



Minister for Planning

Folio
No.
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Our Ref: BMIN011338

Cr Michael O'Connor
Mayor
Pyrenees Shire Council
Lawrence Street
Beauford
VIC 3373

PYRENEES SHIRE COUNCIL	
FILE No:	711054700P
DOC No:	11P/06601
19 MAY 2011	
ACTION:	C. Hall
INFORMATION:	Copy to

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Dear Cr O'Connor

CALL IN OF VCAT APPLICATION FOR REVIEW P3249/2010 – CHEPSTOWE WIND FARM

I refer to the above Application for Review which I called in by exercising powers available under clause 58(2)(a) of Schedule 1 of the *Victorian Civil and Administrative Tribunal (VCAT) Act 1998*.

In calling in this matter, I appointed two delegates from the Department of Planning and Community Development (DPCD) to review Planning Permit application PA1676/2010 for the use and development of the land for a wind energy facility (3 turbines) and removal of native vegetation at 346 Carngham-Streatham Road, Chepstowe.

Consistent with the advice of DPCD, I recommended to the Governor in Council to grant Planning Permit PA1676/10 for the use and development of a wind energy facility (3 turbines) and removal of native vegetation at 346 Carngham-Streatham Road, Chepstowe, subject to the conditions contained in the enclosed schedule.

Under clause 61(1)(b) of Schedule 1 of the VCAT Act 1998, the Governor in Council determined the matter and directed that Pyrenees Shire Council, as the responsible authority, issue planning permit PA1676/10.

Please arrange for the planning permit to be issued consistent with the decision of the Governor in Council, and for a copy of the permit to be forwarded to this office for our records. Please also ensure that a copy of the permit is sent to all parties to the review.

Yours sincerely


MATTHEW GUY MLC
Minister for Planning

Encl.

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Victorian Civil and Administrative Tribunal Act 1998

ORDER UNDER CLAUSE 61 OF SCHEDULE 1
DETERMINING APPLICATION FOR REVIEW P3249/2010

346 CARNGHAM-STREATHAM ROAD, CHEPSTOWE

SCHEDULE TO THE ORDER IN COUNCIL

WHAT THE PERMIT ALLOWS:

Use and development of the land for the purpose of a wind energy facility (3 turbines) and removal of native vegetation at 346 Carngham-Streatham Road, Chepstowe in accordance with the endorsed plans.

PLANNING PERMIT CONDITIONS

1. Before the 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 (using Global Positioning System coordinates or another appropriate method and including dimensions from adjoining property boundaries) and three copies must be provided. The plans must be generally in accordance with Figures 5, 6 and 7 from Vol. 1 of the amended plans submitted in November 2010, but prepared at a scale of 1:250 and modified to show:
 - a. the final location of wind turbines, internal access tracks and internal electrical reticulation and communications;
 - b. any adjustments to turbine positioning to ensure that ground disturbance associated with the construction of the wind energy facility does not adversely impact on drainage lines or areas of high erosion risk;
 - c. that the clearance of native vegetation is avoided or minimised;
 - d. that areas of significant fauna habitat identified by a qualified ecologist, engaged to inspect site works, are avoided;
 - e. the location, layout and dimensions of all buildings and works, including the switchyard/substation and the final location of the operations and maintenance building and any temporary concrete batching plants;
 - f. the location of any ancillary works, such as construction compounds, water tanks and road works;
 - g. global positioning system co-ordinates for each generator;
 - h. details and locations of any connector cabling associated with the connector network within the wind energy facility;
 - i. the final location and design of the temporary concrete batching plant;
 - j. the details of the design and make, model and nominal power capacity of the final selected wind turbines to be installed (*inclusive* of nacelles, blades and foundations), including dimensions, elevations, materials and colours and finish of construction;
 - k. details of any signage proposed to be displayed as part of the wind energy facility, which must be limited to:
 - one business identification sign for the wind energy facility operator, displayed on site and no larger than 3sqm in size.
2. The use and development, as shown on the endorsed plans, must not be altered or modified without the written consent of the Responsible Authority, except for

micrositing of wind turbines and consequential micrositing of associated tracks and reticulation lines as defined below, which does not require consent and will be viewed generally in accordance with the endorsed plans.

Any request for confirmation of the Responsible Authority's satisfaction must be accompanied by supporting material addressing the above matters as relevant.

SPECIFICATIONS

3. The wind energy facility must meet the following requirements:
 - a. the wind energy facility must comprise no more than 3 wind turbines;
 - b. the overall maximum height of the wind turbines (to the tip of the rotor blade when vertical) must not exceed 130 metres above natural ground level;
 - c. each wind turbine is to have not more than 3 rotor blades, with each blade having a length of no greater than 50 metres;
 - d. the transformer associated with each wind generator must be located beside each tower and be pad mounted, or be enclosed within the tower structure;
 - e. 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 Responsible Authority;
 - f. access tracks within the site must 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 Responsible Authority;
 - g. new on-site electricity transmission lines associated with the wind energy facility must be placed under the ground.

LANDSCAPING AND VISUAL TREATMENTS

4. Before the use commences, a Landscaping and Visual Screening Plan must be submitted to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed by the Responsible Authority. The Landscaping and Visual Screening Plan must include:
 - a. details of plant species proposed to be used in the landscaping, including the height and spread at maturity of the species chosen;
 - b. a timetable for implementation of all landscaping works;
 - c. maintenance and monitoring program;
 - d. all access tracks are to be constructed with local gravel and/or surface material that will not unduly contrast with the landscape, to the satisfaction of the Responsible Authority;
 - e. a program of voluntary landscape mitigation works to the satisfaction of the Responsible Authority must be made available to the owners of the 23 dwellings in the visual impact assessment provided by Ms Kirsten Bauer in the report dated January 2011;
 - f. if a program of voluntary landscape mitigation works is accepted by one or more owners under Condition 4(e), as part of that program, an off-site landscaping plan must be prepared in consultation with the landowners specified in Condition 4(e) to the satisfaction of the Responsible Authority. When approved the plan will be endorsed and will then form part of this permit.

The plan must provide details of planting or other treatments that will be used to reduce the visual impact of the wind turbines at the dwellings of the participating landowners.

The off-site Landscaping and Visual Screening Plan must include:

- (i) details of the plant species to be used, including the height and spread of plants at maturity;
 - (ii) maintenance of landscaping; and
 - (iii) a timetable for implementation of the landscaping works.
5. The landscaping as shown on the endorsed off-site and on-site landscape plans must be completed to the satisfaction of the Responsible Authority within 6 months of the completion of the development or any relevant stage of it, at the cost of the operator under this permit and thereafter maintained by the operator, to the satisfaction of the Responsible Authority until the wind farm has been decommissioned and reclamation works have been undertaken and completed.

LIGHTING INCLUDING AVIATION OBSTACLE LIGHTING

6. No external lighting of infrastructure associated with the wind energy facility, other than low level, low-intensity security lighting where appropriate may be installed or operated without the further consent of the Responsible Authority. Aviation lighting may only be installed if required in writing by the Civil Aviation Safety Authority (CASA).

AVIATION SAFETY CLEARANCES

7. Within 14 days of approval, copies of the endorsed development plans must be provided to CASA, the Department of Defence (RAAF Aeronautical Information Services), Air Services Australia, any aerodrome operator within 15 km, the Aerial Agriculture Association of Australia and to any organisation responsible for providing air ambulance services in the area, to enable details of the wind energy facility to be shown on aeronautical charts of the area.

TRAFFIC MANAGEMENT

8. Before the development starts, a Traffic Management Plan prepared in consultation with the Responsible Authority must be submitted to VicRoads for comment.

The plan must be approved to the satisfaction of the Responsible Authority and VicRoads, prior to the commencement of works. The Traffic Management Plan must include:

- a. an existing conditions survey of public roads in the vicinity of the wind energy facility that may be used for access, including details of the suitability, design and construction standard of such roads;
- b. the designation of appropriate construction and transport vehicle routes to the wind energy facility;
- c. the designation of vehicle access points to the wind energy facility from surrounding roads, including arterial road access points to local access roads;
- d. the designation of operating hours and speed limits of trucks on relevant routes accessing the site so as to avoid the time and routes of passage of school buses, and to provide for resident safety;
- e. any necessary pruning of roadside vegetation to provide for transport of materials to the site, and pruning practices to be followed;
- f. the designation of car parking areas;
- g. the requirements for Over Dimensional Load permits and escorting of long or large loads along roads in the area;

- h. the need for road intersection upgrades to accommodate additional traffic or site access requirements, whether temporary or ongoing;
 - i. a timetable for implementation of any pre-construction works identified to be undertaken.
- 9. A detailed plan of local roads to access the site from the arterial road network must be submitted to VicRoads and the Responsible Authority for approval prior to the commencement of construction of wind turbines. This detailed plan must address such issues as, swept vehicle paths at arterial road and local road intersections and what road works are required to allow the length of the vehicle to turn safely.
- 10. Prior to commencing work to implement the Traffic Management Plan within a declared road reserve, the developer must meet the requirements of the Road Management Act 2004 with respect to notifying and seeking consent from VicRoads to undertake works in the road reserve. The 'consent' from VicRoads requires the applicant to complete an 'Application for Consent' form and submit to VicRoads for approval.
- 11. The permit holder must provide evidence to the satisfaction of the Responsible Authority that the developer/developer's contractor has public liability insurance for at least \$10 million for the duration of any proposed works.
- 12. All road works will be at no cost to VicRoads or the Responsible Authority.

ENVIRONMENTAL MANAGEMENT PLAN

- 13. Before the development starts, an Environmental Management Plan (EMP) must be prepared to the satisfaction of the Responsible Authority, in consultation with the Department of Sustainability and Environment.

When approved, the EMP will be endorsed by the Responsible Authority and will then form part of this permit. The EMP must address the issues below;

- (a) construction and work site management including:
 - (i) the identification of all potential contaminants stored on site;
 - (ii) the identification of all construction and operational processes that could potentially lead to water contamination;
 - (iii) the identification of appropriate storage, construction and operational methods to control any identified contamination risks;
 - (iv) procedures for pollution management;
 - (v) the identification of waste reuse, recycling and disposal procedures;
 - (vi) a management plan for the concrete batching plant(s) to prevent pollution of local waterways particularly from wash water and waste concrete materials;
 - (vii) appropriate sanitary facilities for construction and maintenance staff;
 - (viii) the identification of stockpile and storage sites, vehicle/machinery parking areas and set access routes for vehicles to eliminate creation of multiple tracks;
 - (ix) details as to how to hardstand areas and tracks, which are not required for the ongoing use of the wind energy facility, will be rehabilitated after the construction of the wind energy facility has finished;
 - (x) procedures for managing construction noise in accordance with the EPA Environmental Guidelines for Major Construction Sites (Bulletin 480) and the EPA Noise Control Guidelines TG30292.

- (b) management of any blasting proposed. This issue must be addressed only if blasting is proposed to be undertaken at the site as part of the construction of the wind energy facility;
- (c) Hydrocarbon and hazardous substances management including:
 - (i) procedures for any onsite storage of fuels, lubricants or waste oil;
 - (ii) contingency measures to ensure that any chemical or oil spills are contained onsite and cleaned up in accordance with Environment Protection Authority requirements.
- (d) geomorphology management including procedures to have sites of potential geomorphological significance revealed during excavation, evaluated and protected if necessary;
- (e) indigenous and non-indigenous heritage and archaeology management including protocols for protecting and reporting the discovery of any human remains in accordance with the requirements of the Victoria Police, the Victorian State Coroner's Office and Aboriginal Affairs Victoria;
- (f) pest plan management. This section of the EMP must be prepared in consultation with the Department of Sustainability and Environment. It must include:
 - (i) procedures to prevent the spread of weeds and pathogens to and 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) sowing of disturbed areas with perennial plant species as appropriate to the location; and
 - (iii) procedures for follow-up weed control to be undertaken on all areas disturbed through construction of the wind energy facility for a minimum period of 2 years following constructing the wind energy facility.
- (g) sediment, erosion and water quality management including:
 - (i) the implementation of sediment control measures prior to commencement and during the construction phase of the wind farm. Appropriate measures must 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 276, and 'Environmental Guidelines for Major Construction Sites', Publication 480;
 - (ii) appropriate sediment control measures must be employed in all drains adjacent to the access track network.
 - (iii) 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.;
 - (iv) where surface water or groundwater is to be used for construction purposes, the appropriate permits must be obtained from Southern Rural Water before commencement of works;
 - (v) procedures to ensure that silt from batters, cut-off drains, table drains and road works is retained on the works site during and after the construction stage of the project. All land disturbances must be confined to a minimum practical working area and to the vicinity of the identified works areas. Soil to be removed must be stockpiled and separate soil horizons must be retained in separate stockpiles and not mixed. Stockpiles must be located away from drainage lines;
 - (vi) procedures to contain any contaminated or turbid runoff during and after construction of the wind energy facility;
 - (vii) procedures to suppress dust arising from construction related activities. Appropriate measures may include water spraying of roads and stockpiles, stabilising surfaces, temporary screening and/or wind fences,

- modifying construction activities during periods of heightened winds and revegetating exposed areas as soon as practicable;
 - (viii) procedures to ensure that steep batters are treated in accordance with Environment Protection Authority recommendations detailed in the 'Construction Techniques for Sediment Pollution Control' No. 275, May 1991;
 - (ix) procedures for managing and discharging waste water;
 - (x) the installation of geotextile silt fences (with sedimentation basins where appropriate) on all drainage lines from the site which are likely to receive runoff from disturbed areas;
 - (xi) criteria for the siting of any temporary concrete batching plant(s) associated with the development of the wind energy facility and the procedure for removal and reinstatement of the site once their use finishes. The establishment and operation of any temporary concrete batching plant must be in accordance with the Environment Protection Authority's Environmental Guidelines for the Concrete Batching Industry, Publication No. 628;
 - (xii) a process for overland flow management to prevent the diversion of waters onto the site or erosion prone slopes;
 - (xiii) pollution management measures for stored and stockpiled materials including waste materials, litter and any other potential source of water pollution; and
 - (xiv) siting concrete batching plant(s) and any onsite wastewater treatment and disposal fields at least 100 metres from any watercourse.
 - (h) 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 EMP;
 - (i) A program for monitoring and reporting including a register of environmental incidents, non-conformances, complaints and corrective actions;
 - (j) A timetable for implementation of all programs and works identified in the EMP.
14. The use and development must be carried out in accordance with the endorsed EMP.
15. Prior to the commencement of development, a field assessment for presence of Striped Legless Lizard (*Delma impar*) shall be undertaken by a suitably qualified person or persons within the area of proposed works and ground disturbance hereby permitted. A report must be prepared to the satisfaction of the Department of Sustainability and Environment, reporting the results of this assessment and any necessary steps to manage habitat if this species is identified as being present within the development and works area.

INDIGENOUS CULTURAL HERITAGE

16. Prior to the commencement of development and in accordance with condition 13(e) the permit holder will consult with a member of the local registered Aboriginal Heritage Party (Wathaurong) and have their representative present during any excavation work.

BUSHFIRE PREVENTION AND EMERGENCY RESPONSE PLAN

17. A bushfire prevention and emergency response plan must be prepared in consultation with and to the satisfaction of the Country Fire Authority, the Department of Sustainability and Environment, and the Responsible Authority. This plan must include:

- (i) criteria for the provision of static water supply tanks solely for fire fighting purposes, including minimum capacities, appropriate connections and signage;
- (ii) criteria for access to static water supply tanks by fire fighting vehicles;
- (iii) procedures for vegetation management, fuel control and the provision of fire fighting equipment during declared fire danger periods;
- (iv) minimum standards for access roads and tracks to allow access for fire fighting vehicles;
- (v) the facilitation by the operator, before or within 3 months after 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, the Pyrenees Shire Council, Municipal Emergency Management Committee and Victoria Police;
- (vi) subsequent familiarisation sessions for new personnel of those organisations on a regular basis and/or as required;
- (vii) if requested, training of authority personnel in relation to suppression of wind energy facility fires;
- (viii) ongoing consultation and cooperation during planning, construction and operation of the wind farm, not only with the CFA at headquarters level but also with the local volunteer brigade;
- (ix) a timetable for implementation of all programs and works identified in this plan.

AVIFAUNA

18. Before the development starts, an avifauna management plan to the satisfaction of the Responsible Authority must be prepared in consultation with the Department of Sustainability and Environment, and must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The use must thereafter accord with the endorsed plan.

The avifauna management plan must include:

- (a) a statement of objectives and overall strategy for managing and mitigating any significant bird strike arising from the wind energy facility operations;
- (b) a monitoring program of at least 2 years duration from the commissioning of the last generator including surveys during the breeding season to ascertain;
 - (i) the presence, behaviour and movements of Brolgas, especially breeding pairs in the vicinity of the wind energy facility;
 - (ii) the species, number, age, sex (if possible) and estimated date of bird strikes;
 - (iii) bird strike rates at lit versus unlit turbines if aviation safety lighting is installed;
 - (iv) procedures for the reporting of any bird strikes to the Department of Sustainability and Environment;
 - (v) seasonal and yearly variation in the number of bird strikes;
 - (vi) the efficacy of searches for carcasses of birds, and where practical, 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; and
- (c) requirements for periodic reporting, within agreed timeframes of the findings of the monitoring to the Department of Sustainability and Environment;
- (d) recommendations in relation to a mortality rate for the species in 18(b)(i) above which would trigger the requirement for responsive mitigation measures to be undertaken by the proponent to the satisfaction of the Responsible Authority;
- (e) details of any responsive mitigation measures which may be implemented if the trigger mortality for a specified species is exceeded;
- (f) details for removal of any carcasses, of either livestock or wind turbine collision casualties, and to effectively control rabbits within 200 metres of any turbine to minimise potential for Wedge-tailed eagles and other raptors to be attracted to this area.

- (g) a strategy to offset any impacts detected during monitoring in the event that these impacts are considered excessive by the Responsible Authority, to be approved to the satisfaction of the Responsible Authority.
 - (h) an offset management plan to be prepared, in consultation with the Department of Sustainability and Environment, the Brolga recovery group and Trust for Nature, to offset the residual risk of impact on Brolgas.
19. Prior to and during site clearance works, a qualified zoologist must be present on site to identify, rescue and relocate any native fauna at risk from the construction of the wind farm.

NATIVE VEGETATION

20. Prior to removal of native vegetation, a Native Vegetation Management Plan must be prepared to the satisfaction of the Responsible Authority and the Department of Sustainability and Environment. When approved by the Responsible Authority and the Department of Sustainability and Environment, the plan will be endorsed and will then form part of this permit.

The Native Vegetation Management Plan must include a detailed site layout plan showing the locations of scattered native trees and patches of native vegetation where they may be affected by buildings and works. The plan must 'avoid' and 'minimise' the need for removal of native vegetation in accordance with the principles of Victoria's Native Vegetation Management – A Framework for Action (DNRE 2002). The Native Vegetation Management Plan must include a Native Vegetation Offset Plan which contains:

- (a) quantification of native vegetation losses including loss of quality resulting from implementation of Bushfire prevention measures;
- (b) details of the proposed offsets which will achieve a net gain in quality and quantity of native vegetation;
- (c) 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;
- (d) type of offsets to be provided for each location;
- (e) 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);
- (f) methods of managing and restoring the vegetation, such as fencing, weed control, enhancement planting and other habitat management actions;
- (g) pest plant and animal control methods;
- (h) a statement of the need to source local seed stock and options available for sourcing of local seed;
- (i) a statement of the need for revegetation works to be carried out by a suitably qualified ecological specialist;
- (j) methods of permanent protection for the offsets, such as the registration on title of a covenant under section 3A of the *Victorian Conservation Trust Act 1972*, or an agreement under Section 173 of the *Planning and Environment Act 1987*, or an agreement under section 69 of the *Conservation Forests and Lands Act 1987*, or (subject to agreement) transfer of the land to the responsible authority or the Crown;
- (k) persons responsible for implementing and monitoring the offset plan; and a schedule of offset management actions.

Note: As some native vegetation is of 'very high' conservation significance, the permit holder is required to formally seek consent from the Minister for Environment and Climate Change. The permit holder should consult with the Department of Sustainability and Environment before requesting this consent.

NOISE STANDARD

21. Except as provided below in this condition, the operation of the wind energy facility must comply with the 2010 New Zealand Standard, NZS 6808:2010, the Assessment and Measurement of Sound from Wind Turbine Generators, in relation to any non-stakeholder dwelling existing in the vicinity of the wind energy facility as at the 2nd February 2011, when measured in accordance with the method specified in that standard. In determining compliance with the standard, the following requirements apply:
 - (a) the sound level from the wind energy facility, when measured outdoors within 10 meters of a dwelling at any relevant nominated wind speed, must not exceed the background level (L95) by more than 5dBA or a level of 40dBA L95, whichever is the greater;
 - (b) the background noise levels must be determined by the method specified in the Standard, except that night-time levels will be determined in addition to all-time levels, and background sound levels must be established at all non-stakeholder dwellings within 3.5km of the nearest wind turbine;
 - (c) compliance must be separately assessed for all-time and night time. For the purpose of this requirement, night time is defined as 10.00pm to 7.00am; and
 - (d) if the noise has a special audible characteristic the measured sound level must have a penalty of 5dBA applied.
22. Before the development commences, a detailed proposal must be prepared by a qualified acoustic consultant to the satisfaction of the Responsible Authority to obtain robust background noise measurements at all non participating landowner dwellings located within 3.5 km of the nearest turbine. The measurements must be completed prior to the commissioning of the first turbine. The background noise testing results obtained shall be used in accordance with the 2010 New Zealand Standard, NZS 6808:2010 to derive the acceptable noise limit curve for future post compliance testing at the relevant dwellings.
23. A post construction noise monitoring and compliance assessment program must be undertaken by the operator under this permit within 6 months from the commissioning of the first turbine and at 12 months after the commissioning of the last turbine. The initial compliance noise monitoring program must commence within 2 months of the commissioning of the last turbine in the wind energy facility. The monitoring must be carried out in accordance with the method in NZS 6808:2010. The noise monitoring must be carried out by an independent expert with relevant wind turbine noise experience and, as far as possible the monitoring organisation should be NATA (National Association of Testing Authorities) accredited and the monitoring instruments calibrated by a NATA accredited organisation.
24. The results of the post-construction noise monitoring program(s) of Condition 21 and a statement of compliance or otherwise must be provided to the Responsible Authority within 45 days of the end of each monitoring program.
25. Should the results show non-compliance, the holder of this permit must submit to the Responsible Authority a detailed program to bring the facility into compliance. On approval, that program shall be implemented and on its completion noise monitoring

shall be repeated to demonstrate compliance and the results provided to the Responsible Authority within 45 days of the completion of the program.

26. Before the use begins, the operator under the permit must prepare a detailed noise complaint evaluation and response plan to the satisfaction of the Responsible Authority.

TELEVISION AND RADIO RECEPTION AND INTERFERENCE

27. A preconstruction survey must be carried out to the satisfaction of the Responsible Authority to determine television and radio reception strength at selected locations within 3kms of any wind turbine including non-stakeholder dwellings. The location of such monitoring is to be determined to the satisfaction of the Responsible Authority by an independent television and radio monitoring specialist appointed by the operator under this permit.

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

28. 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 preconstruction survey, a post construction survey must be carried out at the dwelling.
29. 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 preconstruction quality at the cost of the wind energy facility operator and to the satisfaction of the Responsible Authority.

SECURITY

30. All site and wind generator access points and electrical equipment must be locked and made inaccessible to the general public to the satisfaction of the Responsible Authority. Public safety warning signs must be located on all towers and infrastructure at appropriate locations to the satisfaction of the Responsible Authority.

PRELIMINARY INVESTIGATIVE WORKS

31. For the purpose 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

32. The wind energy facility operator must, without delay, notify the Responsible Authority in writing, as soon as any or all of the wind generators have permanently ceased to generate electricity. Within 12 months of this date, the wind energy facility operator must undertake the following to the satisfaction of the Responsible Authority within such timeframe as may be specified by the Minister for Planning:
 - (a) remove all above ground non-operational equipment;

- (b) remove and clean up any residual spills;
- (c) clean up and restore all storage, access tracks, construction, and other areas associated with the use, development and decommissioning of the wind energy facility, if not otherwise useful to the ongoing management of the land;
- (d) restore all areas affected by the project closure or decommissioning, if not otherwise useful to the ongoing management of the land;
- (e) submit a decommissioning traffic management plan to the Responsible Authority and, when approved by the Responsible Authority, implement that plan; and
- (f) submit a post decommissioning revegetation management plan to the Responsible Authority and, when approved by the Responsible Authority, implement that plan.

EXPIRY

33. The permit will expire if one of the following circumstances applies:
- (a) the development is not started within 4 years of the date of this permit;
 - (b) the development is not completed within 6 years of the date of this permit;
 - (c) the use is discontinued for 2 years.

The Responsible Authority may extend the periods referred to, if a request is made in writing before the permit expires, or within 3 months afterwards.

SECTION 173 AGREEMENT

34. Before the development starts, the land owner and the relevant permit holder must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act to provide the following:
- (1) To govern the use, management and maintenance of local roads which are to be used for the purpose of gaining access to the development site during the construction period. The provisions of this agreement must include, but may not be limited to:
 - (a) details of roads required for access;
 - (b) requirement for a condition report of all access roads prior to the development and on a quarterly basis;
 - (c) provisions for routine inspections and assessments of overall road condition;
 - (d) circumstances under which repairs and maintenance must be undertaken by the permit holder;
 - (e) details of any works necessary to rehabilitate any damage to road infrastructure to a standard that is not less than existed prior to the commencement of the development.

Before the commencement of site works, an application must be made to the Register of Titles to register the section 173 agreement on the title to the land under section 181 of the Act. The owner or permit holder must provide evidence of registration of the Agreement to the Responsible Authority as soon as possible after registration has occurred.

The owner/operator under this permit must arrange for the preparation of the section 173 Agreement at his/her cost before submitting it to the Responsible Authority for approval.

The owner/operator under this permit must pay the costs of execution and registration of the section 173 Agreement.

TITLE CONSOLIDATION

35. Prior to the commencement of works, the following land titles shall be consolidated to the satisfaction of the Responsible Authority:
- (a) Crown Allotments 13A, 14A, 15A and 16A, Section 13, Parish of Chepstowe (Vol: 121, Fol: 356);
 - (b) Crown Allotments 1B, 2B, 3B and 4B, Section 13, Parish of Chepstowe (Vol: 471, Fol: 179);
 - (c) Crown Allotments 1A, 2A, 3A and 4A, Section 13, Parish of Chepstowe (Vol: 1362, Fol: 352).