

WELLINGTON SHIRE COUNCIL

Planning and Environment Regulations 2005 Form 4

**PLANNING
PERMIT**

Issued at the direction of VCAT

Permit No.: P73/2006

Planning Scheme: Wellington Planning Scheme

**Responsible Authority: Wellington Shire
Council**

ADDRESS OF THE LAND:

Lots 1 and 2, PS: 75047, Lots 1 and 2, PS:
428789P, Bolgers Road, 190 Ingles Road and 144
Ingles Road DEVON NORTH

THE PERMIT ALLOWS:

Use and development of a wind energy facility comprising seven turbines each with a generating capacity of not more than 2 MW and associated infrastructure in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 1 Before the use and or development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but:
 - i Modified to show the exact locations of the turbines on the site so that no turbine is closer than 500 metres to any dwelling existing at the date of approval of this permit other than the dwelling belonging to the owner of the site.
 - ii Provide a detailed schedule of materials, colours and finishes of the wind generators (inclusive of nacelles, blades and foundations) and any other structure proposed as part of the facility.
 - iii If the turbines are re-positioned from the locations identified in the report prepared by Marshall Day Acoustics dated 7 June 2007 (Appendix H - Summary of Parameters):
 - a A revised acoustic report must be submitted that assesses the potential noise levels at adjoining residents in accordance with the method of New Zealand Standard: *'Acoustics - The Assessment and Measurement of Sound from Wind Turbine Generators'* (NZS

6808:1998) for the revised location of the turbines and demonstrates compliance with this standard.

- b A revised shadow flicker assessment must be submitted demonstrating compliance with the *Policy and planning guidelines for development of wind energy facilities in Victoria* (Sustainable Energy Authority Victoria, May 2003 or as amended at the time of assessment).

All to the satisfaction of the Responsible Authority.

Use and Layout Conditions

- 2 The use and layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
- 3 All tower access points and electrical equipment must be locked and made inaccessible to the general public. 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 and not visible to the public, to the satisfaction of the Responsible Authority.
- 4 This permit does not include permission for any buildings or works associated with the re-powering of the wind energy facility. Such works will require further planning approval.

Wind Energy Facility Specifications

- 5 The wind energy facility and turbines must not exceed the following parameters:
 - i Seven MM92 turbines in total (or equivalent type to the satisfaction of the Responsible Authority);
 - ii turbines to be mounted on round steel towers no greater than 80 metres in height to the hub of the turbine;
 - iii rotor blades of no more than 48 metres in length;
- 6 Unless with the consent of the Responsible Authority, all areas affected by construction activities required for the wind energy facility, including access roads and lay down areas, must be revegetated and rehabilitated to their previous condition at the completion of construction operations to the satisfaction of the Responsible Authority.

Heritage Protection and Management

- 7 Works must cease immediately upon the discovery of any Aboriginal cultural material and Aboriginal Affairs Victoria must be notified immediately of any such discovery.
- 8 If any suspected human remains are found work must cease immediately and the Victoria Police and State Coroner's Office must be notified immediately.

If there are reasonable grounds to suspect that the remains are Aboriginal, the discovery should also be reported to Aboriginal Affairs Victoria.

Traffic Management Plan

- 9 Before any building or works commence in association with the wind energy facility, the following information must be submitted to and approved by the Responsible Authority:
 - i A Traffic Management Plan, addressing the following issues:
 - a construction and transport vehicle routes;
 - b the suitability of access roads for traffic needs;
 - c existing and potential impacts upon traffic volumes on local roads;
 - d vehicle access points to turbine sites from Bolgers Road;
 - e the provision of appropriate traffic management signs;
 - f the need for intersection upgrades to accommodate any additional traffic requirements; and
 - g re-powering and/or de-commissioning traffic requirements.

Avifauna Management

- 10 Before the commissioning of any stage of the wind energy facility, the following information must be submitted to and approved by the Responsible Authority in consultation with the Department of Sustainability and Environment (DSE):
 - i A bird and bat management plan which includes:
 - a a post-commissioning bird and bat mortality monitoring program along with scavenger trials to determine what impact the wind energy facility is having on bird and bat species.
 - b a mitigation plan for dealing with potential threats to bird and bat species that may be identified through these studies.

The results of the surveys and monitoring work must be reported to the DSE and the Responsible Authority.

Environment Management Plan

- 11 Before any works commence on the site, an Environment Management Plan (EMP) that covers the construction, operation, re-powering and decommissioning of the wind energy facility must be prepared to the satisfaction of the Responsible Authority. The EMP must address the following issues:
 - i A construction and work site management plan which includes:
 - a procedures for access, noise and pollution management;
 - b identification of all potential contaminants stored on site;

- c the identification of all construction and operational processes which could potentially lead to water contamination;
 - d the identification of appropriate storage, construction and operational methods to control any contamination risks;
 - e the identification of any waste re-use, recycling and disposal procedures;
 - f criteria for the siting of any temporary structures required during construction (including construction compound, workers huts, concrete batching facilities, storage and laydown areas, etc.); procedure for their removal and reinstatement of the land once they are no longer needed;
 - g detailed track construction plans for all tracks and access points, to the satisfaction of the responsible authority. Access must only be taken from Bolgers Road;
- ii A sediment and erosion management plan which includes:
- a procedures to ensure that silt from batters, cut-off drains, table drains and road works is retained on the works site during and after construction. All land disturbances must be confined to the minimum practical and to the vicinity of the identified works area.
 - b soil to be removed must be stockpiled and separate horizons must be stockpiled separately and not mixed. Stockpiles must be located away from drainage lines and covered/stabilised to limit wind erosion;
 - c details for the storage of fuels and chemicals in securely bunded areas well away from waterways and native vegetation;
 - d procedures to contain any contaminated or turbid run-off during and after construction;
 - e procedures to suppress dust arising from construction-related activities. Appropriate measures may include water sprays on roads and stockpiles, stabilising surfaces, temporary screening, modifying construction activities during heightened wind periods and revegetation of exposed areas as soon as possible;
 - f procedures to ensure that steep batters are treated in accordance with Environment Protection Authority recommendations detailed in the *'Construction Techniques for Pollution Control'* No. 275, 1991;
 - g procedures for waste water and discharge management;
 - h procedures for reinstatement of unnecessary tracks, hardstand areas and other areas following completion of construction.

The development and use must be carried out in accordance with the approved Environmental Management Plan to the satisfaction of the Responsible Authority.

Off-site Landscape and Visual Screening Plan

- 12 Before the development starts, a program of landscape mitigation works is to be offered to the landowners of the 'Stone' and 'Neist' properties (as identified in the Statement of evidence for visual impact prepared by Stephen Schutt of Hansen Partnership Pty Ltd, dated May 2007). As part of this program an Off-site Landscape Plan must be prepared and submitted to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed by the Responsible Authority. The Off-site Landscaping Plan may be submitted in stages to the satisfaction of the Responsible Authority (so that not all stages are completed before the development starts) and must include (but may not be limited to) the following:
- (a) A provision for landowners of the 'Stone' and 'Neist' properties to have the opportunity to accept the offer of visual screen planting at any time up until six (6) months after the commissioning of the last wind generator;
 - (b) The process by which those landowners provided for in condition 12(a) will be informed of this offer and the process by which it can be accepted;
 - (c) Details of planting or other treatments that will be used to reduce the visual impact of the wind turbines at the dwellings of participating landowners;
 - (d) Details of species proposed to be used for the landscaping including details of height and size of species at maturity;
 - (e) A timetable for the implementation of the plan;
 - (f) A maintenance program.

The use and development must be carried out in accordance with the endorsed Off-site Landscape Plan to the satisfaction of the Responsible Authority.

Noise Management and Commissioning Report

- 13 The operation of the wind energy facility must comply with the New Zealand Standard: *'Acoustics - The Assessment and Measurement of Sound from Wind Turbine Generators'* (NZS 6808:1998) (the *'New Zealand Standard'*) in relation to any dwelling existing at the date of approval of this permit to the satisfaction of the Responsible Authority.
- 14 Within three months of the commencement of operation of any turbine(s) associated with the wind energy facility hereby permitted, an independent post-construction noise monitoring program must be undertaken by the proponent in accordance with the *New Zealand Standard* to the satisfaction of the Responsible Authority. The program must monitor noise levels at any dwellings existing within a one kilometre radius of any wind turbine at the date of approval of this permit and that is not in the same ownership as the subject land.

A report summarising the results of the program, and the data collected, must be forwarded to the Responsible Authority within 30 days of the end of the monitoring

period. The results must be written in plain English and formatted for reading by lay people.

Recommendations to address any non-compliance with the *New Zealand Standard* must be included in the report and, on agreement by the Responsible Authority measures to address non-compliance must be immediately implemented to the satisfaction of the Responsible Authority.

Electromagnetic Interference Commissioning Report

- 15 The permit holder must conduct a pre and post construction qualitative survey of telecommunications receiver and transmitter stations with line of sight across the site including TV and radio reception for residences and facilities within an area prescribed by a one kilometre radius from each of the turbine locations associated with the wind energy facility hereby permitted. If the qualitative survey establishes any detrimental increase in interference to reception and/or signals, the applicant shall implement mitigation measures that return affected reception and/or signals to pre-construction quality to the satisfaction of the Responsible Authority.

Shadow Flicker Management

- 16 The permit holder must implement mitigation measures to the satisfaction of the Responsible Authority to ensure that no dwelling experiences an unacceptable degree of shadow flicker or undue blade glint. Shadow flicker experienced at any dwelling in the surrounding area must not exceed 30 hours per year as a result of the operation of the wind energy facility hereby permitted.

Aviation Safety and Lighting

- 17 As required by the Civil Aviation Safety Authority (CASA) aviation obstacle lighting must be placed on the turbines to the satisfaction of the CASA. To the extent allowed by the CASA the lights must be shielded or designed so that the light is only directed upwards and does not shine at or below the horizontal plane of the light fitting.
- 18 Following construction of the wind energy facility, CASA must be informed so that they can determine the adequacy of the lighting provisions to ensure that the safety of air navigation is not compromised. Further action as to aviation lighting arising from this inspection and at the direction of CASA shall be implemented.
- 19 Except as provided for in this permit the turbines and towers must not otherwise be artificially illuminated at night.
- 20 Once the final position of the wind turbines has been determined for the wind energy facility hereby permitted and prior to their construction, the developer must supply the RAAF AIS with the height and position of the turbines. When construction is complete, 'as constructed' details must also be passed to the RAAF AIS.

Decommissioning

- 21 At project closure and/or decommissioning, the applicant must conduct the following operations to the satisfaction of the Responsible Authority:
- i the removal of all non-operational or downed equipment;
 - ii the removal and clean-up of any residual spills;
 - iii the clean-up and restoration of all storage, construction and other areas associated with use, development and decommissioning of the wind energy facility;
 - iv the restoration of all tower pads, access roads and any other area affected by project closure or decommissioning.

Permit Expiry

- 22 This permit will expire if the development is not started within four years and completed within six years of the date of this permit.

The Responsible Authority may extend this period if a request is made in writing before the permit expires or within three months afterwards.

Date Issued: 21 December 2007

Signature for the Responsible Authority:

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.



A handwritten signature in black ink, appearing to be 'J.M.D.', is written over a horizontal line. The signature is stylized and cursive.