

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

PLANNING PERMIT

Permit No.: PL-SP/05/0150

Planning Scheme: Pyrenees Planning Scheme

Responsible Authority: Minister for Planning

ADDRESS OF THE LAND:

Vol 8821 Fol 564, Sunraysia Hwy, Waubra
Vol 10209 Fol 186, Harrisons Rd, Ercildoune
Vol 9546 Fol 888, Harrisons Rd, Ercildoune
Vol 10000 Fol 902, East Mt Mitchell Rd, Waurba
Vol 6292 Fol 311, Troys & Glenbrae School Rds, Glenbrae
Vol 8034 Fol 968, Waubra Talbot Rd, Evansford
Vol 10269 Fol 375, /East Mt Mitchell Rd, Waurba
Vol 9561 Fol 006, Sunraysia Hwy, Waubra
Vol 9011 Fol 474, Sunraysia Hwy, Waubra
Vol 9449 Fol 612, Sunraysia Hwy, Waubra
Vol 9449 Fol 610, Sunraysia Hwy, Waubra
Vol 6552 Fol 327, Troys Rd, Waubra
Vol 10272 Fol 420, Beaufort - Waubra Rd, Waubra
Vol 10272 Fol 421, Beaufort - Waubra Rd, Waubra
Vol 10268 Fol 421, Beaufort - Waubra Rd, Waubra
Vol 10012 Fol 906, Beaufort - Waubra Rd, Waubra
Vol 10020 Fol 442, East Mt Mitchell Rd, Waubra
Vol 9997 Fol 721, East Mt Mitchell Rd, Waubra
Vol 10039 Fol 780, Gordons Rd, Waubra
Vol 9217 Fol 874, Gordons Rd, Waubra
Vol 4485 Fol 804, Beaufort - Waubra Rd, Gordons Rd, Glenbrae
Vol 10272 Fol 419, Troys Rd, Waubra
Vol 10293 Fol 959, Troys Rd, Waubra
Vol 8797 Fol 857, Troys Rd, Waubra
Vol 10293 Fol 960, Troys Rd, Waubra
Vol 8073 Fol 675, Troys Rd, Waubra
Vol 4485 Fol 944, Troys Rd, Waubra
Vol 9724 Fol 607, Beaufort - Waubra Rd, Gordons Rd, Waubra
Vol 9724 Fol 606, Beaufort - Waubra Rd, Waubra
Vol 6552 Fol 330, Beaufort - Waubra Rd, Waubra
Vol 9391 Fol 979, Beaufort - Waubra Rd, Waubra
Vol 6552 Fol 328, Beaufort - Waubra Rd, Waubra
Vol 8180 Fol 167, Harrisons Rd, Ercildoune
Vol 8121 Fol 662, Flynn's Rd, Ercildoune
Vol 8604 Fol 572, Flynn's Rd, Ercildoune
Vol 10012 Fol 905, Beaufort - Waubra Rd, Waubra
Vol 9449 Fol 611, Sunraysia Hwy, Waubra
Vol 10158 Fol 562, Sunraysia Hwy, Waubra
Vol 10098 Fol 570, Sunraysia Hwy, Waubra
Vol 8141 Fol 259, Sunraysia Hwy, Waubra
Vol 9658 Fol 320, East Mt Mitchell Rd, Waubra
Vol 3105 Fol 857, Troys Rd, Glenbrae
Vol 10132 Fol 343, Troys Rd, Waubra
Vol 8100 Fol 884, Troys Rd, Waubra
Vol 6020 Fol 895, Troys Rd, Waubra

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

Vol 10637 Fol 622, Beaufort – Waubra Rd, Glenbrae
Vol 10637 Fol 623, Beaufort – Waubra Rd, Glenbrae
Vol 8635 Fol 606, Beaufort – Waubra Rd, Glenbrae
Vol 6722 Fol 264, Beaufort – Waubra Rd, Glenbrae
Vol 10275 Fol 271, Beaufort – Waubra Rd, Glenbrae
Vol 8780 Fol 885, Beaufort – Waubra Rd, Glenbrae
Vol 9508 Fol 547, Beaufort – Waubra Rd, Glenbrae
Vol 10275 Fol 270, Beaufort – Waubra Rd, Glenbrae
Vol 10039 Fol 779, Gordons Rd, Waubra
Vol 3978 Fol 557, Gordons Rd, Waubra
Vol 6770 Fol 815, Troys Rd, Waubra
Vol 7006 Fol 094, Gordons Rd, Waubra
Vol 6586 Fol 120, Stud Farm Rd, Waubra
Vol 10470 Fol 890, Stud Farm Rd, Waubra
Vol 3257 Fol 339, Ralstons La, Waubra
Vol 6444 Fol 666, Ralstons La, Waubra
Vol 9546 Fol 889, Harrisons Rd, Ercildoune

THE PERMIT ALLOWS:

Use and development of land for a wind energy facility for the generation and transmission of electricity from wind generators (comprising a maximum of 100 wind generators), together with associated buildings and works, including access tracks, power grid facilities and investigative works.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

DEVELOPMENT PLANS

1. Before the development starts, development plans to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. When approved, the plans will be endorsed by the Minister for Planning and will then form part of this permit.

The plans must show:

- (a) The location of all wind generators (using Global Positioning System coordinates or another appropriate method and including dimensions from adjoining property boundaries) generally in accordance with the indicative layout shown on the plan Final WTG's positions Rev 2 Waubra Wind Farm – Panel Hearing February 2005 but subject to the following further modifications:
 - (i) The relocation of turbines 68-69 and 68-30 with the objective that the turbines are not visible from the walled garden at Ercildoune Homestead [GPS coordinates: 731137; 5855825];
 - (ii) Deletion of turbines 68-14 and 80-13;

Turbine 68-14 is not required to be deleted if evidence is provided to show that the house marked H55 on the plan (Final WTG's positions Rev 2 Waubra Wind Farm – Panel Hearing February 2005) has been sold to the holder of this permit.
 - (iii) Deletion of alternative turbine 68-10;
 - (iv) The alignment of turbines 68-36 and 68-34 on Maiden Hill to ensure that the micro siting of these turbines does not undermine the objective of minimising visual impact on houses marked 17 and 39 on the plan

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

(Submittor Locations - Waubra Wind Farm - Panel Hearing - February 2005);

- (v) Realignment of turbines 68-69 and 68-30 further north -west by approximately 150 metres with the objective of reducing the visual impact on the houses marked H75 and H76 on the plan (Final WTG's positions Rev 2 Waubra Wind Farm – Panel Hearing February 2005) to ensure that the micro siting of these turbines does not undermine the objective of minimising visual impact on houses marked H75 and H76 or the Ercildoune homestead;
- (vi) Relocation of turbine 80-2 to provide a 90 metre clearance between the projected centre line of the existing agricultural air strip to the north and the outside end of the turbine blade. This condition can be satisfied by relocation of the airstrip to achieve the same clearance at the developers cost;
- (vii) Relocation of turbines 68-40 and 80-51 further south by approximately 500 metres if warranted by further investigation of Brolga habitat and flight behaviour. This condition if triggered can be satisfied by creation or reinstatement of similar habitat at an appropriate external location at the developers cost.

This condition is satisfied if the Minister for Planning, after reviewing the additional survey and assessment required by Condition 2(e) decides that work is not required.

- (viii) Relocation of the staging area shown on Troys Road to a location outside the area of application of the Environmental Significance Overlay and proclaimed domestic water supply catchment areas.
- (b) The location, layout and dimensions of all buildings and works, including switchyards and buildings, the temporary clerk of works building and staging area, all roads, tracks, overhead distribution lines, underground cabling, car parking areas, construction lay-down areas and landscaping areas.
- (c) The detailed design of wind generators (inclusive of nacelles, blades and foundations), including dimensions, elevations, materials and colours and finish of construction.
- (d) Details of any signage proposed to be displayed as part of the wind energy facility, which must be limited to:
 - Directional signage showing the location of viewing areas;
 - One logo or company identification for the wind energy facility operator or wind generator manufacturer displayed on each wind turbine; and
 - Signs required specifically in relation to site safety issues.

2. Prior to the preparation of the development plans referred to in condition 1 the following further investigations will be undertaken:

- (a) a comprehensive geotechnical investigation of the wind generator construction sites is to be carried out to assess the following:
 - (i) That the foundation piles will be founded in competent material and that there will no risk of wind generator collapse or damage to adjoining properties;

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

- (ii) A risk assessment of the potential risk to turbines posed by landslip or rockfall from land above the turbine;
 - (iii) The presence of underground water systems and the likely impact on any such system of turbine foundations and access tracks;
 - (iv) Implementation measures to avoid interference to underground water systems.
- (b) A report prepared by a suitably qualified acoustic engineer which assesses whether compliance with the New Zealand Standard 'Acoustics – The Assessment and Measurement of Sound from Wind Turbine Generators' (NZ 6806:1998) (the 'New Zealand Standard') will be achieved at the dwellings marked H26, H48, H50, H63, H64, H65, H68, H69, H74, H76, H78, H85, and H265 on the plan (Final WTG's positions Rev 2 Waubra Wind Farm – Panel Hearing February 2005) for which the original acoustic report indicated provisional compliance. The report must include background noise measurements at each of the above described houses.
- (c) A report prepared by a suitably qualified acoustic engineer which assesses whether compliance with the New Zealand Standard will be achieved at dwellings in the vicinity of any alternative turbine site which is selected as a final location for a turbine.
- (d) A report which assesses the impact of shadow flicker on any dwelling in the vicinity of any alternative turbine site which is selected as a final location for a turbine.
- (e) Additional survey and assessment work by a suitably qualified person to investigate the presence of the Brolga on the wind farm site. The survey to consist of a questionnaire to local farmers, in a form agreed by the proponent and DSE–South West Region. The results of the survey work to be evaluated and used to establish mitigation works if required.
- (f) Further investigation be carried out into sites of geological and geomorphological significances. This investigation is to identify sites that could be at risk as a result of the proposed development and to recommend appropriate mitigation measures to the satisfaction of the Minister for Planning.
- (g) Detailed vegetation surveys undertaken in the spring to determine whether there is a localised presence of native vegetation or plant species and whether there is potential habitat for the Fat tailed Dunnart. The survey to identify species existing on all final locations of turbines, substations, access tracks, power line poles and alignment, underground power lines, construction access, staging areas and any other infrastructure associated with the project. The survey to include existing roadsides where construction or delivery activities may result in disturbance or removal of native vegetation or plant species. The survey to inform the final location of all infrastructure so that removal or disturbance of native vegetation is avoided if possible.

The results of these investigations shall be submitted to the Minister for Planning with the development plans. The mitigation measures proposed as a result of the additional investigations shall be to the satisfaction of the Minister for Planning.

3. The use and development as shown on the endorsed development plans or other plans to the satisfaction of the Minister for Planning must not be altered or modified in any way without the written consent of the Minister for Planning save that the micro siting of wind generators will be regarded as generally in accordance with the endorsed plans if the Minister for

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

Planning is satisfied that it will not give rise to a material change to assessed landscape, vegetation, cultural, visual, shadow or noise impacts and:

- (a) the turbine location is altered by no more than 100 metres;
- (b) no turbine is located within 50 metres of a title boundary or a road;
- (c) no turbine is to be re-located within 1 km of the Sunraysia Highway. Where the indicative location of a turbine is within 1 km of the Sunraysia Highway the distance between the turbine and the Highway will not be decreased;
- (d) the specified objectives contained in condition 1 shall not be compromised;
- (e) the revised turbine location achieves the off-site landscaping plan objectives expressed in Condition 1(a) and Condition 12.

LIGHTING

- 4. Where the tops of the blades of the wind generators exceed 110 metres above ground level the plan is to be referred to the Civil Aviation Safety Authority (CASA) to ascertain their requirements, if any, for lighting. If CASA requires lighting to any turbine the permit holder must remove or reduce the height of that turbine so that it does not exceed 110 metres above ground level to avoid the requirement for lighting.
- 5. No external lighting of infrastructure associated with the wind energy facility, other than low level security lighting where appropriate, may be installed or operated without further consent from the Minister for Planning.

SPECIFICATIONS

- 6. The wind energy facility must be constructed in accordance with the following specifications, which must not be changed without the prior written consent of the Minister for Planning:
 - (a) A total of not more than 100 wind generators;
 - (b) The wind turbines shown on the plan shall have an overall height of not more than 121 metres and a base diameter at ground level of no greater than 8.0 metres and subject to clause 4;
 - (c) The rotor on each wind generator must comprise of 3 blades;
 - (d) The tower, nacelle and rotor blades must be off-white or another colour satisfactory to the Minister for Planning, and must be of a non-reflective finish;
 - (e) The colours and finishes of all substations and ancillary equipment must be specified to the satisfaction of the Minister for Planning so as to ensure that impact on landscape values is minimised;
 - (f) All new electricity cabling associated with the collector network within the wind energy facility generator cluster must be placed under the ground with the exception of the overhead distribution lines shown on Map 2 - Layout Plan - Panel Hearing - Maps and Plates 2004;
 - (g) The transformer associated with each wind generator must be located beside each tower and pad mounted, or be enclosed within the tower structure; and

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

- (h) The access tracks within the site are to be sited to ensure minimum impacts on the site, including impacts on erosion and overland flows and, where appropriate, having regard to the farming attributes of the land.

TRAFFIC MANAGEMENT

7. Before the development starts, a Traffic Management Plan to the satisfaction of the Minister for Planning, in consultation with the Shire of Pyrenees and the City of Ballarat (as relevant) and VicRoads, must be submitted to and approved by the Minister for Planning. When approved, the plan will be endorsed by the Minister for Planning. The plan must include:
 - (a) An existing conditions survey of public roads in the vicinity of the wind energy facility that may be used for access, including details of the suitability, design and construction standard of such roads;
 - (b) The designation of appropriate construction and transport vehicle routes to the wind energy facility;
 - (c) The designation of vehicle access points to the wind energy facility from surrounding roads, including main road access points to local access roads;
 - (d) The designation of vehicle access points;
 - (e) The designation of operating hours and speed limits of trucks on relevant routes accessing the site so as to avoid the time and routes of passage of school buses, and to provide for resident safety;
 - (f) Any necessary pruning of street planting or roadside vegetation to provide for transport of materials to the site, and pruning practices to be followed;
 - (g) The designation of vehicle access ways and car parking areas;
 - (h) The requirements for Over Dimensional Load permits and escorting of long or large loads along roads in the area;
 - (i) Recommendations on the need for road intersection upgrades to accommodate any additional traffic or site access requirements, whether temporary or ongoing;
 - (j) A timetable for implementation of any pre-construction works identified to be undertaken;
 - (k) A time table of regular inspections to be carried out during the construction period to identify maintenance works necessary as a result of construction traffic; and
 - (l) In consultation with VicRoads the location of any proposed viewing area of the turbines along the Sunraysia Highway.
8. The use and development must be carried out in accordance with the endorsed Traffic Management Plan and the cost of any works including maintenance are to be at the expense of the permit holder.

ENVIRONMENTAL AND CULTURAL MANAGEMENT PLAN

9. Before the development starts, an Environmental Management Plan to the satisfaction of the Minister for Planning must be prepared, in consultation with the Department of Sustainability and Environment, water supply authorities, Aboriginal Affairs Victoria, Ballarat Council and the Shire of Pyrenees (as relevant) and must be submitted to and approved by the Minister for

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

Planning. The Environmental Management Plan may be prepared in sections or stages. When approved, the plan will be endorsed by the Minister for Planning. The Environmental Management Plan must include:

- (a) A construction and work site management plan. This plan must include:
- Procedures for access, noise and pollution management.
 - The identification of all potential contaminants stored on site.
 - The identification of all construction and operational processes that could potentially lead to water contamination.
 - The identification of appropriate storage, construction and operational methods to control any identified contamination risks.
 - The identification of waste re-use, recycling and disposal procedures.
 - A management plan for the concrete batching plant to prevent pollution of local waterways particularly from wash water and waste concrete materials.
 - Appropriate sanitary facilities for construction and maintenance staff.

The plan must contain procedures for the removal of the clerk of works building and staging area on completion of construction of the project and for the return of the site to its former condition.

- (b) A sediment, erosion and water quality management plan. This plan must be referred to and approved by relevant water supply authorities, as described in Clause 66.02-10 of the Planning Schemes, who may consult with and take into account the views of the relevant Catchment Management and other authorities. The sediment and erosion plan must include:
- Procedures to ensure that silt from batters, cut-off drains, table drains and road works is retained on the works site during and after the construction stage of the project. All land disturbances must be confined to a minimum practical working area and to the vicinity of the identified works areas. Soil to be removed must be stockpiled and separate soil horizons must be retained in separate stockpiles and not mixed. Stockpiles must be located away from drainage lines.
 - The installation of geotextile silt fences (with sedimentation basins where appropriate) on all drainage lines from the site which are likely to receive run-off from disturbed areas.
 - Procedures to contain any contaminated or turbid run-off during and after construction of the wind energy facility.
 - Procedures to suppress dust arising 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.
 - Procedures to ensure that steep batters are treated in accordance with Environmental Protection Authority recommendations detailed in the 'Construction Techniques for Sediment Pollution Control' No 275, May 1991.
 - Criteria for the siting of any temporary concrete batching plant associated with the development of the wind energy facility and the procedure for its removal and reinstatement of the site once its use finishes. The establishment and operation of any temporary concrete batching plant must be in accordance with the Environment Protection Authority's Environmental Guidelines for the Concrete Batching Industry, Publication No. 628.
 - Procedures for waste water and discharge management.
 - A process for overland flow management to prevent the concentration and diversion of waters onto site or erosion prone slopes.

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

- Pollution management measures for management of stored and stockpiled materials including waste materials, litter and any other potential source of water pollution.
 - Incorporation of control measures outlined in EPA publication No. 480 Environmental Guidelines for Major Construction Sites.
 - Siting of concrete batching plant and any on-site wastewater and disposal and disposal treatment fields at least 100 metres from any watercourse.
 - 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.
 - Immediate remediation of localised erosion, with a specified response time.
 - Measures identified in 2(a)(iv) to protect groundwater aquifers.
- (c) A hydrocarbon and hazardous substances plan. This plan must include:
- Procedures for the storage of any fuels, lubricants or waste oil to be stored in bunded areas.
 - Contingency measures to ensure that any chemical or oil spills are contained on-site and cleaned up in accordance with the Environment Protection Authority's requirements.
- (d) A wildfire prevention and response plan in consultation with the Country Fire Authority, the Department of Sustainability and Environment, and the Shire of Pyrenees and the City of Ballarat (as relevant).
- (e) A cultural heritage and archaeology management plan to address Aboriginal and European cultural heritage issues. This plan must include:
- A survey conducted by a qualified archaeologist, that locates, records and assesses aboriginal sites and European, places and objects on those parts of the site which have the potential to be affected by the wind energy facility. This must include land that may be disturbed by associated works such as access tracks, buildings, services and/or possible erosion arising from such works. The survey must be undertaken in association with the relevant aboriginal communities identified by Aboriginal Affairs Victoria.
 - A qualified archaeologist must be on-site during initial excavation works to identify any archaeological artefacts, and initiate measures for interim protection and reporting of any such objects or sites.
 - Protocols for the activities of construction contractors which have been identified to have potential effects on sites of cultural significance.
 - Protocols for ongoing consultation with the relevant aboriginal communities throughout the project, especially those relating to the detailed on-surface and sub-surface archaeological investigations, including maintaining confidentiality (where considered appropriate) of the locations of Aboriginal archaeological sites.
 - Procedures for seeking and obtaining written consent of any identified local Aboriginal community, as nominated for the purposes of Part 11A of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Commonwealth), prior to disturbing any identified archaeological site, place or object.
 - Procedures providing appropriate workshops and training courses with contractors to protect all known sites of aboriginal and European cultural heritage value.
 - Protocols for protecting and reporting the discovery of any human remains in accordance with the requirements of the Victoria Police, the Victorian State Coroners Office and Aboriginal Affairs Victoria.

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

- (f) A geological and geomorphological cultural heritage plan to include actions adopted as a result of further investigations described in Condition 2(f).
 - (g) A native vegetation protocol. This protocol is to be established in consultation with the Department of Sustainability and Environment – South West Region. The protocol is to clarify the circumstances in which a further planning permit will be sought for native vegetation removal. The protocol is to also include the Net Gain actions that will be undertaken if native vegetation disturbance or removal cannot be avoided for the construction, operation and decommissioning stages of the project.
 - (h) A pest animal management plan. This plan is to be prepared in consultation with the Department of Sustainability and Environment and the Department of Primary Industries. This plan must include procedures for the control of pest animals, particularly by negating opportunities for the sheltering of pests. The procedure should provide that follow-up pest animal control is undertaken on all areas disturbed by the wind energy facility construction works for a period of two years following the completion of the wind energy facility.
 - (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.
 - (j) A program of early identification and eradication of weeds in disturbed areas and follow-up weed control for a minimum period of two years following the completion of the works.
 - (k) An environmental monitoring plan.
 - (l) A training program including a site induction program relating to the range of issues addressed by the Environmental Management Plan.
 - (m) A program for reporting, including a register of environmental incidents, non-conformances, complaints and corrective actions.
 - (n) A timetable for implementation for any programs and works identified in a plan referred to in paragraphs (a) to (m) above.
10. The Environmental Management Plan is to be reviewed every 5 years (or as required) to reflect operational experience and changes in environmental management standards and techniques and is to be submitted to the Minister for Planning for re-endorsement.
11. The use and development must be carried out in accordance with the endorsed Environmental Management Plan.

LANDSCAPE

12. Before the development plans are approved, a Landscaping and Visual Screening Plan must be submitted to the satisfaction of the Minister for Planning. When approved, the plan will be endorsed by the Minister for Planning. The Landscaping and Visual Plan must include:
- (a) An off-site landscaping plan, that provides details of landscaping or other treatments that will be used to screen the wind turbine generators from the following locations (if agreed to by the relevant land owners):
 - The house marked 17 on the plan (Submitter Locations - Waubra Wind Farm - Panel Hearing - February 2005);

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

- The houses marked H31, H55, H56, H57, H75, and H76 on the plan (Final WTG's positions Rev 2 Waubra Wind Farm – Panel Hearing February 2005)
 - The VicRoads land opposite the house marked H18 on the plan (Final WTG's positions Rev 2 Waubra Wind Farm – Panel Hearing February 2005)
 - Landscaping on Staff Hill within the cone of vision between the houses marked H75 and H76 on the plan (Final WTG's positions Rev 2 Waubra Wind Farm – Panel Hearing February 2005) to minimise the visual impact of turbines 68-69 and 68-30
 - Landscaping screening plans for all substations.
- (b) The off-site landscaping plan must be developed in consultation with the relevant landowners as appropriate to the satisfaction of the Minister for Planning. Details of species proposed to be used for landscaping must be provided, along with details of the growth pattern and anticipated height and size of species at maturity.
- (c) All access tracks are to be constructed with local gravel and/or surface material that will not unduly contrast with the landscape to the satisfaction of the Minister for Planning.

BATS AND AVIFAUNA

13. Before the development starts, a Bat and Avifauna Management Plan ("BAM Plan") to the satisfaction of the Minister for Planning, must be prepared in consultation with the Department of Sustainability and Environment, and must be submitted to and approved by the Minister for Planning. When approved, the BAM Plan will be endorsed by the Minister for Planning. The BAM Plan must include:
- (a) A strategy for managing and mitigating bird and bat strike arising from the wind energy facility operation. The strategy must include procedures for the regular removal of carcasses likely to attract raptors to areas near generators (i.e. stock and kangaroos).
 - (b) A procedure for addressing significant impacts on bird and bat populations caused by the wind energy facility operation. This procedure must provide that the operator of the wind energy facility immediately investigates the possible causes of any significant impacts on bird and bat populations, and thereafter must design and implement measures to mitigate those impacts in consultation with the Minister for Planning and the Department of Sustainability and Environment.
 - (c) A monitoring period of not less than two years to record, by species, bird and bat strikes.
 - (d) A strategy to manage and/or monitor the wind farm beyond the two year period depending upon the results of the 2 year period referred to in condition 13(c). The strategy must include provisions to take account of any changes to weather patterns during the initial two year monitoring period.

NOISE

14. The operation of the wind energy facility must comply with the New Zealand Standard 'Acoustics – The Assessment and Measurement of Sound from Wind Turbine Generators' (NZ 6806:1998) (the 'New Zealand Standard'), in relation to any dwelling existing at the date of approval of this document to the satisfaction of the Minister for Planning.

In determining compliance with the New Zealand Standard, the following apply:

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

- (a) The sound level from the wind energy facility, when measured outdoors within 10 metres of a dwelling at any relevant nominated wind speed, should not exceed the background level (L95) by more than 5dBA or a level of 40dBA L95, whichever is the greater.
- (b) When sound has a special audible characteristic, the measured sound level of the source shall have a 5 dB penalty applied.
- (c) Compliance at night must be separately assessed with regard to night time data. For these purposes the night is defined as 10.00pm to 7.00am. For sleep protection purposes, a breach of the standard set out at 13 (a), for 10% of the night, amounts to a breach of the condition.

Condition 14 does not apply if an agreement has been reached with a specific landowner through which the landowner accepts predicted noise levels and/or appropriate acoustic attenuation measures are installed for the landowner to ensure a reasonable level of acoustic amenity in relation to the indoor habitable areas of any dwelling, and acknowledges that the operation of the wind energy facility may still generate noise in outdoor areas on the land which may from time to time exceed the New Zealand Standard.

This exemption is limited to dwellings on land on which turbines are erected and where the dwellings are occupied by the persons deriving rent from turbines on the land and their immediate family or persons employed by the wind farm operator and their immediate family.

- 15. Before the use commences, details of a noise complaint, evaluation and response process must be submitted to and approved by the Minister for Planning to address any alleged breaches of Condition 13. This evaluation process should include, but not be limited to the following components:
 - (a) A noise complaint telephone service;
 - (b) Details of validity requirements for noise complaints (that is: date, time, noise description and weather conditions at the receptor);
 - (c) Response protocol to valid noise complaints;
 - (d) A register of complaints, responses and rectifications which may be inspected by the Minister for Planning;
 - (e) Provision for review of the complaint and evaluation process, including review of the process 6 months after commencement of the operation of the wind energy facility.
- 16. Where condition 14 is found to have been breached, the Minister for Planning shall notify the wind energy facility operator, with a request that steps be taken to ascertain the relevant meteorological circumstances at the time of breach and to noise optimise the operation of the relevant turbine or turbines in such circumstances. If there is a further breach in similar circumstances, the Minister for Planning shall notify the wind energy facility operator, with a request to noise selectively shut down the operation of the relevant turbine or turbines in those circumstances. In circumstances where optimisation or selective shutdown routines have been requested but not reasonably implemented, or have been implemented but have not prevented further instances of recorded breach, the relevant turbine or turbines will be required to be decommissioned and removed.
- 17. An independent post-construction noise monitoring program must be commissioned by the proponent within 2 months from the commissioning of the first generator and continue for 12 months after the commissioning of the last generator all to the satisfaction of the Minister for Planning. The program must be carried out in accordance with the New Zealand standard as

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

varied by condition 13 (a), (b) and (c) above. The permit holder must pay the reasonable costs of the monitoring program.

18. An independent report summarising the results of the monitoring program, and the data collected, and indicating compliance or non compliance with the New Zealand Standard, must be forwarded to the Minister for Planning within 45 days of the end of the monitoring period. The results must be written in plain English and formatted for reading by lay people.
19. The Minister for Planning must make a copy of the report and any data available as soon as practicable during office hours for any person to inspect free of charge.

FARM TENEMENT DWELLING SITES

20. Prior to the preparation of the development plan, a plan shall be prepared showing all tenements adjoining the development site and the location of existing houses on each separate tenement, as at 24 March 2005 (the 'tenement plan'). In the event that there are any tenements greater than 40 hectares in area without an existing house, a potential house site for the tenement should be identified on the tenement plan after consultation with the tenement owner. This plan must be submitted to the Minister for Planning.
21. Where a dwelling site is shown on an approved tenement plan, it shall be considered as an existing dwelling for the purposes of all other relevant conditions in this permit.

PRELIMINARY INVESTIGATIVE WORKS

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

BLADE SHADOW FLICKER

24. No existing dwelling will experience over 30 hours blade shadow flicker per annum.

Condition 24 does not apply if an agreement has been reached with a specific landowner through which the landowner accepts predicted levels of shadow flicker at a dwelling which may from time to time exceed the 30 hour per year standard.

This exemption is limited to dwellings on land on which turbines are erected and where the dwellings are occupied by the persons deriving rent from turbines on the land and their immediate family or persons employed by the wind farm operator and their immediate family.
25. Before the use commences, details of a complaint, evaluation and response process must be submitted to and approved by the Minister for Planning to assess any breach of Condition 24.

TELECOMMUNICATION RECEPTION AND INTERFERENCE

26. (a) A pre-construction qualitative survey must be carried out of television and radio reception at all residences located within 3 km of any turbine to the satisfaction of the Minister for Planning.

(b) A pre-construction qualitative survey must be carried out of the GPS system operated from the top of Mount Mitchell, to automatically guide tractors working throughout adjacent land to the satisfaction of the Minister for Planning.

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

- (c) If complaints are made regarding the television and radio reception at the above residences, or regarding the GPS system, a post-construction qualitative survey must be carried out. If the qualitative survey establishes any detrimental increase in interference to reception or transmission, measures must be taken to mitigate the interference to return the affected reception or transmission to pre-construction quality at the cost of the wind energy facility operator and to the satisfaction of the Minister for Planning.

SECURITY

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

EMERGENCY ARRANGEMENTS

- 28. Before the use starts, the operator of the wind energy facility must conduct a familiarisation visit and explanation of emergency procedures for the Country Fire Authority (CFA) and the State Emergency Service (SES), and thereafter must continue to provide such sessions for the CFA and SES on a regular basis and/or as required by those agencies.

AVIATION SAFETY CLEARANCES

- 29. Prior to the approval of development plans, documentation must be supplied to the Minister for Planning that demonstrates that any structure to be erected on the wind energy facility pursuant to this permit is sited and designed to the satisfaction the Civil Aviation Safety Authority Australia.
- 30. Copies of the approved development plans are to be provided to the Civil Aviation Safety Authority Australia and to any organisation responsible for providing air ambulance services in the area, to enable details of the wind energy facility to be shown on aeronautical charts of the area.

RE-POWERING

- 31. No wind turbine or any component of a wind turbine, approved in the plans endorsed under Condition 1 of this permit, shall be replaced in a manner that would materially affect the location, size, external visual appearance, sound power characteristics, model, generator capacity, or electrical output of the turbine, without further written consent from the Minister for Planning.

DECOMMISSIONING

- 32. The wind energy facility operator must, without delay, notify the Minister for Planning in writing as soon as all or any wind energy facility generators have permanently ceased to generate electricity, whether due to planned removal, faults or otherwise. Within 12 months of that date, the wind energy facility operator, or in the absence of the operator, the owner of the land in which the relevant generator is located must undertake the following to the satisfaction of the Minister for Planning:
 - (a) Remove all non-operational or downed equipment;
 - (b) Remove and clean up any residual spills;

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

- (c) Clean up and restore all storage, construction and other area associated with use, development and decommissioning of the wind energy facility, including provision of soil cover and grassing over the wind generator site;
- (d) Restore all access roads and any other area affected by the project closure or decommissioning, if not otherwise useful to the on-going management of the land;
- (e) Prepare and submit a post-decommissioning traffic management plan to the satisfaction of the Minister for Planning and, when approved by the Minister for Planning, implement that plan; and
- (f) Prepare and submit a post-decommissioning revegetation management plan to the satisfaction of the Minister for Planning and, when approved by the Minister for Planning, implement that plan.

AGREEMENTS

- 33. Agreements required under Conditions 14 and 24, shall be retained by the wind energy facility operator for inspection by the Minister for Planning and any perspective purchaser of a property containing wind turbines.
- 34. The wind energy facility operator will register any agreement with landowners on the title to which the agreement relates.
- 35. For property owned by the wind energy facility operator, the wind energy facility operator will enter into a section 173 Agreement with the Minister for Planning which attaches a copy of this permit and the approved plans. The agreement will be registered on the title of any property owned by the wind energy facility operator.

EXPIRY

- 36. Notwithstanding other provisions of these conditions, this permit will expire if one of the following circumstances applies:
 - (a) The development is not started within three years of the date of this permit.
 - (b) The development is not completed within six years of the date of this permit.
- The Minister for Planning may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

Date Issued: 26 May 2005

Date of Correction:

Signature for the Responsible Authority

THIS PERMIT HAS BEEN CORRECTED AS FOLLOWS:

Date of Correction:	Brief Description of Correction
08 July 2009	Correction of address of land, Vol 10272 Fol 419, Troys Rd, Waubra included.

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

11 January 2010	Correction of address of land, Vol 9561 Fol 005, Sunraysia Hwy, Waubra, Vol 6319 Fol 710, Langi Kal Kal Road, and Waubra Vol 10958 Fol 688, Langi Kal Kal Road, Waubra included
	Correction of Address of Land, deletion of Vol 9221 Fol 045, Lot 1 PS 121450 Quoin Hill Rd, Waubra

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

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

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

WHEN DOES A PERMIT BEGIN?

A permit operates—

- from the date specified in the permit; or
- if no date is specified, from the date on which it was issued.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.
6. In accordance with section 97H of the **Planning and Environment Act 1987**, the Minister is the responsible authority in respect to any extension of time under section 69 in relation to this permit.

WHAT ABOUT APPEALS?

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