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15 February 2013

Business Council of Australia

Senator Douglas Cameron
Chair, Environment and Communications Legislation Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Supplementary submission and questions on notice

Dear Senator

Please accept the enclosed responses to questions on notice following my and Dr Matt Garbutt's attendance at the Environment and Communications Legislation Committee hearing on 8 February 2013.

Yours sincerely

Maria Tarrant
Deputy Chief Executive

cc: Secretary of the Senate Standing Committee on Environment and Communications

Environment and Communications Legislation Committee Questions on Notice

Question on notice: The Committee asked the BCA representatives to provide an example of where duplication in environmental approvals had occurred where the project proponent was an oil and gas company.

The Business Council of Australia (BCA) directs the Committee's attention to the experience of Woodside Petroleum in obtaining approvals for a seismic survey off the coast of Broome in Western Australia. A fact sheet (available from the Woodside website) is attached that details the project and the approvals processes (Attachment 1).

Question on notice: The Committee asked the BCA representative to provide more details on the low usage of assessment bilateral agreements as a mechanism to streamline the approvals process.

The BCA indicated that it supports greater use of existing bilateral agreements that accredit state government assessment processes under the EPBC Act. However, we understand that a low proportion of assessments occur by way of an accredited state government assessment process. This issue was noted by the Productivity Commission in its 2011 report *Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments*. The Commission found that:

> *In practice, assessments under processes set out in bilateral agreements are not the predominant assessment approach employed in deciding actions referred under the EPBC Act … In fact, for the year 2009–10 (the first year in which all jurisdictions had a bilateral agreement in place) only 24 per cent of the matters determined to be controlled actions (and so requiring Minister's approval) were to processed under an assessment approach set out in a bilateral agreement. This share is further reduced when only residential, commercial and industrial property developments in urban areas are considered – only 2 of 21 such referrals decided in 2009-10 were assessed under a process set out in bilateral agreements (both related to actions taken in New South Wales)* (PC, 2011)

According to the Productivity Commission, the reason that there is a relatively low rate of assessment under bilateral assessment agreements is a lack of a structured process by which businesses can seek this approach to assessments, as well as misalignment between the statutory requirements for the timing of assessments. The primary cause seems to be a lack of knowledge at the Commonwealth administrative level about when state planning requirements will require an environmental impact assessment, and vice versa.

The BCA strongly supports efforts to increase the use of bilateral agreements for assessment and recommended to COAG that all jurisdictions "work together to develop a structured approach to ensure environmental impact assessments for all eligible projects are assessed (where the proponent agrees) using bilateral agreements under the EPBC Act" (Business Council of Australia, 2012).

One way to lift the number of projects assessed by state governments under the EPBC Act would be for bilateral agreements to be extended to cover state government approvals, in which case all relevant assessments would be done by the states as a matter of course.

Question on notice: The Committee asked the BCA representatives to provide more information regarding duplication following the assessment phase.

The BCA notes that a number of projects which are deemed controlled actions are subsequently approved with conditions. This occurs under state legislation as well as under the EPBC Act. Conditional approval can require the project proponents to submit to both levels of government for approval management plans, or plans to meet the obligations imposed through the conditional approval. Further, should a project proponent wish to vary any of these plans, it may be a requirement that these revised management plans be resubmitted for approval to both levels of government.

This situation occurs for most large capital projects in the resources sector but also for a number of other projects – see for example the conditional approval granted to Stockyard Hill Wind Farm Pty Ltd to construct a wind farm in central Victoria and to conduct work to connect it to the national electricity grid (for more information on this case see Attachment 2 and Attachments 3 and 4, which respectively detail the Commonwealth and state conditional approvals).

Bilateral agreements for assessments only cannot reduce the duplication associated with conditional approvals following the assessment phase. In the experience of many of our members, developing secondary assessments and plans and seeking secondary approvals can be at least as costly as the primary assessment and approvals phase.

The BCA supports administrative actions that can be taken to better coordinate these conditions between levels of government and thinks the option should be retained to use bilateral agreements to accredit state government approvals to achieve this objective.

Question on notice: The Committee asked the BCA representative to provide views on establishing a single list of threatened species and definitions around what constitutes a national environmental significance.

The challenges in establishing a single list of threatened species has proved substantial, as such the BCA thinks that bilateral agreements (either for assessment or approvals) are an essential and practical mechanism to manage the various regulatory requirements of the Commonwealth and the states and territories, including matters of national environmental significance.

Question on notice: The Committee asked the BCA representatives to provide commentary around a Productivity Commission report which claimed that streamlining environmental regulation may contribute up to a 20 per cent increase in the present value.

Wherever possible, regulatory approvals processes should be streamlined to deliver the regulatory outcome and provide appropriate assurances to the community in the shortest possible time. The Productivity Commission released a report (PC, 2009) and cited the analysis in a subsequent report in 2012 (PC, 2012), that found that expediting the regulatory approval process for a major project by one year could increase its net present value by 10–20 per cent.

In its submission to the Business Advisory Forum, the BCA cited a hypothetical example of where a 12-month delay to a 10 million tonne per annum export coking coal mine in Queensland could reduce royalty revenue by $170 million for that year.

There are three ways that government approvals increase costs above what is necessary to maintain planning and environmental outcomes. These are where approvals processes are (1) inefficient, (2) unnecessarily duplicative between and within governments, and (3) where they introduce uncertainty into project delivery.

- **Efficiency**: the total cost of completing an environmental impact statement, obtaining approval and complying with conditions can be extremely large, and it is essential that the costs of these processes are commensurate with the risks and likely benefits.
- **Duplication**: governments need to ensure that there is no double handing in the information required of project proponents seeking to achieve the various approvals required at different levels of government and within governments.
- **Certainty**: once approvals have been obtained, it is critical that project proponents are able plan and execute projects with certainty. Late changes to conditions on approvals can lead to changes to construction scope and schedule, which can have costly impacts on the overall construction costs. Such changes can also reduce the willingness of international companies and boards to commit capital to direct investments.

The BCA agrees with the Productivity Commission that delays reduce revenue and can reduce the net present value of a project. For a case of foreign direct investment, a reduction in net present value may be decisive in a company's decision to proceed with the project or invest elsewhere, which would obviously cost jobs and government revenue.

An approval can be delayed for a variety of reasons, including regulatory delays, delays due to the availability of certain species for observation, which can slow the assessment process and in some cases due to the developer changing the scope of the assessment. Delays can also occur following the assessment process if under Section 130(1A) the Minister specifies a longer period than the standard 30 days for making a decision on approvals. This power has been exercised for a number of projects for several different reasons

For this reason, the option to accredit state government environmental approvals processes should be retained, and exercised where a streamlined regulatory process can be delivered without compromising environmental outcomes.

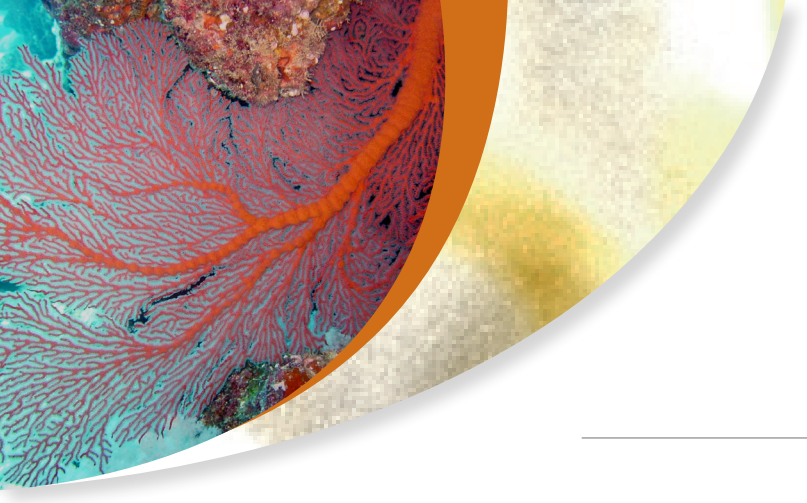
References

Business Council of Australia, 2012, *Discussion Paper for the COAG Business Advisory Forum*, Melbourne.

PC (Productivity Commission), 2009, *Review of Regulatory Burden on the Upstream Petroleum (Oil and Gas) Sector*, Research Report, Melbourne.

--------- 2011, *Performance Benchmarking of Australian Business Regulation: Planning, Zoning and Development Assessments*, Research Report, Canberra, p. 487.

---------2012, *COAG's Regulatory and Competition Reform Agenda: A High Level Assessment of the Gains*, Research Paper, Canberra.



woodside

BROWSE LNG DEVELOPMENT

Rosebud 3D Marine Seismic Survey

Consultation Factsheet | May 2012

Workscope

Woodside is proposing to undertake a three dimensional (3D) marine seismic survey (MSS) called Rosebud to gather additional information about the gas fields in the Browse Basin.

The Rosebud survey will be carried out over an area of approximately 37km² in Commonwealth and State waters approximately 450km north of Broome and 270km from the nearest section of coast (See **Figure 1** overleaf). The survey area lies between the areas surveyed during the Maxima 3D MSS (2007) and Tridacna 3D MSS (2011) that could not be adequately assessed by these two surveys.

The survey will be used to map the subsurface geology, enabling the subsurface structure to be further defined. The additional seismic data will help integrate information from the two previous surveys to enable a better understanding of the southern portion of the Torosa gas field, which lies partly beneath Scott Reef.

Methodology

Seismic surveying is commonly used in the oil and gas industry and the Rosebud 3D MSS will employ conventional marine seismic survey methodology and equipment.

Seismic data will be collected using a purpose built seismic survey vessel towing dual acoustic source arrays and hydrophone cables (also known as streamers).

The acoustic emissions from source arrays will be detected by the streamers and recorded onboard the seismic vessel.

The seismic vessel will tow the source arrays at a depth of 5-6m and up to two streamers at a depth of 7-9m. The source array will have a total volume less than 2,500 cubic inches and will be similar in size to the source array used during the Maxima 3D MSS successfully undertaken in 2007. The streamers will be up to 3km in length.

The seismic vessel will traverse the survey area in a series of pre-determined lines at a speed of approximately 4-5 knots. A support vessel will be present at all times.

An operations area, surrounding the Rosebud 3D MSS area, will be used by the survey vessel to turn and safely manoeuvre geophysical equipment that is towed behind it. Any vessels in the vicinity should keep well clear, particularly when the vessel is turning.

Environmental Approvals

Woodside will submit a Referral of Proposed Activity for the Rosebud 3D MSS to the Commonwealth Department of Sustainability, Environment, Water, Population and Community under the Environmental Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act).

An Environment Plan will be submitted to the National Offshore Petroleum Safety and Environment Authority (NOPSEMA) for assessment in accordance with the Offshore Petroleum and Greenhouse Gas Storage (Environment) Regulations 2009 (Cth).

The environment plan will also be submitted to the WA Department of Mines and Petroleum to assess the State waters component of the survey under the State Petroleum (Submerged Lands) Act 1982 (WA).

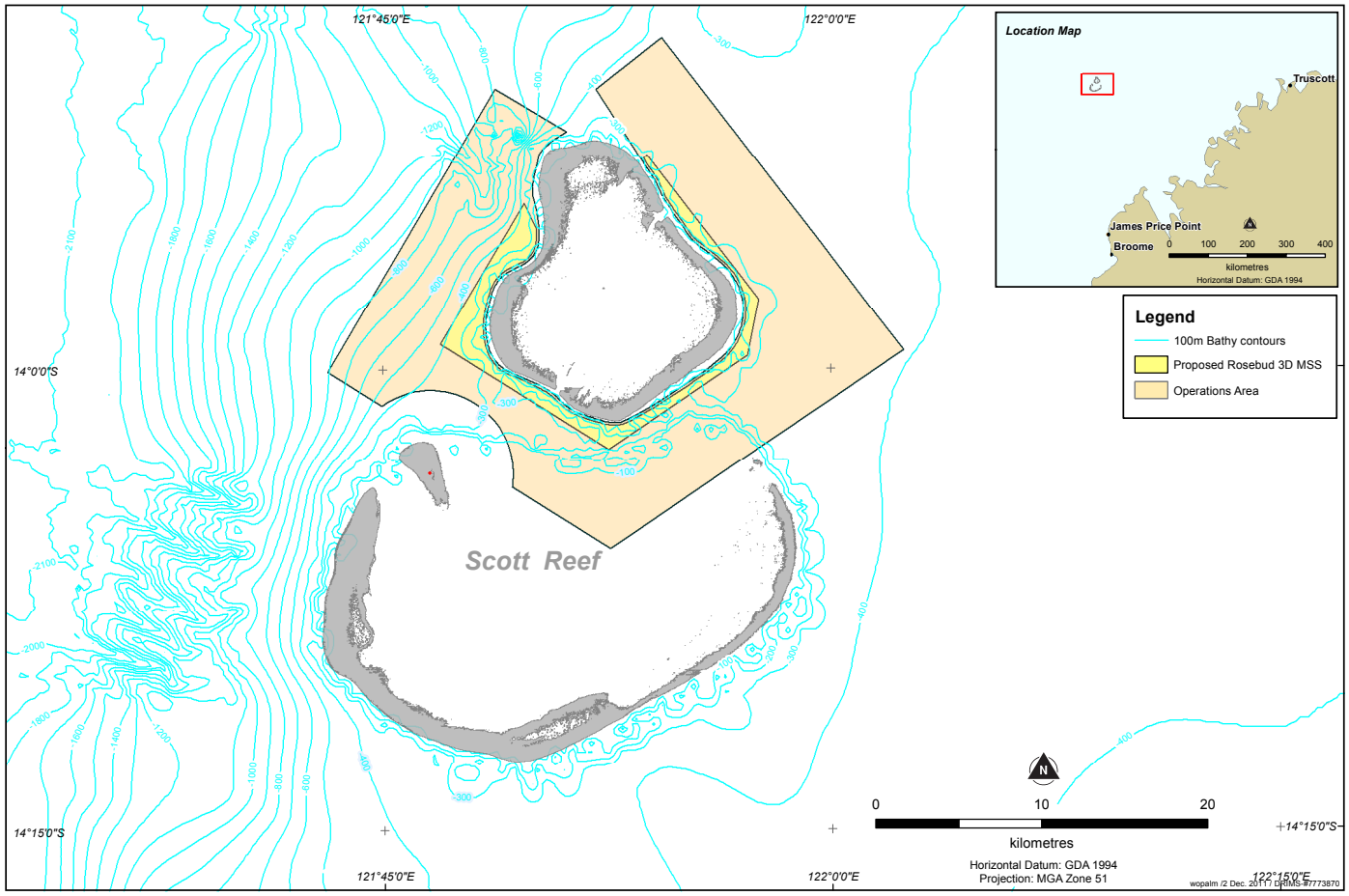
Environmental Requirements

Woodside has conducted extensive research on the physical and biological environments of Scott Reef over the last 17 years, including several seismic surveys. Each of these activities has been subject to rigorous environmental risk assessments and planning.

Woodside will implement a range of mitigation and management measures to ensure potential environmental risks are appropriately addressed during the Rosebud 3D MSS. Key environmental commitments include:

- The survey will be timed to avoid turtle nesting and primary coral spawning at Scott Reef.
- Measures will be taken to protect marine fauna, including using a dedicated marine fauna observer.
- All vessels will be inspected for invasive marine species.
- Vessels will not anchor during the survey (unless there is an emergency).
- All routine discharges (sewage/grey water) will meet the requirements of the International Convention for the Prevention of Pollutions from Ships 73/78 (referred to as MARPOL 73/78).
- All other wastes will be contained onboard the vessel and discharged at appropriate land-based facilities.
- No vessel refuelling will be undertaken in the vicinity of Scott Reef.
- Appropriate spill response plans and equipment will be maintained on vessels.
- Appropriate management and mitigation measures will be implemented to ensure the safety of traditional Indonesian fisherman that might be present at Scott Reef.

Figure 1: Proposed Rosebud 3D MSS area and operations area.



Location

The Rosebud 3D MSS area is located adjacent to Scott Reef (North and South). The survey will acquire data in water depths of 20m or greater and in an area approximately 200m from the edge of Scott Reef and out to approximately 6km from Scott Reef.

Duration

The Rosebud 3D MSS is proposed to commence in September 2012 and will take approximately 20 days to complete.

Note: Timings are indicative only and may be subject to change

Further information:

please contact
Stephen Munday
Woodside Energy Ltd
Phone: 1800 036 654
Email: browseinfo@woodside.com.au
Or call into our office at 29 Coghlan Street, Broome

Approval

Stockyard Hill Wind Farm, Central Western Victoria (EPBC 2009/4719)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted	Stockyard Hill Wind Farm Pty Ltd
proponent's ACN (if applicable)	118 119 501
proposed action	Development of the Stockyard Hill Wind Farm in central western Victoria including turbines, associated onsite infrastructure, and the construction of an external powerline and terminal station to the south of the wind farm site.

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved
Listed migratory species (sections 20 & 20A)	Approved

conditions of approval

This approval is subject to the conditions specified below.

expiry date of approval

This approval has effect until 31 December 2050.

Decision-maker

name and position	Michelle Wicks Assistant Secretary Environment Assessment Branch
signature	*Wicks*
date of decision	11 **February 2011**

Conditions:

1. Prior to any **works** commencing, surveys for Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP) and surveys for Spiny Rice-flower (*Pimelea spinescens* subsp. *spinescens*), Striped Legless Lizard (*Delma impar*) and Golden Sun Moth (*Synemon plana*) and their habitat must be undertaken in areas that will be disturbed by the development of the wind farm and associated infrastructure.

   These surveys must utilise the approach for identifying NTGVVP remnants outlined on page 10 of the *Peer review of flora and fauna matters of national environmental*

significance (EPBC: 2009/4719) for Stockyard Hill Wind Farm report by Biosis Research Pty Ltd (February 2010), and must be conducted in accordance with relevant **EPBC Act** policy statements and survey guidelines for these species.

2. Prior to any **works** commencing, the person undertaking the action must submit to **the Department** for approval a plan identifying the siting and extent of NTGVVP to be impacted. The approved plan must be implemented.

   If additional areas of NTGVVP identified during surveys undertaken in accordance with condition 1 will be impacted by the proposed action, **the Department** must be advised and appropriate compensatory measures must be included in the plan for approval by **the Department**.

3. Prior to any **works** commencing, the person undertaking the action must submit to **the Department** for approval a salvage and translocation plan for relocating Striped Legless Lizard individuals disturbed during construction. The approved plan must be implemented.

4. If Spiny Rice-flower or Golden Sun Moth are identified in surveys undertaken in accordance with condition 1, the **Department** must be informed and the wind farm infrastructure layout must be **micro-sited** to avoid these species and their habitat.

5. **Micro-siting** of infrastructure must be conducted on the advice of a qualified botanist and zoologist and must be informed by the results of the pre-construction surveys required by condition 1. Prior to any **works** commencing, areas to be protected must be demarcated on the ground using protective fencing to prevent access of construction machinery and personnel and the deposition of any materials or waste.

6. Within 10 days of commencement of the action, the person taking the action must advise the Department in writing the actual date of **commencement**.

7. If, at any time after five years from the date of this approval, the **Minister** notifies the person taking the action in writing that the **Minister** is not satisfied that there has been commencement of any of the works associated with the action, the action must not thereafter be commenced without the written agreement of the **Minister**.

8. The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the above conditions of approval and make them available upon request to the **Department**. Such records may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the **Department**'s website. The results of audits may also be publicised through the general media.

Definitions:

Commissioning means the commencement of operation of the wind farm infrastructure including wind turbines.

Department means the Department administering the *Environment Protection and Biodiversity Conservation Act 1999*.

EPBC Act means the *Environment Protection and Biodiversity Act 1999*.

Micro-siting / micro-sited means where the location of a wind turbine or other wind farm infrastructure including within the external powerline route and terminal station site is altered by not more than 100 metres in order to minimise impacts on the environment.

Minister means the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999*.

Works includes all works to be undertaken including all preparatory works, clearing vegetation, the erection of any temporary or permanent structures and the use of heavy equipment for the purpose of breaking ground for buildings and infrastructure, within the site of the wind farm, external powerline route and terminal station.

Planning and Environment Regulations 2005 Form 11
Section 97F
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/05/0548

Planning Scheme: Pyrenees Planning Scheme

Responsible Authority for Administration and Enforcement of this Permit: Pyrenees Rural City Council

ADDRESS OF THE LAND: The title details for this land are:

Volume 08274 Folio 012 Crown Allotment 2 Section A Parish of Nanimia
Volume 08350 Folio 829 Crown Allotment 5B Section A Parish of Nanimia
Volume 08451 Folio 358 Lot 1 on title plan TP330600V
Volume 08712 Folio 277 Crown Allotment 5 Section A Parish of Nanimia
Volume 06062 Folio 304 Lots 1, 2, 3, 4, 5, 6,7,8,9, & 10 on title plan TP761464V
Volume 02472 Folio 229 Crown Allotment 49A Parish of Trawalla
Volume 02670 Folio 946 Crown Allotment 40G Parish of Trawalla
Volume 02679 Folio 730 Crown Allotment 40H Parish of Trawalla
Volume 09523 Folio 494 Crown Allotment 40A2 Parish of Trawalla
Volume 02711 Folio 103 Crown Allotment 49B Parish of Trawalla
Volume 04797 Folio 392 Crown Allotment 49E Parish of Trawalla
Volume 09297 Folio 444 Crown Allotment 50A Parish of Trawalla
Volume 04759 Folio 721 Crown Allotment 57G Parish of Trawalla
Volume 03347 Folio 248 Crown Allotment 57F Parish of Trawalla
Volume 05964 Folio 779 Lots 1, 2, 3 & 4 on title plan TP233573M
Volume 10856 Folio 455 Lot Portion 48 on title plan TP853236X
Volume 10856 Folio 456 Lot Portion 46 on title plan TP853236X
Volume 10856 Folio 457 Lot Portion 47 on title plan TP853236X
Volume 10660 Folio 643 Lot 1 on title plan PS503079F
Volume 10660 Folio 644 Lot 2 on title plan PS503079F

Volume 10241 Folio 262 Crown Allotments 66B1 & 66B2 Parish of Trawalla
Volume 10241 Folio 261 Crown Allotments 65A1 & 65A2 Parish of Trawalla
Volume 06306 Folio 200 Lot 26 on title plan LP005158
Volume 7839 Folio 005 Lots 23 & 24 on title plan LP005158
Volume 07839 Folio 006 Lots 23 & 24 on title plan LP005158
Volume 9344 Folio 097 Crown Allotment 55C Section 3 Parish of Eurambeen Mahkwallok
Volume 10926 Folio 157 Lot 3 on title plan TP860886Q
Volume 10926 Folio 158 Lot 4 on title plan TP860886Q
Volume 10926 Folio 161 Lot 1 on title plan TP860886Q
Volume 10926 Folio 172 Lot 2 on title plan TP860886Q
Volume 10926 Folio 174 Lots 5,6,7 & 8 on title plan TP860886Q
Volume 08250 Folio 270 Lots 1,2,3,4,5 & 6 on title plan TP749151N
Volume 05850 Folio 856 Crown Allotments 23A, 23B, 24A & 24B Parish of Eurambeen
Volume 05147 Folio 359 Crown Allotment 14D Parish of Eurambeen
Volume 08575 Folio 922 Crown Allotments 5BB Section13 Parish of Enuc Yangerahwill
Volume 07583 Folio 115 Lots 1,2,3,4, 5,6,7,8 & 9 on title plan TP513735C
Volume 03929 Folio 698 Crown Allotments 5A & 5BA Section 13
Parish in Section 1, 15, 16 & 17: Enuc Yangerahwill
Volume 08494 Folio 564 Lot 1 on title plan LP061492
Volume 08494 Folio 562 Lot 2 on title plan LP061492
Volume 08178 Folio 460 Lots 1, 2, 3 & 4 on title plan TP242371Y
Volume 08687 Folio 349 Lots 1, 2 & 3 on title plan TP746129W
Volume 093307 Folio 659 Lots 1, 2, 3 & 4 on title plan TP173370J
Volume 08744 Folio 903 Lots 1, 2, 3, 4, 5,6,7,8 & 9 on title plan TP406280R
Volume 09307 Folio 658 Lots 1,2,3,4,5,6,7 & 8 on title plan TP171660K
Volume 08654 Folio 072 Lots 1,2,3,4,5,6,7,8,9,10,11 & 12 on title plan TP366294X
Volume 08524 Folio 770 Lot 1 on title plan TP571312E
Volume 2315 Folio 918 Crown Allotments 2,3 & 3A Section 12 Parish of Yangerahwill
Volume 01478 Folio 516 Lots 1 & 2 on title plan TP618390B
Volume 00761 Folio 190 Lots 1 & 2 on title plan TP628274W
Volume 02592 Folio 296 Crown Allotment 2 Section 14 Parish of Mahkwallok
Volume 02208 Folio 566 Lots 1, 2 & 3 TP842125U
Volume 01770 Folio 839 Crown Allotments 1 & 9 Section 12 Parish of Yangerahwill

Volume 08524 Folio 771 Lot 1 on title plan TP591474N
Volume 06417 Folio 280 Crown Allotments 69B2 & 69B3 Parish of Trawalla
Volume 09345 Folio 482 Lot 1 on title plan LP126112
Volume 08121 Folio 164 Lots 1, 2, 3, & 4 on title plan TP238241M
Volume 08252 Folio 049 Lot 1 on title plan TP237012J
Volume 08252 Folio 048 Lots 1 & 2 on title plan TP853330G
Volume 06861 Folio 055 Crown Allotment 2 Section 11Parish of Yangerahwill
Volume 08721 Folio 600 Crown Allotments 1 Section 11 Parish of Yangerahwill
Volume 06241 Folio 009 Crown Allotment 6 Section 10 Parish of Yangerahwill
Volume 08252 Folio 047 Lot 22 on title plan LP005158
Volume 08130 Folio 056 Lot 1 on title plan TP336049G
Volume 01469 Folio 625 Crown Allotments 3 & 4 Section 2 Parish of Yangerahwill
Volume 05644 Folio 686 Lot 1 on title plan TP556700F
Volume 08946 Folio 985 Lot 2 on title plan LP096172
Volume 00620 Folio 843 Lots 1 & 2 on title plan TP863833W
Volume 08941 Folio 978 Crown Allotment 7 Section 28 Parish of Enuc
Volume 09007 Folio 719 Lots 1 & 2 on title plan TP551753K
Volume 06094 Folio 739 Lots 1 & 2 on title plan TP445570L
Volume 06412 Folio 386 Lots 1 & 2 on title plan TP853328S
Volume 10269 Folio 808 Lots 1,2,3, & 4 on title plan TP080285R
Volume 10269 Folio 806 Lots 1,2 & 3 on title plan TP545337K
Volume 10269 Folio 807 Lot 1 on title plan TP093283X
Volume 10754 Folio 102 Lot 2 on title plan PS421069P
Volume 3399 Folio 622 Lot 14 on title plan LP005158
Volume 06014 Folio 622 Lots 1,2 & 3 on title plan TP822064B
Volume 08304 Folio 394 Lots 1,2,3 & 4 on title plan TP246368Q
Volume 11062 Folio 277 Crown Allotment 3 Section A Parish of Nanimia
Volume 08414 Folio 431 Lot 1 on title plan TP404637L
Volume 08941 Folio 449 Crown Allotment 9 Section 28 Parish of Enuc
Volume 09388 Folio 915 Crown Allotment 8 Section 28 Parish of Enuc
Volume 09203 Folio 716 Lot 1 on title plan TP160728N
Volume 10470 Folio 197 Lot 1 on title plan TP014622Y
Volume 10470 Folio 199 Lot 1 on title plan TP014623W
Volume 10470 Folio 200 Crown Allotment 73 Parish of Nanimia
Volume 10470 Folio 201 Crown Allotment 74 Parish of Nanimia
Volume 10470 Folio 202 Crown Allotment 75 Parish of

Nanimia
Volume 10470 Folio 203 Crown Allotment 78 Parish of Nanimia
Volume 10470 Folio 204 Crown Allotment 79 Parish of Nanimia
Volume 10470 Folio 205 Crown Allotment 80 Parish of Nanimia
Volume 08617 Folio 843 Crown Allotment 5 Section 28 Parish of Enuc
Volume 02208 Folio 567 Lot 1 on title plan TP436856S
Volume 09429 Folio 286 Crown Allotment 6 Section A Parish of Nanimia
Volume 05007 Folio 258 Lots 1, 2, 3 & 4 on title plan TP392377V
Volume 11032 Folio 990 Lot 2 on title plan PS604561R
Volume 10010 Folio 147 Crown Allotment 98 Parish of Woodnaggerak
Volume 08458 Folio 533 Crown Allotment 3 Section 6 Parish of Yangerahwill
Volume 08067 Folio 827 Crown Allotment 12 Section 28 Parish of Enuc
Volume 08494 Folio 563 Lot 3 on title plan LP061492
Volume 05818 Folio 452 Crown Allotment 6 Section 13 Parish of Yangerahwill
Volume 10615 Folio 744 Crown Allotment 6A Section 13 Parish of Yangerahwill
Volume 08478 Folio 773 Lots 1,2,3,4,5,6,7 & 8 on title plan TP665970Q
Volume 09388 Folio 784 Crown Allotment 97 Parish of Woodnaggerak
Volume 09011 Folio 716 Crown Allotment 99 Parish of Woodnaggerak
Volume 09637 Folio 763 Lot 2 on title plan LP126112
Volume 08250 Folio 268 Lots 1, 2, 3 & 4 on title plan TP244875H
Volume 09019 Folio 711 Crown Allotment 1 Section 6 Parish of Yangerahwill
Volume 08712 Folio 371 Crown Allotment 6 Section 28 Parish of Enuc
Volume 07803 Folio 001 Lots 1,2,3,4,5,6,7 & 8 on title plan TP601035S
Volume 08250 Folio 269 Crown Allotments 20A, 20B, 21A, 21B, 22A, & 22B Parish of Eurambeen
Volume 04298 Folio 578 Lot 25 on title plan LP005158
Volume 10331 Folio 639 Lot 1 on title plan PS407794Q
Volume 10407 Folio 769 Crown Allotment 39C Parish of Trawalla
Volume 00742 Folio 274 Crown Allotment 50B Parish of Trawalla
Volume 06461 Folio 160 Lot 1 & 3 on title plan LP005401
Volume 05007 Folio 257 Lots 1, 2, 3 & 4 on title plan TP671274C

Volume 08587 Folio 127 Lot 3 on title plan LP051454
Volume 02304 Folio 717 Crown Allotment 2 Section 14 Parish of Yangerahwill
Volume 01174 Folio 614 Crown Allotment 1 Section 14 Parish of Yangerahwill
Volume 08504 Folio 744 Crown Allotment 2 Section 15 Parish of Yangerahwill
Volume 04413 Folio 506 Crown Allotment 4 & 4A Section 14 Parish of Yangerahwill
Volume 07430 Folio 889 Crown Allotment 3 Section 15 Parish of Yangerahwill
Volume 10539 Folio 049 Lot Portion 41 on title plan TP019147B
Volume 10539 Folio 050 Lot Portion 42 on title plan TP019147B
Volume 10539 Folio 051 Lot Portion 43 on title plan TP019147B
Volume 10539 Folio 052 Lot Portion 44 on title plan TP019147B
Volume 10539 Folio 053 Lot Portion 45 on title plan TP019147B
Volume 10539 Folio 054 Lot Portion 55 on title plan TP019147B
Volume 10539 Folio 055 Lot Portion 56 on title plan TP019147B
Volume 10539 Folio 056 Lot 1 on title plan TP019147B
Volume 10539 Folio 057 Lot 2 on title plan TP019147B
Volume 10539 Folio 058 Lot Portion 57 on title plan TP019147B
Volume 10539 Folio 059 Lot Portion 58 on title plan TP019147B
Volume 10539 Folio 060 Lot Portion 59 on title plan TP019147B
Volume 10539 Folio 061 Lot Portion 60 on title plan TP019147B
Volume 10539 Folio 062 Lot Portion 61 on title plan TP019147B
Volume 10539 Folio 036 Lot Portion 62 on title plan TP 019147B
Volume 10539 Folio 064 Lot Portion 63 on title plan TP019147B
Volume 10539 Folio 065 Lot Portion 64 on title plan TP019147B
Volume 11032 Folio 989 Lot 1 on title plan PS604561R

THE PERMIT ALLOWS:

Use and development of land for a wind energy facility comprising a maximum of 157 wind turbines and associated buildings and works including access tracks, underground cabling, overhead 132kV powerlines, not more than five substations, temporary concrete batching plants, up to 8 permanent anemometers (monitoring masts), a maintenance facility, car parking and bicycle facilities, a business identification sign, removal of native vegetation and the creation or alteration of access to roads in a Road Zone Category 1.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

DEVELOPMENT PLANS

1. Before the development starts, development plans must be prepared to the satisfaction of the Minister for Planning. The plans may be submitted for approval in stages or for particular wind farm sectors shown on the amended indicative layout plan (Exhibit A202 at the panel hearing). When approved, the plans will be endorsed by the Minister for Planning and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided.

   The plans must be generally in accordance with the revised indicative layout plan (Exhibit A202A at the panel hearing) being *Map No. WF 02C; Rev. 01; dated 23/05/2010)* but modified to show:

   a) in addition to those 29 turbines already deleted from the lodged plan as shown on A202A), deletion of the following further 56 turbines: T5, T12, T13, T14, T15, T17, T18, T21, T23, T25, T26, T28, T29, T31, T100, T102, T105, T108, T109, T113, T116, T118, T121, T123, T127, T128, T133, T137, T139, T140, T143, T144, T146, T150, T152, T153, T158, T159, T160, T162, T165, T166, T170, T171, T175, T218 (proposed by Applicant), T221, T222, T224, T227, T228, T230, T231, T234, T236 and T237.

   b) removal of other infrastructure associated with the deleted turbines including associated access tracks, underground cables, overhead powerlines, substations, anemometers and temporary works areas to the satisfaction of the Minister for Planning and retention of any native vegetation previously required to be removed for the deleted turbines or associated infrastructure.

c) resiting of turbines T174, T84, T132, T149, T173 and T179 and associated infrastructure, together with changes to tracks, cabling and powerlines associated with other turbines, all as shown on the plan listed as Exhibit A236 to the panel hearing and the associated inset plans

d) the location, setbacks to property boundaries, layout and dimensions of all on-site buildings and works including all approved wind turbines, access tracks, underground cables, overhead powerlines, substations, permanent anemometers, the maintenance facility, designated car parking and bicycle facilities, the single business identification sign, landscaping, fire fighting infrastructure and water tanks, and ancillary works, such as temporary construction compounds, staging areas as well as off-site road works, removal of native vegetation, and temporary concrete batching plants.

e) the global positioning system coordinates, using an appropriate datum, for each turbine and anemometer.

f) details of the model and capacity of the wind turbines to be installed.

g) dimensions, elevations, materials and finishes of the wind turbines and other permanent buildings and works (e.g. substation facilities).

h) any staging of development.

i) the setting back of all turbines by at least 100 metres from boundaries to non-participating neighbouring properties and roads which are formed roads at the date of this permit (when measured from the centre of the base of the turbine at ground level).

j) the collocation of the internal and external powerlines on common poles where their routes coincide.

k) any additional works and facilities and any changes to the proposed layout required to meet conditions in this permit under Country Fire Authority.

l) any further necessary adjustment to the layout:

   (i) to ensure that clearing of native vegetation is avoided or minimised.

   (ii) to ensure that ground disturbance associated with the construction of the wind energy facility does not adversely impact on drainage lines.

   (iii) to ensure that remnant indigenous grasslands, and any other areas of significant fauna habitat identified by a qualified

ecologist engaged to inspect the micro-sited turbine and overhead powerline pole locations are avoided or minimised.

(iv) to ensure that any indigenous or non-indigenous archaeological site identified by the on-site archaeological survey, and required to be protected, is avoided.

(v) to accommodate road and intersection upgrades and access requirements.

(vi) to meet the siting conditions required in other conditions of this permit.

m) the deletion of company logos from all turbines and the display only of one permitted business sign. The siting, dimensions and other details of the sign must be generally as shown on Exhibits A54a and A54b from the Panel hearing.

2. The use and development as shown on the endorsed plans must not be altered or modified without the written consent of the Minister for Planning, except that:

- no application can be made for consent to modify those matters specified in Condition 4; and
- the micro-siting of wind turbines and overhead powerlines, access tracks and underground cabling as defined below, does not require consent and will be viewed as generally in accordance with the endorsed plans.

For the purpose of this condition:

- micro-siting of turbines is where the siting of a wind turbine is altered by not more than 100 metres but is not relocated closer to a nearby boundary of a non-stakeholder property including any formed road than shown on the endorsed plans and includes any consequential changes to access tracks, overhead powerlines, and underground cabling; and
- is only allowed where the Minister for Planning is satisfied that the relocation of the turbine(s), access track(s), overhead powerlines and underground cabling will not give rise to an adverse change to assessed landscape, vegetation, cultural heritage, visual amenity, shadow flicker, noise, fire risk or aviation impacts when compared to the site shown on the endorsed plans.

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

FURTHER FLORA AND FAUNA SURVEYS

3. Before plans are finalised and submitted for endorsement under Condition 1, further field surveys must be undertaken in the spring season of areas which may be disturbed by wind energy facility works beyond the areas of native vegetation already identified, to ascertain the presence of any further areas of native grassland communities and the presence of any endangered species of flora and fauna.

   The survey approach to identifying Natural Temperate Grassland of the Victorian Volcanic Plains remnants outlined in the Matters of National Environmental Significance peer review report (page 10) presented at the Panel hearing must be adopted in all surveys.

   The survey must be undertaken to the satisfaction of the Minister for Planning upon the advice of DSE and a report of the survey results must be submitted to, and be to the satisfaction of the Minister for Planning.

   The results of this further survey work must be used to inform the preparation of the plans under Condition 1 to the satisfaction of the Minister on the advice of DSE.

SPECIFICATIONS

4. The wind energy facility must meet the following requirements:

   a) the wind energy facility must comprise no more than 157 wind turbines;

   b) the overall maximum height of the wind turbines (to the tip of the rotor blade when vertical) must not exceed 132 metres above natural ground level;

   c) wind turbines must be mounted on a tubular tower with a height of no greater than 80 metres;

   d) each wind turbine is to have not more than three rotor blades, with each blade having a length of no greater than 52 metres;

   e) no aviation safety lighting is permitted on any turbine;

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

   g) the wind turbine towers, nacelles and rotor blades must be of non-reflective finish and colour that blends within the landscape to the satisfaction of the Minister for Planning;

h) the colours and finishes of all other buildings and ancillary equipment must be such as to minimise the impact of the development on landscape to the satisfaction of the Minister for Planning;

i) access tracks within the site are to be sited and designed to minimise impacts on overland flows, soil erosion, the landscape value of the site, environmentally sensitive areas and, where appropriate, the farming activities on the land to the satisfaction of the Minister for Planning;

j) all wind turbines must be set back at least 100 metres from boundaries to non-participating neighbouring properties and roads which are formed roads at the date of this permit;

k) on-site fire fighting infrastructure must be provided in accordance with conditions in this permit under Country Fire Authority

l) lightning protection devices must be installed on each wind turbine;

m) monitoring systems must be installed in each wind turbine tower, to detect temperature increases in the turbines and shut them down when a threshold temperature is reached; and

n) no turbine shall be installed within 50 metres of a designated waterway.

STAGING

5. The use and development authorised by this permit may be completed in stages as shown on the endorsed development plan(s) to the satisfaction of the Minister for Planning. Any corresponding obligation arising under this permit (including the preparation and approval of plans) may be similarly completed in stages or parts.

ENVIRONMENTAL MANAGEMENT PLAN

6. Before the development starts, an environmental management plan must be prepared to the satisfaction of the Minister for Planning, in consultation with the Department of Sustainability and Environment, Pyrenees Shire Council, Country Fire Authority and other agencies as specified in this condition or as further directed by the Minister for Planning. The environmental management plan must be based on the approach outlined in Chapter 22 of the *Planning Permit Application Report* (October 2009). The environmental management plan may be prepared in sections or stages. When approved, the plan will form part of this permit.

The environmental management plan must include the following:

a) A **construction and site works management plan** which must include:
   (i) procedures for access, noise control, dust emissions, spills and leaks from the handling of fuels and other hazardous materials and pollution management. Such construction and site works procedures are to be in accordance with EPA requirements;
   (ii) the identification of all potential contaminants stored on site;
   (iii) the identification of all construction and operational processes that could potentially lead to water contamination;
   (iv) the identification of appropriate storage, construction and operational methods to control any identified contamination risks;
   (v) the identification of waste re-use, recycling and disposal procedures;
   (vi) appropriate sanitary facilities for construction and maintenance staff in accordance with the EPA Publication 891.1 *Septic Tanks Code of Practice*;
   (vii) 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;
   (viii) procedures to ensure that construction vehicles and equipment use designated tracks and works areas to avoid impacts on native vegetation;
   (ix) procedures to prevent, as far as practicable, native fauna and domestic stock from being injured by or entrapped in excavations or trenches and to fill trenches as soon as practicable after excavation; and
   (x) the removal of works, buildings and staging area on completion of construction of the project.

b) A **sediment, erosion and water quality management plan**. This plan must be prepared in consultation with the Glenelg Hopkins Catchment Management Authority and other authorities as may be directed by the Minister for Planning. The plan must include:
   (i) procedures to ensure that silt from batters, cut-off drains, table drains and road works is retained on the site during and after construction and replaced as soon as possible. To this end:
      - all land disturbances must be confined to a minimum practical working area;

- soil to be removed must be stockpiled and separate soil horizons must be retained in separate stockpiles and not mixed and replaced as soon as possible in sequence; and
- stockpiles must be located away from drainage lines;

(ii) criteria for the siting of any temporary concrete batching plant associated with the development of the wind energy facility and the procedure for its removal and reinstatement of the site once its use finishes. The establishment and operation of any such temporary concrete batching plant must be designed and operated in accordance with the Environment Protection Authority Publication 628 *Environmental Guidelines for the Concrete Batching Industry*;

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

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

(v) procedures to ensure that steep batters are treated in accordance with Environmental Protection Authority Publication 275 *Construction Techniques for Sediment Pollution Control*;

(vi) procedures for waste water discharge management;

(vii) a process for overland flow management to prevent the concentration and diversion of waters onto steep or erosion prone slopes;

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

(ix) incorporation of pollution control measures outlined in EPA Publication 480 *Environmental Guidelines for Major Construction Sites*;

(x) siting of concrete batching plant and any on-site wastewater and disposal and disposal treatment fields at least 100 metres from any watercourse;

(xi) sediment control measures shall be put in place before construction commences. Appropriate measures shall be implemented to manage significant rain run-off from the site to

minimise transport of sediment into waterways. The applicant is directed to the EPA publications *'Construction Techniques for Sediment Pollution Control'*, Publication 275, Appropriate sediment control measures shall be employed in all drains adjacent to the access track network.

(xii) where silt fences are employed for sediment control, they shall be constructed with a centre section lower than the ground levels at the end of the silt fence to avoid outflanking during storm events.

(xiii) appropriate capacity and an agreed program for annual inspection and regular maintenance of any on-site wastewater management system constructed to service staff, contractors or visitors; and

(xiv) a program of inspection and remediation of localised erosion within a specified response time.

c) A **blasting plan.** This plan is only required if blasting is proposed to be undertaken on site as part of the construction of the wind energy facility. The plan must include the following:

(i) name and qualification of the person responsible for blasting;

(ii) a description of the location of where the explosives will be used, and the location of every licensed bore on any property with an adjoining boundary within 1km of the location of the blasting;

(iii) a requirement for the identification and assessment of any potentially sensitive site within 1 km of the location of the blasting, including the procedure for pre-blast and post-blast qualitative measurement or monitoring at such site;

(iv) the procedure for site clearance and post blast reoccupation;

(v) the procedure for the storage and handling of explosives;

(vi) a requirement that blasting only occur after at least 48 hours prior notification in writing of the intention to undertake blasting has been given to the occupants of the properties which are located in whole or in part within 1km of the location of the proposed blasting; and

(vii) a requirement that blasting only be undertaken between the hours of 8am and 4pm.

d) A **hydrocarbon and hazardous substances plan**. The plan must include:

(i) procedures for any on-site, permanent post-construction storage of fuels, lubricants or waste oil to be in bunded areas; and

(ii) contingency measures to ensure that any chemical or oil spills are contained on-site and cleaned up in accordance with Environment Protection Authority requirements.

e) A **fire prevention and emergency response plan** prepared in consultation with and to the satisfaction of the Country Fire Authority, the Department of Sustainability and Environment, and Pyrenees Shire. This plan must take into consideration the CFA *Emergency Management Guidelines for Wind Farms*, Version 3, April 2007, must meet the requirements of Conditions 43, 44 and 45 and include:

(i) criteria for the provision of static water supply tanks solely for fire fighting purposes, including minimum capacities, appropriate connections and signage;

(ii) procedures for vegetation management, fuel control and the provision of fire fighting equipment during declared fire danger periods;

(iii) 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;

(iv) the facilitation by the operator, no later than 1 month prior to the commencement of the operation of the wind energy facility, of a familiarisation visit to the site and explanation of emergency services procedures for the Country Fire Authority, Rural Ambulance Victoria, State Emergency Services, Department of Sustainability and the Environment, Pyrenees Shire Council's Municipal Emergency Management Committee and Victoria Police;

(v) subsequent familiarisation sessions for new personnel of those organisations on a regular basis and/or as required; and

(vi) if requested, training of authority personnel in relation to suppression of wind energy facility fires.

f) A **native vegetation management plan** to be prepared in consultation with the Department of Sustainability and Environment. This plan must include:

(i) a clear identification of the siting and extent of the 5.28 ha (3.09 habitat hectares) of native vegetation to be removed;

(ii) procedures for the rehabilitation of construction zones with appropriate pasture species or, if in areas of native vegetation, appropriate indigenous revegetation;

(iii) procedures for ensuring that native vegetation to be retained near turbines, access tracks, underground cabling and other

wind farm infrastructure will not be adversely affected by construction and operation of the wind farm; and

(iv) protocols to prevent inadvertent loss or disturbance of Spiny Rice Flower if identified in surveys undertaken in accordance with Condition 10.

g) A **fauna management plan** for Striped Legless Lizard and Fat Tailed Dunnart to be prepared in consultation with the Department of Sustainability and Environment. This plan must include a salvage protocol for relocating individuals disturbed during construction.

h) A **pest animal management plan** to be prepared in consultation with the Department of Sustainability and Environment and the Department of Primary Industries to the satisfaction of these Departments. This plan must include:

(i) procedures for the control of pest animals, particularly by avoiding opportunities for the sheltering of pests and attraction of scavengers due to the presence of dead birds or bats ; and

(ii) follow-up pest animal control for all areas disturbed by the wind energy facility construction works for a period of two years following the completion of the wind energy facility.

i) A **pest plant management plan** to be prepared in consultation with the Department of Sustainability and Environment and the Department of Primary Industries to the satisfaction of these Departments. This plan must include:

(i) procedures to prevent the spread of weeds and pathogens from earth moving equipment and associated machinery including the cleaning of all plant and equipment before transport to the site and the use of road making material comprising clean fill that is free of weeds;

(ii) Measures to manage the spread of invasive weeds;

(iii) revegetation of disturbed areas, as described in Condition 6(f)(ii); and

(iv) a protocol to ensure follow-up weed control is undertaken on all areas disturbed through construction of the wind energy facility for a minimum period of 2 years following completion of the works.

j) A **training program** for construction workers and permanent employees or contractors at the wind energy facility site including a site induction program relating to the range of issues addressed by the environmental management plan.

k) A **complaints management plan** designed in accordance with *Australian Standard Customer satisfaction – Guidelines for complaints handling in organizations* (ISO 1002:2006) having regard to the guidance provided in *The why and how of complaints handling* HB 229-2006.

The complaints management plan must include procedures for:

(i) readily accessible information on how complaints can be made free of cost to complainants;

(ii) immediate acknowledgement of complaints and regular and comprehensive feedback to complainants on actions proposed, their implementation and success or otherwise;

(iii) closure of complaints by agreement with complainants;

(iv) establishment and maintenance of a complaint register for the recording of receipt and acknowledgement of complaints, recording the nature of the compliant as to whether it relates to noise and/or health and the associated wind direction during the period of the effect, actions taken, success or otherwise of actions and complaint closure and for the register to be available to the public during normal working hours;

(v) reporting of the contents of the complaint register to the Minister for Planning as required; and

(vi) annual auditing of the implementation of the complaints management plan with audit results being reported to the Minister for Planning.

l) An incident management plan that must include:

(i) A procedure for the establishment and maintenance of an incident register for the recording of:

- environmental incidents
- non-conformances, and
- corrective actions.

(ii) The register must be available for inspection by the public during normal working hours and its contents should be reported to the Minister for Planning as required.

m) A **timetable for implementation** of all programs and works identified in the plans referred to in Conditions 6 (a) to (l) above.

7. The environmental management plan must be reviewed and if necessary amended in consultation with the Pyrenees Shire Council, Corangamite Shire, the CFA, Glenelg Hopkins CMA and DSE to the satisfaction of the

Minister for Planning every 5 years to reflect operational experience and changes in environmental management standards and techniques and must be submitted to the Minister for Planning for re-endorsement

8. The use and development must be carried out in accordance with the endorsed environmental management plan to the satisfaction of the responsible authority.

FLORA AND GROUND FAUNA

9. Before the development begins, further habitat and flora surveys and assessments of potentially disturbed areas must be undertaken to the satisfaction of the Minister for Planning upon the advice of DSE. (Note: this may be met in whole or in part by meeting the requirements of Condition 3). This must include areas outside previously identified remnant grassland that are likely to be disturbed during development.

   The survey approach to identifying Natural Temperate Grassland of the Victorian Volcanic Plains remnants outlined in the Flora and Fauna Matters of National Environmental Significance peer review report by Biosis Research Pty Ltd (February 2010) at page 10 (Exhibit A47 at the panel hearing) must be adopted in all preconstruction habitat surveys.

   The results of the pre-construction surveys required by this condition must be used to inform detailed design of the wind farm and micrositing including in areas of non-indigenous grassland linked to remnant native grassland habitat and are to be presented in compliance with the requirements of Condition 2.

10. Before development begins, a further survey for Spiny Rice flower (*Pimelea spinescens subsp. spinescens*) must be undertaken to the satisfaction of the Minister for Planning on the advice of DSE, by a qualified ecologist, between April and August (flowering season) to ensure no impacts to this species occur. Should Spiny Rice flower be identified, the wind farm infrastructure layout must be micro-sited to avoid these plants and appropriate environmental management measures adopted to prevent inadvertent loss or disturbance to the satisfaction of the Minister for Planning on the advice of DSE.

11. Before development begins, a survey to identify the exact extent of non-indigenous habitat for the Striped Legless Lizard must be undertaken be undertaken by a qualified ecologist, to the satisfaction of the Minister for Planning upon the advice of DSE. Should suitable non-indigenous

habitat for the Striped Legless Lizard be identified, the wind farm infrastructure layout must be micro-sited to avoid these areas to the satisfaction of the Minister for Planning. If avoidance is not possible, then a salvage protocol for relocating disturbed individuals must be applied prior to construction to the satisfaction of the Minister for Planning on the advice of DSE.

12. The siting and micrositing of wind farm infrastructure must be informed by the advice of a qualified botanist and zoologist and areas that are to be avoided and not disturbed, must be clearly demarcated on the ground in advance of construction activities.

13. The mitigation measures to reduce further potential impacts on flora and native vegetation that are identified in Section 2.5 of the Flora and Fauna Assessment Report by Brett Lane and Associates in the Planning Permit Application Report should be adopted.

OFFSET VEGETATION

14. Before the clearing of any native vegetation starts, a **native vegetation offset management plan** must be prepared by a suitably qualified ecological specialist and submitted to and approved by the Department of Sustainability and Environment. Once approved, the plan will be endorsed and will then form part of the permit. The offset plan must include the following:

    a) Details of the proposed offsets which will achieve a net gain in quality and quantity of native vegetation in accordance with the principles and guidelines associated with *the Native Vegetation Management: A Framework for Action (DNRE 2002).*

    b) Fully dimensioned plans (drawn to an appropriate scale), which clearly show the locations, boundaries and title details of all offset sites. The plans must also clearly show the boundaries of any different management zones and the location of any proposed fencing.

    c) Type of offsets to be provided for each location.

    d) Details of revegetation including number of trees, shrubs and other plants, species mix and density.

    e) Methods of managing and restoring the vegetation, including revegetation, such as fencing, weed control, enhancement planting and other habitat management actions.

f) A statement of the need for revegetation works to be carried out by a suitably qualified ecological specialist.

g) Methods of permanent protection for the offsets, such as the registration on title of an agreement under Section 173 of the *Planning and Environment Act* 1987, an agreement under Section 69 of the *Conservation Forests and Lands Act* 1987, or a covenant under section 3A of the *Victorian Conservation Trust Act* 1972.

h) Persons responsible for implementing and monitoring the offset plan.

i) A time frame for implementing the offset plan.

All actions specified in the endorsed offset plan must be completed within the specified timeframes, to the satisfaction of the Department of Sustainability and Environment and the Minister for Planning.

The permit holder must pay the reasonable costs of the preparation and execution of any agreements.

BATS AND AVIFAUNA

15. Before the development starts, a Bat and Avifauna Management Plan (BAM Plan) must be prepared in consultation with the Department of Sustainability and Environment to the satisfaction of the Minister for Planning. When approved the plan will be endorsed and will then form part of the permit. The use must thereafter accord with the endorsed plan to the satisfaction of the responsible authority on the advice of DSE.

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 comprehensive science-based bird and bat monitoring program must be developed to the satisfaction of the Minister for Planning upon the advice of DSE. Threshold levels for bird and bat mortality should also be established for the wind farm and if exceeded agreed mitigation measures are to be put in place.

c) a mitigation plan for Brolga to the satisfaction of the Minister for Planning on the advice of DSE that includes a program of powerline marking (in accordance with d) below) and evaluation and a program to develop metrics to enable the assessment of the

contribution of all mitigation and offset measures that are proposed for implementation.

d) measures to avoid brolga collision with powerlines such as marking the upper most wires of sections of the powerline that pass within 3km of all breeding sites known to have been occupied by brolgas within the past 20 years.

e) the development of a contingency turbine shut down protocol in the event of a major migration of shorebirds to and from Lake Goldsmith to the satisfaction of the Minister for Planning on the advice of DSE.

f) an evaluation of the likely effects of the wind farm on the Sharp-tailed Sandpiper to be undertaken in accordance with EPBC Act Policy Statement 3.21**.**

g) a comprehensive science-based monitoring program for bats and bird species of at least 2 years' duration from the commissioning of the last turbine of the first stage of the development or alternatively such other time of commencement as is to the satisfaction of the Minister for Planning. The monitoring program must be to the satisfaction of the Minister for Planning upon the advice of DSE.

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

   - the location of potentially at risk Brolga breeding, migration and flocking activities;
   - the species, number, age, sex (if possible) and date of any bird or bat strike;
   - any seasonal and yearly variation in the number of bird and bat strikes;
   - whether further detailed investigations of any potential impacts on birds and bats are warranted.

h) procedures for the reporting of any bird and bat strikes to the Department of Sustainability and Environment within 7 days of becoming aware of any strike.

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

j) procedures for the regular removal of carcasses likely to attract raptors to areas near turbines.

k) procedures for periodic reporting, within agreed timeframes, of the findings of the monitoring to the Department of Sustainability and Environment and the local community.

l) recommendations in relation to threshold mortality rates for specified species which if exceeded would trigger the requirement for responsive mitigation measures to be undertaken by the operator of the wind energy facility to the satisfaction of the Minister for Planning.

m) implementation measures developed in consultation with the Department of Sustainability and Environment to offset any impacts detected during monitoring including turbine operation management and on-site or off-site habitat enhancement (including management or improvement of habitat or breeding sites).

16. Following the completion of the monitoring program of at least 2 years duration as specified in Condition 15 (g), a report must be prepared by the operator of the wind energy facility setting out the findings of the program to the satisfaction of the Minister for Planning. If, after consideration of this report, the Minister for Planning directs that further investigation of potential or actual impacts on birds and bats is to be undertaken, the extent and details of the further investigation must be to the satisfaction of the Department of Sustainability and Environment and the investigation must be carried out to the satisfaction of the Minister for Planning.

BLADE SHADOW FLICKER

17. Shadow flicker from the wind energy facility must not exceed 30 hours per annum at any dwelling existing at the date of this permit.

This condition does not apply to any dwelling where a landowner has agreed to the exceedance (This exemption will be given effect through an agreement with the landowner that will apply to any occupant of the dwelling).

NOISE LIMITS

18. Except as provided below in this condition, the operation of the wind energy facility must comply with the noise criteria recommended in *NZS 6808:1998 Acoustics – 'The assessment and measurement of sound from wind turbine generators'* at any dwelling existing on land on or in the vicinity of the proposed wind energy facility as at the date of issue of this permit. In determining compliance the following requirements apply:

a) noise from construction of the wind energy facility must comply with the requirements of the Interim Guidelines for *Control of Noise from Industry in Country Victoria*, N3/89 (EPA Vic, 1989);

b) the noise of the wind energy facility only at any non-stakeholder dwelling after the wind energy facility has commenced operation must not exceed the background noise level by more that 5dBA, or a level of 40dBA L_{95}, whichever is the greater;

c) the noise of the wind energy facility only at any participating landowner's dwelling after the wind energy facility has commenced operation must not exceed the background noise level by more that 5dBA, or a level of 45dBA L_{95}, whichever is the greater. This condition does not apply to any dwellings under option to the permit holder;

d) compliance must be assessed separately for 24 hour and night time and for each of those time periods for wind direction sectors of ± 45° of 0°, 90°, 180°, and 270°. For this requirement, night time is defined as 10.00 pm to 7.00 am; and

e) if the noise has a special audible characteristic the measured sound level must have a penalty up to a maximum 5dB applied.

BACKGROUND AND ACCEPTABLE NOISE LEVELS

19. Before the development starts, background noise monitoring must be undertaken to the satisfaction of the Minister for Planning complying with the following requirements:

a) a background noise monitoring plan, or plans, must be prepared by a suitably qualified and experienced acoustics expert;

b) if the wind energy facility is to be constructed in stages, the background noise monitoring plan may be prepared for each stage before the development of that stage begins and those plans may be submitted successively to the Minister for Planning for approval, provided that where a dwelling might be affected by noise from more than one stage that is accounted for;

c) the plan, or plans, must include the number and location of background noise monitoring sites and the justification for the selection of those sites, the methodology to be used for the noise monitoring and the development of the background noise curves, and a statement of how the uncertainty of those results will be estimated;

d) the plan must include background noise monitoring at a minimum of 20 representative non-stakeholder dwellings for the whole wind

energy facility, subject to access being granted, or a lesser number per stage if the wind energy facility is to be so constructed, as approved by the Minister for Planning. These monitoring sites must be within the modelled 35dBA L_{95} noise contour for noise from the wind energy facility only, as determined in Condition 19 c);

e) the plan must include background noise monitoring at a minimum of 10 representative stakeholder dwellings, other than dwellings under option to the permit holder, for the whole wind energy facility, or a lesser number per stage if the wind energy facility is to be so constructed, as approved by the Minister for Planning. These monitoring sites shall be within the modelled 40dBA L_{95} noise contour for noise from the wind energy facility only as determined in Condition 19 c); and

f) when approved by the Minister for Planning the noise monitoring plan, or each plan (if the wind energy facility is to be developed in stage), must be made publicly available.

20. After the noise monitoring plan is approved, the background noise testing at each dwelling must be carried out in accordance with that plan and in accordance with *NZS 6808:1998 Acoustics – 'The assessment and measurement of sound from wind turbine generators'* subject to the following:

a) unless with the consent of the Minister for Planning, the equipment used for measuring noise, wind speed and wind direction must be calibrated by a NATA accredited testing organisation and the background noise measurement and assessment carried out by a NATA approved signatory;

b) unless with the consent of the Minister for Planning, the noise monitor used at each site must be a Type 1 noise logger calibrated with a Type 1 calibrator;

c) the anemometer used for the correlation of background noise against wind speed must:
   - be situated at hub height on the nearest meteorological mast to the noise monitoring site;
   - remain in place after commissioning of the wind energy facility or that stage of it, and
   - be unaffected by wind turbine turbulence.

d) a minimum of 4000 ten minute data pairs are to be collected for each site;

e) the data pairs must be correlated by 24 hour and night (10 pm to 7 am) time periods and for each time sector for wind directions of ± 45° of 0°, 90°, 180°, and 270° using the regression technique of NZS 6808:1998 or 'bin analysis', as appropriate

f) for each noise monitoring site, the same correlation technique must be used for this pre construction background noise monitoring as this will be used for the post construction compliance monitoring, including the same order regression equation; and

g) an estimate must be made of the uncertainty of the background noise curves.

21. For each of the above background noise curves the derived acceptable noise limit curves for the wind energy facility at each dwelling for the specified time periods and wind direction sectors must then be prepared as described in *NZS 6808:1998 Acoustics – 'The assessment and measurement of sound from wind turbine generators'*.

22. The background noise curves and the derived acceptable noise limit curves for each background noise monitoring site for the specified time periods and wind direction sectors must be provided to the Minister for Planning for approval as having been carried out in accordance with these conditions; and when approved by the Minister for Planning the background noise curves and the acceptable noise limit curves must be made publicly available.

NOISE MODELLING

23. Before the development starts a noise modelling plan must be prepared to the satisfaction of the Minister for Planning meeting the following requirements:

a) noise modelling must be undertaken by a suitably qualified and experienced acoustics expert;

b) if the wind energy facility is to be constructed in stages noise modelling may by carried out for each stage before the development of that stage commences and those results submitted successively to the Minister for Planning for approval provided that where a dwelling might be affected by noise from more than one stage that is accounted for;

c) the modelling must include;

i. the wind energy facility noise contours;

ii. modelling of the wind energy facility only noise at those dwellings for which acceptable noise limit curves have been prepared; and

iii. an estimate of the uncertainty of the modelled results;

24. The results of the noise modelling for each dwelling must:

- be overlaid on the acceptable noise limit curve for that dwelling;
- together with the comparison against the acceptable noise limit, be submitted to the Minister for Planning for approval as having demonstrated that noise compliance can be expected; and
- when approved by the Minister for Planning, be made available publicly.

25. Should the modelling required above not be done with the turbine finally selected for the wind energy facility that modelling must be repeated once the final turbine type is selected and resubmitted to the Minister for approval.

NOISE COMPLIANCE TESTING

26. Before the wind energy facility is commissioned, a noise compliance testing plan must be prepared to the satisfaction of the Minister for Planning meeting the following requirements:

a) the noise compliance testing plan must be prepared by a suitably qualified and experienced acoustics expert;

b) the noise compliance testing plan must include a plan for noise monitoring to assess noise levels after construction of the wind energy facility and a plan for concurrent assessment of the presence or otherwise of special audible characteristics;

c) the noise compliance testing plan must include advice on timing of the assessment including defining when commissioning of the wind energy facility, or an identified stage of it, will occur, and when the compliance noise monitoring results will be provided to the Minister for Planning. That time must not be more than 60 days after commissioning unless with the further consent of the Minister for Planning;

d) if the Wind Energy Facility is to be constructed in stages a noise compliance testing plan may by prepared for each stage before the development of that stage commences and those plans submitted to the Minister for Planning for approval provided that where a dwelling might be affected by noise from more than one stage that is accounted for;

e) the noise compliance testing must be carried out at those dwellings at which background noise curves were determined as identified in Conditions 19 d) – e).

27. After approval of the testing plan by the Minister for Planning the noise compliance testing shall be carried out by a suitably qualified and experienced acoustics expert:

- generally in accordance with *NZS 6808:1998 Acoustics – 'The assessment and measurement of sound from wind turbine generators'* with the variations described in this permit; or
- subject to approval by the Minister for Planning by an 'on/off' or 'shutdown' method as referred to in sections 7.1.2 and 7.7.1 of *NZS 6808:2010 – Acoustics – Wind farm noise*.

  If this method is used, it must have been earlier approved by the Minister for Planning as a part of the noise compliance testing plan and must be designed by a suitably qualified and experienced acoustics expert;

The presence or otherwise of special audible characteristics must be assessed concurrently at all the subject dwellings over a range of operational and meteorological conditions.

28. The results of the noise compliance testing for each dwelling, adjusted for any penalty for special acoustic characteristics, must:

- be compared with the acceptable noise limit curve for that dwelling to identify whether or not compliance has been achieved;
- whether with an accompanying statement of compliance or otherwise, be submitted within the time specified in Condition 26 c) to the Minister for Planning; and
- be made available publicly and provided to the owner or occupier of the dwelling(s) involved

NOISE COMPLIANCE ENFORCEMENT

29. If a breach of the noise limits prescribed in Condition 18 is detected by the procedure in Condition 27:

a) the permit holder must take immediate action to vary the operation of the Wind Energy Facility such that, based on professional advice, it can be expected to be brought into compliance;

b) when the breach of noise limits is notified to the Minister for Planning as required by Condition 28 the permit holder must advise of the immediate response in Condition 29 a) and the actions to be

taken to bring the wind energy facility into compliance and to demonstrate that compliance;

c) within 180 days of the commissioning of the wind energy facility it must be brought into compliance to the satisfaction of the responsible authority. That compliance must be demonstrated by testing as described in Condition 26 having been completed;

d) the wind energy facility must continue to be operated in that noise compliant mode unless a plan for varied operation is submitted to and approved by the Minister for Planning;

e) should such a variation as foreshadowed by Condition 29b) be sought and approved that must be made available publicly.

f) between 10 and 14 months after commissioning of the wind energy facility noise compliance testing as required by Condition 28 must be repeated to demonstrate continuing compliance of the facility and submitted to the Minister for Planning; and

g) when approved by the Minister for Planning the noise compliance testing results required by Condition 28 must be made available publicly.

NOISE COMPLAINTS

30. Any complaint about noise from the construction or operation of the wind energy facility must be dealt with in accordance with the complaints management section of the Environmental Management Plan in Condition 6 above, or in accordance with Condition 29 above, as appropriate to the receipt of the complaint.

ACTIVE NOISE MANAGEMENT SYSTEM

31. Before the development starts, an active noise management system plan must be prepared and submitted to the Minister for Planning for approval. It must meet the following requirements:

a) the plan must indicate that an active noise management system for the wind energy facility as to be prepared by a suitably qualified and experienced acoustics expert;

b) the plan must indicate that the active noise management system will be supplementary to the design of the proposed wind energy facility to meet the noise standards required by these conditions and hence will be designed to respond to any non-compliance with noise standards and to assist with the resolution of any justified noise complaints whilst having regard to operational efficiency; and

c) the active noise management system plan must describe the methodology and timing for the design of the system, its testing, refinement and implementation.

32. When approved by the Minister for Planning, the active noise management system plan will form part of this permit and must be made available publicly. Thereafter, the operation of the wind energy facility must comply with the active noise management system.

ON SITE LANDSCAPING PLAN

33. Before the development starts, on-site landscape plans must be prepared for the substations and maintenance facility to the satisfaction of the Minister for Planning. When approved, the plans will be endorsed and will then form part of this permit. The plans must include:

a) landscaping to screen the substation, maintenance facility and associated permanent buildings other than the turbines;

b) details of plant species proposed to be used in the landscaping, including height and spread at maturity;

c) a timetable for implementation of all landscaping works;

d) a maintenance and monitoring program; and

e) surfacing of access tracks in a manner which does not unduly contrast with the landscape.

The landscaping as shown on the endorsed on-site landscaping plan must be completed to the satisfaction of the Minister for Planning in accordance with the implementation timetable.

OFF-SITE LANDSCAPING PLAN

34. Within 6 months of the date of endorsement of the development plan under Condition 1, a program of voluntary landscape mitigation works to the satisfaction of the Minister for Planning must be made available to the owners of dwellings within 3 kilometres of the nearest turbine.

The offer to owners to participate in the program must remain available up until 12 months after the commissioning of the last wind turbine of the development or relevant stage.

If a program of voluntary landscape mitigation works is accepted by one or more owners, as part of that program, an off-site landscaping plan must be prepared in consultation with each landowner participating in

the landscaping program for their property at the cost of the operator under this permit and to the satisfaction of the responsible authority.

The plan must:

a) provide details of planting or other treatments that will be used to reduce the visual impact of the wind turbines at the landowner's dwelling including plant species to be used and the expected height and spread of plants at maturity;

b) include the maintenance of the landscaping for a period of two years; and

c) include a timetable for implementation of the landscaping works.

When approved by the Minister the plans will be endorsed accordingly and will then form part of this permit.

The landscaping as shown on the endorsed off-site landscape plans must be completed to the satisfaction of the Minister for Planning within 12 months of the endorsement of the particular plan unless otherwise agreed by the landowner.

TRAFFIC MANAGEMENT PLAN

35. Before the development starts, a **traffic management plan** must be prepared by a suitably qualified and experienced road and traffic engineer in consultation with Pyrenees Shire Council, Corangamite Shire Council and VicRoads to the satisfaction of the Minister for Planning. When approved, the plan will be endorsed and will then form part of this permit. The plan must include:

a) an existing conditions survey of public roads that may be used for access and designated construction transport vehicle routes in the vicinity of the wind energy facility, including details of the suitability, design, condition and construction standard of the roads;

b) the designation of appropriate construction and transport vehicle routes to the wind energy facility site;

c) details of the road works required to upgrade all roads identified in Condition 35 b) to a standard suitable to cater for the movement of heavy and over-dimensioned vehicles. All upgrade works identified in the plan are to be completed before construction works on the wind farm site begin, to the satisfaction of the relevant road authority;

d) the identification and timetabling of any required construction works;

e) the designation of all vehicle access points to the wind energy facility from surrounding roads. The location and detailed design of the connection between the internal access tracks and the public roads must ensure safe sight distances, turning movements, and avoid potential through traffic conflicts;

f) recommendations on the need for road and intersection upgrades to accommodate any additional traffic or site access requirements, whether temporary or on-going and the timing of when these upgrades are to be undertaken. This is to include engineering plans demonstrating how truck movements can be accommodated on sealed roadways and turned where possible without encroaching onto the incorrect side of the road;

g) measures to be used to manage traffic impacts associated with the ongoing operation of the wind energy facility on the traffic volumes and flows on surrounding roads, including the designation of operating hours and speed limits for trucks on routes accessing the site so as to avoid school bus routes and school bus times where relevant, and to provide for resident safety;

h) a program of regular inspections to be carried out during the construction period to identify maintenance works necessary as a result of construction traffic;

i) a program to rehabilitate roads to the condition identified by the surveys required above by Condition 35 a) above; and

j) prior to the completion of the traffic management plan a site visit between VicRoads and the wind energy facility operator must be undertaken.

k) if required by Pyrenees and/or Corangamite Shire Council, the payment of (a) security deposit(s) or bond(s) for a maintenance period of 24 months in respect of works covered by the traffic management plan in their respective shires. Such security deposit(s) or bond(s) is/are to be applied to roadworks not completed under the traffic management plan or to be released at the end of that period.

The traffic management and road upgrade and maintenance works associated with the wind energy facility must be carried out in accordance with the traffic management plan to the satisfaction of the responsible authority and the cost of any works including maintenance are to be at the expense of the wind energy facility operator.

All heavy and over-dimensioned vehicles are to be restricted to the haul routes identified in the traffic management plan unless with the prior written consent of VicRoads and the Shire of Pyrenees or Shire of Corangamite as relevant.

Note: Once the traffic routes are finalised, it may be necessary to apply for further permission for native vegetation removal to accommodate road works – either by application to amend this permit under section 72 of the Act or by a new permit application.

TELEVISION AND RADIO RECEPTION AND INTERFERENCE

36. A pre-construction survey must be carried out to the satisfaction of the Minister for Planning to determine television and radio reception strength at selected locations within 5km of any wind turbine including non-stakeholder dwellings. The location of such monitoring is to be determined to the satisfaction of the Minister for Planning by an independent television and radio monitoring specialist appointed by the operator under this permit.

37. If, following commencement of the operation of the wind energy facility, a complaint is received regarding the wind energy facility having an adverse effect on television or radio reception at the site of any dwelling in the area which existed at the date of the pre-construction survey, a post-construction survey must be carried out at the dwelling.

38. If the post-construction survey establishes any increase in interference to reception as a result of the wind energy facility operations, the wind energy facility operator must undertake measures to mitigate the interference and return the affected reception to pre-construction quality at the cost of the wind energy facility operator and to the satisfaction of the Minister for Planning.

COMPLAINTS MADE TO THE RESPONSIBLE AUTHORITY

39. If a complaint is received by the responsible authority about the wind energy facility the responsible authority will after consideration of the views of the complainant and the wind energy facility operator, determine if a dispute exists. For the purposes of this condition a dispute is a matter remaining unresolved after application of the complaints management plan.

If the responsible authority determines and advises that a dispute does not exist, the complainant and the wind energy facility operator should use the provisions of the complaint management plan to resolve the complaint.

If the responsible authority determines that a dispute does exist and that there is a breach of the permit, action must be taken to bring the operation of the wind farm into compliance with the permit

In determining whether a breach exists the responsible authority may require the wind energy facility operator to:

- Commission a suitably qualified expert to provide an opinion as to whether a breach exists, and/or
- Conduct compliance testing.

SECURITY

40. All site and wind turbine access points and electrical equipment must be locked when not in use and made inaccessible to the general public to the satisfaction of the responsible authority. 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 responsible authority.

PRELIMINARY INVESTIGATIVE WORKS

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

DECOMMISSIONING

42. The wind energy facility operator must, no later than 1 month after all wind turbines have permanently ceased to generate electricity, notify the Minister for Planning in writing of the cessation of the use. Within a further 6 months of this notification (or in the absence of notification, unless with the consent of the Minister for Planning, within 12 months of all turbines ceasing to operate), the wind energy facility operator, or in the absence of the operator, the owner of the land on which the relevant

turbine(s) is/are located, must prepare a decommissioning plan to the satisfaction of the Minister for Planning.

The decommissioning plan must provide for the following:

a) the removal of all above ground non-operational equipment;

b) the removal and clean up any residual spills or contamination;

c) the rehabilitation of all storage, construction, access tracks and other areas affected by the project closure or decommissioning, if not otherwise useful to the on-going management of the subject land;

d) a decommissioning traffic management plan to the satisfaction of the Minister for Planning; and

e) a post-decommissioning revegetation management plan, including a timetable of works to the satisfaction of the Minister for Planning.

The decommissioning plan must be implemented to the satisfaction of the Minister for Planning within 24 months of approval of the plan or within such other timeframe as may be specified by the Minister for Planning.

COUNTRY FIRE AUTHORITY

43. Access

a) Constructed roads must be a minimum of four (4) metres in trafficable width.

b) There must be no fixed obstructions within 1 metre of the formed edge of the road width and a four (4) metre vertical clearance over the trafficable width to allow access by a fire truck.

c) Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

d) The average grade must be no more than 1 in 7 (14.4%) (8.1 deg.) with a maximum of no more than 1 in 5 (20%) (11.3 deg.) for no more than 50 metres. Dips must have no more than a 1 in 8 (12.5%) (7.1 deg.) entry and exit angle.

e) Bridges and culverts must comply with the *Australian Bridge Design Code* and live load must be SM1600 traffic design loading.

f) All roads must have a maximum cross fall alignment of 1 in 33 (3%) and a minimum of curves.

g) Curves should have a minimum inner radius of 10 metres.

h) Constructed roads more than 200 metres in length must have passing bays provided every 200 metres. Passing bays must be a minimum six (6) metres in trafficable width and twenty (20) metres long.

44. Water Supply

a) A static water supply solely dedicated for fire fighting is to be provided and maintained at the concrete batching plant(s).

b) Static water supply tanks for fire fighting must be fitted with at least one, preferably two 64mm, 3 thread / 25mm x 50mm nominal bore British Standard Pipe (BSP), round male coupling.

c) Static water supply tanks for fire fighting must be readily identifiable with red 300mm x 400mm x 400mm triangular water markers with the letter W in white and a reflective blue marker.

d) Fire brigade vehicles must be able to get within four (4) metres of the outlet(s) on a hard standing and turning area which:

- is accessible in all weather conditions;
- is capable of accommodating a vehicle of 15 tonnes; and
- has a minimum radius of ten (10) metres.

45. Fuel/Vegetation Management

a) During the declared Fire Danger Period, grass must be no more than 100mm in height and leaf litter no more than 10mm deep for a distance of thirty (30) metres around constructed buildings and viewing platforms.

b) During the declared Fire Danger Period, a fuel reduced area of four (4) metres width must be maintained around the perimeter of Electricity Compounds and Substation type facilities.

c) During the declared Fire Danger Period, there must be no long grass or deep leaf litter in areas where plant and heavy equipment will be working.

d) During the declared Fire Danger Period, all plant and heavy equipment must carry at least one 9.0 litre Water Stored Pressure fire extinguisher with a minimum rating of 3A, when conducting work activities onsite and obtain a permit for work on days of total fire ban.

CORANGAMITE SHIRE

46. A publicly accessible information shelter displaying information about the wind farm and designed in consultation with the Corangamite Shire Council and VicRoads must be constructed in Skipton.

47. The permit holder must develop and implement a Construction Workforce Accommodation Strategy, in consultation with affected councils and to the satisfaction of the Minister for Planning with the objectives of:

- minimising housing stress for low income households in rental accommodation in nearby townships;
- creating new housing including short term worker accommodation within township boundaries;
- minimising the need for new physical and social infrastructure; and
- minimising any adverse effect on community cohesion

EXPIRY

48. This permit will expire if one of the following circumstances applies:

i. the development is not started within 5 years of the date of this permit;

ii. the development is not completed within 10 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.

PERMIT NOTES

1. For the purpose of these conditions, a non-stakeholder or non participating landholder means the land holder of an abutting property without a contract for the installation of the permitted wind turbines on that person's property.

2. For the purpose of Condition 6 (e), consultation with the CFA must include CFA at headquarters level, the CFA Regional Office and the local volunteer brigades.

3. Prior to the removal, destruction or lopping of any vegetation listed under the *Flora and Fauna Guarantee Act* 1988 from Crown land, a permit under that Act must be obtained from the Department of Sustainability and Environment.

4. Prior to works commencing, a Works on Waterways Permit must be obtained from Glenelg Hopkins CMA for construction of all proposed waterway crossings for vehicles and utility conduits. Unless electrical conduit crossings are aligned with access tracks, otherwise separate permission will be required for these.

5. Where surface water or groundwater is to be used for construction purposes, before commencement of works, permits will need to be obtained from Southern Rural Water.

26 OCT 2010

Date Issued:

Signature for the Minister

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.

Planning and Environment Regulations 2005 Form 11
Section 97F
PLANNING PERMIT GRANTED BY THE MINISTER UNDER
DIVISION 6 OF PART 4 OF THE PLANNING AND ENVIRONMENT ACT 1987

PLANNING PERMIT

Permit No: P2009/105

Planning Scheme: Corangamite Planning Scheme

Responsible Authority for Administration and Enforcement of this Permit: Corangamite Shire Council

ADDRESS OF THE LAND: Within the powerline route between the proposed Stockyard Hill wind energy facility and proposed terminal station, within Corangamite Shire Council. The affected land is generally within road reserves south of the proposed wind energy facility site along Skipton Road, adjacent to Skipton via Murray Street and Park Street then to the proposed terminal station via Rokewood – Skipton Road, Mount Bute Road, Crawfords Road, Rowlands Road, Barrs Road, Frosts Road, Calverts Road, Hamilton Highway and McLeans Road.

THE PERMIT ALLOWS: Removal of native vegetation to enable the installation of 132kV overhead powerlines.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

PLANS TO BE ENDORSED

1. Before the native vegetation removal starts, plans clearly showing the areas of native vegetation to be removed must be prepared to the satisfaction of the Minister for Planning. The plans must be drawn to scale with dimensions and three copies must be provided. When approved the plans will be endorsed by the Minister for Planning and will then form part of this permit.

The plans must show the location and extent of the 58 square metres of vegetation proposed to be removed and any additional areas identified by pre-construction surveys required by this permit which cannot be avoided to the satisfaction of the Minister for Planning.

All works must be in accordance with the endorsed plan, unless otherwise approved in writing by the Minister for Planning.

NATIVE VEGETATION REMOVAL

2. Before works start:

   a) temporary fencing or tape must be installed around areas of native vegetation to be retained and the fenced area signed as not to be disturbed; and

   b) a worker education and induction program concerning the avoidance of disturbance to vegetation to be retained must be developed and implemented

   to the satisfaction of the Minister for Planning.

   The fencing and sign(s) must remain in place until completion of the powerline works.

3. Works must not cause damage to native vegetation stands to be retained. Vehicles and machinery must not enter areas of native vegetation beyond the designated works area.

4. No construction activity, storage of equipment or materials or parking is to be undertaken beyond the designated works area.

5. To prevent the spread of weeds and pathogens, all vehicles and machinery must be made free of soil, seed and plant material before being taken to, and again before being taken from, the works site, during and on completion of the works.

6. Tree trimming operations must be undertaken using the natural target pruning 'three cut method' as described in the 'Roadside Handbook: '*An Environmental Guide for Road Construction and Maintenance*' (VicRoads 2006).

FLORA AND FAUNA SURVEYS

7. Before the removal of any native vegetation starts the following surveys must be undertaken by a qualified ecologist to the satisfaction of the Minister for Planning on the advice of DSE:

a) a further survey for Spiny Rice Flower (*Pimelea spinescens subsp. spinescens*) undertaken within the summer to autumn (flowering) season to ensure no impacts to this species occur. .

b) targeted surveys for other flora must be undertaken in order to avoid removal of any plants which are listed as threatened communities and or species under the *Flora and Fauna Guarantee Act 1988* (Victoria) and the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth) to the satisfaction of the Minister for Planning.

These surveys must use the approach to identifying Natural Temperate Grassland of the Victorian Volcanic Plains remnants outlined in the Matters of National Environmental Significance peer review report at page 10 presented at the panel hearing.

8. Should Spiny Rice Flower be identified in the surveys required by condition 7, the area(s) of proposed clearing must be micro-sited to avoid the plants and appropriate environmental management measures adopted to prevent inadvertent loss or disturbance of the plants to the satisfaction of the Minister for Planning.

NET GAIN OFFSET PLAN

9. Before removal of native vegetation starts, a net gain offset plan must be prepared by a suitably qualified ecological specialist and submitted to and approved by the Department of Sustainability and Environment. Once approved, the plan will be endorsed and will then form part of the permit. The offset plan must include the following:

a) details of the proposed offsets which will achieve a net gain in quality and quantity of native vegetation in accordance with the principles and guidelines associated with the *Native Vegetation Management: A Framework for Action (DSE 2002)*;

b) fully dimensioned plans (drawn to an appropriate scale), which clearly show the locations, boundaries and title details of all offset sites. The plans must also clearly show the boundaries of any different management zones and the location of any proposed fencing;

c) type of offsets to be provided for each location;

d) details of revegetation including number of trees, shrubs and other plants, species mix and density (consistent with the characteristics of the relevant ecological vegetation class);

e) methods of managing and restoring the vegetation, including revegetation, such as fencing, weed control, enhancement planting and other habitat management actions;

f) pest plant and animal control methods;

g) a statement of the need to source local seed stock and options available for sourcing of local seed;

h) a statement of the need for revegetation works to be carried out by a suitably qualified ecological specialist;

i) methods of permanent protection for the offsets, such as the registration on title of an agreement under Section 173 of the *Planning and Environment Act 1987*, an agreement under Section 69 of the *Conservation Forests and Lands Act 1987*, or a covenant under section 3A of the *Victorian Conservation Trust Act 1972*;

j) persons responsible for implementing and monitoring the offset plan; and

k) a schedule of management actions, which documents how the net gain outcomes will be achieved within a 10 year timeframe.

10. Prior to the commencement of native vegetation removal, all offset sites must be legally secured by means of the registration of an on-title agreement or covenant to the satisfaction of the Department of Sustainability and Environment and the Minister for Planning.

11. All actions specified in the endorsed offset plan must be completed within the specified timeframes, to the satisfaction of the Department of Sustainability and Environment and the Minister for Planning.

12. The disturbed areas must be revegetated as soon as practicable to minimise soil erosion.

EXPIRY

13. This permit will expire if one of the following circumstances applies:

- the native vegetation removal is not started within 5 years of the date of this permit;
- the native vegetation removal is not completed within 10 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.

PERMIT NOTES

1. Prior to the removal, destruction or lopping of any vegetation listed under the *Flora and Fauna Guarantee Act 1988* from Crown land, a permit under that Act must be obtained from the Department of Sustainability and Environment.

26 OCT 2010

Date Issued:

Signature for the Minister

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.