

## **WESTWIND ENERGY PTY LTD**

ABN 94 109 132 201

### **Gisborne Head Office**

Address: Office 5, Level 1  
Nexus Centre,  
12-14 Prince Street  
Gisborne VIC 3437  
Telephone: 03 5421 9999  
Facsimile: 03 5428 3100

23rd June 2015

Michael Juttner  
Level 20  
1 Spring Street  
Melbourne 3000

Dear Michael,

### **Lal Lal Wind Energy Project Permit Number PL-SP/05/0461 Request for a Planning Permit Amendment**

WestWind Energy requests that you substitute the following conditions detailed below into our application from 13 February 2015 to amend the Lal Lal Wind Farm planning permit:

#### **Amendment Summary**

The amendment proposes to:

- Increase the maximum turbine height from 130 metres in height to 161 metres in height;
- increase tower/hub-height restriction from 85 metres to 105 metres;
- increase rotor diameter restriction from 95 metres to 122 metres
- remove requirement for transformers to be located within tower;
- apply 2010 noise standard for wind farm noise; and
- reduce maximum number of turbines from 64 to 60 turbines across both the Yendon and Elaine sites;

The four turbines to be removed (as shown on the noise plans in Appendix E) are YSWT-02 and YSWT-31 from the Yendon section and ESWT-09 and ESWT-22 from the Elaine section.

#### **Specific Amendments to the Permit**

Specifically, we respectfully request the changes to the following permit conditions.

**Amend**                      **Permit preamble)** Use and development of the land for a Wind Energy Facility comprising a maximum of 60 wind turbines and their....

<b>Amend</b>	<p><b>Condition 2a)</b> The wind energy facility must comprise no more than 60 wind turbines with no more than:</p> <ul style="list-style-type: none"> <li>i) 38 turbines on the land at Yendon, and</li> <li>ii) 22 wind turbines on the land at Elaine.</li> </ul>
<b>Amend</b>	<p><b>Condition 2b)</b> The overall maximum height of the wind turbines (to the zenith of the sweep of the rotor blade tip) must not exceed 161 metres above foundation level, <i>and must not be altered or modified without the written consent of the responsible authority.</i></p>
<b>Amend</b>	<p><b>Condition 2c)</b> The wind turbines must be mounted on a tubular steel and/or concrete towers such that the hub of the rotors does not exceed 105 metres above the foundation, <i>and must not be altered or modified without the written consent of the responsible authority.</i></p>
<b>Amend</b>	<p><b>Condition 2d)</b> The diameter of the rotor of the wind turbines must not exceed 122 metres, <i>and must not be altered or modified without the written consent of the responsible authority.</i></p>
<b>Delete</b>	<p><b>Condition 2i</b> from the planning permit</p>
<b>Amend</b>	<p><b>Condition 21</b> Shadow flicker from the wind energy facility must not exceed 30 hours per annum at any dwelling existing as at the date of this permit to the satisfaction of the Minister for Planning.</p> <p><i>When the wind turbine model and rated capacity to be installed is confirmed in accordance with Condition 1c, a final shadow flicker assessment must be undertaken to the satisfaction of the Minister for Planning. If 30 hours or more of shadow flicker is modelled at any dwelling, shadow detection devices must be fitted to relevant wind turbines to temporarily shut down these turbines and ensure this condition is met. This condition must not be altered or modified without the written consent of the responsible authority.</i></p> <p>Any dwelling <del>on subject land</del> may be exempt from this condition. This exemption will be given effect through an agreement with the landowner that will apply to any occupant of the dwelling and must be registered on title.</p>
<b>Replace</b>	<p><b>Condition 23, 24 and 25</b> with the following DPCD Model Conditions to reflect the new noise standard:</p> <p><b><i>Performance requirement</i></b></p> <p><b><i>Condition 23.</i></b> <i>The operation of the wind energy facility must comply with New Zealand Standard 6808:2010, Acoustics – Wind Farm Noise (the Standard) as</i></p>

*modified by this condition to the satisfaction of the responsible authority. The following requirements apply:*

- a. *The operator must ensure that at any wind speed, wind farm sound levels at noise sensitive locations (as defined in the Standard) do not exceed a noise limit of 40dB L A90 (10 min), provided that where the circumstances specified in condition 14(b) apply, the noise limit of 40dB L A90 (10 min) will be modified as specified in condition 14(b).*
- b. *At the specified assessment positions referred to in condition 15(b), the noise limit of 40dB L A90 (10 min) referred to in condition 14(a) will be modified in the following way when the following circumstances exist:*
  - i. *where the background sound level is greater than 35 dB L A90 (10 min), the noise limit will be the background sound level L A90 (10 min) plus 5 dB;*
  - ii. *where special audible characteristics, including tonality, impulsive sound or amplitude modulation occur, the noise limit will be modified by applying a penalty of up to + 6 dB L90 in accordance with section 5.4 of the Standard;*

#### **Noise compliance assessment**

**Condition 24.** *For the purposes of determining compliance, the following requirements apply:*

- a. *Acoustic compliance reports shall be prepared by a suitably qualified and experienced independent acoustic engineer to demonstrate compliance with the noise limits specified in the Standard.*
- b. *Noise assessment positions must be located according to the Standard, and shown on a map.*
- c. *A final compliance report must be submitted to the responsible authority after a 12 month period following full operation of the facility.*
- d. *Compliance reports should be publicly available.*
- e. *Following facility commissioning, all complaints shall be managed following procedures set out in the noise complaints management plan.*

#### **Noise complaints evaluation**

**Condition 25.** *For the purposes of complaints evaluation, the following requirements apply:*

- a. *Post installation sound levels shall, where practical, be measured at the same locations where the background sound levels were determined (GPS coordinates and a map showing these locations is to be provided).*

- b. *If a non-compliance with condition 23 is detected, or an acoustic investigation is required under the noise complaints plan endorsed under condition 26, an independent assessment report must be prepared by a suitably qualified and experienced independent acoustic engineer to:*
- *identify the weather or operational conditions associated with the complaint / breach*
  - *analyse the uncertainty and confidence levels in the monitoring, and the steps taken to reduce uncertainty*
  - *target assessment to identify the cause and remediation actions*
  - *submit a remediation plan to the satisfaction of the responsible authority outlining, the investigation process, complainant communications, actions and timelines to resolve the complaint/breach*

*If the complaint is not resolved through the processes outlined above, the responsible authority may request an independent peer review at the cost of the permit holder and on/off shut down testing to resolve uncertainty.*

- c. *Following the initial post-construction reporting process, additional independent assessment may be requested by the responsible authority at any time, where complaints are received and are considered to reasonably warrant investigation.*
- d. *If investigations indicate special audible characteristics are potentially occurring, procedures outlined in Appendix B of the Standard should be applied.*

**Add**

**Condition 26** with the following DPCD Model Conditions to reflect the new noise standard:

**Noise complaint response plan**

**Condition 26.** *Before the first turbine is commissioned, the permit holder must prepare a noise complaint investigation and response plan to the satisfaction of the responsible authority.*

*The plan shall include:*

- *a process of investigation to resolve a complaint*
- *a requirement that all complaints will be recorded in an incidents register*
- *how contact details will be communicated to the public*
- *telephone number and email contact for complaints and queries*
- *details of the appropriate council contact telephone number and email address (where available)*

- *a table outlining complaint information for each complaint received, including:*
  - *the complainant's name*
  - *any applicable property reference number if connected to a background testing location*
  - *the complainant's address*
  - *a receipt number for each complaint which is to be communicated to the complainant*
  - *the time, prevailing conditions and description of the complainant's concerns including the potential incidence of special audible characteristics*
  - *the processes of investigation to resolve the complaint.*

*A report including a reference map of complaint locations, and outlining complaints, investigation and remediation actions is to be provided on an annual basis to the satisfaction of the responsible authority.*

*The register and complaints response process shall continue for the duration of the operation of the wind energy facility and must be made available to the responsible authority on request.*

*The owner of the wind energy facility must implement and comply with the Approved Noise Complaint, Investigation and Response Plan for the duration of the operation of the wind energy facility.*

**Re-number**                      Re-number conditions as appropriate.

Please contact Steve Crowe on 5421 9956, or [crowe@w-wind.com.au](mailto:crowe@w-wind.com.au), should you require any further information.

Yours sincerely

**TOBIAS GEIGER  
MANAGING DIRECTOR  
WESTWIND ENERGY PTY LTD**