

PLANNING PERMIT GRANTED BY THE MINISTER UNDER
DIVISION 6 OF PART 4 OF THE PLANNING AND ENVIRONMENT ACT 1987

**PLANNING
PERMIT**

Permit No.: 2007/0370

Planning Scheme: Southern Grampians Planning Scheme

**Responsible Authority for Administration and Enforcement
of this permit:** Southern Grampians Shire

ADDRESS OF THE LAND:

Land at Oaklands Hill, described as:

TP 575263

TP 710349J

PARISH OF YUPPECKIAR

CA 73A, 73B, 77A, 77B, 13A, 13B, 14A, 14B, 70A, 71A, 71B,
70BB, 72A, 72B and 70BA

PARISH OF NANAPUNDAH

CA 1A, 1B, 2A, 2B, 16A, 16B, 11A, 11B, 17A, 17B, 18A, 18B,
46A, 46B1, 46B2, 49A, 49B, 47B, 47A1, 47A2, 48B, 48A1, 48A2,
9A, 9B, 10A, 10B, 8A, 8B, 7A1, 7B1, 7A2, 7B2, 12A, 12B

THE PERMIT ALLOWS:

Use and development of land for a Wind Energy Facility and the
carrying out of earthworks

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:
DEVELOPMENT PLANS**

1. Before the development starts, development plans to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. When approved, the plans will be endorsed by the Minister for Planning and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided.

The plans must show the location, setbacks to property boundaries, layout and dimensions of all on-site buildings and works including all wind turbines, access tracks, underground cables, the temporary concrete batching plant, the sub-station, the switchyard, landscaping, the designated car parking areas, any signage, those turbines that are fitted with obstacle lighting (if such lighting is installed) and ancillary works, such as construction compounds, water tanks and fire fighting infrastructure.

The plans must be generally in accordance with the Application plans (contained as Figure 3 of the Panel report on the Application of April 2008), but modified to show:

- a) any necessary adjustment to the layout :
 - (i) to ensure that clearing of native vegetation is avoided or minimised;
 - (ii) to ensure that Turbines 25, 35 and 39 are located so that there is no disturbance to the nearby remnant woodland;
 - (iii) to ensure that areas of significant fauna habitat, including any habitat for the Striped Legless Lizard surveyed as required by Condition 3, identified by a qualified ecologist engaged to inspect the site of the buildings and works are avoided; and
 - (iv) to ensure that any Aboriginal or European archaeological heritage site identified by the on-site archaeological survey required by Condition 12, and required to be protected, is avoided.
 - (v) to allow the requirements of condition 4.h) to be met.
 - (vi) to ensure adequate sight distances for site access points that may be required under condition 10.

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- b) global positioning system coordinates for each turbine;
 - c) details of the model, sound power levels and capacity of the wind turbines to be installed;
 - d) elevations, materials and finishes of the wind turbines and other buildings and works;
 - e) if aviation obstacle lighting is to be installed, the location of turbines with lights, and type and intensity of the aviation lighting including directional screening as required by Conditions 8 and 9;
 - f) the electricity substation and switchyard located to minimise the visual impact of this structure particularly to traffic along Glenthompson-Carramut Road.;
 - g) no turbines are located closer than 1300m from the site upon which the Prasser/Vanreinen dwelling is currently under construction, and from the proposed site for the Barker/Keen dwelling which located to the south of the drainage line situated east of their working yards;
 - h) the precise location details of all access points;
 - i) any staging of the development; and
 - j) details of any required safety signage for the wind energy facility.
2. The use and development as shown on the endorsed plans must not be altered or modified without the written consent of the Minister for Planning, except that the micro siting of wind turbines and consequential micro-siting of associated tracks and reticulation lines as defined below, does not require consent and will be viewed as generally in accordance with the endorsed plans.

For the purposes of this condition, 'micro-siting' of wind turbines:

- is where the siting of a wind turbine is altered by not more than 100m;
- includes any consequential changes to access tracks and reticulation lines; and
- is only allowed where the Minister for Planning is satisfied that the relocation of the turbine and its associated access track(s) and reticulation line(s) will not give rise to an adverse change to assessed landscape, vegetation, cultural heritage, visual amenity, shadow flicker, noise or aviation impacts when compared to the site show on the endorsed plans.

To this end any request for confirmation of the Minister's satisfaction must be accompanied by supporting material addressing the above matters as relevant.

3. If access to the site is required from Balbeggie Lane or if turbine 27 is to be constructed a tile survey for the Striped Legless Lizard (*Delma impar*) must be undertaken in these areas prior to finalising and submitting plans for endorsement under Condition 1. The survey must be undertaken in consultation with and to the satisfaction of the Department of Sustainability and Environment, and a report of the survey results must be submitted to, and be to the satisfaction of the Minister for Planning.

SPECIFICATIONS

4. The wind energy facility must meet the following requirements:
- a) the wind energy facility may not include more than 43 wind turbines;

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- b) the overall maximum height of the wind turbines (to the tip of the rotor blade when vertical) must not exceed 130 metres above natural ground level;
- c) wind turbines must be mounted on a tubular steel and/or concrete tower with a height of no greater than 80 metres;
- d) each wind turbine is to have not more than three rotor blades, with each blade having a length of no greater than 50 metres.;
- e) the wind turbine towers, nacelles and rotor blades must be pale grey or other colour that blends with the landscape to the satisfaction of the Minister for Planning, and must be of a non-reflective finish to the satisfaction of the Minister for Planning and the Civil Aviation Safety Authority (CASA);
- f) the colours and finishes of all other buildings and ancillary equipment must be such as to minimise the impact of the development on landscape to the satisfaction of the Minister for Planning;
- g) the transformer associated with each wind generator must be located beside each tower and pad mounted, or be enclosed within the tower structure;
- h) access tracks within the site are to be sited and designed to minimise impacts on overland flows, soil erosion, the landscape value of the site, environmentally sensitive areas and the farming activities on the land, and must be constructed in accordance with access track design plans which have been prepared so as to allow reasonable access for fire trucks in consultation with the Country Fire Authority, all to the satisfaction of the Minister for Planning;
- i) all new electricity cabling associated with the collector network within the wind energy facility must be placed underground except that the northern, eastern and southern clusters of turbines may be connected together or into the wind farm substation by means of above-ground cabling on poles;
- j) on-site fire fighting infrastructure must be provided in accordance with Conditions 28 - 30; and
- k) not more than 27 turbines may be fitted with obstacle lighting.

LANDSCAPE/VISUAL AMENITY

5. Before the development starts, an on-site landscape plan and timetable to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. When approved, the plan will be endorsed and will then form part of this permit. The plan must be prepared by a suitably qualified expert and include:
- a) landscaping to screen the switchyard, its infrastructure and equipment and all buildings on the site other than the turbines. The landscaping must be sited and comprise species chosen so as to minimise fire risks;
 - 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.

The landscaping as shown on the endorsed on-site landscaping plan must be completed to the satisfaction of the Minister for Planning within 6 months of the completion of the development or of any relevant approved stage.

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6. Within 6 months of the date of approval of the development plan:
- a) a program of voluntary landscape mitigation works to the satisfaction of the Minister for Planning must be made available to the owners of the following dwellings: 93NW, 95NE, 100SE, 104SE, 105SE, 107SW, 108SW, 99SW, 96NW, 141NW (if constructed) and 142NW (if constructed), as identified on the plan prepared by URS Consultants included as Appendix A to the Panel report on the Application, and others as may be specified by the Minister for Planning, to screen or filter the views of turbines from residences and where practicable from the house precincts and concentrated working yards and farm sheds of those properties.
 - b) as part of that program, an off-site landscaping plan must be prepared by a suitably qualified expert in consultation with the landowners specified above to the satisfaction of the Minister for Planning for submission to and approval by the Minister for Planning. When approved the plan will be endorsed and will then form part of this permit.
 - c) The plan must provide details of planting or other treatments that will be used to reduce the visual impact of the wind turbines at the dwellings of the participating landowners.
 - d) The off-site landscape plan is not restricted to the use of indigenous species but must include:
 - (i) details of the plant species to be used, including the height and spread of plants at maturity;
 - (ii) arrangements for replacement of planted trees which die; and
 - (iii) a timetable for implementation of the landscaping works.

The landscaping as shown on the endorsed off-site landscape plan must be completed to the satisfaction of the Minister for Planning within 12 months of the completion of the development or any relevant stage of it, at the cost of the permit holder.

7. All access tracks associated with the wind farm must be constructed with a surface material that will not unduly contrast with the landscape to the satisfaction of the Minister for Planning.

LIGHTING

8. Except in the case of an emergency or any operational call-out, no external lighting of infrastructure associated with the wind energy facility, other than low level, low intensity security lighting and aviation lighting in accordance with Conditions 1 and 10 may be installed or operated unless with the written consent of the Minister for Planning.
9. Any installed aviation lighting must meet the following requirements:
- a) for each lit turbine, the lighting must consist of a pair of lights mounted above the nacelle so that one is visible from an aircraft approaching from any direction;
 - b) each light must be a red medium intensity, flashing light as defined by CASA. Each light must be shielded so as to restrict the vertical spread of light to not more than 3 degrees and light spread below the horizontal to not more than 1.0 degree;
 - c) all lights shall flash in unison;
 - d) the duration of the light flash must be the minimum period recommended by CASA and the duration of the period between flashes must be the maximum period recommended by CASA;
 - e) the lights are to switch on and off at times or ambient lighting conditions as recommended by CASA;

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- f) if the development is staged, the location of lit turbines for each stage must comply with the CASA Circular 139 (0) July 2007 as in force at the date of approval of this permit; and
- g) before the wind farm is commissioned, a lighting maintenance plan must be prepared to the satisfaction of the Minister for Planning.

TRAFFIC MANAGEMENT

10. Before the development starts, a traffic management plan must be prepared in consultation with Southern Grampians Shire Council and VicRoads to the satisfaction of the Minister for Planning for submission to and approval by the Minister for Planning. When approved, the plan will be endorsed and will then form part of this permit. The plan must include:

- a) an existing conditions survey of public roads on designated construction transport vehicle routes and in the vicinity of the wind energy facility that may be used for access, including details of the suitability, design, construction standard and condition of the roads;
- b) the designation of appropriate construction and transport vehicle routes to the wind energy facility site;
- c) the designation of operating hours and speed limits for trucks on routes accessing the site so as to avoid the time and routes of passage of school buses where relevant, and to provide for resident safety;
- d) the identification and timetabling of any required pre-construction works;
- e) the designation of all vehicle access points to the wind energy facility from surrounding roads;
- f) the identification of any roadside areas of native vegetation required to be removed or pruned and the pruning practices to be followed

Note: this does not obviate the need for a permit for native vegetation removal where one is required;

- g) details of any large over dimensional vehicles to be used (such as those used for the transport of the nacelles, blades and tower sections) and details of the transport route to be taken, the proposed escort arrangements and requirements for over dimensional permits from VicRoads;
- h) recommendations on the need for road and intersection upgrades to accommodate any additional traffic or site access requirements, whether temporary or on-going and the timing of when these upgrades are to be undertaken;
- i) 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;
- j) engineering plans demonstrating how truck movements can be accommodated on sealed roadways and turned where possible without encroaching onto the incorrect side of the road;
- k) plans showing the design of the site access points;

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- l) a program of regular inspections to be carried out during the construction period to identify maintenance works necessary as a result of construction traffic; and
 - m) a program to rehabilitate the roads to the condition identified by the surveys required by Condition a) above within 3 months of the need for such rehabilitation being identified by the regular inspections required by Condition k).
11. The traffic management and road upgrade and maintenance works associated with the wind energy facility must be carried out in accordance with the traffic management plan and the cost of any works including maintenance are to be at the expense of the permit holder.

ENVIRONMENTAL MANAGEMENT PLAN

12. Before the development starts, an environmental management plan must be prepared to the satisfaction of the Minister for Planning, in consultation with the Department of Sustainability and Environment, Southern Grampians Shire Council and other agencies or persons as specified in this condition or as further directed by the Minister for Planning. The plan must be submitted to the Minister for Planning for approval. The environmental management plan may be prepared in sections or stages to the satisfaction of the Minister for Planning. When approved, the plan will be endorsed by the Minister for Planning and will then form part of this permit.

The environmental management plan must be based on the plan outlined in Chapter 7 of the *Planning Permit Application Report, Oaklands Hill Windfarm, May 2007* and include the following:

- a) A **construction and work site management plan** which 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;
 - (v) 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) procedures for construction vehicles and equipment to use designated tracks and works areas to avoid impacts on native vegetation;
 - (viii) procedures for the rehabilitation of construction zones with appropriate pasture species; and
 - (ix) procedures for the removal of works, buildings and staging areas on completion of construction of the project.
- b) A **sediment, erosion and water quality management plan**. This plan must be prepared in consultation with the Glenelg Hopkins Catchment Management Authority (CMA) and other authorities as may be directed by the Minister for Planning.

The plan must include:

- (i) procedures to ensure that silt from batters, cut-off drains, table drains and road works is retained on the site during and after the construction stage of the project. To this end:
 - all land disturbances must be confined to a minimum practical working area and to the vicinity of the identified works areas;

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- soil to be removed must be stockpiled and separate soil horizons must be retained in separate stockpiles and not mixed; and
 - stockpiles must be located away from drainage lines.
- (ii) arrangements for the storage of fuel and chemicals in securely bunded areas during and after construction away from waterways and vegetation;
 - (iii) 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 the plant use finishes. The establishment and operation of any such temporary concrete batching plant must be designed and operated in accordance with the Environment Protection Authority Publication 628 *Environmental Guidelines for the Concrete Batching Industry*;
 - (iv) 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;
 - (v) procedures to suppress dust from construction-related activities. Note: appropriate measures may include water spraying 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.
 - (vi) procedures to ensure that steep batters are treated in accordance with Environmental Protection Authority Publication 275 *Construction Techniques for Sediment Pollution Control*;
 - (vii) procedures for waste water discharge management;
 - (viii) a process for overland flow management to prevent the concentration and diversion of waters onto steep or erosion prone slopes;
 - (ix) pollution management measures for stored and stockpiled materials including waste materials, litter and any other potential source of water pollution;
 - (x) incorporation of pollution control measures outlined in EPA Publication 480 *Environmental Guidelines for Major Construction Sites*;
 - (xi) siting of concrete batching plant and any on-site wastewater and disposal and disposal treatment fields at least 100 metres from any permanently flowing watercourse;
 - (xii) 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
 - (xiii) immediate remediation of localised erosion with a specified response time.

The implementation of this plan must take place to the satisfaction of the CMA.

- c) **A hydrocarbon and hazardous substances plan.** The plan must include:
 - (i) procedures for any on-site storage of fuels, lubricants or waste oil to be 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 Environment Protection Authority requirements.
- d) **A wildfire prevention and emergency response plan** prepared in consultation with and to the satisfaction of the Country Fire Authority, the Department of Sustainability and Environment, and Southern Grampians Shire.

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This plan must include:

- (i) the facilitation by the operator, before or within 3 months after the commencement of the operation of the wind energy facility, of a familiarisation visit to the site and explanation of emergency services procedures for the Country Fire Authority both at head quarters level and for the local Glenthompson volunteer brigade level, Rural Ambulance Victoria, Southern Grampians Shire's Municipal Emergency Management Committee and Victoria Police;
- (ii) subsequent familiarisation sessions for new personnel of those organisations on a regular basis and/or as required;
- (iii) training of authority personnel in relation to suppression of wind energy facility fires; and
- (iv) on-going consultation and cooperation during planning, construction and operation of the wind farm, not only with the CFA at headquarters level, but also with the local Glenthompson volunteer brigade.

e) A **cultural heritage and archaeology management plan** to address Aboriginal and European cultural heritage. The plan must be prepared in consultation with the identified local Aboriginal community. This plan must include:

- (i) procedures to recognise and protect sites already identified on the subject land by Terra Culture consultants in their report included in Appendix J of the PPAR for the Oaklands Hill Wind Farm;
- (ii) that before the development plan is endorsed, an archaeological survey is to be conducted by a qualified archaeologist in conjunction and consultation with a representative from the identified local Aboriginal community that locates, records and assesses Aboriginal sites and European places and objects on those parts of the site which have the potential to be affected by the wind energy facility. This must include land that may be disturbed by associated works such as turbine footings, access tracks, buildings, services and/or possible erosion arising from such works. The results of that survey must be made available to the Minister for Planning at the time the development plan is lodged for approval;
- (iii) procedures to ensure that Aboriginal and/or European places or fabric of heritage significance identified in the survey required by paragraph b) above, are protected to the satisfaction of the Minister for Planning;
- (iv) arrangements for a qualified archaeologist and member of the identified local Aboriginal community to be on-site during initial excavation works to identify any archaeological artefacts, and initiate measures for interim protection and reporting of any such objects or sites;
- (v) protocols for the activities of construction contractors on sites which have been identified to have potential effects on sites of cultural significance;
- (vi) protocols for ongoing consultation with the relevant Aboriginal communities throughout the project, especially those relating to the detailed surface and sub-surface archaeological investigations, including maintaining confidentiality (where considered appropriate) concerning the locations of Aboriginal archaeological sites; and
- (vii) protocols for protecting and reporting the discovery of any human remains in accordance with the requirements of the Victoria Police, the Victorian State Coroners Office and Aboriginal Affairs Victoria.

f) A **pest animal management plan** to be prepared in consultation with the Department of Sustainability and Environment and the Department of Primary Industries to the satisfaction of 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 pests; and

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- (ii) follow-up pest animal control for all areas disturbed by the wind energy facility construction works for a period of two years following the completion of the wind energy facility.
- g) **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 by construction of the wind energy facility for a minimum period of 2 years following completion of the works.
- h) **A salinity management program** which identifies the locations within the wind energy facility site where landowners can plant trees to address salinity issues, and the type and number of species that can be planted in those locations.
- 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 timetable for implementation** of all programs and works identified in a plan referred to in paragraphs a) to j) above.

The environmental management plan must be reviewed and if necessary amended to the satisfaction of the Minister for Planning every 5 years to reflect operational experience and changes in environmental management standards and techniques and must be submitted to the Minister for Planning for re-endorsement.

The use and development must be carried out in accordance with the endorsed environmental management plan.

BATS AND AVIFAUNA

13. Before the development starts, a Bat and Avifauna Management Plan (BAM Plan) to the satisfaction of the Minister for Planning must be prepared in consultation with the Department of Sustainability and Environment, and must be submitted to and approved by the Minister for Planning. 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:

- a) a statement of the objectives and an overall strategy for managing and mitigating any significant bird and bat strike arising from the wind energy facility operations;
- b) a monitoring program of at least 2 years duration, either commencing upon the commissioning of the last turbine of the first stage of the approved development and use (if any) or alternatively such other time of commencement as is to the satisfaction of the Minister for Planning. The duration of the program will be to the satisfaction of the Minister for Planning after consideration of the report prepared in compliance with Condition 14.

The monitoring program must include surveys during the breeding and migratory seasons to ascertain:

- (i) the presence, behaviour and movements of any Brolga (*Grus rubicunda*), especially breeding pairs in the vicinity of the wind energy facility;

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- (ii) the species, number, age and sex (if possible) and date of any bird or bat strike;
- (iii) the number and species of birds and bats struck at lit versus unlit turbines;
- (iv) seasonal and yearly variation in the number of birds;
- (v) whether further detailed investigation of any potential impacts on birds or bats are warranted in the view of the Minister for Planning as responsible authority.

Any such required further detailed investigations are to be undertaken in consultation with the Department of Sustainability and Environment to the satisfaction of the Minister for Planning;

- c) procedures for the reporting of any bird and bat strikes to the Department of Sustainability and Environment within 7 days of becoming aware of any strike identifying where possible whether the strike was by a lit or unlit turbine;
 - d) information on the efficacy of searches for carcasses of birds and bats and, where practical, information on the rate of removal of carcasses by scavengers, so that correction factors can be determined to enable calculations of the total number of mortalities;
 - e) procedures for the regular removal of carcasses likely to attract raptors to areas near turbines;
 - f) requirements for periodic reporting, within agreed timeframes, of the findings of the monitoring to Department of Sustainability and Environment and the local community;
 - g) recommendations in relation to a mortality rate for specified species which would trigger the requirement for responsive mitigation measures to be undertaken by the operator of the wind energy facility; and
 - h) a strategy to offset any impacts detected during monitoring. Measures to offset the impact may include management or improvement of habitat or breeding sites away from the wind farm in the region to improve breeding productivity, or other offsets as may be approved by the Department of Sustainability and Environment.
14. Following the completion of the monitoring program (required by condition 13(b)), a report must be prepared by the operator of the wind energy facility setting out the findings of the program, to the satisfaction of the Minister for Planning.

NOISE STANDARD

15. Except as provided below in this condition, the operation of the wind energy facility must comply with the noise criteria in the New Zealand Standard 6808:1998 *The Assessment and Measurement of Sound from Wind Turbine Generators* (as in force at the time the Application was lodged) at any dwelling existing on land in the vicinity of the wind energy facility as at the commencement date of the Panel hearing in relation to this application, to the satisfaction of the Minister of Planning.

In determining compliance with the standard, the following apply:

- a) the sound levels from the wind energy facility, when measured outdoors at any dwelling at any relevant nominated wind speed, must not exceed the background level (L95) by more than 5 dBA or a level of 40 dBA L95, whichever is the greater;
- b) the background noise levels must be determined by the method specified in the Standard except that night-time levels will be determined in addition to all-time levels;
- c) compliance must be separately assessed for all-time and night-time. For the purpose of this requirement night-time is defined as 10.00pm to 7.00am; and
- d) if the noise has a special audible characteristic the measured sound level must have a penalty of 5 dBA applied.

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This condition does not apply if an agreement has been reached with a landowner through which the landowner accepts predicted noise levels or otherwise agrees to implement appropriate acoustic attenuation measures to ensure a reasonable level of acoustic amenity in relation to the indoor habitable areas of their dwelling(s), and acknowledges that the operation of the wind energy facility may still generate noise in outdoor areas at the dwelling(s) which may from time to time exceed the standard.

In such circumstances, the permit holder must, as soon as practicable, enter into an agreement with the Minister for Planning as responsible authority and the registered proprietor of the affected land pursuant to Section 173 of the *Planning and Environment Act 1987* (Section 173 Agreement) to provide that, except with the written consent of the Minister for Planning, any dwelling on the land should not be occupied by persons other than:

- (i) those with an interest in ownership and management of land on which the wind energy facility is located and their families, or
- (ii) persons who otherwise receive a financial benefit as a result of the location of the wind energy facility on the land;

and 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.

NOISE COMPLIANCE ASSESSMENT

16. An independent post-construction noise monitoring program must be undertaken by the permit holder within 2 months of the commissioning of the last turbine and/or immediately following any period of 6 months in which construction works have not occurred unless the development has been completed. The monitoring must continue at intervals over the succeeding 12 months to the satisfaction of the Minister for Planning. The independent expert must be experienced and qualified in acoustic measurement and analysis of wind turbine noise. The program must be carried out in accordance with New Zealand Standard 6808:1998 as varied by Condition 15 above. The permit holder must pay the reasonable costs of the monitoring program.
17. The results of the post-construction noise monitoring program, data and details of compliance or non-compliance with the New Zealand Standard must be forwarded to the Minister for Planning within 60 days of the end of the monitoring period. In the event of non-compliance, it must include a program to bring the facility into compliance including time lines and remedial actions and further monitoring program(s) that will be undertaken to demonstrate compliance.
18. Before the use begins, a detailed noise complaint evaluation and response plan must be prepared in consultation with the Environment Protection Authority and the Shire of Southern Grampians. The plan must be submitted to, and approved by, the Minister for Planning. 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 15 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;

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- (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 until a plan is developed to the satisfaction of the Southern Grampians Shire Council to overcome the excessive noise levels; and
 - (iv) where, under the same meteorological conditions subsequent.
- f) a register of complaints, responses and rectifications which may be inspected by the Minister for Planning and the Southern Grampians Shire Council; 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.

PRELIMINARY INVESTIGATIVE WORKS

- 19. 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 plan or other plans specified in this permit, is not considered to be commencement of the development.

BLADE SHADOW FLICKER

- 20. Shadow flicker from the wind energy facility must not exceed 30 hours per annum at any dwelling existing at the time of the commencement of the Panel hearing in relation to this Application.
- 21. Before the use starts, details of a complaint evaluation and response process must be submitted to and approved by the Minister for Planning to assess any alleged breach of Condition 20.

TELEVISION AND RADIO RECEPTION AND INTERFERENCE

- 22. A pre-construction survey must be carried out to the satisfaction of the Minister for Planning to determine television and radio reception strength at selected locations up to 3kms from all wind turbines. The location of such monitoring is to be determined by an independent television and radio monitoring specialist appointed by the operator under this permit.
- 23. 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 the any dwelling in the area which existed at the date of the pre-construction survey, a post-construction survey must be carried out at the dwelling.
- 24. If the post-construction survey establishes any increase in interference to reception as a result of the wind energy facility operations, the wind energy facility operator must undertake measures to 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 Minister for Planning.

SECURITY

- 25. All site and wind turbine access points and electrical equipment must be locked and made inaccessible to the general public to the satisfaction of the Minister for Planning. Public safety warning signs must be located on all towers and all spare parts and other equipment and materials associated with the wind energy facility must be located in screened, locked storage areas that are inaccessible to the public to the satisfaction of the Minister for Planning.

AVIATION SAFETY CLEARANCES

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26. Prior to the approval of the development plan, the operator under the permit must provide written evidence to the Minister for Planning that satisfies the Minister that:
- a) the applicant has sought the views of the Civil Aviation Safety Authority Australia (CASA) on the siting and design of all structures on the site including the night lighting, and, to the extent that a view has been expressed by that authority, they are satisfied in relation to these matters; and
 - b) the wind energy facility structures and any night lighting are sited and designed in accordance with any applicable CASA code or regulation.
27. Copies of the approved development plans must be provided to CASA, the Department of Defence 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.

ON-SITE FIRE FIGHTING INFRASTRUCTURE

28. Three static water tanks, solely for fire fighting, with a minimum capacity of 22,500 litres (5000 gallons) must be provided adjacent to a northern and southern site access point on the Caramut-Glenthompson Road and at the track junction adjacent to Turbines 17 and 28.
29. The tanks must be:
- a) fitted with at least one, preferably two, 64mm, 3 thread/25mm x 50mm nominal bore British Standard Pipe (BSP), round male coupling; and
 - b) readily identifiable with a red 3000mm x 400mm x 400mm triangular water marker with the letter 'W' in white and a reflective blue marker.
30. Fire brigade vehicles must be able to get within 4 metres of the tank outlet(s) on a hard standing and turning area which:
- a) is accessible in all weather conditions;
 - b) is capable of accommodating a vehicle of 15 tonnes; and
 - c) has a minimum radius of 10 metres.

OTHER MATTERS

31. Where removal of native vegetation on the site is unavoidable but is exempt under Clause 52.17 of the Southern Grampians Planning Scheme, a Net Gain Assessment is to be undertaken and any off-set required put in place to the satisfaction of the Department of Sustainability and Environment.
32. The operator under the permit is to contribute \$10,000 annually (CPI indexed) towards, salinity remediation works in the sub catchments containing the project site throughout the life of the project. This contribution may be discontinued earlier if the current problems salinity problems in the sub catchments are resolved to the satisfaction of the Glenelg Hopkins catchment Management Authority (GHCMA).
33. The operator under the permit is to make an annual contribution of \$10,000, throughout the life of the project, to a program to restore and improve wetland habitat suitable for Brolga. The contribution to this program may be discontinued if the monitoring program required by Condition 13 demonstrates that Brolga strike by the turbines is not occurring.

DECOMMISSIONING

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36. The wind energy facility operator must, no later than 2 months after all wind turbines have permanently ceased to generate electricity, notify the Minister for Planning in writing of the cessation of the use. Within a further 12 months of this date, the wind energy facility operator, or in the absence of the operator, the owner of the land on which the relevant turbine(s) is/are located, must undertake the following to the satisfaction of the Minister for Planning within such timeframe as may be specified by the Minister:
- 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, if not otherwise useful to the on-going management of the land;
 - 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 Minister for Planning and, when approved by the Minister for Planning, implement that plan; and
 - f) submit a post-decommissioning revegetation management plan to the Minister for Planning and, when approved by the Minister for Planning, implement that plan.

STAGING

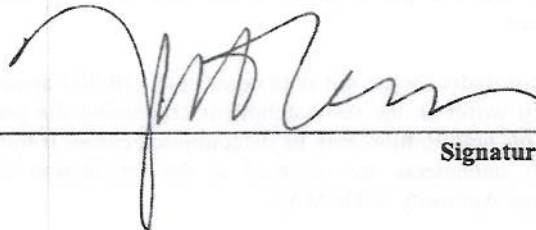
37. The use and development authorised by this permit may be completed in stages as shown on the endorsed development plan to the satisfaction of the Minister for Planning, and any corresponding obligation arising under this permit (including compliance with plans or other requirements including noise monitoring, but not including the preparation and approval of the development plan under Condition 1) may be similarly completed in stages or parts.

EXPIRY

38. This permit will expire if one of the following circumstances applies:
- (i) the development is not started within 3 years of the date of this permit;
 - (ii) the development is not completed within 6 years of the date of this permit.

The Minister for Planning as responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Date Issued:



Signature for the Minister

PLANNING PERMIT GRANTED BY THE MINISTER UNDER
DIVISION 6 OF PART 4 OF THE PLANNING AND ENVIRONMENT ACT 1987

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Minister has granted and issued a permit under Division 6 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 the date on which it was issued.

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.
6. In accordance with section 97H of the **Planning and Environment Act 1987**, the Minister is the responsible authority in respect to any extension of time under section 69 in relation to this permit.

WHAT ABOUT APPEALS?

The permit has been granted and issued by the Minister under Division 6 of Part 4 of the **Planning and Environment Act 1987**. Section 97M provides that Divisions 2 and 3 of that Part and section 149A do not apply in relation to an application referred to the Minister under this Division, a permit issued under this Division or an amendment of a permit issued under this Division. The effect of this is that the Minister's decision is final.

