



**Southern Grampians**  
SHIRE COUNCIL

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LP:SF

Ref: 2/4/6 2007/709

Our Ref: TP/ 150/2006

13<sup>th</sup> June 2007

Sustainable Energy Australia Pty Ltd  
Att: Mr. Grant Flynn  
PO Box 61  
MACARTHUR VIC 3286

Dear Mr. Flynn,

**Planning Permit 150 / 2006 Issue for; The use and development of an overall 29.9 megawatts (MW) Wind Energy Facility comprising 7 wind turbines (part of an overall wind energy facility having 13 and up to 15 wind turbines), associated switchyard, underground power and telecommunications cabling, access tracks, road upgrading, up to two wind monitoring towers and temporary site office, hard stand areas and concrete batching plant.**

**Address: Lots 1, 2, 3, 4, 5, & 6 on TP 837293B; Lot 2 on PS 526083L; Lots 1, 2, 3, 4, 5, 6, 7, 8, & 9 on TP 839247X.  
"North Gums" North Gums Road, Penshurst (west of Morton's Lane).**

I wish to advise that Council has approved your planning permit application subject to a number of conditions.

If you have any further queries about this permit, please contact Peter Jackson Town Planner on (03) 5573 0274.

Yours faithfully,

Geoff Kearns  
Manager, Regulatory Services



**Southern Grampians  
Shire Council**

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**Form 4**  
Section 63 & 86

## **PLANNING PERMIT**

**PERMIT NO:** TP/150/2006  
**PLANNING SCHEME:** Southern Grampians  
**RESPONSIBLE AUTHORITY:** Southern Grampians Shire Council

### **ADDRESS OF THE LAND:**

"North Gums" North Gums Road, PENSHURST (west of Morton's Lane); (Lots 1, 2, 3, 4, 5, & 6 on TP837293B; Lot 2 on PS526083L; Lots 1, 2, 3, 4, 5, 6, 7, 8, & 9 on TP839247X)

### **THE PERMIT ALLOWS:**

The use and development of the land for an overall 29.9 megawatts (MW) Wind Energy Facility comprising 7 wind turbines (part of an overall wind energy facility having 13 and up to 15 wind turbines), associated switchyard, underground power and telecommunications cabling, access tracks, road upgrading, up to two wind monitoring towers and temporary site office, hard stand areas and concrete batching plant.

### **THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

#### **Development Plans**

1. Before the development starts, amended plans for the whole wind energy facility hereby approved under this permit and that of Planning Permit PL06/303 issued by Moyne Shire Council to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions (using Global Positioning System coordinates or another appropriate method and including dimensions from adjoining property boundaries) and three copies must be provided. The plans must be generally in accordance with Figures 3.1 and 3.2 of the Planning Permit Application Report, but modified to show:
  - a) The final location of wind turbines.
  - b) The final location of internal access tracks and internal electrical reticulation and communications.
  - c) The location, layout and dimensions of all buildings and works, including switchyards and buildings, the location of any temporary works building and the final location of the operations and maintenance building and provision for 10 car parking spaces.
  - d) The final location of the two (2) permanent meteorological monitoring masts if any.
  - e) The location of any ancillary works, such as construction compounds, water tanks and road works.
  - f) The final location and design of the switchyard and substation and any ancillary works such as access tracks and associated infrastructure.
  - g) The final location and design of the temporary concrete batching plant.
  - h) The details of the design and make, model and power capacity of the final selected wind turbines to be



installed (inclusive of nacelles, blades and foundations), including dimensions, elevations, materials and colours and finish of construction.

- i) Details of any signage proposed to be displayed as part of the wind energy facility, which must be limited to:
  - (i) one business identification sign for the wind energy facility operator or wind generator manufacturer displayed on the site; and
  - (ii) signs required specifically in relation to site safety issues.
2. The use and development as shown on the endorsed development plans or other plans must not be altered or modified in any way without the written consent of the Responsible Authority, save that the micro siting of wind generators will be regarded as generally in accordance with the endorsed plans if the Responsible Authority is satisfied that it will not give rise to a material change to assessed flora and fauna, landscape, visual, shadow or noise impacts and that the following requirements are met to the satisfaction of the Responsible Authority:
  - a) The turbine location is altered by no more than 100 metres.
  - b) Any necessary adjustment to the layout:
    - i) Ensures that clearing of native vegetation is avoided;
    - ii) Ensures that ground disturbance associated with the construction of the wind energy facility is more than 50 metres from any permanent watercourse;
    - iii) Ensures that any areas of significant fauna habitat identified by a qualified ecologist engaged to inspect the micro-sited turbine locations are avoided; and
    - iv) Ensures that any indigenous or non-indigenous archaeological site identified by the on-site archaeological survey, and required to be protected, is avoided.

### Specifications

3. The wind energy facility and wind turbines must meet the following requirements:
  - a) A maximum of thirteen (13) or up to fifteen (15) wind turbines in total dependant upon the power capacity rating of the final selected wind turbine generator.
  - b) The maximum wind energy facility capacity must not exceed 29.9MW;
  - c) The overall maximum height of the wind turbines (to the tip of the rotor blade when vertical) shall not exceed 150 metres.
  - d) Wind turbines to be mounted upon a tubular steel tower with a height of no greater than 103 metres and a base diameter of approximately 4.8 metres.
  - e) Each wind turbine to have three rotor blades, with each blade having a length of no greater than 45 metres.
  - f) The colour of the wind turbines to be light grey and of a non- reflective surface.
  - g) The electricity generated by the wind energy facility to be transferred to the switchyard/substation at, or near, the location shown in Figures 3.1 and 3.2 of the Planning Permit Application Report.
  - h) All new electricity cabling associated with the collector network within the wind energy facility generator cluster must be placed under the ground.
  - i) The transformer associated with each wind generator must be located beside each tower and pad mounted, or be enclosed within the tower structure.
  - j) The access tracks within the site are to be sited to ensure minimum impacts on the site, including impacts on overland flows and, where appropriate, having regard to the farming attributes of the land.
  - k) All wind turbines must be setback at least the height of the wind turbine measured from natural ground level to the blade tip plus 10% from neighbouring (non-stakeholder) property boundaries.

### Traffic Management

4. Before any buildings or works commence in association with the development, a Traffic Management Plan must be prepared in consultation with the Responsible Authority and Vic Roads. The Plan must be submitted to and approved by the Responsible Authority in consultation with Vic Roads. The Traffic Management Plan must address the following issues:
  - a) An existing conditions survey of public roads in the vicinity of the wind energy facility that may be used for access, including details of the suitability, design and construction standard of such roads.



- b) The designation of appropriate construction and transport vehicle routes to the wind energy facility.
  - c) The designation of vehicle access points to the wind energy facility from surrounding roads, including main road access points to local access roads.
  - d) The designation of operating hours and speed limits of trucks on relevant routes accessing the site so as to avoid the time and routes of passage of school buses, and to provide for resident safety.
  - e) Any necessary pruning of street planting or roadside vegetation to provide for transport of materials to the site, and pruning practices to be followed.
  - f) Details of any large over dimension vehicles to be used (such as those used in the transport of the nacelles, blades and tower sections) including details of the transport route to be taken, the proposed escort arrangements and requirements for over dimensional vehicle permits from Vic Roads.
  - g) Recommendations on the need for road and intersection upgrades including assessment of road safety and necessary improvements for sight distances on bends, curves and crests and access and egress to the wind farm site to enable delivery of equipment and materials to the site and for traffic associated with the operation of the wind farm and the timing of when these upgrades are to be undertaken.
  - h) Engineering plans demonstrating how truck movements can be accommodated on sealed roadways and turned without encroaching onto the incorrect side of the road must be prepared for the Hamilton Highway/Blackwood-Dunkeld Road/Hamilton-Chatsworth road and Morton's Lane intersections. The plan must include details of any required road construction works;
  - i) Engineering plans demonstrating road upgrades and construction works for the Hamilton Highway/Blackwood-Dunkeld Road/Hamilton-Chatsworth Road and Morton's Lane to the satisfaction of the Responsible Authority;
  - j) The provision of any directional and tourist signs.
  - k) The designation of vehicle access ways and car parking areas.
  - l) A timetable of regular inspections to be carried out during the construction period to identify maintenance works necessary as a result of construction traffic.
  - m) Measures to be used to manage traffic impacts associated with the ongoing operation of the wind energy facility on the traffic volumes and flows on surrounding roads.
  - n) A program to rehabilitate roads to the condition identified by the surveys required by Condition 4(a) or to their condition following completion of identified upgrades or construction works required by Conditions 4(g), 4(h) and 4(i).
  - o) A timetable for the implementation of any works identified to be undertaken.
5. The traffic management and road upgrade and maintenance works associated with the wind energy facility development must be carried out in accordance with the endorsed Traffic Management Plan and the cost of any works including maintenance are to be at the expense of the permit holder.
6. Where upgrading of roads is required, as identified by the Traffic Management Plan, areas of remnant native vegetation should be avoided as far as practicable, where native vegetation cannot be avoided and may need to be removed, an assessment and management protocol to satisfy the Net Gain policy should be developed as part of the Environmental Management Plan. Offsets will be required in accordance with Victoria's Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002), to the satisfaction of the Responsible Authority. Native vegetation removal identified in the Traffic Management Plan must not occur unless approved in a separate planning permit.

### **Environmental Management Plan**

7. Before the development starts, an Environmental Management Plan to the satisfaction of the Responsible Authority must be prepared, in consultation with the Department of Sustainability and Environment, Aboriginal Affairs Victoria and Vic Roads and must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed by the Responsible Authority. The Environmental Management Plan must include:
- a) A construction and work site management plan. This plan must include:
    - i) procedures for access, noise control, dust emissions, spills and leaks from the handling of fuels and pollution management. Such procedures are to be undertaken in accordance with EPA Publication 480 *Environmental Guidelines for Major Construction Sites* and EPA Publication 275 *Construction Techniques for Sediment Pollution Control*;
    - ii) the identification of all potential contaminants stored on site;
    - iii) the identification of all construction and operational processes that could potentially lead to water



- contamination;
  - iv) the identification of appropriate storage, construction and operational methods to control any identified contamination risks;
  - vi) the identification of waste re-use recycling and disposal procedures;
  - vi) appropriate sanitary facilities for construction and maintenance staff in accordance with the EPA Publication 891 Septic Tanks Code of Practice;
  - vii) a management plan for the concrete batch plant to prevent pollution of local waterways particularly from wash water and waste concrete materials;
  - viii) evidence that the construction program has been prepared in consultation with adjoining landowners for the purpose of ensuring that the seasonal agricultural activities of all adjoining landowners are not unreasonably affected;
  - ix) a process that implements measures to protect and segregate topsoil from subsoil in cultivated lands unless otherwise negotiated with the affected landowner;
  - x) implementation measures to minimise compaction of all lands during all phases of the projects life;
  - xi) measures to protect livestock;
  - xii) prompt replacement or repair of all fences and gates damaged during construction; and
  - xiii) procedures for the removal of works, building and staging area on completion of construction of the project and for the return of the site to its former condition.
- b) A sediment and erosion management plan. This plan must be referred to and approved by the Glenelg Hopkins CMA. The sediment and erosion plan must include:
- i) construction activities undertaken in accordance with the EPA Publication 480 *Environmental Guidelines for Major Construction Sites* and procedures to ensure that silt from batters, cut-off drains, table drains and road works is retained on the works site during and after the construction stage of the project;
  - ii) all land disturbances must be confined to a minimum practical working area and to the vicinity of the identified works areas;
  - iii) soil to be removed must be stockpiled and separate soil horizons must be retained in separate stockpiles and not mixed;
  - iv) stockpiles must be located away from drainage lines;
  - v) 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;
  - vi) procedures to contain any contaminated or turbid run-off during and after construction of the wind energy facility;
  - vii) procedures to suppress dust arising from construction-related activities;
  - viii) appropriate measures may include water sprays of roads and stockpiles, stabilising surfaces, temporary screening and/or wind fences, modifying construction activities during periods of heightened winds and revegetating exposed areas as soon as practicable;
  - ix) procedures to ensure that batters are treated in accordance with EPA Publication 275 *Construction Techniques for Sediment Pollution Control*;
  - x) criteria for the siting of any temporary concrete batching plant associated with the development of the wind energy facility and the procedure for its removal and reinstatement of the site once its use finishes; the establishment and operation of any temporary concrete batching plant must be in accordance with the EPA Publication 628 *Environmental Guidelines for the Concrete Batching Industry*;
  - xi) procedures for waste water and discharge management;
  - xii) a process for overland flow management to prevent the concentration and diversion of waters onto site or erosion prone slopes; and
  - xiii) incorporation of pollution control measures outlined in EPA Publication 480 *Environmental Guidelines for Major Construction Sites*;
  - xiv) siting of concrete batching plant and any on-site wastewater and disposal and disposal treatment fields at least 100 metres from any watercourse;
  - xv) appropriate capacity and an agreed program for annual inspection and regular maintenance of any on-site wastewater management system constructed to service staff, contractors or visitors; and
  - xvi) immediate remediation of localised erosion with a specified response time..
- c) A hydrocarbon and hazardous substances plan; this plan must include:



- i) procedures for the storage of any fuels, lubricants or waste oil to be stored in bunded areas; and
- ii) contingency measures to ensure that any chemical or oil spills are contained on-site and cleaned up in accordance with the Environment Protection Authority's requirements.
- d) A geological and geomorphological plan to be prepared in consultation with the Department of Sustainability and Southern Grampians Shire Council that specifies construction and management measures designed to minimise the impact of the construction of the wind turbines, particularly their foundations and any necessity for blasting of rock and their associated infrastructure.
- e) A pest animal management plan; this plan is to be prepared in consultation with the Department of Sustainability and Environment and the Department of Primary Industries; this plan must include:
  - i) Procedures for the control of pest animals, particularly by negating opportunities for the sheltering of pest animals;
  - ii) Follow-up pest animal control is undertaken on all areas disturbed by the wind energy facility construction works for a period of two years following the completion of the wind energy facility;
  - iii) An ongoing integrated Fox Control Program for the property which includes; a fox baiting schedule for critical times i.e. before Brolga breeding periods, fox den destruction and coordinated fox shooting; and
  - iv) Coordination of activities under the Pest Animal Management Plan with any Community Fox Baiting and Den Destruction Program for adjoining land owners.
- f) A pest plant management plan including:
  - i) Procedures to prevent the spread of weeds and pathogens from earth moving equipment and associated machinery including the cleaning of all plant and equipment before transport to the site and the use of road making material comprising clean fill that is free of weeds;
  - ii) Sowing of disturbed areas with perennial grasses; and
  - iii) A protocol to ensure follow-up weed control is undertaken on all areas disturbed through construction of the wind energy facility for a minimum period of 2 years following completion of the works.
- g) A native vegetation management plan prepared in accordance with Victoria's Native Vegetation Management – A Framework for Action, 2002 and which must include the following:
  - i) A protocol to include net gain actions in accordance with Victoria's Native Vegetation Management – A Framework for Action, 2002 to be undertaken if native vegetation disturbance or removal cannot be avoided for the construction, operation and decommissioning stages of the project;
  - ii) Procedures for the rehabilitation of construction zones with appropriate native or pasture species;
  - iii) Procedures for revegetation and rehabilitation of all areas affected by activities required for the construction of the wind energy facility, including temporary access roads, concrete batching plant and lay down areas;
  - iv) Details of additional survey work to guide the final locations of the wind turbines and associated infrastructure to limit the impact on native vegetation and to meet net gain requirements including:
    - appropriate net gain habitat hectare calculations for an appropriate offset revegetation plan approved by the Department of Sustainability and Environment and to the satisfaction of the Responsible Authority.
    - Undertake a spring survey of species at or near wind turbine locations and access tracks to ascertain if there is a likelihood of any threatened annual, biannual, ephemeral or perennial species not previously detected.
    - Prepare a map of remnant vegetation showing all existing ecological vegetation classes.
    - Ensure micro siting of wind turbines and access tracks avoids and minimises impacts on areas of intact native vegetation.
- h) An environmental monitoring plan.
- i) 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.
- j) A program for reporting, including a register of environmental incidents, non-conformances, complaints and corrective actions.
- k) A program for the assessment and management of native vegetation impacts associated with the selected power line route for connection of the wind farm to the electricity grid network.
- l) A timetable for implementation for any works identified in a plan referred to above.



8. The Environmental Management Plan is to be reviewed every 5 years (or as required) to reflect operational experience and changes in environmental management standards and techniques and is to be submitted to the Responsible Authority for re-endorsement.
9. The use and development must be carried out in accordance with the endorsed Environmental Management Plan.

### Striped-legless Lizard

10. A survey for the presence of Striped-legless Lizards (*Delma impar*) shall be undertaken to inform any micro-siting of wind turbines and associated infrastructure works in accordance with the requirements of the Department of Sustainability and Environment and to the satisfaction of the Responsible Authority. If the species is identified, wind turbine and associated construction works micro-siting must avoid the species habitat or if no alternative micro-siting can be identified, any identified Lizards shall be re-located to an appropriate alternative location clear of such works within the subject land to the satisfaction of the Responsible Authority.

### Landscape

11. Before the development plans are approved, a Landscaping and Visual Screening Plan must be submitted to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed by the Responsible Authority. The Landscaping and Visual Plan must include:
  - a) Landscaping to screen the switchyard and associated buildings other than the turbines;
  - b) Details of plant species proposed to be used in the landscaping, including height and spread at maturity;
  - c) A timetable for implementation of all landscaping works; and
  - d) A maintenance and monitoring program.
  - e) An off-site landscaping plan, prepared in consultation with affected landowners, that provides details of landscaping using locally indigenous species or other treatments that will be used to screen the wind turbine generators from dwellings within a 3km distance from the boundaries of the site.
  - f) The off-site landscaping plan must be developed in consultation with the relevant landowners as appropriate to the satisfaction of the Responsible Authority. Details of species proposed to be used for landscaping must be provided, along with details of the height and size of species at maturity and a timetable for implementation of the landscaping works.
  - g) All access tracks are to be constructed with local gravel and/or surface material that will not unduly contrast with the landscape, to the satisfaction of the Responsible Authority
12. The landscaping as shown on the endorsed Landscaping and Visual Plan including on-site and off-site landscape plans and works required by Condition 11 must be completed to the satisfaction of the responsible Authority within 12 months of the completion of the development or any alternative timetable as agreed with the Responsible Authority, at the cost of the permit holder.

### Noise

13. The operation of the wind energy facility must comply with the New Zealand Standard *Acoustics – The Assessment and Measurement of Sound from Wind Turbine Generators* (NZS 6808:1998) (the ‘Standard’), in relation to any occupied dwelling existing on land (other than the site) at the date of this permit, to the satisfaction of the Responsible Authority. In determining compliance with the standard, the following requirements apply:
  - a) The sound level from the wind energy facility, when measured outdoors within 10 metres of a dwelling at any relevant nominated wind speed, must not exceed the background level (L95) by more than 5dBA or a level of 40dBA L95, whichever is the greater.
  - b) Compliance at night must be separately assessed with regard to night time data. For these purposes the night is defined as 10.00pm to 7.00am. For sleep protection purposes, a breach of the standard set out at Condition 12a), for 10% of the night, amounts to a breach of the condition.

This condition does not apply to any dwelling on the land on which part of the wind energy facility is erected.

14. If Condition 13 is determined to have been breached, the Responsible Authority shall notify the wind energy facility operator with a request that steps be taken to rectify the breach, which may include, ascertaining the relevant meteorological circumstances at the time of the breach and requiring the operator to noise optimise the operation of the relevant wind turbine or turbines if such meteorological circumstances occur again. If a further breach is determined to have occurred in similar meteorological circumstances and at the same receptor location, the Responsible Authority shall notify the wind energy facility operator, with a request to selectively shut down the operation of the relevant wind turbine or turbines in such meteorological circumstances. If a third breach occurs in the same meteorological circumstances and at the same receptor location, notwithstanding the procedures outlined above, the Responsible Authority may take further action, as appropriate.
15. An independent post-construction noise monitoring program must be commissioned by the proponent within 2 months from the commissioning of the first turbine and continue for 12 months after the commissioning of the last turbine, to the satisfaction of the Responsible Authority. The independent expert must have experience in acoustic measurement and analysis of wind turbine noise. The program must be carried out in accordance with New Zealand Standard 6808:1998. The permit holder must pay the reasonable costs of the monitoring program.
16. The results of the post-construction noise monitoring program, data and details of compliance and non-compliance with the New Zealand Standard must be forwarded to the Responsible Authority within 45 days of the end of the monitoring period. The results must be written in plain English and formatted for reading by laypeople.
17. Before the use begins, the proponent must prepare a detailed noise complaint evaluation and response plan in consultation with the Department of Sustainability and Environment, the Environment Protection Authority and the Southern Grampians Shire Council. The plan must be submitted to, and approved by, the Responsible Authority. This plan must include the following elements:
  - a) a toll free noise complaint telephone service;
  - b) the erection of a small sign on site advising of the complaints telephone number;
  - c) minimum recording requirements for noise complaints (that is: date, time, noise description and weather conditions at the receptor);
  - d) a process for determination of whether the noise complaint is a breach of Condition 13 or not;
  - e) a response protocol for confirmed breaches including, but not limited to:
    - i) determination of the meteorological circumstances at the time of the breach and the operational status of the turbine(s) at that time;
    - ii) noise optimisation of the relevant wind turbine(s) under the same meteorological circumstances as occurred at the time of the breach;
    - iii) in the event of a further breach the selective shut down of the relevant wind turbine(s) or turbines in the same meteorological circumstances; and
    - iv) where under the same meteorological conditions subsequent confirmed noise breaches occur, the decommissioning of the relevant turbine(s).
  - f) a register of complaints, responses and rectifications which may be inspected by the Responsible Authority; and
  - g) provision for review of the complaint and evaluation process, including review of the process 12 months after commencement of the operation of the wind energy facility.
18. A management plan for any proposed blasting shall be prepared and any relevant licenses obtained. If blasting is undertaken it shall:
  - a) Not exceed 115dB (Lin Peak) for more than five percent of the total number of blasts over the period of any relevant licence.
  - b) Not exceed 120dB (Lin Peak) at any time.

#### Aboriginal Cultural Heritage and Archaeology



19. Before any buildings or works commence in association with the development, the identified Aboriginal artefacts locations identified by Aboriginal Affairs Victoria (AAV), must be protected from any buildings and works to the satisfaction of the Responsible Authority.
20. Before the commencement of buildings and works on the site a cultural heritage and archaeology management plan to the satisfaction of the Responsible Authority will be prepared to address Aboriginal and European cultural heritage and to govern the monitoring of the initial ground disturbance work. The plan must include the following requirements:
  - a) A qualified archaeologist must be on site during initial excavation works of areas which have been identified as requiring such supervision to identify any archaeological artefacts, and initiate measures for interim protection and reporting of any such objects or sites that are located.
  - b) Protocols for the activities of construction contractors which have been identified to have potential effects on sites of cultural significance.
  - c) Protocols for ongoing consultation with the relevant Aboriginal communities throughout the project, especially relating to the location of any archaeological artefacts.
  - d) Procedures for seeking and obtaining written consent from any identified local Aboriginal community pursuant to relevant State and Commonwealth legislation prior to disturbing any identified archaeological site, place object.

#### **Television Reception and Interference**

21. A pre-construction qualitative survey will be carried out to determine television reception strength at selected locations up to 3kms from a wind turbine. The location of such monitoring shall be determined by an independent television reception monitoring specialist appointed by the permit holder. If following commencement of operation of the wind energy facility, a complaint is received regarding the wind energy facility having an adverse impact upon television reception at any dwelling in the area which exists at the date of this document then:
  - a) A post construction qualitative survey shall be carried out at the location in question.
  - b) If the survey establishes any detrimental increase in interference with the television reception as a result of the wind energy facility, the wind energy facility operator will mitigate the interference and return the affected reception to pre-construction quality at the cost of the wind energy facility operator and to the satisfaction of the Responsible Authority.
  - c) A protocol to rectify complaints during the construction period including any detrimental effect caused by mobile electronic equipment temporarily in place during construction, particularly if there is a site camp, on adjacent telecommunications.

#### **Lighting**

22. No external lighting of infrastructure associated with the wind energy facility, other than low level security lighting where appropriate, may be installed or operated without the further consent of the Responsible Authority and if required by the Civil Aviation Safety Authority (CASA).

#### **Security**

23. All wind turbines and electrical equipment must be locked and made inaccessible to the general public to the satisfaction of the Responsible Authority. Public safety warning signs must be located on all wind turbine towers. All spare parts and other equipment and materials associated with the wind energy facility must be located in locked storage areas that are inaccessible to the public to the satisfaction of the Responsible Authority.

#### **Emergency Arrangements**

24. Prior to the commencement of the development a Wildfire Management and Emergency Response Management Plan shall be prepared in consultation with the Country Fire Authority and the local fire

brigade, such plan shall be prepared to the satisfaction of the Country fire authority, Department of Sustainability and Environment and the Responsible Authority. The Plan must establish protocols for dealing with emergencies and managing risk during and post construction, including fire-fighting facilities and provision of water storage including a plan for emergency access to adjoining landowners across the site and must incorporate the conditions required by the Country Fire Authority in Conditions 40 to 56.

Before the use commences, the operator of the wind energy facility must conduct a familiarisation visit and explanation of emergency services procedures including training in relation to suppression of wind energy facility fires for the Country Fire Authority (CFA) (including the local CFA brigade), Rural Ambulance Victoria (RAV) and Victoria Police (Police) and thereafter must continue to provide such session for the CFA, RAV and Police on a regular basis and/or as required. The Responsible Authority must be notified of the completion of any familiarisation or training provided by the permit holder.

### **Re-Powering**

25. Any replacement of wind turbines for the re-powering of the wind energy facility must meet the conditions of this permit and must be sited in the same location as the wind turbines(s) to be replaced.

### **Decommissioning**

26. The wind energy facility operator must, without delay, notify the Responsible Authority in writing as soon as all of the wind turbines have permanently ceased to generate electricity. Within 12 months of this date, the wind energy facility operator must undertake the following to the satisfaction of the Responsible Authority:
- a) Remove all above ground non-operational equipment.
  - b) Remove and clean up any residual spills.
  - c) Clean up and restore all storage, construction and other areas associated with the use, development and decommissioning of the wind energy facility.
  - d) Restore all access tracks and other areas affected by the project closure or decommissioning, if not otherwise useful to the on-going management of the land.
  - e) Submit a decommissioning traffic management plan to the Responsible Authority and, when approved by the Responsible Authority, implement that plan.
  - f) Submit a post-decommissioning revegetation management plan to the Responsible Authority and, when approved by the Responsible Authority, implement that plan.

### **Preliminary Investigative Works**

27. Preliminary investigative works, including geotechnical investigative works, may be carried out for the purposes of gathering data or making other assessments necessary or desirable in order to prepare the Development Plan, and other plans specified in this permit.
28. For the purposes of this permit, the carrying out of preliminary investigative works is not considered to amount to commencement of the Development.

### **Blade Shadow Flicker**

29. No existing dwelling, other than a dwelling located on the land in respect of which this permit is issued, will experience over 30 hours blade shadow flicker per annum. For the purposes of assessment regard may be had to the mean cloud cover.
30. Before the use commences, details of a complaint, evaluation and response process must be submitted to and approved by the Responsible Authority to assess any breach of this Permit.

### **Aviation Safety Clearances**

31. Prior to the approval of development plans, documentation must be supplied to the Responsible Authority that demonstrates that any structure to be erected on the wind energy facility pursuant to this permit is sited



- and designed to the satisfaction the Civil Aviation Safety Authority Australia.
32. Copies of the approved development plans are to be provided to the Civil Aviation Safety Authority Australia and to any organisation responsible for providing air ambulance services in the area, to enable details of the wind energy facility to be shown on aeronautical charts of the area.

### **Expiry**

33. Notwithstanding other provisions of these conditions, the use and development permitted by this permit will expire if one of the following circumstances applies:
- a) The development is not started within 3 years of the date of this permit.
  - b) The development is not completed within 6 years of the date of this permit.

### **Department of Sustainability and Environment**

#### **Bats and Avifauna Management Plan (BAM Plan)**

34. Before the development starts, a Bat and Avifauna Management Plan (BAM Plan) must be prepared by the Proponent in consultation with the Department of Sustainability and Environment. The BAM Plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The use must thereafter accord with the endorsed plan.

The BAM Plan must include but not limited to the following:

- a) A statement of the objective of the BAM Plan.
- b) A -Brolga and Bat Utilisation Monitoring Programme that;
  - i) Is consistent with the Draft Guidelines for Bat Survey in relation to Wind Farm Developments (ARI, 2007)
  - ii) Must be implemented as soon as the use commences
  - iii) Must run for a minimum of three years (but up to five years) in total
- iv) Must include provisions for the assessment of the influence of wet and dry climatic conditions on the utilisation of the subject land by Brolga and bat populations. These provisions are to include an allowance for the splitting of the monitoring programme over non-sequential years to allow for monitoring during a “dry”, “intermediate” and “wet” year to ensure that results and conclusions better reflect long term utilisation of the subject land by Brolgas and bats.
  - The utilisation monitoring must occur in the first available “dry”, “intermediate” or “wet” year that occurs after the use commences.
  - Before utilisation monitoring commences for any particular year the nomination of that year as being a “dry”, “intermediate” or “wet” year must be endorsed by the Responsible Authority, in consultation with the Department of Sustainability and Environment.
- v) Must include provisions to assess the presence, behaviour and movements of any Brolga (*Grus rubicunda*), especially breeding pairs, during their “flocking” and “breeding” behaviour periods, on the subject land and on land up to two kilometres away from any turbine (subject to third party land owner approval being secured preferably in writing by and at the sole cost of the Department of Sustainability and Environment).
- c) A Bird & Bat Strike Monitoring Programme to ascertain the species and numbers of any bird and bat strikes. The Programme
  - i) Must run for a minimum of three years in total
  - ii) Must include a requirement for the reporting of any bird and bat strikes to the Department of Sustainability and Environment within 7 days of the strike being detected

- iii) Must include number of each species and preferably the age and sex of the birds and bats killed
- iv) Must include provisions that stipulate the timing and frequency of monitoring. This may include variations in timing and frequency of the monitoring so that it coincides with the behaviours and movements of specific species.
- v) Must if installed, assess the occurrence of bird and bat strike at turbines with aviation, obstacle, night-time lighting versus those without;
- vi) Must include studies on the efficacy of searches for carcasses of birds and bats, and the rate of removal of carcasses by scavengers, so that firstly correction factors can be determined to enable calculations of the total number of mortalities and secondly so that a bat and bird strike monitoring program can be designed to give meaningful results. These studies need to be undertaken during different seasons to determine seasonal variation in these factors.
- vii) Must include provisions for the assessment of the influence of wet and dry climatic conditions on the rates of bird or bat strike. These provisions are to include an allowance for the splitting of the monitoring programme over non-sequential years to allow for monitoring during a “dry”, “intermediate” and “wet” year to ensure that results and conclusions better reflect long term rates of bird or bat strike.
  - The impact monitoring must occur in the first available “dry”, “intermediate” or “wet” year that occurs after the use commences.
  - Before impact monitoring commences for any particular year the nomination of that year as being a “dry”, “intermediate” or “wet” year must be endorsed by the Responsible Authority, in consultation with the Department of Sustainability and Environment.
- d) Provisions for review of the Brolga & Bat Monitoring Programme at the end of the third year of monitoring to determine if species responses to the range of “dry” “intermediate” and “wet” climatic conditions have been adequately addressed. Any further monitoring will be targeted at those species for which the strike rates show biologically significant impacts.
- e) A Mitigation and Management Strategy for any biologically significant impacts on Brolgas and bats arising from the wind energy facility operations. The strategy:
  - i) Must include mortality rates (as agreed in consultation with the Department of Sustainability and Environment) for specific species which would trigger the requirement for responsive management and mitigation measures to be undertaken by the Proponent
  - ii) Must include measures to offset any significant impact. Significant impacts are to be pre-determined by agreement between the Department of Sustainability and Environment, the Responsible Authority and the permit holder. These measures may include, but are not limited to management or improvement of habitat or breeding sites away from the subject land to improve breeding productivity, or other offsets as may be agreed by the Department of Sustainability and Environment.
  - iii) May include procedures for the regular removal of all types of carcasses (mammals, birds and reptiles) likely to attract biologically significant ‘birds-of-prey’ to areas near turbines if there is deemed to be a significant risk of impact with the wind turbine rotor blades.
- f) Regular Reporting Requirements. Reports of the findings of the Brolga & Bat Monitoring Programme ;
  - i) Must be documented by the Proponent within agreed timeframes,
  - ii) Must be made available to the public by the Proponent in electronic form (softcopy) via a website operated by the Proponent
  - iii) Must be made available to studies on cumulative impacts which are referred to in Condition 35.



### **Cumulative Risk Assessment Research Programme Contribution**

35. Before the use starts, the permit holder must enter into an agreement with the Department of Sustainability and Environment prepared to the satisfaction of the Responsible Authority to provide for the following:
- a) Support the conduct of a long term benchmark study of the behaviour of Brolga (*Grus rubicunda*) and Southern Bent-wing Bat (*Miniopterus schreibersii bassanii*) and the cumulative impact of human activities (including wind energy facilities) on these species.
  - b) Specify an appropriate in kind and/or financial contribution towards the undertaking of the benchmark study of up to a value of \$10,000 and the identification of to whom any such monies are required to be paid to and the timing for making any such contribution. If the windfarm is not completed within 5 years of the issuing of the planning permit, this figure will be subject to an accumulated annual adjustment according to the Consumer Price Index (Melbourne All Groups).
  - c) Specify what the benchmark study shall include, but not limited to, the following:
    - i) Staging and timing of the conduct of the study;
    - ii) Identification of the study scope and study area;
    - iii) The conduct of any literature review;
    - iv) The conduct of any satellite tracking work;
  - v) The details of any assessment of flight behaviour including movement patterns and behaviour in relation to wind energy facilities; and
  - vi) The use of data collated for management purposes including how the data is used to inform the Environmental Management Plan for the Wind Energy Facility.

### **Country Fire Authority**

#### **Water Supply**

- 36. Static water supply tanks, solely for fire fighting, with a minimum capacity of 22,500 litres (5000 gallons) must be provided adjacent to strategic access road intersections, agreed with the local fire brigade and CFA.
- 37. Static water supply tanks for fire fighting must be fitted with at least one 64mm, 3 thread/25mm x 50mm nominal bore British Standard Pipe (BSP), round male coupling.
- 38. Static water supply tanks for fire fighting must be readily identifiable with a red 300mm x 400mm triangular water marker with the letter W in white and a reflective marker.
- 39. Fire brigade vehicles must be able to get within four (4) metres of the outlet and a hard standing area which is accessible in all weather conditions, capable of accommodating a vehicle of 15 tonnes and with a minimum turning circle of ten (10) metres must be provided.

### **Fuel/Vegetation Management**

- 40. During the declared Fire Danger Period, grass must be no more than 100mm in height and leaf litter no

more than 10mm deep for a distance of thirty (30) metres around constructed buildings and viewing platforms.

41. During the declared Fire Danger Period, a fuel reduced area of four (4) metres width must be maintained around the perimeter of Electricity Compounds and Sub Station type facilities.
42. During the declared Fire Danger Period, there must be no long grass or deep leaf litter in areas where plant and heavy equipment will be working.
43. During the declared Fire Danger Period, all plant and heavy equipment must carry at least one 9.0 litre Water Stored Pressure fire extinguisher with a minimum rating of 3A.

#### **Vic Roads**

##### **Over Dimensional Loads**

44. Vic Roads' approval for the movement of Over Dimensional loads is required. Vic Roads' contact officer is Mr Paul Frost – Team Leader Traffic Safety Services (Tel: 03 5225 2578 or mobile 0417 483 421). Contact should be made from an early date.

#### **Glenelg Hopkins CMA**

45. No turbines shall be installed within 50 metres from a designated waterway.

#### **Framlingham Aboriginal Trust**

46. An officer from the Framlingham Aboriginal Trust or the Registered Aboriginal Party and a suitably qualified archaeologist assess the area when alignments for the turbines, cable trenches and access roads are being determined. This service is at the proponent's cost.
47. That a Cultural Heritage Management Agreement shall be entered into between the applicant and the Framlingham Aboriginal Trust which specifies appropriate survey and risk management strategies and procedures with respect to cultural heritage items. Such Agreement shall be submitted to the Responsible Authority.

#### **Department of Defence**

##### **Aircraft Hazards**

48. The applicant shall notify RAAF AIS with the final location and height details of wind turbines, transmission poles and wind anemometers prior to their construction. After construction is complete, the Department of Defence requests that the applicant provide RAAF AIS with "as constructed" details. RAAF AIS has a web site with a Vertical Obstruction Report Form at [www.raafais.gov.au/obstr\\_form.htm](http://www.raafais.gov.au/obstr_form.htm) which can be used to enter the location and height details of tall structures.

#### **Permit Notes**

1. All Aboriginal sites, places and objects in Victoria are protected under the Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984 and the Victorian Archaeological and Aboriginal Relics Preservation Act 1972. It is an offence to do an act that causes damage to, the defacing of, interference with, or endangers an Aboriginal object or an Aboriginal place if the person doing the act knows or ought reasonably to know that the object or place concerned was an Aboriginal object or an



Aboriginal place.

2. Where it is suspected that works may impact on Aboriginal cultural heritage objects or places the applicant should make provision for a heritage impact assessment of the area by a suitably qualified heritage consultant in conjunction with representatives of the relevant Aboriginal stakeholders.

Date Issued: 13<sup>th</sup> June, 2007

  
\_\_\_\_\_  
Signature for the Responsible Authority

**IMPORTANT INFORMATION AND NOTES ARE CONTAINED ON THE NEXT PAGE**

## IMPORTANT INFORMATION ABOUT THIS PERMIT

### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 of Part 4 of the Planning and Environment Act 1987.)

### WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit, or
- if no date is specified, from:
  - (i) the date of the decision of the Administrative Appeals Tribunal, if the permit was issued at the direction of the Tribunal, or
  - (ii) the date on which it was issued, in any other case.

### WHEN DOES A PERMIT EXPIRE?

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 5 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.

### WHAT ABOUT APPEALS?

- The person who applied for the permit may appeal against any condition in the permit unless it was granted at the direction of the Administrative Appeals Tribunal, in which case no right of appeal exists.
- An appeal must be lodged within 60 days after the permit was issued, unless a Notice of Decision to grant a permit has been issued previously, in which case the appeal must be lodged within 60 days after the giving of that notice.
- An appeal is lodged with the Administrative Appeals Tribunal.
- An appeal must be made on a Notice of Appeal form which can be obtained from the Administrative Appeals Tribunal, and be accompanied by the applicable fee.
- An appeal must state the grounds upon which it is based.
- An appeal must also be served on the Responsible Authority.
- Details about appeals and the fees payable can be obtained from the Administrative Appeals Tribunal.

### IMPORTANT NOTES:

- The conditions of this Permit may require the submission of **further information** and plans before commencement of the project. Any enquiries should be directed to the Planning Office.
- The issue of this Planning Permit does not imply any consent under the Building Control Act 1993 and accordingly, a **Building Permit** will be required to be issued by a Registered Building Surveyor for any building works unless specifically exempted by Regulation 1.6 of the Building Regulations 1994. Any enquiries should be directed to the Building Office.
- Any **waste treatment** systems must be installed in accordance with the relevant Codes of Practice and/or EPA requirements and a Permit may be required to be issued by the Council Environmental Health Officer. Any enquiries should be directed to the Health Office.
- Any **excavations** within the street or **alteration of Council assets** should be discussed with the Council Physical Services Department and a Road Opening Permit may be required. Any enquiries should be directed to the Engineering Office.
- The relevant **servicing authorities** such as Powercor, VicRoads, Telstra, TXU and Wannon Water may need to be consulted in relation to their requirements with respect to the proposals as applicable to the issue of this Permit.
- **Native Vegetation** clearing issues should be discussed with the Department of Sustainability and Environment.
- **Heritage** issues should be discussed with Heritage Victoria.
- **Aboriginal archaeological issues** should be discussed with Aboriginal Affairs Victoria.
- **Native Title** issues should be discussed with the Department of Sustainability and Environment and Aboriginal Affairs Victoria.