

Example permit conditions for wind energy facilities

ADDRESS OF THE LAND: [insert title details of land and any road reserves]

THE PERMIT ALLOWS: Use and development of the land for a Wind Energy Facility and associated buildings and works, and [specify other matters for which permission is being granted e.g. native vegetation removal]

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

DEVELOPMENT PLANS

1. Before development starts, amended development plans must be submitted to, approved and endorsed by the responsible authority. When endorsed the plans will form part of this permit.

The plans must be fully dimensioned, drawn to a scale. They must be generally in accordance with the application plans numbered [insert number], dated [insert date], prepared by [insert name], but modified to show:

- a) A maximum of [specify] turbines with the following specifications:
 - i) maximum blade tip height of [specify] above ground level
 - ii) minimum blade tip clearance of [specify] from ground level
 - iii) maximum rotor diameter of [specify] metres
 - b) The final location, specifications, materials and finishes of the wind energy facility
 - c) The layout and siting of other buildings and works adjusted as follows:
 - i) [describe required changes]
 - ii) [describe any other adjustments required, e.g. use of low reflective materials or finishes]
 - d) the transformer associated with each wind generator located beside each tower, or enclosed within the tower structure
 - e) electricity cabling between the turbines located underground
 - f) details of aviation safety lighting
 - g) the colours and finishes of all buildings and works (including turbines), which must be non-reflective so as to minimise the visual impact of the development on the surrounding area
 - h) Any staging of the permitted development
2. Except as permitted under conditions 4 and 5, the use and development must be generally in accordance with the endorsed Development Plans. The endorsed plans must not be altered or modified without the written consent of the responsible authority.

STAGING

3. The use and development may be completed in stages in accordance with the endorsed Development Plans. The corresponding obligations arising under this permit may be completed in stages.

MICRO-SITING OF TURBINES

4. Before development starts, a Micro-siting Plan must be submitted to, approved and endorsed by the responsible authority, identifying a footprint at ground level within which each turbine may be located. When endorsed the plan will form part of this permit.

The Micro-siting Plan must be fully dimensioned and drawn to a scale of [specify]. The footprint for each turbine identified on the Micro-siting Plan:

- a) must not extend more than 100 metres in any direction from the centre of the turbine at ground level as shown on the development plans endorsed under condition 1
 - b) must not be within 1 km of a dwelling unless the operator has provided evidence to the satisfaction of the responsible authority that the owner of the dwelling has consented in writing to the location of the turbine footprint
 - c) must not include [specify any areas that should be avoided, e.g. patches of remnant vegetation, buffers around waterways etc].
5. Any changes to access tracks, electricity cabling and associated infrastructure arising from micro-siting a turbine in accordance with an endorsed Micro-siting Plan do not require further written consent of the responsible authority, and do not require amendments to the development plans endorsed under condition 1.
6. The endorsed Micro-siting Plan must not be altered or modified without the written consent of the responsible authority.

LANDSCAPING

7. Before development starts, an Off-Site Landscaping Program must be submitted to, approved and endorsed by the responsible authority. When endorsed the Off-Site Landscaping Program will form part of this permit.

The Off-site Landscaping Program must:

- a) provide for off-site landscaping or other treatments to reduce the visual impact of the turbines from the following locations:
 - i) [describe view sheds or view points that require treatment]
 - b) include a methodology for determining:
 - i) the type of landscaping treatments to be proposed
 - ii) a timetable for establishing and maintaining the landscaping for at least two years
 - c) include a process for making offers to affected landowners to undertake landscaping on the landowner's land.
 - d) include a process for recording:
 - i) i. offers that have been made to landowners
 - ii) ii. whether or not the offers are accepted
 - iii) iii. when and how offers are actioned following acceptance.
 - e) include a process for the preparation and provision of progress reports regarding the implementation of the endorsed Off-site Landscaping Program to be provided to the responsible authority annually from the date of this permit, and at other times on request.
8. The endorsed Off-site Landscaping Program:
- a) must be implemented to the satisfaction of the responsible authority.
 - b) must not be altered or modified without the written consent of the responsible authority.

NOISE

9. In conditions 10-20:
- a) 'the Standard' means *New Zealand Standard 6808:2010, Acoustics – Wind Farm Noise*
 - b) noise sensitive location means a location that meets the definition in the Standard and that was present at [insert date of application].

Performance requirement

10. Subject to Condition 11, at any wind speed, noise emissions from the operation of the wind energy facility, when measured at noise sensitive locations, must comply with the limits specified in the Standard.

11. The limits specified in the Standard do not apply if an agreement has been entered into with the relevant landowner waiving the limits at a noise sensitive location. The agreement must be in a form that applies to the land comprising the noise sensitive location for the life of the wind energy facility, to the satisfaction of the responsible authority, and be provided to the responsible authority upon request.

Pre-Construction Noise Assessment

12. Before development starts, a Pre-Construction Noise Assessment based on the final turbine layout and turbine model to be installed must be undertaken and the results submitted to the responsible authority.
13. The Pre-Construction Noise Assessment must be prepared in accordance with the Standard, and must demonstrate that the facility will comply with the performance requirements specified of the Standard, to the satisfaction of the responsible authority.
14. The Pre-Construction Noise Assessment Report required by this permit must be accompanied by an environmental audit report prepared under Part IXD, Section 53V of the *Environment Protection Act 1970* from an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970*. The report must verify that the acoustic assessment undertaken for the purpose of the Pre-Construction Noise Assessment has been conducted in accordance with the Standard, and meets the requirements of this permit.

Post-Construction Noise Assessment

15. Within 12 months of the first turbine commencing operation, a Post-Construction Noise Assessment prepared in accordance with the Standard and demonstrating whether the wind energy facility complies with the performance requirements of the Standard, must be submitted to the responsible authority. If the wind energy facility is constructed in stages, further Post-Construction Noise Assessment Reports prepared in accordance with this condition must be submitted to the responsible authority annually from the date of the first report being submitted until one year after the final turbine commences operation.
16. The Post-Construction Noise Assessment Report(s) required under Condition 14 must be accompanied by an environmental audit report prepared under Part IXD, Section 53V of the *Environment Protection Act 1970* from an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970*. The report must verify that the acoustic assessment undertaken for the purpose of the post-construction Noise Assessment has been conducted in accordance with the Standard, and meets the requirements of this permit.

Noise management plan

17. Before development starts, a Noise Management Plan must be submitted to, approved and endorsed by the responsible authority. When endorsed the Noise Management Plan will form part of this permit.

The Noise Management Plan must specify details of:

- a) Post-Construction Noise Assessment Reports: detailing how these will be prepared in accordance with the Standard, to demonstrate whether or not the wind energy facility complies with the performance requirements specified in the Standard.
 - b) Noise Investigation Reports: detailing procedures for when complaints are received in accordance with the endorsed Complaints Investigation and Response Plan required by this permit or when potential non-compliance with the performance requirements in the Standard is otherwise detected.
 - c) Noise Remediation Plans: detailing procedures for when non-compliance with the performance requirements in the Standard is found to have occurred.
 - d) The requirements for each of the documents referred to in condition 16 a, 16 b and 16 c, including what matters they must address, and when they must be submitted to the responsible authority.
18. The noise management plan must be accompanied by a peer review from an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970*. The peer review report must verify that the noise management plan meets the requirements of the Standard and this permit.

19. The endorsed Noise Management Plan:

- a) must be implemented to the satisfaction of the responsible authority; and
- b) must not be altered or modified without the written consent of the responsible authority.

Peer review of reports

20. If requested by the responsible authority, the noise investigation reports required under Condition 16 b must be accompanied by a peer review from an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970* verifying that the report or plan meets the Standard and the requirements of this permit.
21. The environmental auditor or peer reviewer must be independent of the author of the report being reviewed.

SHADOW FLICKER

22. Shadow flicker from the wind energy facility must not exceed 30 hours per annum at any pre-existing dwelling (insert date), unless an agreement has been entered into with the relevant landowner waiving this requirement. The agreement must be in a form that applies to the land comprising a pre-existing dwelling for the life of the wind energy facility, to the satisfaction of the responsible authority, and must be provided to the responsible authority upon request.

TELEVISION AND RADIO RECEPTION AND INTERFERENCE

23. Before development starts, a Television and Radio Reception Strength Survey must be submitted to, approved and endorsed by the responsible authority. Once endorsed, the survey will form part of the permit.

The Television and Radio Reception Survey must be to the satisfaction of the responsible authority, and must:

- a) be carried out by a suitably qualified and experienced independent television and radio monitoring specialist
 - b) include testing at selected locations within 5 kilometres of the facility to enable the average television and radio reception strength to be determined.
24. If a complaint is received regarding the effect of the facility on television or radio reception at a pre-existing dwelling (insert date) within 5 kilometres of the site, the operator must:
 - a) investigate the complaint in accordance with the Complaint Investigation and Response Plan required by this permit.
 - b) if the investigation indicates that the facility has had a detrimental impact on the quality of reception, restore reception at the pre-existing dwelling to at least the quality determined in the Television and Radio Reception Strength Survey required by this permit, to the satisfaction of the responsible authority.

TRAFFIC MANAGEMENT

Vehicle access points

25. Vehicle access points must be designed and located to the following standards, to the satisfaction of the relevant road management authority:
 - a) truck movements to and from the land must be able to be accommodated on sealed roadways where available
 - b) to the extent practicable, access points must be able to accommodate turning movements without vehicles encroaching onto the incorrect side of the road
 - c) safe sight distances must be provided
 - d) potential through traffic conflicts must be avoided.

Pre-construction public road survey

26. Before development starts, a Pre-Construction Public Road Survey must be submitted to, approved and endorsed by [specify]. Once endorsed the survey will form part of the permit.

The Pre-Construction Public Road Survey must assess the suitability, design, condition and construction standard of the relevant public roads and access points, and must:

- a) be prepared by a suitably qualified and experienced independent civil or traffic engineer
- b) include recommendations, if any, regarding upgrades required to accommodate construction traffic, and to meet the requirements of condition 24
- c) be approved by the relevant road management authority prior to submission to [specify] for endorsement.

Traffic Management Plan

27. Before development starts, a Traffic Management Plan must be submitted to, approved and endorsed by [specify]. When endorsed the Traffic Management Plan will form part of this permit.

The Traffic Management Plan must:

- a) be prepared by a suitably qualified and experienced independent civil or traffic engineer
- b) specify measures to be taken to manage traffic impacts associated with the construction of the wind energy facility
- c) include a program to inspect, maintain and (where required) repair public roads used by construction traffic
- d) be approved by the relevant road management authority prior to submission to [specify].

28. The endorsed Traffic Management Plan must be implemented to the satisfaction of [specify]. The endorsed Traffic Management Plan must not be altered or modified without the written consent of [specify]. Any proposed alteration or modification to the endorsed Traffic Management Plan must be prepared in consultation with the relevant road management authority prior to submission to the [specify] for endorsement.

Traffic upgrade works

29. [Insert any specific requirements regarding temporary or permanent road upgrade works that are identified during the application process].

30. Where traffic upgrade works are recommended or required under the Pre-construction Public Roads Survey, endorsed Traffic Management Plan, or any other plan report required by any condition of this permit, the following documents must be submitted to, approved and endorsed by [specify] prior to commencement of the traffic upgrade works:

- a) detailed plans for the required works
- b) a program indicating when the works will be undertaken

The plans / program required under this condition must be prepared in consultation with the relevant road management authority. Traffic upgrade works must be completed to the satisfaction of the relevant road management authority.

ENVIRONMENTAL MANAGEMENT PLAN

Environmental Management Plan

31. Before development starts, an Environmental Management Plan must be submitted to, approved and endorsed by the responsible authority. When endorsed the Environmental Management Plan will form part of this permit.

The Environmental Management Plan must:

- a) describe measures to minimise any amenity and environmental impacts of the construction and decommissioning of the facility.
- b) be generally in accordance with [insert details of plan submitted with application]
- c) include organisational responsibilities, and procedures for staff training and communication

32. The endorsed Environmental Management Plan:

- a) must be implemented to the satisfaction of the responsible authority; and
- b) must not be altered or modified without the written consent of the responsible authority.

Construction Environmental Management Plan

33. The Environmental Management Plan must include a Construction Environment Management Plan, which must include:
- a) procedures to manage dust and noise emissions, erosion, mud and stormwater run-off
 - b) procedures to remove temporary works, plant, equipment, buildings and staging areas, and reinstate the affected parts of the land, when construction is complete
 - c) [specify any other requirements or recommendations arising from consideration of the application].

Bats and Avifauna Management Plan

34. The Environmental Management Plan must include a Bat and Avifauna Management Plan (BAM Plan), which must:
- a) include a statement of the objectives and overall strategy for minimising bird and bat strike arising from the operation of the facility
 - b) include a mortality monitoring program of at least two years duration that commences when the first turbine is commissioned or such other time approved by DELWP (Environment Portfolio). The monitoring program must include:
 - i. procedures for reporting any bird and bat strikes to DELWP (Environment Portfolio) monthly
 - ii. 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 likely total number of mortalities
 - iii. procedures for the regular removal of carcasses likely to attract raptors to areas near turbines
 - c) be approved by DELWP (Environment Portfolio) prior to submission to the responsible authority.
35. When the monitoring program required under the BAM Plan is complete, the operator must submit a report to the responsible authority and DELWP (Environment Portfolio), setting out the findings of the program. The report must be:
- a) to the satisfaction of the responsible authority and DELWP (Environment Portfolio)
 - b) made publicly available on the operator's website.
36. After considering the findings of the monitoring program and consulting with DELWP (Environment Portfolio), the responsible authority may direct further investigation of impacts on birds and bats. The further investigation must be undertaken to the satisfaction of the responsible authority and DELWP (Environment Portfolio).

REFERRAL AUTHORITY CONDITIONS

37. [Include any additional conditions required by referral authorities. Ensure that other conditions do not repeat, and are consistent with, conditions required by a referral authority.]

COMPLAINTS

Complaint Investigation and Response Plan

38. Before development starts a Complaint Investigation and Response Plan must be submitted to, approved and endorsed by the responsible authority. When endorsed the plan will form part of this permit.

The Complaint Investigation and Response Plan must:

- a) respond to all aspects of the construction and operation of the wind farm
- b) be prepared in accordance with *Australian/New Zealand Standard AS/NZS 10002:2014 – Guidelines for complaint management in organisations*

- c) include a process to investigate and resolve complaints (different processes may be required for different types of complaints).

39. The endorsed Complaint Investigation and Response Plan must:

- a) be implemented to the satisfaction of the responsible authority
- b) not be altered or modified without the written consent of the responsible authority.

Publishing information about complaints handling

40. Before the development starts, the following information must be made publicly available and readily accessible from the wind farm project website, or another publicly available resource to the satisfaction of the responsible authority:

- a) a copy of the endorsed Complaints Investigation and Response Plan
- b) a toll-free telephone number and email contact for complaints and queries to the wind energy facility operator

Complaints Register

41. Before development starts, a Complaints Register must be established which records:

- a) the complainant's name and address (if provided), including (for noise complaints) any applicable property reference number contained in the report titled [insert details of noise assessment submitted with application]
- b) a receipt number for each complaint, which must be communicated to the complainant
- c) the time and date of the incident, and the prevailing weather and operational conditions at the time of the incident
- d) a description of the complainant's concerns, including (for a noise complaint) the potential occurrence of special audible characteristics
- e) the process for investigating the complaint, and the outcome of the investigation, including:
 - i. the actions taken to resolve the complaint
 - ii. for noise complaints, the findings and recommendations of an investigation report undertaken in accordance with the endorsed Noise Management Plan.

42. All complaints received must be recorded in the Complaints Register.

43. A complete copy of the Complaints Register along with a reference map of complaint locations must be provided to the responsible authority on each anniversary of the date of this permit, and at other times on request.

DECOMMISSIONING

44. The following requirements must be met when a turbine(s) permanently ceases operation:

- a) the responsible authority must be notified within two (2) months after the turbine(s) permanently ceases operation
- b) prior to commencing decommissioning works, a Decommissioning Traffic Management Plan must be submitted to, approved and endorsed by [specify]. The plan must specify measures to manage traffic impacts associated with removing the turbine(s) and associated infrastructure from the site, to the satisfaction of [specify].
- c) all infrastructure, plant, equipment and access tracks that are no longer required for the ongoing use or decommissioning of the facility must be removed.
- d) reinstatement of the site, or the relevant part of the site, to the condition it was in prior to the commencement of development must occur to the satisfaction of the responsible authority.

EXPIRY

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

- a) the development is not started within [five (5) years] of the date of this permit
- b) the development is not completed within [ten (10) years] of the date of this permit.

Notes:

1. For conditions referring to the distance between a turbine and any other feature (eg a dwelling), the distance is to be measured from the centre of the turbine at ground level to the closest point on the other feature.
2. Preliminary investigative works for the purposes of gathering data or making assessments necessary or desirable to prepare the development plans or other plans specified in this permit is not considered to be commencement of the development.
3. Any off-site works required under this permit may require separate planning permission.
4. References to DELWP are references to the Department of Environment, Land, Water and Planning.