

# PLANNING PERMIT

Permit No.: PA1500016A

Planning scheme: Ararat

Responsible authority: Minister for Planning

**ADDRESS OF THE LAND:**

751 and 963 Andrews Lane, Maroona. Formally described as Lot 1 TP170705, Lot 2 TP170705, Lot 3 TP170705, CA12A Parish of Kiora, CA12B Parish of Kiora, Lot 1 PS412169 and Lot 2 PS412169.

**THE PERMIT ALLOWS:**

Use and development of land for a wind energy facility.

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT**

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**DEVELOPMENT PLANS**

1. Before the development starts, development plans must be prepared to the satisfaction of the responsible authority. When approved, the plans will be endorsed by the responsible authority and will then form part of this permit. The plans must be fully dimensioned, drawn to scale and three copies must be provided to the responsible authority. The plans must be generally in accordance with the *Planning Permit Application - Maroona Wind Farm (Volumes 1-3)*, dated December 2015 but modified (where required) to show:
  - a. the location, layout and dimensions of all works including turbines, access tracks, power cable routes, any designated car parking areas, and ancillary works such as fire-fighting infrastructure and water tanks;
  - b. the locations, elevations, dimensions, and materials and finishes of all buildings and the construction compound;
  - c. Turbine specifications including:
    - i. details of the make, model and capacity of the turbines to be installed;
    - ii. elevations and dimensions of the turbines, including overall maximum height of turbines to the tip of the rotor blade when vertical, the minimum height of the turbine blade above ground level at its lowest point, and base diameter at ground level, including towers and their bases;
    - iii. materials and finishes of the turbines;
    - iv. global positioning system coordinates using WGS84 datum for the centre of each turbine at ground level; and

- v. the distance of the centre of each turbine to the nearest boundary of the wind energy facility site;
- d. the location, size, type and intensity of any lighting, including any directional screening or baffling of lighting.

All to the satisfaction of the responsible authority.

- 2. Despite any other condition of this permit, no plans will be endorsed by the responsible authority, and no variation to the endorsed plans will be approved by the responsible authority, which allow a turbine to be located within 1 kilometre of an existing dwelling that existed at 22 September 2015 (measured from the centre of the turbine tower to closest point of the dwelling) unless evidence has been provided to the satisfaction of the responsible authority that the owner of the dwelling has consented in writing to the location of the turbine.

#### **Layout not to be altered without consent**

- 3. Except as permitted under condition 5, and subject to condition 4, the use and development as shown on the endorsed plans must not be altered or modified without the written consent of the responsible authority.
- 4. The responsible authority will not consent to an alteration or modification of the use and development as shown on the endorsed plans under condition 3 unless the responsible authority is satisfied that the alteration or modification will not give rise to a material adverse change to assessed landscape, geoscience, vegetation, fauna, cultural heritage, visual amenity, shadow flicker, noise, fire risk or aviation impacts.

Any application for the consent of the responsible authority for an alteration or modification to the endorsed plans under condition 3 must be accompanied by supporting material addressing the matters referred to in this condition, to the satisfaction of the responsible authority.

#### **MICRO-SITING OF TURBINES**

- 5. Micro-siting of turbines (as defined in this condition) is permitted without the need for consent under condition 3 provided that:
  - a. the developer of the wind energy facility has written advice from appropriately qualified experts that the alteration or modification will not result in material adverse change in landscape, vegetation, fauna, cultural heritage, visual, shadow or noise impacts compared to the endorsed plans;
  - b. No turbine located more than a kilometre from a dwelling is moved to within 1 km of a dwelling that existed on 22 September 2015 and which was not the subject of written consent of the owner as at that date, unless evidence has been provided to the satisfaction of the responsible authority that the owner of the dwelling has consented in writing to the location of the turbine;
  - c. The micro-siting does not result in the removal of native vegetation, unless that removal has been authorised by a planning permit.
  - d. Turbine 3 is not moved closer to Lake Buninjon.

The measurement of any distance between a dwelling and a turbine must be from the centre of the turbine tower at ground level to the closest point of the dwelling.

For the purpose of this condition, 'micro-siting of turbines' means:

- i. an alteration to the siting of a turbine by not more than 100 metres; and

- ii. any consequential changes to access tracks and internal power cable routes.

Plans and global positioning system coordinates of the relocated turbines and copies of the advice referred to in condition 5(a) must be provided to the responsible authority.

## **SPECIFICATIONS**

6. The wind energy facility must meet the following requirements, unless varied by the written consent of the responsible authority:
  - a. the wind energy facility must comprise no more than 3 turbines;
  - b. the overall maximum height of the turbines (to the tip of the rotor blade when vertical) must not exceed 150 metres above natural ground level;
  - c. the lowest point of the swept path of a turbine blade must not be less than 24 metres above ground level at the turbine base;
  - d. turbines must be mounted on a tubular tower;
  - e. the transformer associated with each wind turbine must be located beside each tower, or enclosed within the tower structure;
  - f. the turbines must be finished in a low-reflectivity material and blades must be finished with a surface treatment of low reflectivity to minimise glint;
  - g. the colours and finishes of all other buildings and works must be non-reflective such as to minimise the impact of the development on landscape to the satisfaction of the responsible authority;
  - h. electricity reticulation lines associated with the wind energy facility must be placed underground except the connection of the control building to the 22kv transmission line;
  - i. Access tracks within the site must be sited and designed to minimise impacts on overland flows, soil erosion, the landscape value of the site, environmentally sensitive areas and, where appropriate, the farming activities on the site to the satisfaction of the responsible authority;
  - j. Access tracks must be surfaced in a manner which does not unduly contrast with the surrounding landscape.

## **LANDSCAPING**

### **On-site landscaping plan**

7. Before the development starts, a landscaping plan must be prepared for the control building to the satisfaction of the responsible authority. The plan must be fully dimensioned, drawn to scale and three copies must be provided. When approved, the plan will be endorsed by the responsible authority and will then form part of this permit.

The landscaping plan must include:

- a. details of plant species proposed to be used in the landscaping, including height and spread at maturity;
  - b. a timetable for implementation of all on-site landscaping works; and
  - c. a maintenance and monitoring program to ensure the ongoing health of the landscaping.
8. The landscaping as shown on the endorsed on-site landscaping plan must be completed in accordance with the implementation timetable, and monitored and maintained, all to the satisfaction of the responsible authority.

### Off-site landscaping program and plan

9. Within six months after the date of endorsement of the development plans under condition 1, an off-site landscape program must be prepared by the permit holder and submitted for endorsement by the responsible authority.

Once endorsed, the off-site landscape program must be completed to the satisfaction of the responsible authority.

10. The off-site landscaping program must have the objective of reducing the visual impact of turbines from all non-participant dwellings within 4 km of a turbine, and must provide:
- details of all dwellings located within 4 kilometres of a turbine;
  - a methodology to ascertain the extent of landscaping to be offered to dwelling owners which relates to the visibility of turbines from their dwellings;
  - details of typical plant types, including height and spread at maturity, and maturity of stock at planting stage;
  - a method for calculating the cost of undertaking and maintaining the off-site landscaping for two years, and arrangements for alternative arrangements if landowners wish to source their own plants and do their own landscaping;
  - the method used and number of attempts to make offers for off-site landscaping to landholders;
  - the time limit that offers are subject to; and
  - details of how evidence of offers to landscape dwellings under this condition are to be recorded, to ensure records can be provided to demonstrate the condition has been discharged.

The permit holder must make progress reports on the off-site landscaping program available on request by the responsible authority.

### NOISE

#### Performance requirement

11. The operation of the wind energy facility must comply with *New Zealand Standard 6808:2010, Acoustics – Wind Farm Noise (the Standard)* as modified by this condition to the satisfaction of the responsible authority. The following requirements apply:
- The operator must ensure that at any wind speed, wind farm sound levels at noise sensitive locations (as defined in the Standard) do not exceed a noise limit of 40dB L A90 (10 min), provided that where the circumstances specified in condition 11(b) apply, the noise limit of 40dB L A90 (10 min) will be modified as specified in condition 11(b).
  - At the specified assessment positions referred to in condition 12(b), the noise limit of 40dB L A90 (10 min) referred to in condition 11(a) will be modified in the following way when the following circumstances exist:
    - where the background sound level is greater than 35 dB L A90 (10 min), the noise limit will be the background sound level L A90 (10 min) plus 5 dB;
    - where special audible characteristics, including tonality, impulsive sound or amplitude modulation occur, the noise limit will be modified by applying a penalty of up to + 6 dB L90 in accordance with section 5.4 of the Standard; and
    - where a high amenity noise limit has been found to be justified, as defined by section 5.3 of the Standard, for specific locations determined to be high amenity areas

following procedures outlined in clause C5.3.1 of the Standard.

#### **Noise compliance assessment**

12. For the purposes of determining compliance, the following requirements apply:
  - a. An acoustic compliance report shall be prepared by a suitably qualified and experienced independent acoustic engineer to demonstrate compliance with the noise limits specified in condition 11.
  - b. Noise assessment positions must be located according to the Standard, and shown on a map.
  - c. The acoustic compliance report must be submitted within six months of the commissioning of the last turbine.
  - d. The acoustic compliance report must be publically available, including on the project website.

#### **Noise complaints**

13. Following facility commissioning, all complaints shall be managed following procedures set out in the noise complaints response plan.

#### **Noise complaint response plan**

14. Before the first turbine is commissioned, the permit holder must prepare a noise complaint response plan to the satisfaction of the responsible authority.

The plan must include:

- a. a process of investigation to resolve a complaint;
- b. a requirement that all complaints will be recorded in an incidents register;
- c. how contact details will be communicated to the public;
- d. a toll free telephone number and email contact for complaints and queries;
- e. a table outlining complaint information to be recorded for each complaint received, including:
  - i. the complainant's name;
  - ii. any applicable property reference number if connected to a background testing location;
  - iii. the complainant's address;
  - iv. a receipt number for each complaint which is to be communicated to the complainant;
  - v. the time, prevailing weather conditions and description of the complainant's concerns including the potential incidence of special audible characteristics; and
  - vi. the processes of investigation to resolve the complaint.

A report including a reference map of complaint locations, and outlining complaints, investigation and remediation actions is to be provided to the responsible authority 12 months after commissioning of the wind farm, with a second report is to be submitted 12 months later to the satisfaction of the responsible authority. Further noise complaint reports must be provided to the responsible authority upon request within 30 days of the date of receipt of a formal request from the responsibility authority.

The register and complaints response process shall continue for the duration of the operation of the wind energy facility and must be made available to the responsible authority on

request.

The owner of the wind energy facility must implement and comply with the noise complaint response plan for the duration of the operation of the wind energy facility.

### **Noise complaints evaluation**

15. For the purposes of complaints evaluation, the following requirements apply:
- a. Post installation sound levels shall, where practical, be measured at the same locations where the background sound levels were determined (GPS coordinates and a map showing these locations is to be provided).
  - b. If a non-compliance with condition 11 is detected, or an acoustic investigation is required under the noise complaints plan endorsed under condition 14, an independent assessment report must be prepared by a suitably qualified and experienced independent acoustic engineer to:
    - identify the weather or operational conditions associated with the complaint or non-compliance;
    - analyse the uncertainty and confidence levels in the monitoring, and the steps taken to reduce uncertainty;
    - target assessment to identify the cause and remediation actions; and
    - submit a remediation plan to the satisfaction of the responsible authority outlining, the investigation process, complainant communications, actions and timelines to resolve the complaint/breach.

If the complaint is not resolved through the processes outlined above, the responsible authority may request an independent peer review at the cost of the permit holder and on/off shut down testing to resolve uncertainty.
  - c. Following the initial post-construction reporting process, additional independent assessment may be requested by the responsible authority at any time, where complaints are received and are considered to reasonably warrant investigation.
  - d. If investigations indicate special audible characteristics are potentially occurring, procedures outlined in Appendix B of *New Zealand Standard 6808:2010, Acoustics – Wind Farm Noise* should be applied.

### **BLADE SHADOW FLICKER**

#### **Performance requirement**

16. Shadow flicker from the wind energy facility must not exceed 30 hours per annum at any dwelling existing at 22 September 2015.

This condition does not apply if the operator of the wind energy facility has entered into an agreement with a landowner under which the landowner acknowledges and accepts that shadow flicker may exceed 30 hours per annum at the landowner's dwelling. Evidence of the agreement must be provided to the satisfaction of the responsible authority, and must be in a form that runs with the land for the life of the wind energy facility.

### **TELEVISION AND RADIO RECEPTION AND INTERFERENCE**

17. Before the commencement of construction of the wind energy facility, a pre-construction survey must be carried out to determine television and radio reception strength in the area within 5 km of turbines in all directions and in which dwellings were located as at 22 September 2015 to the satisfaction of the responsible authority.

The pre-construction survey must include testing at selected locations to enable the average

television and radio reception strength in the area within 5 km of the turbines to be determined. The specific locations of testing will be determined by an independent television and radio monitoring specialist, to the satisfaction of the responsible authority.

18. If, following commencement of the operation of the wind energy facility, a complaint is received regarding the wind energy facility having an adverse effect on television or radio reception at any dwelling within 5 km of the turbines which existed at 22 September 2015, a post-construction survey must be carried out at the dwelling.
19. If the post-construction survey establishes any increase in interference to reception as a result of the wind energy facility, the operator of the wind energy facility must undertake measures to mitigate the interference and return the affected reception to pre-construction quality to the satisfaction of the responsible authority.

#### **LIGHTING**

20. External lighting of infrastructure associated with the wind energy facility is not permitted other than:
  - a. low-level, low-intensity security lighting;
  - b. lighting necessary for construction purposes; and
  - c. lighting necessary in the case of an emergency or for operational call-outs at reasonable times.

each of which must be to the satisfaction of the responsible authority.

#### **AVIATION SAFETY CLEARANCES**

21. Within 30 days of the endorsement of plans under condition 1, copies of the development plans endorsed under condition 1 must be provided by the proponent to the following entities, to enable details of the wind energy facility to be shown on aeronautical charts of the area:
  - a. CASA;
  - b. the Department of Defence (RAAF Aeronautical Information Service);
  - c. Airservices Australia;
  - d. Ararat Airport and any other aerodrome operator within 20 km of the outside property boundaries of the site;
  - e. the Aerial Agriculture Association of Australia;
  - f. any organisation responsible for providing air ambulance services in the area; and
  - g. CFA Air Services Unit.

#### **TRAFFIC MANAGEMENT**

22. Before development starts, a traffic management plan must be endorsed by the responsible authority. The traffic management plan must be prepared in consultation with VicRoads and Ararat Rural City Council. The traffic management plan must be complied with, unless varied by the written consent of the responsible authority.
23. The traffic management plan must include:
  - a. the number and type of anticipated vehicle movements and the time of day when local roads will be used;
  - b. the nominated routes for traffic accessing and departing the wind energy facility site;
  - c. an existing conditions survey (including testing of road base) of public roads that may

- be used in connection with the wind energy facility (for access, pre-construction or construction purposes), including details of the suitability, design, condition and construction standard of the relevant public roads;
- d. the designation of all vehicle access points to the wind energy facility site from surrounding roads. Vehicle access points must be designed and located to ensure safe sight distances, turning movements, and avoid potential through traffic conflicts;
- e. the designation of appropriate pre-construction, and construction transport vehicle routes to and from the wind energy facility site;
- f. engineering plans demonstrating whether, and if so how, truck movements to and from the wind energy facility site can be accommodated on sealed roadways and turned without encroaching onto the incorrect side of the road;
- g. provision of designated areas for loading zones;
- h. the designation of mitigation measures, including operating hours and speed limits for trucks on routes accessing the wind energy facility site which:
  - i. Provide for appropriate safety measures for vehicles traveling on Andrews Lane, particularly as they approach the site entrance;
  - ii. provide for appropriate safety measures around school bus routes and school bus times where relevant; and
  - iii. provide for resident safety.
- i. proposed measures to manage traffic impacts associated with the ongoing operation of the wind energy facility on the traffic volumes and flows on surrounding roads; and
- j. a program to rehabilitate existing public roads within agreed timeframes to the condition identified in the surveys carried out under condition 24(c).

#### **Traffic management and road upgrade and maintenance works**

24. The traffic management and any road upgrade and maintenance works identified in the endorsed traffic management plan must be carried out in accordance with the endorsed traffic management plan to the satisfaction of the Ararat Rural City Council.

Upon completion of construction activities the permit holder must reinstate any damage to local roads caused by truck traffic, associated with construction related to the project to the satisfaction of the responsible authority and at no cost to council.

Prior to the commencement of construction, a maintenance bond/bank guarantee to the value of 5 per cent of the cost of the external works shall be submitted to the Ararat Rural City Council to be held for a period of 12 months from the date of practical completion of the works. Prior to the release of the bond/bank guarantee the permit holder must provide an independent report that certifies that the roads are in a satisfactory condition.

#### **ENVIRONMENTAL MANAGEMENT PLAN**

##### **General requirement for an environmental management plan**

25. Before the development starts, an environmental management plan must be prepared, to the satisfaction of the responsible authority. When approved, the environmental management plan will be endorsed by the responsible authority and will then form part of this permit.

The environmental management plan:

- a. must be generally in accordance with *the Planning Permit Application - Maroona Wind Farm (Volumes 1-3)*, dated December 2015 and include the specific measures



included in the *Biodiversity Assessment* prepared by Ecology and Heritage Partners (January 2016);

- b. must be in accordance with all relevant EPA requirements and guidelines; and
  - c. must meet the requirements of conditions 27 to 35 below.
26. The use and development must be carried out in accordance with the endorsed environmental management plan, to the satisfaction of the responsible authority.

**Construction and work site management plan**

27. The environmental management plan must include a construction and work site management plan.

The construction and work site management plan must include:

- a. the identification of fuels, other hazardous materials and all other potential contaminants stored or used on site during the construction phase of the wind energy facility, and appropriate storage, construction and operational methods to control any identified contamination risks;
- b. procedures for managing potential spills and leaks and pollution incidents, including incorporation of appropriate pollution control measures outlined in *EPA Publication 480 Environmental Guidelines for Major Construction Sites* (February 1996);
- c. procedures to suppress dust emissions from construction-related activities. Appropriate measures may include water spraying of roads and stockpiles, stabilising surfaces, temporary screening and wind fences, modifying construction activities during periods of heightened winds and revegetating exposed areas as soon as practicable;
- d. procedures for managing noise emissions from construction-related activities;
- e. appropriate sanitary facilities to be provided for construction and maintenance staff, which must be designed and operated in accordance with *EPA Publication 891.3 Code of Practice – Onsite wastewater management* (February 2013);
- f. the identification of waste re-use, recycling and disposal procedures;
- g. procedures to ensure that construction vehicles and equipment use designated tracks and works areas to avoid impacts on native vegetation; and
- h. the removal of works, buildings and staging areas on completion of the construction phase of the project.

**Sediment, erosion and water quality management plan**

28. The environmental management plan must include a sediment, erosion and water quality management plan which must be prepared in consultation with the Glenelg Hopkins Catchment Management Authority prior to its submission to the responsible authority.

The sediment, erosion and water quality management plan must include:

- a. identification of all construction and operational processes that could potentially lead to water contamination;
- b. procedures to ensure that silt from batters, cut-off drains, table drains and road works is retained on the site during and after construction and replaced as soon as possible. To this end:
  - i. all land disturbances must be confined to a minimum practical working area;
  - ii. soil to be removed must be stockpiled and separate soil horizons must be retained in separate stockpiles and not mixed, and soil must be replaced as soon as possible in sequence; and

- iii. stockpiles must be located away from drainage lines;
- c. the installation of geo-textile silt fences (with sedimentation basins where appropriate) on all drainage lines from the site which are likely to receive run-off from disturbed areas;
- d. procedures to ensure that steep batters are treated in accordance with *EPA Publication 275 Construction Techniques for Sediment Pollution Control* (May 1991);
- e. procedures for waste water discharge management;
- f. a process for overland flow management to prevent the concentration and diversion of waters onto steep or erosion prone slopes;
- g. pollution management measures for stored and stockpiled materials including waste materials, litter, contaminated run-off and any other potential source of pollution to ground or surface waters;
- h. incorporation of appropriate pollution control measures outlined in *EPA Publication 480 Environmental Guidelines for Major Construction Sites* (May 1996);
- i. a program and appropriate capacity for annual inspection and regular maintenance of any on-site wastewater management system;
- j. procedures to manage dust from access tracks to prevent adverse impacts on the amenity of neighbouring residential properties; and
- k. a program of inspection and remediation of localised erosion within a specified response time.

#### **Hydrocarbon and hazardous substances plan**

29. The environmental management plan must include a hydrocarbon and hazardous substances plan.

The hydrocarbon and hazardous substances plan must include:

- a. procedures for any on-site, permanent post-construction storage of fuels, lubricants, waste oil or other hazardous substances or potential contaminants to be in bunded areas; and
- b. contingency measures to ensure that any chemical or oil spills are contained on-site and cleaned up in accordance with EPA requirements.

#### **Wildfire prevention and emergency response plan**

30. The environmental management plan must include a fire prevention and emergency response plan prepared in consultation with and to the satisfaction of the CFA and DELWP. Consultation with the CFA must include consultation at the region and local level. The Ararat Rural City Council must also be consulted in the preparation of the plan.

The fire prevention and emergency response plan must be generally in accordance with the *Emergency Management Guidelines for Wind Farms – Version 4*, CFA February 2012, and must include:

- a. Consideration of weather based threshold criteria for brigade call out and use of aerial appliances;
- b. criteria for the provision of static water supply tanks solely for fire-fighting purposes, including minimum capacities, appropriate connections and signage;
- c. procedures for vegetation management, fuel control and the provision of fire-fighting equipment during declared fire danger periods;
- d. minimum standards for access roads and tracks to allow access for fire fighting vehicles,

- including criteria for access to static water supply tanks for fire-fighting vehicles;
- e. a requirement that, within one month after the commencement of the operation of the wind energy facility, the operator of the wind energy facility facilitates a familiarisation visit to the site and explanation of emergency services procedures for:
  - i. the CFA (including headquarters level, the CFA Regional Office and local volunteer brigades as specified by the CFA Regional Office);
  - ii. Rural Ambulance Victoria;
  - iii. Ararat Municipal Emergency Management Planning Committee; and
  - iv. Victoria Police;
- f. subsequent familiarisation sessions for new personnel of the organisations referred to in condition 30(e) on a periodic basis as required;
- g. if requested, training of personnel of the organisations referred to in condition 30(e) in relation to suppression of wind energy facility fires.

#### **Vegetation management plan**

31. The environmental management plan must include a vegetation management plan to be prepared in consultation with DELWP – Environment Portfolio and approved by the responsible authority.

The vegetation management plan must include:

- a. identification of the siting and extent of native vegetation; and
- b. procedures for ensuring that native vegetation to be retained near wind energy facility infrastructure, including access tracks, will not be adversely affected by construction of the wind energy facility.

#### **Biosecurity management plan**

32. The environmental management plan must include a biosecurity management plan to be prepared in consultation with DEDJTR and to the satisfaction of the responsible authority.

The biosecurity management plan must include:

- a. procedures to prevent biosecurity risks, which may include (but are not limited to):
  - i. the cleaning of all plant and equipment before transport onto and off the site; and
  - ii. the use of material/products on site which are free of invasive plants and animals;
- b. a protocol for effective identification of biosecurity risks, early intervention to manage biosecurity risks, ongoing monitoring of biosecurity risks, trace-backs, and integrated control measures when entry, establishment or spread of specific risk targets is identified;
- c. a requirement to comply with approved government or industry standards and procedures for the identification, prevention and management of biosecurity risks that apply from time to time, which include (but are not necessarily limited to):
  - i. the DEDJTR's *Invasive Plant and Animal Management Policy Framework* (undated);
  - ii. the DEDJTR's *Biosecurity Guidelines for Movement of Equipment Contractors Between Farms* (Note Number: AG1171) published in January 2005 and updated in July 2009; and
  - iii. the DEDJTR's recommended standards and practices for managing viticulture biosecurity and plant biosecurity risks.

#### **Environmental management plan training program**

33. The environmental management plan must include a training program for construction workers and permanent employees or contractors at the wind energy facility site, including a site induction program relating to the range of issues addressed by the environmental management plan.

#### **Environmental management plan reporting program**

34. The environmental management plan must include a program for reporting environmental incidents, including:
- a. a register of environmental incidents, non-conformances and complaints, together with corrective actions taken in response to such incidents, non-conformances or complaints; and
  - b. identification of the person to whom reports of environmental incidents, non-conformances and complaints should be made.

#### **Review of the environmental management plan**

35. The environmental management plan must be reviewed and if necessary amended every five years in consultation with the responsible authority and other authorities as directed by the responsible authority, to reflect operational experience and changes in environmental management standards and techniques.

The amended environmental management plan must be submitted to the responsible authority for re-endorsement. Once re-endorsed, the amended environmental management plan will take the place of the earlier environmental management plan and will form part of this permit.

#### **Implementation timetable**

36. The environmental management plan must include a timetable for implementation of all programs and works referred to in conditions 27 to 35 above.

#### **SITE SECURITY**

37. The site, including access points, must be secured to the satisfaction of the responsible authority.
38. All electrical equipment, spare parts and other equipment and materials associated with the wind energy facility must be inaccessible to the public, to the satisfaction of the responsible authority.

#### **DECOMMISSIONING**

39. Within six months after the construction of the wind energy facility is completed, the operator of the wind energy facility and the owners of the properties which make up the site must enter into an agreement with Ararat Rural City Council under section 173 of the *Planning and Environment Act 1987*.

The agreement must require the operator of the wind energy facility to do the following where any or all turbines have permanently ceased to generate electricity:

- a. notify the responsible authority and Ararat Rural City Council in writing of the turbine(s) ceasing operation. Such notification must be given no later than two months after the turbine(s) ceases operation;
- b. undertake the following to the satisfaction of the responsible authority, within such timeframe as may be specified by the responsible authority acting reasonably:
  - i. remove all above ground non-operational equipment;

- ii. remove and clean up any residual contamination;
  - iii. rehabilitate all storage areas, construction areas, access tracks and other areas affected by the decommissioning of the turbine(s), if those areas are not otherwise useful to the on-going use or decommissioning of the wind energy facility;
  - iv. submit a decommissioning traffic management plan to the satisfaction of VicRoads and the Ararat Rural City Council and, when approved, implement that plan; and
  - v. submit a post-decommissioning revegetation management plan, including a timetable of works, to the responsible authority and, when approved by the responsible authority, implement that plan.
40. An application must be made to the Registrar of Titles to register the section 173 agreement on the title to the land under section 181 of the Act within one month after the agreement is executed.
41. The operator of the wind energy facility must pay the reasonable costs of the preparation, execution, registration and enforcement of the section 173 agreement.

**PRELIMINARY INVESTIGATIVE WORKS**

42. For the purposes of this permit, the carrying out of preliminary investigative works, including geotechnical investigations, for the purposes of gathering data or making other assessments necessary or desirable in order to prepare the development plans or other plans specified in this permit, is not considered to be commencement of the development.

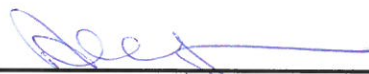
**EXPIRY**

43. This permit will expire if one of the following circumstances applies:
- a. the development is not started within five (5) years of the date of this permit; or
  - b. the development is not completed within eight (8) years of the date of this permit.
44. The responsible authority may extend the permit if a request is made in writing:
- a. prior to the expiry of the permit; or
  - b. within six (6) months after the permit expires.

**Note:**

If required, aviation obstacle lighting must be steady red low intensity night time lighting as per Section 9.4 of the CASA Manual of Standards, as recommended by CASA.

Date issued: 4 May 2016



Signature for the responsible authority

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

<i>Date of amendment</i>	<i>Brief description of amendment</i>
	Permit amended under section 72 of the <i>Planning and Environment Act 1987</i> – amend condition 6c to allow the lowest point of the swept path of the turbine blade to be 24 meters from ground level.

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#### IMPORTANT INFORMATION ABOUT THIS NOTICE

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#### WHAT HAS BEEN DECIDED

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The Minister has granted and issued a permit under Division 6 of Part 4 of the **Planning and Environment Act 1987**.

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#### WHEN DOES A PERMIT BEGIN?

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A permit operates—

- \* from the date specified in the permit; or
  - \* if no date is specified, from the date on which it was issued.
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#### WHEN DOES A PERMIT EXPIRE?

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1. A permit for the development of land expires if—
    - \* the development or any stage of it does not start within the time specified in the permit; or
    - \* the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
    - \* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
  2. A permit for the use of land expires if—
    - \* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
    - \* the use is discontinued for a period of two years.
  3. A permit for the development and use of land expires if—
    - \* the development or any stage of it does not start within the time specified in the permit; or
    - \* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
    - \* the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
    - \* the use is discontinued for a period of two years.
  4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
    - \* the use or development of any stage is to be taken to have started when the plan is certified; and
    - \* the permit expires if the plan is not certified within two years of the issue of the permit.
  5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.
  6. In accordance with section 97H of the **Planning and Environment Act 1987**, the responsible authority specified in the planning scheme is the responsible authority for the administration and enforcement of the **Planning and Environment Act 1987** and the relevant planning scheme in respect of this permit (whether or not the permit is amended) except that the Minister remains the responsible authority in respect of—
    - \* any matters which the permit specifies to be done by, approved by or done to the satisfaction of the Minister; and
    - \* any extension of time under section 69 in relation to the permit; and
    - \* the correction of the permit under section 71(1); and
    - \* the amendment of the permit under section 97J.
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#### WHAT ABOUT REVIEWS?

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In accordance with section 97M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.