy facility depends on the extent of the change to the landscape caused by the development, taking into account:

- the visibility of the development
- the locations and distances from which the development can be viewed
- the significance of the landscape as described in the planning scheme (including in an overlay, a relevant strategic study or landscape features referenced in the planning scheme)
- landscape values associated with nearby parks described in a schedule to the *National Parks Act 1975* or Ramsar wetlands

- landscape values associated with nearby land included in the schedule to Clause 52.32-2 of the planning scheme, such as specified areas of landscape and environmental significance, specified coastal locations and areas identified to accommodate future population growth of regional cities and centres
- the sensitivity of the landscape features to change.

The visual impact of the development relates to:

- the number, height, scale, spacing, colour and surface reflectivity of the wind turbines
- the quantity and characteristics of lighting, including aviation obstacle lighting (subject to CASA requirements and advice)
- avoidance of visual clutter caused by turbine layout and ability to view through a cluster or array (visually well ordered series) of turbines in an orderly manner
- the removal or planting of vegetation
- the location and scale of other buildings and works including transmission lines and associated access roads
- proximity to sensitive areas
- proximity to an existing or proposed wind energy facility, having regard to cumulative visual effects.

The features of the landscape include:

- the topography of the land
- the amount and type of vegetation
- natural features such as waterways, cliffs, escarpments, hills, gullies and valleys
- visual boundaries between major landscape types
- the type, pattern, built form, scale and character of development, including roads and walking tracks
- flora and fauna habitat
- cultural heritage sites
- the skyline.

Wind energy facilities will have a degree of impact on the landscape.

A responsible authority needs to determine whether or not the visual impact of a wind energy facility in the landscape is acceptable. In doing so, they should consider planning scheme objectives for the landscape, including whether the land is subject to an Environmental Significance Overlay, Vegetation Protection Overlay, Significant Landscape Overlay or a relevant strategic study that is part of the relevant planning scheme.

The visual impact of a proposal should have regard to relevant state and local government planning policy.

The following measures are suggested to reduce the visual impacts of wind energy facilities:

- siting and design to minimise impacts on views from areas used for recreation and from dwellings;
- locating arrays of turbines to reflect dominant topographical and/or cultural features, such as ridgelines, the coastline, watercourses, windbreaks or transmission lines;
- using turbine colour to reduce visual impacts from key public view points;
- limiting night lighting to that required for safe operation of a wind energy facility and for aviation safety;
- reducing the number of wind turbines with obstacle lights while not compromising aviation safety;
- mitigating light glare from obstacle lighting through measures such as baffling;
- selecting turbines that are consistent in height, appearance and rotate the same way;
- spacing turbines to respond to landscape characteristics;
- undergrounding electricity lines wherever practicable;
- minimising earthworks and providing measures to protect drainage lines and waterways;
- minimising removal of vegetation;
- avoiding additional clutter on turbines, such as unrelated advertising and telecommunications apparatus.

5.1.4 Flora and fauna

A responsible authority should consider the effects of the proposed wind energy facility on flora and fauna at the site and in the surrounding area. Consideration should be given to:

- whether the species and communities are protected under the EPBC Act or the FFG Act;
- the sensitivity of any protected species to disturbance;
- the potential loss of habitat of species protected under the EPBC Act or the FFG Act;
- measures to minimise the impacts on any native species.

If the proposal is likely to have significant impacts on listed species, the responsible authority should consider whether the applicant has provided appropriate survey work (refer to Section 4.3.4 of these guidelines for more detail). A responsible authority should consider whether to impose planning permit conditions requiring monitoring of flora and fauna, including further survey work, after construction of the wind energy facility. An environmental management plan may provide for the development of reasonable and cost-effective steps to minimise any ongoing risks.

If native vegetation is proposed to be removed, a responsible authority must have regard to *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning 2017). In applying the policy, there are three key steps for land managers and owners to address when considering vegetation clearing (as addressed in Clause 12.01-2 of the PPF):

- as a priority, avoid the removal of native vegetation;
- if the removal of native vegetation cannot be avoided, minimise the loss of native vegetation through appropriate consideration in planning processes and expert input into project design or management;
- identify appropriate offset actions.

Details regarding removing native vegetation can be found on the [Native vegetation page](http://www.environment.vic.gov.au) at www.environment.vic.gov.au or contact the relevant DELWP regional office.

5.1.5 Aircraft safety

The height of wind energy turbines can be substantial, resulting in potential impacts upon nearby airfields and air safety navigation. A responsible authority should consider the proximity of the site to airports, aerodromes or landing strips, and ensure that any aircraft safety issues are identified and addressed appropriately.

Although the Civil Aviation Safety Authority (CASA) is not a formal referral authority for wind energy facility permit applications, a responsible authority should nevertheless consult with CASA in relation to aircraft safety impacts of a wind energy facility proposal, particularly proposals that:

- are within 30 kilometres of a declared aerodrome or airfield;
- infringe the obstacle limitation surface around a declared aerodrome;
- include a building or structure the top of which will be 110 metres or more above natural ground level (height of a wind turbine is that reached by the tip of the turbine blade when vertical above ground level).

Other private airstrips may not be identified by consultation with CASA. These may be identified using aerial photographs, discussions with the relevant council, or consultation with local communities.

A responsible authority should ensure that the proponent has consulted appropriately with CASA in relation to aircraft safety and navigation issues. It is recommended that the proponent consults and receives approval from CASA prior to lodging their application for ease of process. Refer to Section 4.3.6 of these guidelines for more detail.

CASA may recommend appropriate safeguards to ensure aviation safety. These may include changes to turbine locations, turbine heights and/or the provision of aviation safety lighting. A responsible authority should ensure that any concerns raised by CASA are appropriately reflected in permit conditions.

Aviation safety lighting can have an impact on the amenity of the surrounding area. Responsible authorities may consider the following impact reduction measures (subject to CASA requirements and advice):

- reducing the number of wind turbines with obstacle lights;

- specifying an obstacle light that minimises light intensity at ground level;
- specifying an obstacle light that matches light intensity to meteorological visibility;
- mitigating light glare from obstacle lighting through measures such as baffling.

5.1.6 Construction impacts and decommissioning

As outlined above, construction of a wind energy facility and associated infrastructure (access roads and transmission lines) must be managed to minimise on and off-site adverse impacts on nearby residents and the environment. An Environmental Management Plan (EMP) must be provided as part of every planning application, setting out how environmental impacts will be managed through construction and providing future operational and maintenance specifications. Refer to Section 4.3.5 of these guidelines for more detail.

The approved EMP should be endorsed by the responsible authority and form part of the planning permit. A responsible authority should consider imposing a permit condition requiring that the use and development be conducted in accordance with the endorsed EMP.



6. Planning permit administration and enforcement

This section describes the role of the responsible authority in administering and enforcing wind energy facility permit conditions.

6.1 Administration of planning permits

Section 13(a) of the P&E Act has the effect that the responsible authority for the administration of the planning scheme is the local council unless the planning scheme specifies another person as the responsible authority for those purposes.

Clause 72.01-1 of the VPP specifies that the Minister for Planning is the responsible authority for considering and determining planning permit applications for the use and development of land for a wind energy facility; and for matters required by a permit or the scheme to be done to the satisfaction of the responsible authority in relation to the use and development of land for a wind energy facility.

In relation to wind energy facility permits issued prior to 2 April 2015 under Division 1 of Part 4 of the P&E Act the Council remains the responsible authority for extensions of time, corrections and amendment applications; and for matters required by the permit or the scheme to be done to the satisfaction of the responsible authority.

In relation to permits issued prior to 2 April 2015 under Division 6 of Part 4 of the P&E Act, the Council remains the responsible authority for matters required by the permit or the scheme to be done to the satisfaction of the responsible authority. Section 97H of the P&E Act provides that conditions on such permits may require matters to be done to the satisfaction of the Minister, however the responsible authority for enforcement of the permit remains the local council.



6.2 Planning permit conditions

Planning permit conditions must be consistent with provisions set out in Clause 52.32 of the VPP and should be generally consistent with these guidelines. Model planning permit conditions for wind energy facilities are attached to these guidelines (see Attachment B). These conditions can be customised by the responsible authority to reflect local planning policy and specific project circumstances.

6.3 Enforcement of planning scheme and planning permits

Section 13(a) of the P&E Act specifies that the responsible authority for the enforcement of the planning scheme is the local council, unless the planning scheme specifies another person as the responsibility authority for that purpose.

The local council is the responsible authority for the enforcement of wind energy facility permits.

Where a permit has been issued by the Minister under Division 6 of Part 4 of the Act section 97H of the P&E Act provides that conditions on such permits may require matters to be done to the satisfaction of the Minister, however the responsible authority for enforcement of the permit remains the local council.



Glossary

Terms

CASA: The Civil Aviation Safety Authority.

DELWP: Department of Environment, Land, Water and Planning - Victorian Department administering the FFG Act.

DEDJTR: Department of Economic Development, Jobs, Transport and Resources.

DE: Department of the Environment and Energy - Federal Department administering the EPBC Act.

EES: Environment Effects Statement- A statement prepared under the *Environment Effects Act 1978 (Vic)* assessing the significant environmental effects of proposed works.

EMP: Environmental management plan.

EPA: Environment Protection Authority.

EPBC Act: *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* - Federal legislation dealing with the protection of, and assessment of impacts of activities on, matters of national environmental significance.

FFG Act: *Flora and Fauna Guarantee Act 1988* - Victorian legislation dealing with the protection of listed species of flora and fauna.

PPF: Planning Policy Framework - contained in the VPP and all planning schemes.

the Standard: New Zealand Standard NZS 6808:2010 Acoustics – Wind Farm Noise - The noise standard for wind energy facilities applicable under Clause 52.32 of the VPP.

VCAT: Victorian Civil and Administrative Tribunal.

VPP: Victoria Planning Provisions - A set of standard provisions on which all Victorian planning schemes are based.

Wind energy facility: Land used to generate electricity by wind force It includes land use for:

- a) any turbine, building, or other structure or thing used in or in connection with the generation, of electricity by wind force;
- b) an anemometer.

It does not include turbines principally used to supply electricity for domestic or rural use of the land.

Units

W: watt - A unit of power. The power generation capacity of a wind generator is measured in watts.

MW: megawatt. A unit of energy. 1 megawatt = 1000 watts

Wh: watt hour. A unit of energy. The amount of electricity a wind energy facility generates is measured in watt hours.

Attachment A: Statement of consent

Application for [a planning permit/an amendment to a planning permit] for a wind energy facility

Dwelling located within one kilometre of a turbine

Address:

Title Particulars:

Volume.....Folio.....

Name(s) and address(es) of the owner(s) of the dwelling:

I/we as the owner/s of the existing dwelling on the above property:

- declare that I/we consent to an application for [a planning permit/an amendment to Planning Permit number [insert] for a wind energy facility to be made that includes a turbine or turbines in the location(s) shown on the attached plan
- acknowledge that the proposed turbine(s) will be located within two kilometres from the dwelling.

Signed:

Dated:

Attached: A plan showing the dwelling and the proposed location of the turbine(s) within two kilometres of the dwelling and the distance between the dwelling and the proposed turbine(s).

This plan should be able to be read and reconciled with the plans of the wind energy facility that form part of the planning permit application. The location of the turbine(s) can be a specific site or a more general area in which the turbine(s) will be sited.

Owner(s) must also sign and date the attached plan.

Attachment B: Example permit conditions for wind energy facilities

ADDRESS OF THE LAND: [insert title details of land and any road reserves]

THE PERMIT ALLOWS: Use and development of the land for a Wind Energy Facility and associated buildings and works, and [specify other matters for which permission is being granted e.g. native vegetation removal]

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Development Plans

1. Before development starts, amended development plans must be submitted to, approved and endorsed by the responsible authority. When endorsed the plans will form part of this permit.

The plans must be fully dimensioned, drawn to a scale. They must be generally in accordance with the application plans numbered [insert number], dated [insert date], prepared by [insert name], but modified to show:

- a) A maximum of [specify] turbines with the following specifications:
 - i) maximum blade tip height of [specify] above ground level
 - ii) minimum blade tip clearance of [specify] from ground level
- b) The final location, specifications, materials and finishes of the wind energy facility
- c) The layout and siting of other buildings and works adjusted as follows:
 - i) [describe required changes]
 - ii) [describe any other adjustments required, e.g. use of low reflective materials or finishes]

- d) the transformer associated with each wind generator located beside each tower, or enclosed within the tower structure
 - e) electricity cabling between the turbines located underground
 - f) details of aviation safety lighting
 - g) the colours and finishes of all buildings and works (including turbines), which must be non-reflective so as to minimise the visual impact of the development on the surrounding area
 - h) Any staging of the permitted development
2. Except as permitted under conditions 4 and 5, the use and development must be generally in accordance with the endorsed Development Plans. The endorsed plans must not be altered or modified without the written consent of the responsible authority.

Staging

3. The use and development may be completed in stages in accordance with the endorsed Development Plans. The corresponding obligations arising under this permit may be completed in stages.

Micro-siting of Turbines

4. Before development starts, a Micro-siting Plan must be submitted to, approved and endorsed by the responsible authority, identifying a footprint at ground level within which each turbine may be located. When endorsed the plan will form part of this permit.

The Micro-siting Plan must be fully dimensioned and drawn to a scale of [specify]. The footprint for each turbine identified on the Micro-siting Plan:

- a) must not extend more than 100 metres in any direction from the centre of the turbine at ground level as shown on the development plans endorsed under condition 1
 - b) must not be within 1 km of a dwelling unless the operator has provided evidence to the satisfaction of the responsible authority that the owner of the dwelling has consented in writing to the location of the turbine footprint
 - c) must not include [specify any areas that should be avoided, e.g. patches of remnant vegetation, buffers around waterways etc].
5. Any changes to access tracks, electricity cabling and associated infrastructure arising

from micro-siting a turbine in accordance with an endorsed Micro-siting Plan do not require further written consent of the responsible authority, and do not require amendments to the development plans endorsed under condition 1.

6. The endorsed Micro-siting Plan must not be altered or modified without the written consent of the responsible authority.

Landscaping

7. Before development starts, an Off-Site Landscaping Program must be submitted to, approved and endorsed by the responsible authority. When endorsed the Off-Site Landscaping Program will form part of this permit.

The Off-site Landscaping Program must:

- a) provide for off-site landscaping or other treatments to reduce the visual impact of the turbines from the following locations:
 - i) [describe view sheds or view points that require treatment]
- b) include a methodology for determining:
 - i) the type of landscaping treatments to be proposed
 - ii) a timetable for establishing and maintaining the landscaping for at least two years
- c) include a process for making offers to affected landowners to undertake landscaping on the landowner's land.

- d) include a process for recording:
 - i) offers that have been made to landowners
 - ii) whether or not the offers are accepted
 - iii) when and how offers are actioned following acceptance.
- e) include a process for the preparation and provision of progress reports regarding the implementation of the endorsed Off-site Landscaping Program to be provided to the responsible authority annually from the date of this permit, and at other times on request.

8. The endorsed Off-site Landscaping Program:
 - a) must be implemented to the satisfaction of the responsible authority.
 - b) must not be altered or modified without the written consent of the responsible authority.

Noise

9. In conditions 10-20:
 - a) 'the Standard' means *New Zealand Standard 6808:2010, Acoustics – Wind Farm Noise*
 - b) noise sensitive location means a location that meets the definition in the Standard and that was present at [insert date of application].

Performance requirement

10. Subject to Condition 11, at any wind speed, noise emissions from the operation of the wind energy facility, when measured at noise sensitive locations, must comply with the limits specified in the Standard.

11. The limits specified in the Standard do not apply if an agreement has been entered into with the relevant landowner waiving the limits at a noise sensitive location. The agreement must be in a form that applies to the land comprising the noise sensitive location for the life of the wind energy facility, to the satisfaction of the responsible authority, and be provided to the responsible authority upon request.

Pre-Construction Noise Assessment

12. Before development starts, a Pre-Construction Noise Assessment based on the final turbine layout and turbine model to be installed must be undertaken and the results submitted to the responsible authority.
13. The Pre-Construction Noise Assessment must be prepared in accordance with the Standard, and must demonstrate that the facility will comply with the performance requirements specified of the Standard, to the satisfaction of the responsible authority.
14. The Pre-Construction Noise Assessment Report required by this permit must be accompanied by an environmental audit report prepared under Part IXD, Section 53V of the *Environment Protection Act 1970* from an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970*. The report must verify that the acoustic assessment undertaken for the purpose of the Pre-Construction

Noise Assessment has been conducted in accordance with the Standard, and meets the requirements of this permit.

Post-Construction Noise Assessment

15. Within 12 months of the first turbine commencing operation, a Post-Construction Noise Assessment prepared in accordance with the Standard and demonstrating whether the wind energy facility complies with the performance requirements of the Standard, must be submitted to the responsible authority. If the wind energy facility is constructed in stages, further Post-Construction Noise Assessment Reports prepared in accordance with this condition must be submitted to the responsible authority annually from the date of the first report being submitted until one year after the final turbine commences operation.
16. The Post-Construction Noise Assessment Report(s) required under Condition 14 must be accompanied by an environmental audit report prepared under Part IXD, Section 53V of the *Environment Protection Act 1970* from an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970*. The report must verify that the acoustic assessment undertaken for the purpose of the post-construction Noise Assessment has been conducted in accordance with the Standard, and meets the requirements of this permit.

Noise management plan

17. Before development starts, a Noise Management Plan must be submitted to, approved and endorsed by the responsible authority. When endorsed the Noise Management Plan will form part of this permit.

The Noise Management Plan must specify details of:

- a) Post-Construction Noise Assessment Reports: detailing how these will be prepared in accordance with the Standard, to demonstrate whether or not the wind energy facility complies with the performance requirements specified in the Standard.
- b) Noise Investigation Reports: detailing procedures for when complaints are received in accordance with the endorsed Complaints Investigation and Response Plan required by this permit or when potential non-compliance with the performance requirements in the Standard is otherwise detected.
- c) Noise Remediation Plans: detailing procedures for when non-compliance with the performance requirements in the Standard is found to have occurred.
- d) The requirements for each of the documents referred to in condition 16 a, 16 b and 16 c, including what matters they must address, and when they must be submitted to the responsible authority.

18. The noise management plan must be accompanied by a peer review from an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970*. The peer review report must verify that the noise management plan meets the requirements of the Standard and this permit.

19. The endorsed Noise Management Plan:
- a) must be implemented to the satisfaction of the responsible authority; and
 - b) must not be altered or modified without the written consent of the responsible authority.

Peer review of reports

20. If requested by the responsible authority, the noise investigation reports required under Condition 16 b must be accompanied by a peer review from an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970* verifying that the report or plan meets the Standard and the requirements of this permit.
21. The environmental auditor or peer reviewer must be independent of the author of the report being reviewed.

Shadow Flicker

22. Shadow flicker from the wind energy facility must not exceed 30 hours per annum at any pre-existing dwelling (insert date), unless an agreement has been entered into with the relevant landowner waiving this requirement. The agreement must be in a form that applies to the land comprising a pre-existing dwelling for the life of the wind energy facility, to the satisfaction of the responsible authority, and must be provided to the responsible authority upon request.

Television and Radio Reception and Interference

23. Before development starts, a Television and Radio Reception Strength Survey must be submitted to, approved and endorsed by the responsible authority. Once endorsed, the survey will form part of the permit.

The Television and Radio Reception Survey must be to the satisfaction of the responsible authority, and must:

- a) be carried out by a suitably qualified and experienced independent television and radio monitoring specialist
- b) include testing at selected locations within 5 kilometres of the facility to enable the average television and radio reception strength to be determined.

24. If a complaint is received regarding the effect of the facility on television or radio reception at a pre-existing

dwelling (insert date) within 5 kilometres of the site, the operator must:

- a) investigate the complaint in accordance with the Complaint Investigation and Response Plan required by this permit.
- b) if the investigation indicates that the facility has had a detrimental impact on the quality of reception, restore reception at the pre-existing dwelling to at least the quality determined in the Television and Radio Reception Strength Survey required by this permit, to the satisfaction of the responsible authority.

Traffic Management

Vehicle access points

25. Vehicle access points must be designed and located to the following standards, to the satisfaction of the relevant road management authority:

- a) truck movements to and from the land must be able to be accommodated on sealed roadways where available
- b) to the extent practicable, access points must be able to accommodate turning movements without vehicles encroaching onto the incorrect side of the road
- c) safe sight distances must be provided
- d) potential through traffic conflicts must be avoided.

Pre-construction public road survey

26. Before development starts, a Pre-Construction Public Road Survey must be submitted to,

approved and endorsed by [specify]. Once endorsed the survey will form part of the permit.

The Pre-Construction Public Road Survey must assess the suitability, design, condition and construction standard of the relevant public roads and access points, and must:

- a) be prepared by a suitably qualified and experienced independent civil or traffic engineer
- b) include recommendations, if any, regarding upgrades required to accommodate construction traffic, and to meet the requirements of condition 24
- c) be approved by the relevant road management authority prior to submission to [specify] for endorsement.

Traffic Management Plan

27. Before development starts, a Traffic Management Plan must be submitted to, approved and endorsed by [specify]. When endorsed the Traffic Management Plan will form part of this permit.

The Traffic Management Plan must:

- a) be prepared by a suitably qualified and experienced independent civil or traffic engineer
- b) specify measures to be taken to manage traffic impacts associated with the construction of the wind energy facility
- c) include a program to inspect, maintain and (where required) repair public roads used by construction traffic

- d) be approved by the relevant road management authority prior to submission to [specify].

28. The endorsed Traffic Management Plan must be implemented to the satisfaction of [specify]. The endorsed Traffic Management Plan must not be altered or modified without the written consent of [specify]. Any proposed alteration or modification to the endorsed Traffic Management Plan must be prepared in consultation with the relevant road management authority prior to submission to the [specify] for endorsement.

Traffic upgrade works

29. [Insert any specific requirements regarding temporary or permanent road upgrade works that are identified during the application process].

30. Where traffic upgrade works are recommended or required under the Pre-construction Public Roads Survey, endorsed Traffic Management Plan, or any other plan report required by any condition of this permit, the following documents must be submitted to, approved and endorsed by [specify] prior to commencement of the traffic upgrade works:

- a) detailed plans for the required works
- b) a program indicating when the works will be undertaken

The plans / program required under this condition must be prepared in consultation with the relevant road management authority. Traffic upgrade works must be completed to the satisfaction of the relevant road management authority.

Environmental Management Plan

Environmental Management Plan

31. Before development starts, an Environmental Management Plan must be submitted to, approved and endorsed by the responsible authority. When endorsed the Environmental Management Plan will form part of this permit.

The Environmental Management Plan must:

- a) describe measures to minimise any amenity and environmental impacts of the construction and decommissioning of the facility.
- b) be generally in accordance with [insert details of plan submitted with application]
- c) include organisational responsibilities, and procedures for staff training and communication

32. The endorsed Environmental Management Plan:

- a) must be implemented to the satisfaction of the responsible authority; and
- b) must not be altered or modified without the written consent of the responsible authority.

Construction Environmental Management Plan

33. The Environmental Management Plan must include a Construction Environment Management Plan, which must include:

- a) procedures to manage dust and noise emissions, erosion, mud and stormwater run-off

- b) procedures to remove temporary works, plant, equipment, buildings and staging areas, and reinstate the affected parts of the land, when construction is complete
- c) [specify any other requirements or recommendations arising from consideration of the application].

Bats and Avifauna Management Plan

34. The Environmental Management Plan must include a Bat and Avifauna Management Plan (BAM Plan), which must:

- a) include a statement of the objectives and overall strategy for minimising bird and bat strike arising from the operation of the facility
- b) include a mortality monitoring program of at least two years duration that commences when the first turbine is commissioned or such other time approved by DELWP (Environment Portfolio). The monitoring program must include:
 - i) procedures for reporting any bird and bat strikes to DELWP (Environment Portfolio) monthly
 - ii) information on the efficacy of searches for carcasses of birds and bats, and, where practicable, information on the rate of removal of carcasses by scavengers, so that correction factors can be determined to enable calculations of the likely total number of mortalities

- iii) procedures for the regular removal of carcasses likely to attract raptors to areas near turbines
 - c) be approved by DELWP (Environment Portfolio) prior to submission to the responsible authority.
35. When the monitoring program required under the BAM Plan is complete, the operator must submit a report to the responsible authority and DELWP (Environment Portfolio), setting out the findings of the program. The report must be:
- a) to the satisfaction of the responsible authority and DELWP (Environment Portfolio)
 - b) made publicly available on the operator's website.
36. After considering the findings of the monitoring program and consulting with DELWP (Environment Portfolio), the responsible authority may direct further investigation of impacts on birds and bats. The further investigation must be undertaken to the satisfaction of the responsible authority and DELWP (Environment Portfolio).

Referral Authority Conditions

37. [Include any additional conditions required by referral authorities. Ensure that other conditions do not repeat, and are consistent with, conditions required by a referral authority.]

Complaints

Complaint Investigation and Response Plan

38. Before development starts a Complaint Investigation and Response Plan must be submitted to, approved and endorsed by the responsible authority. When endorsed the plan will form part of this permit.

The Complaint Investigation and Response Plan must:

- a) respond to all aspects of the construction and operation of the wind farm
 - b) be prepared in accordance with *Australian/New Zealand Standard AS/NZS 10002:2014 – Guidelines for complaint management in organisations*
 - c) include a process to investigate and resolve complaints (different processes may be required for different types of complaints).
39. The endorsed Complaint Investigation and Response Plan must:
- a) be implemented to the satisfaction of the responsible authority
 - b) not be altered or modified without the written consent of the responsible authority.

Publishing information about complaints handling

40. Before the development starts, the following information must be made publicly available and readily accessible from the wind farm project website, or another publicly available resource to the satisfaction of the responsible authority:
- a) a copy of the endorsed Complaints Investigation and Response Plan
 - b) a toll-free telephone number and email contact for complaints and queries to the wind energy facility operator

Complaints Register

41. Before development starts, a Complaints Register must be established which records:
- a) the complainant's name and address (if provided), including (for noise complaints) any applicable property reference number contained in the report titled [insert details of noise assessment submitted with application]
 - b) a receipt number for each complaint, which must be communicated to the complainant
 - c) the time and date of the incident, and the prevailing weather and operational conditions at the time of the incident
 - d) a description of the complainant's concerns, including (for a noise complaint) the potential occurrence of special audible characteristics

- e) the process for investigating the complaint, and the outcome of the investigation, including:
 - i) the actions taken to resolve the complaint
 - ii) for noise complaints, the findings and recommendations of an investigation report undertaken in accordance with the endorsed Noise Management Plan.
42. All complaints received must be recorded in the Complaints Register.
43. A complete copy of the Complaints Register along with a reference map of complaint locations must be provided to the responsible authority on each anniversary of the date of this permit, and at other times on request.
- b) prior to commencing decommissioning works, a Decommissioning Traffic Management Plan must be submitted to, approved and endorsed by [specify]. The plan must specify measures to manage traffic impacts associated with removing the turbine(s) and associated infrastructure from the site, to the satisfaction of [specify].
 - c) all infrastructure, plant, equipment and access tracks that are no longer required for the ongoing use or decommissioning of the facility must be removed.
 - d) reinstatement of the site, or the relevant part of the site, to the condition it was in prior to the commencement of development must occur to the satisfaction of the responsible authority.

Notes:

1. For conditions referring to the distance between a turbine and any other feature (eg a dwelling), the distance is to be measured from the centre of the turbine at ground level to the closest point on the other feature.
2. Preliminary investigative works for the purposes of gathering data or making assessments necessary or desirable to prepare the development plans or other plans specified in this permit is not considered to be commencement of the development.
3. Any off-site works required under this permit may require separate planning permission.
4. References to DELWP are references to the Department of Environment, Land, Water and Planning.

Decommissioning

44. The following requirements must be met when a turbine(s) permanently ceases operation:
- a) the responsible authority must be notified within two (2) months after the turbine(s) permanently ceases operation

Expiry

45. This permit will expire if one of the following applies:
- a) the development is not started within [five (5) years] of the date of this permit
 - b) the development is not completed within [ten (10) years] of the date of this permit.

