Planning and Environment Regulations 2015
Form 4

Section 63, 64, 64A and 86

PLANNING PERMIT

Planning Permit: PA1600128C

Planning Scheme: Yarriambiack

Responsible Authority: Minister for Planning

ADDRESS OF THE LAND:

Volume 09519 Folio 888 190 Parish of Kewell East
Volume 03746 Folio 008 222 Parish of Kewell East
Volume 06045 Folio 816 253 and 254 Parish of Kewell East
Volume 04428 Folio 480 Lot 1 on Title Plan 668925E
Volume 07685 Folio 155 217A, 231 and 232 Parish of Kewell East
Volume 06333 Folio 570 225, 226, 227, 228 and 230 Parish of Kewell East
Volume 07685 Folio 156 217 Parish of Kewell East
Volume 07672 Folio 117 220, 220A and 221 Parish of Kewell East
Volume 03489 Folio 720 250B Parish of Kewell East
Volume 04561 Folio 071 Lot 1 on Title Plan 645902W
Volume 09760 Folio 888 139 and 140 Parish of Kewell West
Volume 09767 Folio 790 139 and 140 Parish of Kewell West
Volume 09760 Folio 889 139 and 140 Parish of Kewell West
Volume 10341 Folio 551 120 Parish of Kewell West
Volume 10341 Folio 552 121 Parish of Kewell West
Volume 10341 Folio 553 119 Parish of Kewell West
Volume 10338 Folio 390 Lot 1 of Title Plan 007584U
Volume 01879 Folio 707 Lot 1 on Title Plan 878451D
Volume 02302 Folio 332 Lot 1 of Title Plan 883799F
Volume 11025 Folio 974 215 and 216 Parish of Kewell East
Volume 11025 Folio 975 213, 213A, 219 and 219B Parish of Kewell East
Volume 07155 Folio 926 Lot 1 on Title Plan 847329A
Volume 10944 Folio 261 Lot 2 of Title Plan 326028W
Volume 10944 Folio 260 Lot 1 of Title Plan 326028W
Volume 10341 Folio 294 Lot 1 of Title Plan 078047W
Volume 03986 Folio 008 219A Parish of Kewell East
Volume 04124 Folio 646 251 and 252 Parish of Kewell East
Volume 03167 Folio 278 212, 212A and 212B Parish of Kewell East

Volume 07155 Folio 927 Lot 1 on Title Plan 534791X
Volume 05943 Folio 549 214 and 214A Parish of Kewell East
Volume 09468 Folio 421 Lot 1 on Title Plan 132718A
Volume 07509 Folio 096 145 and 145A Parish of Kewell West

Crown Lands
145B/PP2870
212C/PP2869
214B/PP2869
217C/PP2869

220B/PP2869
232A/PP2869

Road Reserves
Kewell North School Road, Kellalac
Barrat Quarry Road, Murra Warra
Ailsa Wheat Road, Kellalac
Shalders Road, Kellalac
Barrat Road, Kellalac
Newells Road, Murra Warra

THE PERMIT ALLOWS: Development and use of land for a wind energy facility and associated buildings and works, removal of native vegetation and business identification signage.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

DEVELOPMENT PLANS

1. Before the development starts, development plans must be prepared to the satisfaction of the responsible authority. When approved, the plans will be endorsed by the responsible authority and will then form part of this permit. The plans must be fully dimensioned, drawn to a scale and three copies must be provided to the responsible authority. The plans must be generally in accordance with the *'Murra Warra Wind Farm Planning Permit Application Volume 3 – Figures and Montages'*, but modified (where required) to show:
    a. Turbine specifications including:
        i. Details of the model and capacity of the turbines to be installed.
        ii. Elevations and dimensions of the turbines, including overall maximum and minimum height of turbines to the tip of the rotor blade when vertical, and base diameter at ground level, including tower and concrete base.
        iii. Materials and finishes of the turbines.
        iv. Global positioning system coordinates using WGS84 datum for the centre of each turbine at ground level.
        v. Distance from the centre of each turbine to the nearest boundary of the wind energy facility site, and each dwelling (if any) within 1 km of the turbine.
    b. Global positioning system coordinates using WGS84 datum for each non-participant dwelling within 1 kilometre of a turbine that existed on 1 August 2016, if any.
    c. The location and dimensions of any business identification signage.
    d. The location, setbacks to property boundaries, layout and dimensions of all works including site entrances, access tracks, power cable routes, any designated car parking areas, and ancillary works such as firefighting infrastructure and water tanks.
    e. The locations, elevations, dimensions, materials and finishes of all buildings, including any temporary concrete batching plant(s), the permanent maintenance facility, substation, site compounds, site office and control room, switch yard, hard stand and laydown areas.
    f. The location, elevations and dimensions of the permanent anemometers.
    g. The locations and boundaries of areas native vegetation, including scattered trees to be removed.
    h. Any staging of the permitted development.
2. Despite any other condition of this permit, no plans will be endorsed by the responsible authority, and no variation to the endorsed plans will be approved by the responsible authority, which allow a turbine to be located within 1 kilometre of a dwelling that existed on 1 August 2016 (measured from the centre of the turbine at ground level to the closest point of the dwelling) unless evidence has

been provided to the satisfaction of the responsible authority that the owner of the dwelling has consented in writing to the location of the turbine.

Layout not to be Altered without Consent

3. Except as permitted under condition 5, and subject to condition 4, the use and development as shown on the endorsed plans must not be altered or modified without the written consent of the responsible authority.

4. The responsible authority will not consent to an alteration or modification of the use and development as shown on the endorsed plans under condition 3 unless the responsible authority is satisfied that the alteration or modification will not give rise to an unreasonable adverse change to assessed landscape, vegetation, cultural heritage, visual amenity, shadow flicker, noise, fire risk or aviation impacts.

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

MICRO-SITING OF TURBINES

5. Micro-siting of turbines (as defined in this condition) is permitted without the need for consent under condition 3 provided that:

   a. The developer of the wind energy facility has written advice from appropriately qualified experts that the alteration or modification will not result in material adverse change in landscape, vegetation, fauna, cultural heritage, visual, shadow or noise impacts compared to the endorsed plans;

   b. No turbine located more than a kilometre from a dwelling is moved to within 1 km of a dwelling that existed on 1 August 2016 and which was not the subject of written consent of the owner as at that date, unless evidence has been provided to the satisfaction of the responsible authority that the owner of the dwelling has consented in writing to the location of the turbine;

   c. The micro-siting does not result in the removal of native vegetation, unless that removal has been authorised by a planning permit.

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

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

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

      ii. Any consequential changes to access tracks, 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 5(a) must be provided to the responsible authority.

SPECIFICATIONS

6. The wind energy facility must meet the following requirements, unless varied by the written consent of the responsible authority:

   a. The wind energy facility must comprise no more than 70 turbines.

   b. The overall maximum height of the turbines (to the tip of the rotor blade when vertical) must not exceed 220 metres above natural ground level.

   c. The lowest point of the swept path of a turbine blade must not be less than 25 metres above natural ground level at the turbine base.

   d. Turbines must be mounted on a tubular tower.

   e. Each turbine is to have not more than three rotor blades.

   f. The transformer associated with each wind generator must be located beside each tower and pad mounted, or enclosed within the tower structure.

g. The colours and finishes of all buildings and works (including turbines) must be non-reflective such as to minimise the visual impact of the development on the surrounding area.

h. The total advertisement area of the business identification signage must not exceed 3 square metres.

LANDSCAPING

On-site Landscaping Plan

7. Before the development starts, an On-site Landscaping Plan must be prepared to the satisfaction of the responsible authority. The plans must be fully dimensioned, drawn to a scale and three copies must be provided. When approved, the plan will be endorsed by the responsible authority and will then form part of this permit.

   The On-site Landscaping Plan must include:

   a. Landscaping to screen the permanent maintenance facility, 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 on-site landscaping works;

   d. Maintenance and monitoring program to ensure the ongoing health of the landscaping.

   The landscaping as shown on the endorsed On-site Landscaping Plan must be completed in accordance with the implementation timetable, and monitored and maintained, all to the satisfaction of the responsible authority.

Off-site Landscaping Program and Plan

8. Within six months after the date of endorsement of the development plans under condition 1, an Off-site Landscape Program must be prepared by the permit holder and submitted for endorsement by the responsible authority.

   Once endorsed, the Off-site Landscape Program must be completed to the satisfaction of the responsible authority.

9. The Off-site Landscaping Program must have the objective of reducing the visual impact of turbines from all non-participant dwellings within 5 kilometres of a turbine, and must provide:

   a. Details of all dwellings within 5 kilometres of the nearest turbine;

   b. A methodology to ascertain the extent of landscaping to be offered to dwelling owners relating to the visibility of turbines from their dwellings;

   c. Details of typical plant types, including height and spread at maturity, and maturity of stock at planting stage; a method for calculating the cost of undertaking and maintaining the off-site landscaping for two years, and arrangements for alternative arrangements if landowners wish to source their own plants and do their own landscaping;

   d. The method used and number of attempts to make offers for off-site landscaping to landholders;

   e. The time limit that offers are subject to; and

   f. Details of how evidence of offers to landscape dwellings under this condition are to be recorded, to ensure records can be provided to demonstrate the condition has been discharged.

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

SECTION 173 AGREEMENT

10. Before the development starts, the permit holder must enter into an agreement with the responsible authority pursuant to section 173 of the *Planning and Environment Act 1987.* The agreement must provide for the following:

    a. Agreement that buildings identified as H35, H37, H79 and H296 on the plan titled 'Murra Warra Wind Farm - Figure 6 – House and Turbine Locations - Drawing Number 02418D0202-02' cease to be used as dwellings within 6 months of the commissioning of the first turbine; and

    b. Allow for the re-use of the buildings as dwellings following the decommissioning of the wind farm.

    Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under section 181 of the Act within one month after the agreement is executed.

    The permit holder must pay all of Council's reasonable legal costs and expenses related to this agreement, including preparation, execution and registration on title.

NOISE

Pre-construction Assessment

11. Before development starts, a Pre-construction Noise Assessment, including a tonal audibility assessment, must be undertaken to reflect the final turbine layout and turbine model chosen. The Pre-construction Noise Assessment shall be prepared by a suitably qualified and experienced independent acoustic engineer to demonstrate that the wind energy facility will comply with the relevant noise limits specified in this permit, to the satisfaction of the responsible authority.

Performance Requirement

12. For the purposes of operational noise compliance, the following requirements apply, as defined by the New Zealand Standard 6808:2010, Acoustics – Wind Farm Noise (the Standard):

    a. The operator must ensure that at any wind speed, wind farm sound levels at noise sensitive locations (as defined in the Standard) do not exceed a noise limit of 40dB L A90 (10 min), provided that where the circumstances specified in condition 12(b) apply, the noise limit of 40dB L A90 (10 min) will be modified as specified in condition 12(b).

    b. At the specified noise assessment positions, which must be located according to the Standard and shown on a map , the noise limit of 40dB L A90 (10 min) referred to in condition 12(a) will be modified in the following way when the following circumstances exist:

        i. Where the background sound level is greater than 35 dB L A90 (10 min), the noise limit will be the background sound level L A90 (10 min) plus 5 dB;

        ii. Where special audible characteristics, including tonality, impulsive sound or enhanced amplitude modulation occur, the noise limit will be modified by applying a penalty of up to + 6 dB L90 in accordance with section 5.4 of the Standard;

        iii. Where a high amenity noise limit has been found to be justified, as defined by section 5.3 of the Standard, for specific location determined to be high amenity areas following procedures outlined in clause C5.3.1 of the Standard.

        iv. Where a higher base noise limit is agreed between the wind farm operator and the dwelling owner, a written agreement shall be obtained from the dwelling owner and evidence of the agreement must be provided to the satisfaction of the responsible authority.

13. Deleted.

14. Deleted.

15. Deleted

COMPLAINT INVESTIGATION AND RESPONSE PLAN

16. Before the development starts, the permit holder must prepare a Complaint Investigation and Response Plan to the satisfaction of the responsible authority. When approved, the plans will be endorsed by the responsible authority and will then form part of this permit. The complaint

investigation and response plan will be designed to respond to all aspects of the wind farm including (but not limited to): construction impacts, traffic, quarry impacts, shadow flicker.

17. The endorsed complaints investigation and response plan must be publicly available on the wind farm operator's website.

18. 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 process of investigation to resolve a complaint;
    - A requirement that all complaints will be recorded in an incidents register;
    - How contact details will be communicated to the public;
    - A toll-free telephone number and email contact for complaints and queries;
    - Details of the appropriate council contact telephone number and email address (where available);
    - A table outlining complaint information for each complaint received, including:
        - The complainant's name;
        - Any applicable property reference number if connected to a noise background testing location;
        - The complainant's address;
        - A receipt number for each complaint which is to be communicated to the complainant;
        - The time, prevailing conditions and description of the complainant's concerns including the potential incidence of special audible characteristics (for a noise complaint);
        - The processes of investigation to resolve the complaint.

19. 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 responsible authority.

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

21. The owner of the wind energy facility must implement and comply with the approved Complaint Investigation and Response Plan for the duration of the operation of the wind energy facility.

BLADE SHADOW FLICKER

Performance Requirement

22. Shadow flicker from the wind energy facility must not exceed 30 hours per annum at any dwelling existing at 1 August 2016. Any dwelling may be exempt from this condition. This exemption will be given effect through a written agreement with the landowner of the dwelling and evidence of the agreement must be provided to the satisfaction of the responsible authority.

TELEVISION AND RADIO RECEPTION AND INTERFERENCE

23. Before the development starts, a pre-construction survey must be carried out to determine television and radio reception strength in the area within 5 km of the site and in which dwellings are located as at 1 August 2016, to the satisfaction of the responsible authority.

    The pre-construction survey must include testing at selected locations to enable the average television and radio reception strength in the area within 5 kilometres of the site to be determined. The specific locations of testing will be determined by an independent television and radio monitoring specialist, to the satisfaction of the responsible authority.

24. If, following commencement of the operation of the wind energy facility, a complaint is received regarding the wind energy facility having an adverse effect on television or radio reception at any dwelling within 5 km of the site which existed at 1 August 2016, a post-construction survey must be carried out at the dwelling.

25. If the post-construction survey establishes any increase in interference to reception as a result of the wind energy facility, the operator of the wind energy facility must undertake measures to mitigate the interference and return the affected reception to pre-construction quality, to the satisfaction of the responsible authority.

ACCESS TRACKS

26. Access tracks within the site must be sited and designed to minimise impacts on overland flows, soil erosion, the landscape value of the site, cultural heritage sites, environmentally sensitive areas and, where appropriate, the farming activities on the site, to the satisfaction of the responsible authority.

27. Access tracks must be surfaced in a manner which does not unduly contrast with the surrounding landscape.

LIGHTING INCLUDING AVIATION OBSTACLE LIGHTING

28. External lighting of infrastructure associated with the wind energy facility is not permitted other than:

    a. Steady red medium intensity aviation obstacle lighting in accordance with paragraph 35 of NASF Guideline D;

    b. Aviation obstacle lighting in accordance with conditions 29 to 31;

    c. Lighting for construction purposes;

    d. Lighting necessary in the case of an emergency or for operational call-outs at reasonable times;

    e. Each of which must be to the satisfaction of the responsible authority.

29. Where required, aviation obstacle 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 at least one light is visible from an aircraft approaching from any direction;

    b. Each light must be a red, medium intensity light as required by CASA;

    c. Each light must be shielded so as to restrict the vertical spread of light to not more than 3.0 degrees and light spread below the horizontal to not more than 1.0 degree;

    d. The lights are to switch on and off in accordance with the recommendations of the Aeronautical Impact Assessment, Aviation Impact Statement Qualitative Risk Assessment and Obstacle Review (*Ambidji: 16 June 2016)* as required by condition 31.

30. Before the wind energy facility is commissioned, a lighting maintenance plan must be prepared to the satisfaction of the responsible authority. When approved, the lighting maintenance plan will be endorsed by the responsible authority and will then form part of this permit. The operator of the wind energy facility must implement and comply with the endorsed lighting maintenance plan.

Aviation Risk Assessment for Aviation Obstacle Lighting

31. Steady red medium intensity lighting shall be installed on selected wind turbines for night lighting in accordance with the Aeronautical Impact Assessment, Aviation Impact Statement Qualitative Risk Assessment and Obstacle Review (*Ambidji: 16 June 2016),* which shall be in accordance with NASF Guideline D, paragraphs 27 to 34. A copy of the final turbine lighting plan shall be submitted to the responsible authority for endorsement which will then form part of this permit.

Aviation Obstacle Lighting Plan

32. Before the development starts, an Aviation Obstacle Lighting Plan is to be prepared by a suitably qualified and experienced independent expert, to the satisfaction of the responsible authority, in consultation with the Civil Aviation Safety Authority that:

    a. Identifies the turbines to the lit;

    b. Specifies the type of aviation obstacle lighting to be installed;

    c. Identifies how the aviation lighting plan has minimised visual impacts on the landscape;

d. Identifies how the Aviation Obstacle Lighting Plan responds to any CASA recommendations; and

e. Specifies how the lighting will be operated at night and during reduced visibility.

When approved, the Aviation Obstacle Lighting Plan will be endorsed by the responsible authority and will then form part of this permit. The operator of the wind energy facility must implement and comply with the endorsed plan.

Aviation Safety Clearances

33. Before development starts, the permit holder must publish in the Aeronautical Information Publication and make appropriate notifications, to the satisfaction of Airservices Australia, that the following mitigation measures have been taken as outlined in the letter from the Civil Aviation Safety Authority to RES Australia dated 18 August 2016:

    a. The 10nm Minimum Sector Altitude (MSA) for the Warracknabeal Aerodrome has been raised; and

    b. The global navigation satellite system (GNSS) instrument approach procedure for Runway 08 of the Warracknabeal Aerodrome has been amended.

34. Within 30 days of the endorsement of plans under condition 1, copies of the development plans endorsed under condition 1 must be provided to the following entities, to enable details of the wind energy facility to be shown on aeronautical charts of the area:

    a. CASA;

    b. The Department of Defence (RAAF Aeronautical Information Service);

    c. Airservices Australia;

    d. Warracknabeal Aerodrome/Airport

    e. Any aerodrome operator within 15 km of the outside property boundaries of the site;

    f. The Aerial Agriculture Association of Australia;

    g. Western Aerial Agriculture;

    h. Any organisation responsible for providing air ambulance services in the area; and

    i. Agencies responsible for aerial firefighting.

TRAFFIC MANAGEMENT

Traffic Management Plan

35. Before the development starts, a Traffic Management Plan must be endorsed by the responsible authority. The Traffic Management Plan is to be prepared in consultation with VicRoads and Horsham and Yarriambiack Councils in their capacity as road authorities under the *Road Management Act 2004* for local public roads in the vicinity of the wind energy facility. The Traffic Management Plan must be to the satisfaction of the responsible authority. When approved, the Traffic Management Plan will be endorsed by the responsible authority. The Traffic Management Plan must be complied with, unless varied by the written consent of the responsible authority.

    The Traffic Management Plan must include:

    a. A nominated route for traffic accessing and departing the site;

    b. An existing conditions survey of public roads that may be used in connection with the wind energy facility (for access, pre-construction or construction purposes), including details of the suitability, design, condition and construction standard of the relevant public roads;

    c. The designation of all vehicle access points to the site from surrounding roads. Vehicle access points must be designed and located to ensure safe sight distances, turning movements, and avoid potential through traffic conflicts;

    d. The designation of appropriate pre-construction, construction and transport vehicle routes to and from the site;

e. Engineering plans demonstrating whether, and if so how, truck movements to and from the site can be accommodated on sealed roadways and turned without encroaching onto the incorrect side of the road;

f. Recommendations regarding the need for road and intersection upgrades to accommodate any additional traffic or site access requirements (whether temporary or ongoing). Where upgrades are required, the traffic management plan must include:

   i. Detailed engineering plans showing the required works;

   ii. The timing of when the works are to be undertaken;

g. A program of regular inspections to be carried out during the construction of the wind energy facility to identify maintenance works necessary as a result of construction traffic;

h. The designation of operating hours and speed limits for trucks on routes accessing the site which:

   i. Avoid school bus routes and school bus times where relevant;

   ii. Provide for resident safety;

   iii. Give consideration to agricultural practices and the use of agricultural machinery on roads in the vicinity of the development;

i. Measures to be taken to manage traffic impacts associated with the ongoing operation of the wind energy facility on the traffic volumes and flows on surrounding roads;

j. The number of anticipated vehicle movements and hours of travel;

k. A program to rehabilitate existing public roads to the condition identified by the surveys required under condition 30b above:

   i. At the conclusion of the construction of the wind energy facility;

   ii. Every [five] years during the operation of the wind energy facility (if required).

l. Measures to be taken for works or activities within the road reserve, and details of those proposals.

Traffic Management and Road Upgrade and Maintenance Works

36. The traffic management and road upgrade and maintenance works identified in the endorsed Traffic Management Plan must be carried out in accordance with the endorsed traffic management plan to the satisfaction of the responsible authority.

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

38. Before the development starts, a maintenance bond/bank guarantee to the value of 5 per cent of the cost of the road upgrade and maintenance works shall be submitted to the Yarriambiack Shire Council to be held for a period of 12 months from the date of practical completion of the works. Prior to the release of the bond/bank guarantee the permit holder must provide an independent report that certifies that the roads are in a satisfactory condition.

ENVIRONMENTAL MANAGEMENT PLAN

General Requirement for an Environmental Management Plan

39. Before the development starts, an Environmental Management Plan must be prepared, to the satisfaction of the responsible authority. When approved, the Environmental Management Plan will be endorsed by the responsible authority and will then form part of this permit. Once endorsed the permit holder must publish the plan on their website. The Environmental Management Plan:

    a. Must be generally in accordance with the *'Murra Warra Wind Farm Application for Planning Permit Main Report,* 24 August 2016, and supporting *Appendices 1 to 22;*

    b. Must be prepared in consultation with the agencies specified in conditions 40 to 53 or any other agency as directed by the responsible authority;

c. May be prepared in sections or stages;

d. Must be in accordance with all applicable EPA requirements;

e. Must be in accordance with the recommendations and contingency plans of any approved Cultural Heritage Management Plan.

f. Should contain all storm water runoff within the development site.

g. Must meet the requirements of conditions 40 to 53 below.

40. The use and development must be carried out in accordance with the endorsed Environmental Management Plan, to the satisfaction of the responsible authority.

Construction and Work Site Management Plan

41. The Environmental Management Plan must include a Construction and Work Site Management Plan.

The Construction and Work Site Management Plan must include:

a. The identification of fuels, other hazardous materials and all other potential contaminants stored or used on site during the construction phase of the wind energy facility, and appropriate storage, construction and operational methods to control any identified contamination risks;

b. Procedures for managing potential spills and leaks and pollution incidents, including incorporation of appropriate pollution control measures outlined in EPA Publication 480 *Environmental Guidelines for Major Construction Sites*;

c. Procedures to suppress dust emissions from construction-related activities. Appropriate measures may include water spraying of roads and stockpiles, stabilising surfaces, temporary screening and wind fences, modifying construction activities during periods of heightened winds and revegetating exposed areas as soon as practicable;

d. Procedures for managing noise emissions from construction-related activities;

e. Criteria for the siting of any temporary concrete batching plant associated with the development of the wind energy facility and the procedure for its removal and reinstatement of the site once its use finishes. The establishment and operation of any temporary concrete batching plant must be designed and operated in accordance with EPA Publication *628 Environmental Guidelines for the Concrete Batching Industry;*

f. Appropriate sanitary facilities to be provided for construction and maintenance staff, which must be designed and operated in accordance with EPA Publication 891.2 *Code of Practice – Onsite wastewater management* (December 2008);

g. Procedures to capture storm water runoff within the development site;

h. Procedures to retain the identification of waste re-use, recycling and disposal procedures;

i. 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;

j. Procedures to ensure that construction vehicles and equipment use designated tracks and works areas to avoid impacts on native vegetation;

k. Procedures to provide a buffer to protect any site of Aboriginal Cultural Heritage;

l. Procedures for covering trenches and holes at night, and filling trenches as soon as practical after excavation, to protect native fauna;

m. The removal of works, buildings and staging areas on completion of the construction phase of the project.

42. Deleted.

Sediment, Erosion and Water Quality Management Plan

43. The Environmental Management Plan must include a Sediment, Erosion and Water Quality Management Plan which must be prepared in consultation with the Wimmera Catchment Management Authority.

The Sediment, Erosion and Water Quality Management Plan must include:

a. Identification of all construction and operational processes that could potentially lead to water contamination;

b. Procedures to ensure that silt from batters, cut-off drains, table drains and road works is retained on the site during and after construction and replaced as soon as possible. To this end:

   i. All land disturbances must be confined to a minimum practical working area;

   ii. Soil to be removed must be stockpiled and separate soil horizons must be retained in separate stockpiles and not mixed, and soil must be replaced as soon as possible in sequence;

   iii. Stockpiles must be located away from drainage lines;

c. The installation of geo-textile silt fences (with sedimentation basins where appropriate) on all drainage lines from the site which are likely to receive run-off from disturbed areas;

d. Procedures to ensure that steep batters are treated in accordance with EPA Publication 275 *Construction Techniques for Sediment Pollution Control;*

e. Procedures for waste water discharge management;

f. A process for overland flow management to prevent the concentration and diversion of waters onto steep or erosion prone slopes;

g. Pollution management measures for stored and stockpiled materials including waste materials, litter, contaminated run-off and any other potential source of pollution to ground or surface waters;

h. Incorporation of appropriate pollution control measures outlined in EPA Publication 480 *Environmental Guidelines for Major Construction Sites*;

i. An agreed program and appropriate capacity for annual inspection and regular maintenance of any on-site wastewater management system;

j. Siting of any concrete batching plant and any on-site wastewater disposal treatment fields at least 100 metres from any watercourse;

k. A program of inspection and remediation of localised erosion within a specified response time.

Dust Management Plan

44. The Environmental Management Plan must include a Dust Management Plan to be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include:

    a. Details as to how dust will be managed on site, including dust management for the quarry.

    b. Details about when quarrying activities will cease on site due to weather conditions that could result in visible dust being discharged beyond the boundaries of the site.

    c. Details about how dust will be monitored, including compliance with the State Environmental Protection Policy (Air Quality Management) 2001.

    d. Contingency measures to deal with any elevated dust conditions.

45. Any failure to meet the standards of the State Environmental Management Policy (Air Quality Management) must immediately be brought to the attention of the Environment Protection Authority and actions specified by that Authority to bring the use into compliance must be carried out to the satisfaction of the Responsible Authority.

46. No chemical dust suppressant may be used on the sits without the prior written permission of the Responsible Authority.

Hydrocarbon and Hazardous Substances Plan

47. The Environmental Management Plan must include a Hydrocarbon and Hazardous Substances Plan.

    The Hydrocarbon and Hazardous Substances Plan must include:

a. Procedures for any on-site, permanent post-construction storage of fuels, lubricants, waste oil or other hazardous substances or potential contaminants to be in bunded areas;

b. Contingency measures to ensure that any chemical or oil spills are contained on-site and cleaned up in accordance with EPA requirements.

Fire Prevention and Emergency Response Plan

48. The Environmental Management Plan must include a Fire Prevention and Emergency Response Plan prepared in consultation with and to the satisfaction of the CFA and DELWP. Consultation with the CFA must include consultation at the region and local level. The Yarriambiack Shire Council must also be consulted in the preparation of the plan.

The Fire Prevention and Emergency Response Plan must be generally in accordance with the *Emergency Management Guidelines for Wind Energy Facilities* - CFA May 2015 and must include:

a. Consideration of weather based threshold criteria for brigade call out and use of aerial appliances;

b. Criteria for the provision of static water supply tanks solely for fire-fighting purposes, including minimum capacities, appropriate connections and signage;

c. Procedures for vegetation management, fuel control and the provision of fire-fighting equipment during declared fire danger periods;

d. Minimum standards for access roads and tracks to allow access for fire fighting vehicles, including criteria for access to static water supply tanks for fire-fighting vehicles;

e. A requirement that, within one month after the commencement of the operation of the wind energy facility, the operator of the wind energy facility facilitates a familiarisation visit to the site and explanation of emergency services procedures for:

f. The CFA (including headquarters level, the CFA Regional Office and local volunteer brigades as specified by the CFA Regional Office);

i. Rural Ambulance Victoria;

ii. Yarriambiack Shire Council's Municipal Emergency Management Committee; and

iii. Victoria Police;

g. Subsequent familiarisation sessions for new personnel of the organisations referred to in condition 48(f) on a periodic basis as required;

h. If requested, training of personnel of the organisations referred to in condition 48(f) in relation to suppression of wind energy facility fires.

Blasting Management Plan (only relevant where blasting is proposed)

49. The Environmental Management Plan must include a Blasting Management Plan.

The Blasting Management Plan must include:

a. Name and qualification of the person responsible for blasting;

b. A description of the location of where explosives will be used;

c. A plan showing the location of every licensed bore on any property with a boundary within 1 km of the location of the blasting;

d. 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 of the effects of the blasting on such sites;

e. The procedure for site clearance and post-blast re-occupation;

f. The procedure for the storage and handling of explosives;

g. A requirement that blasting only can occur after at least 48 hours prior written notification of the intention to undertake blasting has been given to the occupants of the properties which are located in whole or in part within 1 km of the location of the proposed blasting;

h. A requirement that blasting only be undertaken between the hours of 8am and 4pm.

Quarry Management Plan

50. The Environmental Management Plan must include a Quarry Management Plan. The Quarry Management Plan must include:

    a. Overall environmental objectives for the operation of the use and techniques for their achievement.

    b. Procedures to ensure that no significant adverse environmental impacts occur as a result of the development and use.

    c. Identification of possible risks of operational failure and response measures to be implemented, including, but not limited to, the following:

        i. Erosion Control;

        ii. Flora and Fauna Protection, including management of weeds;

        iii. Air Quality;

        iv. Noise and Vibration;

        v. Land and Groundwater Contamination Management;

        vi. Waste Management and Minimisation;

        vii. Storage and Handling of Fuels and Chemicals;

        viii. Neighbourhood Management and Communication, including detail of how any complaints will be assessed and addressed, having regard to issues such as the impact/severity, frequency and duration of any alleged incident;

    d. Day to day management requirements for the use.

    e. An annual review or audit to the satisfaction of the Responsible Authority, with any consequential changes to the Environmental Management Plan submitted to the Responsible Authority for endorsement.

Biosecurity Management Plan

51. The Environmental Management Plan must include a Biosecurity Management Plan to be prepared in consultation with DEDJTR and to the satisfaction of the responsible authority.

    The Biosecurity Management Plan must include:

    a. Procedures to prevent biosecurity risks, which may include (but are not limited to):

        i. The cleaning of all plant and equipment before transport onto and off the site; and

        ii. The use of material/products on site which are free of invasive plants and animals;

    b. A protocol for effective identification of biosecurity risks, early intervention to manage biosecurity risks, ongoing monitoring of biosecurity risks, trace-backs, and integrated control measures when entry, establishment or spread of specific risk targets is identified;

    c. A requirement to comply with approved government or industry standards and procedures for the identification, prevention and management of biosecurity risks that apply from time to time, which include (but are not necessarily limited to):

        i. The DEDJTR's *Invasive Plant and Animal Management Policy Framework* (undated);

        ii. The DEDJTR's *Biosecurity Guidelines for Movement of Equipment Contractors Between Farms* (Note Number: AG1171 published in January 2005 and updated in July 2009); and

        iii. The DEDJTR's recommended standards and practices for managing viticulture biosecurity and plant biosecurity risks.

Environmental Management Plan Training Program

52. The Environmental Management Plan must include a training program for construction workers and permanent employees or contractors at the wind energy facility site, including a site induction program relating to the range of issues addressed by the Environmental Management Plan.

Environmental Management Plan Reporting Program

53. The Environmental Management Plan must include a program for reporting environmental incidents, including:

    a. A register of environmental incidents, non-conformances and complaints, together with corrective actions taken in response to such incidents, non-conformances or complaints;

    b. Identification of the person to whom reports of environmental incidents, non-conformances and complaints should be made.

Implementation Timetable

54. The Environmental Management Plan must include a timetable for implementation of all programs and works referred to in conditions 40 to 53 above.

Review of the Environmental Management Plan

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

56. The amended Environmental Management Plan must be submitted to the responsible authority for re-endorsement. Once re-endorsed, the amended Environmental Management Plan will take the place of the earlier Environmental Management Plan and will form part of this permit.

BATS AND AVIFAUNA MANAGEMENT PLAN

57. Before the development starts, a Bat and Avifauna Management Plan (BAM Plan) must be prepared in consultation with DELWP Environment Portfolio to the satisfaction of the responsible authority. When approved the plan will be endorsed by the responsible authority and will then form part of the permit.

    The BAM Plan must include:

    a. A statement of the objectives and overall strategy for managing and mitigating any significant bird and bat strike arising from the wind energy facility operations;

    b. A mortality monitoring program of at least two years duration that commences on the commissioning of the last turbine of the first stage of the use and development approved by this permit or such other time approved by the responsible authority. The monitoring program must include:

        i. Procedures for the monthly reporting of any bird and bat strikes to DELWP Environment Portfolio, identifying, if relevant, whether the strike was at a lit or unlit turbine;

        ii. Information on the efficacy of searches for carcasses of birds and bats, and, where practicable, information on the rate of removal of carcases by scavengers, so that correction factors can be determined to enable calculations of the total number of mortalities;

        iii. Procedures for the regular removal of carcasses likely to attract raptors to areas near turbines.

58. Following the completion of the monitoring program referred to in condition 57, a report must be submitted to the responsible authority, the DELWP Environment Portfolio, and made publicly available setting out the findings of the program to the satisfaction of the responsible authority. After consideration of this report, the responsible authority may direct that further investigation of potential or actual impacts on birds and bats is to be undertaken, in which case:

    a. The duration and details of the further investigation must be to the satisfaction of the responsible authority and DELWP Environment Portfolio.

    b. The investigation must be carried out to the satisfaction of the responsible authority and DELWP Environment Portfolio.

59. The use and development of the wind energy facility must be carried out in accordance with the endorsed BAM Plan to the satisfaction of the responsible authority.

AUSNET SERVICES

60. No wind turbine shall be constructed within 230 metres of AusNet Transmission Group's easement.

61. No buildings or structures are permitted on AusNet Transmission Group's easement other than interface works required for connection of the wind farm electrical system to the 220-kilovolt transmission line. Design plans for such work must be submitted to and approved in writing by AusNet Transmission Group prior to the commencement of construction.

62. Details of any road or track construction and the installation of services within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of works on site.

63. Gates must be installed in any new boundary fences that cross the easement to enable access by AusNet Transmission Group vehicles.

64. Natural ground surface levels on the easement must not be altered by the stockpiling of excavated material or by landscaping without prior written approval from AusNet Transmission Group.

65. A permit to Work Adjacent to Exposed High Voltage Electrical Apparatus must be obtained prior to the commencement of any works on the easement that involves the use of any plant or equipment exceeding 3 metres operating height.

66. Parking, loading, unloading and load adjustment of large commercial vehicles is not permitted on the easement.

67. Details of all future works in the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.

NATIVE VEGETATION REMOVAL AND OFFSETS

Notification of Permit Conditions

68. Before development starts, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant conditions of this permit and statutory requirements or approvals.

Construction Management

69. Before any permitted clearing of native vegetation starts, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will form part of this permit. The plans must include a detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance.

Protection of Remnant Vegetation and Trees

70. Before works start, a native vegetation protection fence must be erected around all remnant patches and trees to be retained on site. This fence must be erected around the remnant patch at a minimum distance of 15 metres from retained native vegetation. The fence must be constructed to the satisfaction of the responsible authority. The fence must remain in place until all works are completed.

71. Except with the written consent of the responsible authority within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:

    a. Vehicular or pedestrian access;

    b. Trenching or soil excavation;

    c. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;

    d. Entry and exit pits for underground services;

    e. Any other actions or activities that may result in adverse impacts to retained native vegetation.

Protection of Scattered Trees

72. Before works start, a fence must be erected around all scattered trees to be retained on site. This fence will protect the tree by demarcating the tree protection zone and must be erected at a radius of 12 × the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree. The fence must be constructed of star pickets, flagging or similar to the satisfaction of the responsible authority. The fence must remain in place until all works are completed to the satisfaction of the responsible authority.

Offset Requirements

73. To offset the removal of 1.148 hectares of native vegetation and 15 scattered trees the permit holder must secure a native vegetation offset, in accordance with the *Permitted Clearing of Native Vegetation - Biodiversity Assessment Guidelines* (DEPI 2013) and *Native Vegetation Gain Scoring Manual* (DEPI 2013) as specified below:

General Offset

74. A general offset of 0.149 general biodiversity equivalence units with the following attributes:

    - Be located within the Wimmera Catchment Management Authority or the Horsham Rural City Council municipal district and/or Yarriambiack Shire Council municipal district
    - Have a strategic biodiversity score of at least 0.155.

Offset Evidence and Timing

75. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the relevant authority. The offset evidence can be:

    a. A security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10-year offset management plan and/or

    b. An allocated credit extract from the Native Vegetation Credit Register.

76. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning. At the conclusion of the project, offset requirements can be reconciled with agreement by the responsible authority and referral authority.

SITE SECURITY

77. During construction and operation appropriate security must be implemented so that equipment storage and individual turbines are locked when not in use and are made inaccessible to the general public, to the satisfaction of the responsible authority.

DECOMMISSIONING

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

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

    a. Notify the responsible authority in writing of the turbine(s) ceasing operation. Such notification must be given no later than two months after the turbine(s) cease operation

    b. Undertake the following to the satisfaction of the responsible authority within such timeframe as may be specified by the responsible authority:

        i. Remove all above ground non-operational equipment

ii. Remove and clean up any residual contamination

iii. Rehabilitate all storage areas, construction areas, access tracks and other areas affected by the decommissioning of the turbine(s), if those areas are not otherwise useful to the on-going use or decommissioning of the wind energy facility

iv. Submit a decommissioning traffic management plan to the responsible authority and, when approved by the responsible authority, implement that plan

v. Submit a post-decommissioning revegetation management plan, including a timetable of works, to the responsible authority and, when approved by the responsible authority, implement that plan.

79. Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under section 181 of the Act within one month after the agreement is executed.

80. The operator of the wind energy facility must pay the reasonable costs of the preparation, execution, registration and enforcement of the Section 173 Agreement.

STAGING

81. The use and development authorised by this permit may be completed in stages as shown on the endorsed development plans. The corresponding obligations arising under this permit may be similarly completed in stages, except the obligation to prepare and submit the development plans under condition 1.

PRELIMINARY INVESTIGATIVE WORKS

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

ANCILLARY QUARRY

83. The quarry component of the use and development must operate at all times be in accordance with the Work Authority, including the endorsed Work Plan, issued pursuant to the Mineral Resources (Sustainable Development) Act 1990, and in accordance with the Environmental Management Plan endorsed in accordance with this permit

84. The quarry component of the use hereby permitted must only operate only between thefollowing hours, unless varied by the written consent of the responsible authority:

    a. 7am to 6pm, from Monday to Friday

    b. 7am to 1pm on Saturdays

    No operation is permitted on Sundays or Public Holidays.

85. The material quarried on site shall only be used for the construction of the wind farm, unless varied by the written consent of the responsible authority.

86. Quarried material from the site shall not be for sale to any other party.

87. The development and use of the quarry component of the use must at all times comply with the *State Environment Protection Policy (Air Quality Management) 2001* and *A Protocol for Environmental Management (PEM) for the Mining and Extractive Industry EPA publication 1191*.

88. Any fill material brought onto the proposed stone extraction site must meet the specifications contained in EPA publication IWRG621, Soil Hazard Categorisation and Management 2009 or as amended.

89. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.

90. No part of the quarry site may be used for landfill.

EXPIRY

91. This permit will expire if one of the following circumstances applies:
    a. the development is not started within five years of the date of this permit
    b. the development is not completed within ten years of the date of this permit.
92. The responsible authority may extend the permit if request is made in writing:
    a. Prior to the expiry of the permit; or
    b. Within six months after the permit expires.

Date issued: **21 November 2016**

SIGNATURE OF MICHAEL JUTTNER, MANAGER, 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*	*Responsible Authority*
27 February 2018	Permit amended under section 72 of the *Planning and Environment Act 1987* – amend condition 35 to remove waiting period of six weeks once a Traffic Management Plan is endorsed to commence works.	Minister for Planning
11 January 2019	Permit amended under section 72 of the *Planning and Environment Act 1987* to amend conditions 72-73 of the planning permit to allow additional native vegetation removal than was previously permitted and vary the associated offset requirements and to amend the 'Address of the Land' of the permit to add various road reserves.	Minister for Planning
15 February 2023	Permit amended under section 72 of the *Planning and Environment Act 1987* to amend and remove consiitons to reflect the changes made by the Environment Protection Amendment Act 2017 (VIC) and Division 5 of Part 5.3 of The Environment Protection Regulations 2021 (VIC) including: • Amend condition 12 to delete references to the "Responsible Authority." • Amend condition 16 to delete reference to "operation noise" and "construction noise." • Delete conditions 13, 14, 15, and 42.	Minister for Planning

- Inclusion of EPA Permit Note.

Notes

A. The amended Environment Protection Act 2017 came into effect on 1 July 2021. The amended Environment Protection Act 2017 imposes new duties on individuals and/or businesses undertaking the activity permitted by this permit. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable

For further information on what the laws mean for Victorian businesses go to: https://www.epa.vic.gov.au/for-business/new-laws-and-your-business\

For further information on what the laws will mean for individuals and the community go to: https://www.epa.vic.gov.au/about-epa/laws/new-laws/the-new-act-for-the-community

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit. (Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates:

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

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if –
   - the development or any stage of it does not start within the time specified in the permit; or
   - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and a plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; 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 in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if -
   - the use does not start within the time specified in the permit, or if no time is specified, within two years of the issue of the permit; or
   - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if -
   - the development or any stage of it does not start within the time specified in the permit; or
   - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
   - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
   - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in Section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision-
   - the use or development of any stage is to be taken to have started when the plan is certified; and
   - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.