

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

# PLANNING PERMIT

## ADDRESS OF THE LAND:

**Permit No:** 20092820 -C

**Golden Plains Planning Scheme:**

**Responsible Authority for Administration and  
Enforcement of this Permit:** Golden Plains Shire Council

Land generally described as:

In Berrybank bounded by the Boundary Road, Bennets Road to the south and south east, Urches Road and Berrybank-Wallinduc Road to the north, Padgetts Lane and Berrybank-Wallinduc Road to the west, and then joining in to Boundary Road to the south.

The title details for this land is:

Allot. 26A, 26B, 27A, 27B Parish of Naringhil South  
VOLUME 06242 FOLIO 306

Allot. 41A, 41B, 42A, 42B Parish of Naringhil South  
VOLUME 08727 FOLIO 668

Allot. 23C Parish of Naringhil South VOLUME 08386 FOLIO  
958

Allot. 47C Parish of Naringhil South VOLUME 08499  
FOLIO 819

Allot. 76C Parish of Naringhil South VOLUME 08499 FOLIO  
820

Land in CP154273 VOLUME 09494 FOLIO 342

Lot 1 PS145474 VOLUME 09555 FOLIO 232

Lot 1 PS145475 VOLUME 09555 FOLIO 234

Lot 1 TP192022B VOLUME 09338 FOLIO 458

Lot 1 TP822385E VOLUME 09505 FOLIO 771

Lot 2 PS145474 VOLUME 10087 FOLIO 490

Lot 2 PS145475 VOLUME 10087 FOLIO 491

Lot 2 PS708458E VOLUME 11471 FOLIO 578

Lot 20 PS005519 VOLUME 03985 FOLIO 951

Lot 21 PS005519 VOLUME 11346 FOLIO 426

Lot 22 PS005519 VOLUME 03554 FOLIO 644

Lot 23 PS005520 VOLUME 08344 FOLIO 753

Lots 24 and 25 PS005520 VOLUME 03726 FOLIO 076

Lot 26 PS005520 VOLUME 10635 FOLIO 991

lot 32 PS005520 VOLUME 10861 FOLIO 956

Cancelled

	<p><u>Lot 1 on PS 723420V VOLUME 11853 FOLIO 461</u></p> <p><u>Lot 2 on PS 723420V VOLUME 11853 FOLIO 462</u></p> <p><b>Road Reserve Description</b></p> <p>Berrybank-Wallinduc Road access track described as land adjacent to Lot 22 LP5519 and Allot. 47C PARISH OF NARINGHIL SOUTH</p> <p>Bennetts Road access track described as land north west of Lot 1 TP822385, north east of Lot 1 TP192022, south west of Lot 24 LP5520 and south east of Allot. 23C PARISH OF NARINGHIL SOUTH</p> <p>Berrybank Road access track described as land adjacent to Allotments 42A and 42B Parish of Naringhil South</p>
<p><b>THE PERMIT ALLOWS:</b></p>	<p>Use and development of land for a Wind Energy Facility, including anemometers, business identification signage, access roads, sub-station, water storage tanks and removal of native vegetation subject to conditions.</p>

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

1. Before the development starts, development plans must be prepared to the satisfaction of 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 be generally in accordance with Figure 4.1 Proposed Site Layout prepared by Environmental Management Resources dated 29 March 2017.

The plans must:

- a) 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, temporary concrete batching plant, the sub-station, the switchyard, landscaping, any designated car parking areas, and ancillary works, such as construction compounds, fire fighting infrastructure and water tanks, as well as off-site road works;
- b) show global positioning system coordinates using WGS84 datum for each turbine;
- c) show details of the model and capacity of the wind turbines to be installed;
- d) show dimensions, elevations, materials and finishes of the wind turbines and other buildings and works;

- e) show the location, size, type and intensity of any aviation lighting, including any directional screening;
- f) show any directional signage and any required safety signage;
- g) show business identification signage including dimensions, details, colours and graphics;
- h) include any staging of development;
- i) include no turbines located closer than 1000 metres from any non-stakeholder dwelling existing prior to the issue date of this permit;
- j) include any changes to track layouts as a result of fire planning.

Note: For the purpose of this condition, a non-stakeholder means the land holder of an abutting property without a contract for the installation of the permitted wind turbines on that person's property.

2. The use and development must be generally in accordance with the endorsed plans. The endorsed plans must not be altered or modified without the written consent of the Minister for Planning.

Micro-siting of wind turbines will be considered as generally in accordance with the endorsed plans, provided that:

- a) the developer of the wind energy facility has written advice from appropriately qualified experts that the alteration or modification will not result in material adverse change in landscape, vegetation, fauna, cultural heritage, visual, shadow or noise impacts compared to the endorsed plans;
- b) No turbine located more than a kilometre from a dwelling is moved to within one kilometre of a dwelling that existed on 3 April 2017 and which was not the subject of written consent of the owner as at that date, unless evidence has been provided to the satisfaction of the Minister for Planning that the owner of the dwelling has consented in writing to the location of the turbine;
- c) The micro-siting does not result in the removal of native vegetation, unless that removal has been authorised by a planning permit.

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

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

- an alteration to the siting of a turbine by not more than 100 metres; and
- any consequential changes to access tracks, internal power cable routes and other related infrastructure.

Plans and global positioning system coordinates of the relocated turbines and copies of the advice referred to in condition 2a) must be provided to the Minister for Planning.

### **SPECIFICATIONS**

3. Except with the written consent of the Minister for Planning, the wind energy facility must meet the following requirements:
  - a) the wind energy facility must comprise no more than 41 wind turbines;
  - b) the overall maximum height of the wind turbines (to the tip of the rotor blade when

vertical) must not exceed 180 metres above natural ground level;

- c) wind turbines must be mounted on a tubular tower
- d) each wind turbine is to have not more than three rotor blades, and the lowest point of a sweep of the rotor blade tip must not be less than 40 metres above ground level at the turbine base;
- e) the transformer associated with each wind generator must be located beside each tower and pad mounted, or be enclosed within the tower structure;
- f) the wind turbine towers, nacelles and rotor blades must be of a colour or have such markings that minimise ground level impact to the satisfaction of the Minister for Planning;
- g) 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;
- 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, where appropriate, the farming activities on the land to the satisfaction of the Minister for Planning;
- i) new on-site electricity reticulation lines associated with the wind energy facility must be placed under the ground;
- j) on-site fire fighting infrastructure must be provided in accordance with Condition 12.e);
- k) strategic fire breaks must be provided within the wind energy facility boundaries free of raised bed cropping to the satisfaction of the Minister for Planning on advice from the Country Fire Authority (CFA); and
- l) where possible any new above ground power lines associated with the wind energy facility be oriented parallel to the prevailing wind direction.

#### **LANDSCAPE/ VISUAL AMENITY**

- 4. Before the development starts, an on-site landscape plan must be prepared to the satisfaction of the Minister for Planning. When approved, the plan will be endorsed and will then form part of this permit. The plan must include:
  - a) landscaping to screen the substation, 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;
  - d) a maintenance and monitoring program; and
  - e) surfacing of access tracks in a manner which does not unduly contrast with the landscape;

- f) Fencing or appropriate methods by which the landscaping on-site will be protected from agricultural uses and vermin;

The landscaping as shown on the endorsed on-site landscaping plan must be maintained to the satisfaction of the Minister for Planning, including that any dead, diseased or damaged plants are to be replaced.

5. Concurrent with endorsement of plans under Condition 1, an Off-site Landscaping Program must be submitted to the Minister for Planning for endorsement. Once endorsed, the program will form part of this permit.

The Off-site Landscaping Program must:

- a) Provide for off-site landscaping or other treatments to reduce the visual impact of the turbines from any dwelling within 4 kilometres of any turbine.
- b) Include a methodology for determining:
- (i) the type of landscaping treatments to be proposed;
  - (ii) a timetable for establishing and maintaining the landscaping for at least two years.
- c) Include a process for making offers to affected landowners to:
- (i) undertake landscaping on the landowner's land, or
  - (ii) make a cash contribution in lieu of landscaping that is sufficient to cover the cost of the landowner establishing and maintaining the landscaping for a period of at least two years.
- d) Include a process for recording:
- (i) offers that have been made to landowners;
  - (i) whether or not the offers are accepted;
  - (i) when and how offers are actioned following acceptance.

The endorsed Off-site Landscaping Program must be implemented to the satisfaction of the Minister for Planning. The endorsed Off-site Landscaping Program must not be altered or modified without the written consent of the Minister for Planning.

An initial progress report regarding the implementation of the endorsed Off-site Landscaping Program must be provided to the Minister for Planning within one year of the date of the endorsement of the plans. A further report must be provided upon the completion of the endorsed Off-site Landscaping Program.

#### **LIGHTING INCLUDING AVIATION OBSTACLE LIGHTING**

6. 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 Condition 7 below, may be installed or operated without the further written consent of the Minister for Planning.

7. Obstacle lighting for aviation safety must meet the following requirements:
- a) The number of lit turbines are generally in accordance with the Obstacle Lighting Design V0.3 151019 included in the 'Berrybank Wind Farm Aeronautical Impact Assessment' (Ref. 100402-02 V1.0 dated 22 February 2016) prepared by Aviation Projects.
  - b) Turbines must be lit with two steady red low intensity lighting at night as per Section 9.4 of the CASA Manual of Standards Part 139.
  - c) The following impact minimisation features must be installed including, but not limited to:
    - (i) Treatment of the rear of the blade to avoid reflection of aviation lights; and
    - (ii) Shielding of the lights on the top and bottom such that the maximum intensity of light is limited to a beam of 3 degrees, with only 0.5 degrees of this beam width below the horizon.
  - d) The frequency range of the LED light emitted should fall within the range of wavelengths 655 to 930 nanometres to comply with requirements from Department of Defence to enable the lighting to be visible to persons using night vision devices.

The requirements of this condition may be altered or modified with the written consent of the Minister for Planning. The Minister for Planning may also direct the wind energy facility operator to alter operation of lighting installed under this condition, including switching the lighting on or off.

#### **AVIATION SAFETY CLEARANCES**

8. Within 14 days of approval , copies of the endorsed development plans must be provided to CASA, the Department of Defence (RAAF Aeronautical Information Service), Airservices Australia , any aerodrome operator within 15 km, the Aerial Agriculture Association of 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. Any subsequent changes to turbine location or height on the endorsed plans must be provided to Airservices Australia to enable the changes to be shown on aeronautical charts of the area.

If there are any subsequent changes to turbine location or height during construction, Airservices Australia must be advised, to enable details of any changes to the facility to be shown on aeronautical charts of the area

#### **TRAFFIC MANAGEMENT**

9. Prior to the development of a traffic management plan an accurate reassessment of vehicle numbers for over dimensional, heavy duty and light vehicles must be undertaken in consultation with Golden Plains Shire Council and VicRoads to the satisfaction of the Minister for Planning.
10. Prior to construction commencing and once heavy haulage transportation routes

are known a traffic management plan must be prepared in consultation with Golden Plains Shire Council and VicRoads to the satisfaction of the Minister for Planning. When approved, the plan will be endorsed and will then form part of this permit. The plan must include:

- a) separate components for construction and operation of the wind energy facility;
- b) an existing conditions survey of public roads developed in consultation with Golden Plains Shire Council and VicRoads (as relevant) that may be used for access and designated construction transport vehicle routes in the vicinity of the wind energy facility, including details of the suitability, design, condition and construction standard of the roads;
- c) the designation of appropriate construction and transport vehicle routes to the wind energy facility site;
- d) the designation of operating hours and speed limits for trucks on routes accessing the site so as to avoid school bus routes and school bus times where relevant, and to provide for resident safety;
- e) the identification and timetabling of any required pre-construction works;
- f) protocols for identification of any areas of indigenous roadside vegetation that may require removal or pruning, and the pruning practices to be followed;
- g) protocols for, and timing of obtaining all relevant approvals for road works and vegetation removal outside the wind farm site including consent from the landowner to use the land;
- h) the designation of all vehicle access points to the wind energy facility from surrounding roads. The location and detailed design of the connection between the internal access tracks and the public roads must ensure safe sight distances, turning movements, and avoid potential through traffic conflicts;
- 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) a program of regular inspections to be carried out during the construction period to identify maintenance works necessary as a result of construction traffic in consultation with Golden Plains Shire Council and VicRoads (as relevant);
- k) a program to rehabilitate roads to the condition identified by the surveys required above by Condition 10.b) developed in consultation with Golden Plains Shire Council and VicRoads (as relevant); and
- l) if required by Golden Plains Shire Council, the payment of a security deposit or bond for a maintenance period of 12 months in respect of works covered by the Traffic Management Plan. Such security deposit or bond is to be applied to roadwork not completed under the Traffic Management Plan or to be released at the end of that period.

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 to the satisfaction of the Minister for Planning on advice from Golden Plains Shire Council and Vicroads (as relevant) 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 DELWP Environment Portfolio, Golden Plains Shire Council, Country Fire Authority and other agencies as specified in this condition or as further directed by the Minister for Planning. The environmental management plan may be prepared in sections or stages. 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 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 other hazardous materials and pollution management. Such construction and work site procedures are to be in accordance with EPA requirements;
  - (ii) procedures for identifying and reporting the presence of Aboriginal artefacts, in consultation with Aboriginal Victoria;
  - (iii) the identification of all potential contaminants stored on site;
  - (iv) the identification of all construction and operational processes that could potentially lead to water contamination;
  - (v) 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;
  - (vii) appropriate sanitary facilities for construction and maintenance staff in accordance with the EPA Publication 891.1 Septic Tanks Code of Practice;
  - (viii) a timetable, where practicable for the construction of turbine bases, access tracks and power cabling during warmer months to minimise impacts on ephemeral wetlands, local fauna and sediment mobilisation;
  - (ix) procedures to ensure that construction vehicles and equipment use designated tracks and works areas to avoid impacts on native vegetation;
  - (x) Procedures to protect native fauna from open trenches and holes at night time and after excavation; and
  - (xi) the removal of works, buildings and staging area 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 Corangamite Catchment Management Authority, Environmental Protection Agency 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 construction and replaced as soon as possible. To this end:
    - all land disturbances must be confined to a minimum practical working area;
    - soil to be removed must be stockpiled and separate soil horizons must be retained in separate stockpiles and not mixed and replaced as soon as possible in sequence; and
    - stockpiles must be located away from drainage lines;
  - (ii) 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 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*;
  - (iii) 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;
  - (iv) procedures to suppress dust from construction-related activities. 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;
  - (v) procedures to ensure that steep batters are treated in accordance with Environment Protection Authority Publication 275 *Construction Techniques for Sediment Pollution Control*;
  - (vi) procedures for waste water discharge management;
  - (vii) a process for overland flow management to prevent the concentration and diversion of waters onto steep or erosion prone slopes;
  - (viii) pollution management measures for stored and stockpiled materials including waste materials, litter, contaminated run-off and any other potential source of pollution to ground or surface waters;
  - (ix) incorporation of pollution control measures outlined in EPA Publication 480 *Environmental Guidelines for Major Construction Sites*;
  - (x) siting of concrete batching plant and any on-site wastewater and

- disposal and disposal treatment fields at least 100 metres from any watercourse;
- (xi) 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
  - (xii) a program of inspection and remediation of localised erosion within a specified response time.
- c) A **blasting plan**. This plan is only required if blasting is proposed to be undertaken at the site as part of the construction of the wind energy facility. The plan must include the following:
- (i) name and qualification of the person responsible for blasting;
  - (ii) a description of the location of where the explosives will be used, and the location of every licensed bore on any property with an adjoining boundary within 1km of the location of the blasting;
  - (iii) a requirement for the identification and assessment of any potentially sensitive site within 1 km of the location of the blasting, including the procedure for pre- blast and post-blast qualitative measurement or monitoring at such site;
  - (iv) the procedure for site clearance and post blast reoccupation;
  - (v) the procedure for the storage and handling of explosives;
  - (vi) a requirement that blasting only occur after at least 48 hours prior notification in writing of the intention to undertake blasting has been given to the occupants of the properties which are located in whole or in part within 1km of the location of the proposed blasting; and
  - (vii) a requirement that blasting only be undertaken between the hours of 8am and 4pm.
- d) A hydrocarbon and hazardous substances plan. The plan must include:
- (i) procedures for any on-site, permanent post-construction 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.
- e) A bushfire prevention and emergency response plan prepared to the satisfaction of the Minister for Planning in consultation with the Country Fire Authority and Corangamite Shire Council/ Golden Plains Shire Council. This plan must include and provide for the implementation of the following:
- (i) A comprehensive risk management process incorporating risk identification, assessment and control (treatment) conducted with reference to CFA's Guidelines for Renewable Energy Installations 2019.

- (ii) A Fire & Emergency Management Plan (F&EMP) prepared to the satisfaction of CFA's State Infrastructure and Dangerous Goods Unit (sidgu@cfa.vic.gov.au), for both the construction and operational phases of the renewable energy facility.
  - (iii) The Fire & Emergency Management Plan (F&EMP), and the provision of on-site emergency information must be prepared and made available in accordance with the CFA's Guidelines for Renewable Energy Installations, Part 2: Emergency Management, dated February 2019.
- f) A native vegetation management plan to be prepared in consultation with DELWP Environment portfolio. This plan must include:
- (i) a report by a suitably qualified person after the completion of a target spring survey of native vegetation in the vicinity of access points where a Vegetation Protection Overlay exists. The report should set out the findings of the targeted spring survey and, if vegetation listed under the Flora and Fauna Guarantee Act 1988 or the Environment Protection and Biodiversity Conservation Act 1999 is identified, set out how impacts on that vegetation is to be avoided or minimised;
  - (ii) a consolidated summary of native vegetation losses and required offsets, consistent with the Victorian native vegetation regulations (as incorporated in the planning scheme);
  - (iii) securing of offsets prior to native vegetation removal commencing;
  - (iv) explanation of how vegetation removal has been minimised by project design;
  - (v) protocols for compliance with relevant Victorian native vegetation regulations if native vegetation disturbance and removal cannot be avoided for the operation or decommissioning stages of the project;
  - (vi) a protocol for the protection of native vegetation on the wind energy facility site during the construction phase; and
  - (vii) procedures for the rehabilitation of construction zones with appropriate species that reflect pre-works vegetation composition.
- g) **A terrestrial fauna management plan** that includes:
- (i) training of construction staff in the recognition of any threatened terrestrial fauna species likely to be detected during construction; and
  - (ii) the development of a protocol, in consultation with DELWP Environment Portfolio, that outlines actions to be taken if such threatened species are detected during construction.
- h) **A pest animal management plan** to be prepared in consultation with DEDJTR to the satisfaction of the Minister for Planning. This plan must include:
- (i) procedures for the control of pest animals, particularly by avoiding opportunities for the sheltering of pests; and

- (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.
- i) **A pest plant management plan** to be prepared in consultation with DEDJTR to the satisfaction of the Minister for Planning. This plan must include:
    - (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 and weed seed;
    - (ii) revegetation of disturbed areas; 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.
  - j) **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.
  - k) **A program for reporting** including a register of environmental incidents, non-conformances, complaints, corrective actions and advice on to whom the reports should be made.
- 1) **A timetable for implementation** of all programs and works identified in a plan referred to in Conditions 12.a) to 12.k) above.
13. The Environmental Management Plan must be reviewed and if necessary amended, in relation to matters pertaining to the continued operation of the wind energy facility, in consultation with Golden Plains Shire Council and where relevant DELWP Environment Portfolio to the satisfaction of the Minister for Planning every five (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.
14. The use and development must be carried out in accordance with the endorsed Environmental Management Plan to the satisfaction of the Minister for Planning.

#### **BATS AND AVIFAUNA**

15. Prior to commissioning of the first turbine, a Bat and Avifauna Management Plan (BAM Plan) must be prepared in consultation with DELWP Environment Portfolio to the satisfaction of 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 to the satisfaction of the Minister for Planning.

The BAM Plan must include:

- a) a statement of the objectives and overall strategy for detecting, managing and mitigating any significant bird and bat mortality arising from the wind energy facility operations;

- b) a monitoring program of at least 2 years duration, either commencing upon the commissioning of the first turbine or alternatively such other time of commencement as is to the satisfaction of the Minister for Planning.

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

- c) the species, number, age and sex (if possible) and date of any bird or bat mortality arising from the operation of the wind energy facility;
- d) the number and species of birds and bats struck at lit versus unlit turbines;
- e) any seasonal and yearly variation in the number of bird and bat mortalities;
- f) procedures for the reporting of any detected threatened bird or threatened bat mortalities to DELWP Environment Portfolio within 7 days of becoming aware of any mortality, identifying where possible whether the mortality was by a lit or unlit turbine;
- g) seasonal information on the efficacy of searches for carcasses of birds and bats and seasonal 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;
- h) procedures for periodic reporting, within agreed timeframes, of the findings of the monitoring to the Minister for Planning, DELWP Environment Portfolio and the local community;
- i) recommendations in relation to a mortality rate for specified species which would trigger the requirement for responsive mitigation or offset measures to be undertaken by the operator of the wind energy facility to the satisfaction of the Minister for Planning;
- j) implementation measures developed in consultation with DELWP Environment Portfolio that may be enacted to the satisfaction of the Minister for Planning to mitigate or offset any impacts detected during monitoring including turbine operation management and on-site or off-site habitat enhancement (including management or improvement of habitat or breeding sites);
- k) In relation to Brolga the plan must also include:
  - (i) a thorough assessment prepared in consultation with DELWP Environment Portfolio of the two Brolga sites and their significance to the wind energy facility layout with reference to the Interim Guidelines for Assessment, Avoidance, Mitigation and Offsetting of Potential Wind Farm Impacts on the Victorian Brolga Population 2011 (DSE 2012). The first site is approximately 1km east of the project near Wilgul - Werneth Road and between Urchs Road and Boundary Road whilst the second site is at the intersection of the Hamilton Highway and Foxhow - Rokewood Road. The assessment must include the results of fieldwork undertaken during flocking and/or breeding season as agreed with DELWP Environment Portfolio;
  - (ii) implementation of measures to increase power line visibility of any new lines constructed as part of the project through marking to mitigate bird

collisions to the satisfaction of the Minister for Planning;

- (iii) prior to development commencing consult with the Lismore Land Protection Group other local community members and DELWP Environment Portfolio to determine if there are any further known Brolga sites within 5 km of the proposed wind energy facility;
  - (iv) if further sites are found these must be reported to DELWP Environment Portfolio; and
  - (v) based on the above, if additional Brolga sites are found within 5 kilometres of the site develop a mitigation program, in consultation with DELWP Environment Portfolio and to the satisfaction of the Minister for Planning.
16. Following the completion of the monitoring program of at least 2 years duration as specified in condition 15.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. If, after consideration of this report, the Minister for Planning directs that further investigation of potential or actual impacts on birds and bats is to be undertaken, the extent and details of the further investigation must be prepared in consultation with DELWP Environment Portfolio and to the satisfaction of the Minister for Planning, and the investigation must be carried out to the satisfaction of the Minister for Planning.

#### **NOISE STANDARD**

17. Except as provided below in this condition, the operation of the wind energy facility must comply with New Zealand Standard 6808: 2010 '*Acoustics - Wind farm noise*' at any noise sensitive location that existed at 3 April 2017, to the satisfaction of the Minister for Planning.

The limits specified under this condition do not apply if an agreement has been entered into with the relevant landowner waiving the limits. Evidence of the agreement must be provided to the satisfaction of the Minister for Planning upon request, and be in a form that applies to the land for the life of the wind energy facility.

#### **PRE-CONSTRUCTION NOISE ASSESSMENT**

18. Before development starts, a pre-construction noise assessment based on the final turbine layout and turbine model to be installed must be undertaken and the results submitted to the Minister for Planning.

The pre-construction noise assessment must be prepared in accordance with the Standard, and must demonstrate to the satisfaction of the responsible authority that the facility will comply with the performance requirements specified in Condition 17 without operation in noise management mode unless the Minister for Planning consents to use of noise management mode.

The pre-construction noise assessment report provided to the Minister for Planning

must include a summary of the results in terms that are aimed at a lay person, and must be accompanied by a report by an environmental auditor appointed under the Environment Protection Act 1970, containing the auditor's opinion on the methodology of the pre- construction assessment.

If the proponent considers that a suitable auditor cannot be engaged, the proponent may seek the written consent of the Minister for Planning to obtain an independent peer review of the results of the pre-construction noise assessment instead.

## **NOISE COMPLIANCE ASSESSMENT**

19. Before the development starts a noise compliance testing plan must be prepared by a suitably qualified acoustics expert to the satisfaction of the Minister for Planning.

When approved, the noise compliance testing plan will be endorsed by the Minister for Planning and will then form part of this permit.

The noise testing must be carried out in accordance with the noise compliance testing plan to the satisfaction of the Minister for Planning.

The noise compliance testing plan must include:

- a) a determination of the noise limits to be applied during construction using the methodology prescribed in the EPA Noise Control Guidelines - publication 1254 released October 2008;
- b) a program of compliance testing to be implemented during the construction of the wind energy facility that:
  - (i) Is designed by a suitably qualified acoustic expert, and
  - (ii) Utilises the methodology prescribed in *State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1*, to demonstrate compliance with the limits determined in (a) above;
- c) a procedure for a near field compliance test of the first turbine commissioned at the wind energy facility; and
- d) a procedure for a final compliance test of the wind energy facility after the commissioning of the last turbine, such testing to:
  - (i) consider compliance of the operational wind energy facility as a whole with the noise limits set under condition 17;
  - (ii) be carried out according to the method described in NZS6808: 2010 '*Acoustics-Wind farm noise*'; and
  - (iii) be submitted to the responsible authority within 6 months of the first turbine operating. Further post-construction acoustic compliance reports prepared in accordance with this condition must be submitted to the responsible authority annually from the date of the first report being submitted until the final turbine is operating.

The final compliance testing report provided to the Minister for Planning must include a summary of the results in terms that are aimed at a lay person, and must be accompanied by a report by an environmental auditor appointed under the Environment Protection Act 1970, containing the auditor's opinion on the methodology of the compliance testing.

If the proponent considers that a suitable auditor cannot be engaged, the proponent may seek the written consent of the Minister for Planning to obtain an independent peer review of the results of the noise compliance testing instead.

Compliance test results must be publicly available.

#### **COMPLAINT INVESTIGATION AND RESPONSE PLAN**

20. Before the development starts, the permit holder must prepare a Complaint Investigation and Response plan 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 Complaint Investigation and Response Plan will be designed to respond to all aspects of the wind energy facility including (but not limited to): operation noise, construction noise, construction impacts, traffic, shadow flicker.
21. The endorsed complaints investigation and response plan must be publicly available on the wind energy facility operator's website.
22. The plan must be prepared in accordance with Australian/New Zealand Standard AS/NZS 10002:2014 - Guidelines for complaint management in organisations and shall include:
  - a) a process of investigation to resolve a complaint
  - b) a requirement that all complaints will be recorded in an incidents register
  - c) how contact details will be communicated to the public
  - d) a toll free telephone number and email contact for complaints and queries
  - e) details of the appropriate council contact telephone number and email address (where available)
  - f) a table outlining complaint information for each complaint received, including:
    - (i) the complainant's name
    - (ii) any applicable property reference number if connected to a noise background testing location
    - (iii) the complainant's address
    - (iv) a receipt number for each complaint which is to be communicated to the complainant
    - (v) the time, prevailing conditions and description of the complainant's concerns including the potential incidence of special audible characteristics (for a noise complaint)
    - (vi) the processes of investigation to resolve the complaint.
23. A report including a reference map of complaint locations, and outlining complaints, investigation and remediation actions is to be provided on an annual basis to the satisfaction of the Minister for Planning.



## **BLADE SHADOW FLICKER**

24. Shadow flicker from the wind energy facility must not exceed 30 hours per annum at the surroundings of any dwelling (garden fenced area) existing prior to 3 April 2017.

This condition does not apply if the operator of the wind energy facility has entered into an agreement with a landowner under which the landowner acknowledges and accepts that shadow flicker may exceed 30 hours per annum at the landowner's dwelling.

Evidence of the agreement must be provided to the satisfaction of the Minister for Planning upon request, and be in a form that applies to the land for the life of the wind energy facility.

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

25. 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 within 5kms of any wind turbine including non-stakeholder dwellings. The location of such monitoring is to be determined to the satisfaction of the Minister for Planning by an independent television and radio monitoring specialist appointed by the operator under this permit.

*Note: For the purpose of this condition, a non-stakeholder means the land holder of an abutting property without a contract in respect of the installation of associated wind turbines on that person's property.*

26. 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 site of 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.
27. 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**

28. All site and wind turbine access points and electrical equipment must be locked when not in use 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.

## **PRELIMINARY INVESTIGATIVE WORKS**

29. 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.

## **DECOMMISSIONING**

30. The wind energy facility operator must, no later than 2 months after any or 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 18 months of this date, the owner of the wind energy facility 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 or contamination;
  - c) rehabilitate all storage, construction, access tracks and other areas affected by the project closure or decommissioning, if not otherwise useful to the on-going management of the land associated with the use, development and decommissioning of the wind energy facility;
  - d) submit a decommissioning traffic management plan to the Minister for Planning and, when approved by the Minister for Planning, implement that plan; and
  - e) submit a post-decommissioning revegetation management plan, including a timetable of works to the Minister for Planning and, when approved by the Minister for Planning, implement that plan.

## **STAGING**

31. The use and development authorised by this permit may be completed in stages as shown on the endorsed development plan(s) 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.

## **NATIVE VEGETATION**

### **Notification of permit conditions**

32. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

## **EXPIRY**

33. 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;

- c) the use has not commenced within two years of the completion of the development.

The Minister for Planning may extend the periods referred to if a request is made in writing before the permit expires, or within 12 months afterwards.

**PERMIT NOTES**

- A. This permit should be read in conjunction with Planning Permit No 20092821-C which applies to the Berrybank wind energy facility within the Corangamite Shire municipality.

Date Issued: 24 August 2010




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Signature of Phil Priest, Director, Development Approvals and Design, as delegate for the Minister for Planning

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment
1 September 2016	Pursuant to Section 69 of the Planning and Environment Act 1987 this permit was extended so that the permit will expire if the development has not been completed by 24 August 2020.
4 February 2018	Pursuant to section 97J of the Planning and Environment Act 1987 this permit was amended to increase the height of turbines from 131 metres to 180 metres, reduce in the maximum number of turbines from 50 to 38, and other changes to conditions.
06 July 2020	Pursuant to section 97I of the Planning and Environment Act 1987 this permit was amended to replace condition 12(e) of planning permit 20092821-A with a condition that refers to the <i>Guidelines for Renewable Energy Installations</i> (February 2019) as developed by the CFA in order to provide for greater consistency and the permit number updated accordingly.
22 March 2021	Pursuant to section 97J of the Planning and Environment Act 1987 this permit was amended to add condition 32 relating to native vegetation removal and renumber the expiry condition.

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

<i>Date of correction</i>	<i>Brief description of correction</i>
30 January 2019	This permit was corrected in accordance with Section 71 of the Planning and Environment Act 1987 by changing the wording of condition 15 from ' <i>Before the development starts...</i> ' to ' <i>Prior to commissioning of the first turbine...</i> '. This correction is made to ensure the permit is consistent with the changes made in the 2017 Panel Report.

## 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
7. 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.