

**PLANNING
PERMIT**

Permit No.: 2007/0525

Planning Scheme: Pyrenees Planning Scheme

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

ADDRESS OF THE LAND:

Volume 3491 Folio 078 Crown Allotments 35 and 40 Section H Parish of Eversley
Volume 11005 Folio 560 Crown Allotment 3A and 4 Section H Parish of Eversley
Volume 11005 Folio 625 Crown Allotment 20 and 21 Section H Parish of Eversley
Volume 10390 Folio 082 Crown Allotment 3B Section H Parish of Eversley
Volume 9531 Folio 587 Crown Allotment 24 Section 1 Parish of Eversley
Volume 9526 Folio 341 Crown Allotment 23 Section 1 Parish of Eversley
Volume 2544 Folio 604 Crown Allotment 23 Section 1 Parish of Eversley
Volume 2861 Folio 167 Crown Allotment 26 Section H Parish of Eversley
Volume 2396 Folio 073 Crown Allotment 25 Section H Parish of Eversley
Volume 3305 folio 961 Crown Allotment 16 Section R Parish of Glendhu
Volume 3305 Folio 960 Crown Allotment 15 Section R Parish of Glendhu
Volume 6149 Folio 794 Crown Allotment 14A Section R Parish of Glendhu
Volume 9018 Folio 061 Lot 2 on Plan of Subdivision 110338
Volume 2892 Folio 242 Crown Allotment 33 Section H Parish of Eversley
Volume 2892 Folio 241 Crown Allotment 34B Section H Parish of Eversley
Volume 3052 Folio 239 Crown Allotment 34A Section H Parish of Eversley
Volume 5946 Folio 029 Lots 1 and 2 on the title plan 249844S(Crown Portions 23 and 24 Parish of Eversley
Volume 3882 Folio 269 Crown Allotment 15 Section H Crown Allotment 18 Section 1 Parish of Eversley
Volume 9878 Folio 948 Land in Plan of Consolidation 169906H
Volume 9132 Folio 781 Lot 1,2 and 3 on Title Plan 163085P (formerly known as part of Portion 20 Section F, part of Portion 21 Section F, Portion 22 Section F Parish of Eversley
Volume 6224 Folio 648 Crown Allotment 28 Section 4 Parish of Crowlands
Volume 4703 Folio 452 Crown Allotment 27 Section 4 Parish of Crowlands
Volume 2046 Folio 046 Crown Allotment 26A Section 4 Parish of Crowlands
Volume 2753 Folio 509 Crown Allotment 26B Section 4 Parish of Crowlands
Volume 2670 Folio 959 Crown Allotment 10 section S Parish of Glendhu
Volume 9508 Folio 119 Crown Allotment 11 Section S Parish of Glendhu
Volume 2736 Folio 134 Crown Allotment 39 Section H Parish of Eversley,
Crown Allotment 9 Section S Parish of Glendhu
Volume 2072 Folio 259 Crown Allotment 37B Section H Parish of Eversley
Volume 1717 Folio 283 Crown Allotment 37A Section H Parish of Eversley
Volume 5664 Folio 654 Crown Allotment 36 Section H Parish
Volume 4988 Folio 478 Crown Allotments 36B and 36C Section H Parish of Eversley
Volume 3485 Folio 801 Crown Allotments 30 and 31 Section H Parish of Eversley
Volume 1703 Folio 446 Crown Allotments 36A and 39A Section H Parish of Eversley
Volume 8386 Folio 427 Crown Allotment 21 Section R Parish of Glendhu
Volume 7924 Folio 047 Crown Allotments 24 and 24B Section S Parish of Glendhu
Volume 7779 Folio 009 Crown Allotment 12A Section R Parish of Glendhu
Volume 8524 Folio 614 Lots 1 and 2 on Title Plan 665864P (formerly known as Lot 24 on Plan of Subdivision 004975)
Volume 8785 Folio 658 Lot 2 on Title Plan 676367S (formerly known as Lot 25 on Plan of Subdivision 0049

Planning and Environment Regulations 2005 Form 11

Section 97F

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ADDRESS OF THE LAND:

Volume 8076 Folio 706 Part of Lot 4 on Title Plan 824990A (formerly known as part of Crown Allotments 2, 3 and 11 and Crown Portion 4 Parish of Eversley, Part of Lot 23 on Plan of Subdivision 004975)
Volume 4896 Folio 039 Lots 26 and 27 on Plan of Subdivision 004975
Volume 10868 Folio 789 Crown Allotment 41 Section H Parish of Eversley, Crown Allotment 29A Section S Parish of Glendhu
Volume 8664 Folio 395 Crown Allotment 38 Section H Parish of Eversley
Volume 4637 Folio 230 Crown Allotment 29 Section 4 Parish of Crowlands
Volume 3000 Folio 943 Crown Allotment 32 Section H Parish of Eversley
Volume 9176 Folio 471 Crown Allotments 5,6,7,8,9,10,11 and 12 Section H Parish Of Eversley
Volume 4244 Folio 783 Crown Allotment 5, Section 5, Parish of Crowlands
Volume 8085 Folio 442 Crown Allotments 26A and 26B Section S Parish of Glendhu
Volume 6412 Folio 325 Lot 1 on Title Plan 374671X (formerly known as part of Crown Allotment 27 Section S Parish of Glendhu)
Volume 6327 Folio 398 Lot 1 on Title Plan 380633W (formerly known as part of Crown Allotment 27A Section Parish of Glendhu)
Volume 8001 Folio 168 Crown Allotment 35 Section S Parish of Glendhu
Volume 5125 Folio 853 Crown Allotment 36 Section S Parish of Glendhu
Volume 8180 Folio 396 Crown Allotment 32 Section S Parish of Glendhu
Volume 7924 Folio 048 Crown Allotments 33 and 33A section S Parish of Glendhu
Volume 1407 Folio 318 Crown Allotment 1 Section R Parish of Glendhu
Volume 3404 Folio 698 Crown Allotment 26 Section R Parish of Glendhu
Volume 9643 Folio 911 Crown Allotment 2 Section R Parish of Glendhu
Volume 9643 Folio 912 Crown Allotment 29A Section 4 Parish of Crowlands, Crown Allotment 5 Section R Parish of Glendhu
Volume 6071 Folio 056 Crown Allotments 25, 27, 27A and 27B Section R Parish of Glendhu
Volume 6969 Folio 789 Lot 1 on Title Plan 744086Y (formerly known as part of Crown Allotment 28 Section R Parish of Glendhu)
Volume 8001 Folio 170 Crown Allotments 18 and 18A Section R Parish of Glendhu
Volume 5086 Folio 097 Allotment 17 of Section R in the Parish of Glendhu
Volume 3388 Folio 440 Crown Allotment 12 Section 8 Parish of Crowlands, Crown Allotment 7A Section R Parish of Glendhu
Volume 1407 folio 319 Crown Allotments 6 and 7 Section R Parish of Glendhu
Volume 2058 folio 452 Crown Allotment 7B Section R Parish of Glendhu
Volume 8217 Folio 218 Crown Allotments 19, 20 and 20A Section R Parish of Glendhu
Volume 2058 Folio 453 Crown Allotment 11A Section 8 Parish of Crowlands
Volume 2853 Folio 468 Crown Allotment 10 Section 8 Parish of Crowlands
Volume 10094 Folio 095 Crown Allotment 4 Section S Parish of Glendhu
Volume 10094 Folio 092 Crown Allotment 6 Section S Parish of Glendhu
Volume 10094 Folio 097 Crown Allotments 30,30A and 30B Section S Parish of Glendhu
Volume 10094 Folio 096 Crown Allotment 31 Section S Parish of Glendhu
Volume 10094 Folio 094 Crown Allotment 8 Section S Parish of Glendhu
Volume 10108 Folio 159 Crown Allotment 5 Parish of Glendhu
Volume 10094 Folio 091 Crown Allotments 3,6,7,8 and 84 Parish of Glendhu
Volume 10094 Folio 093 Crown Allotment 7 Section S Parish of Glendhu
Volume 9161 Folio 586 Crown Allotment 84A Parish of Glendhu
Volume 10094 Folio 096 Crown Allotment 31 Section S Parish of Glendhu
Volume 10094 Folio 094 Crown Allotment 8 Section S Parish of Glendhu
Volume 10108 Folio 159 Crown Allotment 5 Parish of Glendhu
Volume 10094 Folio 091 Crown Allotments 3,6,7,8 and 84 Parish of Glendhu
Volume 10094 Folio 093 Crown Allotment 7 Section S Parish of Glendhu
Volume 9161 Folio 586 Crown Allotment 84A Parish of Glendhu
Volume 8531 Folio 762 Crown Allotment 4 Parish of Glendhu
Volume 9161 Folio 585 Crown Allotment 5 Section S Parish of Glendhu
Volume 6045 Folio 874 Crown Allotment 30C Section S Parish of Glendhu

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ADDRESS OF THE LAND:

Volume 1769 Folio 761 Crown Allotment 5A Section R Parish of Glendhu
Volume 9004 Folio 240 Crown Allotment 11A Section R Parish of Glendhu
Volume 6969 Folio 790 Lot 1 on Title Plan 815628U (formerly known as part of Crown Allotment 28 Section R Parish of Glendhu
Volume 0460 Folio 808 Crown Allotment 2, Parish of Glendhu
Volume 3382 Folio 353 Crown Allotment 34, Section S, Parish of Glendhu
Volume 11044 Folio 257 Lots 5,6,7, 8 and 10 on Title Plan 745052M (formerly Crown Allotment 3, Section R, Parish of Glendhu and part former Government Road)
Volume 5895 Folio 884 (Part Only) Crown Allotment 23A, Section S, Parish of Glendhu (Crown Allotment 23 is NOT included)
Volume 3687 Folio 241 Lots 1, 2 and 3 on Title Plan 681746E (formerly known as part Crown Allotment 22, part Crown Allotment 23 and part Crown Allotment 28, Section H, Parish of Eversley.
Crown Allotment 2003, no Section (northern section of Glendhu Reserve), Parish of Glendhu
Crown Allotment 30D, Section S (southern section of Glendhu Reserve), Parish of Glendhu
Crown Allotment 7C, Section R, Parish of Glendhu
Crown Allotment 5B, Section R, Parish of Glendhu
Crown Allotment 36D, Section H, Parish of Eversley
Crown Allotment 5A, Section 1, (Public Purposes Reserve –River frontage), Parish of Eversley

All roads and road reserves that lie within the wind energy facility site boundary, including used public roads, and unused roads (licensed and unlicensed).

THE PERMIT ALLOWS:

Development and use of the land for a 72 turbine wind energy facility and associated buildings and works including access tracks and power grid facilities and associated native vegetation removal.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

DEVELOPMENT PLANS

1. Before the development starts, development plans to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. The plans may be submitted for approval in stages or for a particular grouping of wind generators within the site. 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 show the location, set backs to property boundaries, layout and dimensions of all on-site buildings and works including all wind generators, access tracks, underground and overhead cables, any temporary concrete batching plants, sub-stations, the terminal yard, operation and maintenance buildings, meteorological masts, landscaping, any designated car parking areas, any signage,

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and ancillary works, such as construction compounds and water tanks, and off-site road works.

The plans must be generally in accordance with the application plans as identified in the plan titled '*Crowlands Wind Farm Preferred access tracks, electrical and ancillary infrastructure. Turbine location as exhibited*' dated February 2008 and tabled in the Panel hearing as Exhibit 5 but modified to show:

- a) the modified generator development envelopes identified by the green lines on the fifteen 1:5,000 contour maps tabled as Exhibit 38 in the Panel hearing dated February 2008;
- b) any 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 or areas of heightened erosion risk;
 - iii. to ensure that areas of significant fauna habitat identified by a qualified ecologist engaged to inspect site works are avoided;
 - iv. to ensure that areas of geomorphological significance are protected;
 - v. which includes the proposed location of access tracks to all of the generator locations, the 66 kV substations and the 220 kV terminal yard; and
 - vi. to ensure that any indigenous or non-indigenous archaeological site identified by the on-site archaeological survey, and required to be protected, is avoided.
- c) global positioning system coordinates for each generator;
- d) details of the model and capacity of the wind generators to be installed;
- e) the location, size, type and intensity of any aviation lighting including any directional screening as required by Condition 8;
- f) details of the location of all electrical cabling associated with the collector network within the wind energy facility;
- g) elevations, materials and finishes of the wind generators and other buildings and works;
- h) the relocation of generator 14 out of the area of the Pyrenees Planning Scheme Environmental Significance Overlay – Schedule 1 Proclaimed Water Supply Catchments except with the further approval of Central Highlands Region Water Authority;
- i) details of any safety signage required for the wind energy facility.

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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, where a wind generator is located within the modified generator development envelope identified by the green lines on the fifteen 1:5,000 contour maps tabled as Exhibit 38 in the Panel hearing dated February 2008 and annexed to this permit, this will be regarded as generally in accordance with the endorsed plans if the Minister for Planning is satisfied that the relocation will not give rise to a material change to assessed landscape, vegetation, cultural heritage, visual amenity, shadow flicker, noise or aviation impacts when compared to those of the endorsed plans.

SPECIFICATIONS

3. The wind energy facility must meet the following requirements:
 - a) the wind energy facility must comprise no more than 72 upwind wind generators;
 - b) the maximum height of the wind generators (to the tip of the rotor blade when vertical) must not exceed 146.5 metres above natural ground level;
 - c) wind generators must be mounted on a tubular steel and/or concrete tower with a height of no greater than 100 metres;
 - d) each wind generator is to have not more than three rotor blades, with each blade having a length of no greater than 46.5 metres;
 - e) the wind generator towers, nacelles and rotor blades must be 'off white' and must be of a non-reflective finish to the satisfaction of the Minister for Planning;
 - f) the wind generators must contain lightning protection;
 - g) the wind generators must contain internal fire protection systems 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) all wind energy facility infrastructure within the site must be sited, designed and constructed to minimise impacts on overland water flows, soil erosion, the landscape value of the site, environmentally sensitive areas, sites of geomorphological value, cultural heritage and, where appropriate, the farming activities on the land and on the adjoining land to the satisfaction of the Minister for Planning;
 - j) all new electricity cabling associated with the collector network within the wind energy facility connecting to the 66 kV substation must be placed under the ground except where this will result in significant adverse

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- impacts on soil and land. Such exceptions need to be documented and submitted to the Minister for Planning for approval prior to construction;
- k) the electricity cabling connecting the 66 kV substations to the 220 kV terminal yard may be overhead lines to the satisfaction of the Minister for Planning; and
- l) except with written agreement of neighbouring owners all wind generator towers must be set back at least 150 metres from property boundaries of non-stakeholders.

LANDSCAPE/VISUAL AMENITY

4. Before any generator is commissioned:

- a) a program of voluntary landscape mitigation works to the satisfaction of the Minister for Planning must be made available to the owners of dwellings existing as at 20 June 2007 within 3 kilometres of the nearest generator and to the Augustin dwelling at 126 Potts Road West Landsborough, the Shaw dwelling at 267 Spring Flat Road Crowlands, and the . If the wind energy facility is developed in stages landscaping should be offered to the owners of dwellings within 3 kilometres of the nearest generator in each stage;
- b) a program of voluntary landscape mitigation works to the satisfaction of the Minister for Planning must be made available for the Mortyn's property at 705 Ararat – St Arnaud Road Crowlands; and
- c) as part of the voluntary landscaping program, an off-site landscaping plan must be prepared in consultation with the landowners specified in Condition 4(a) and 4(b) to the satisfaction of the Minister for Planning for submission to and approval by the Minister for Planning. 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 generators at the dwellings.

The off-site landscape plan must include:

- (i) details of the plant species to be used, including the height and spread of plants at maturity or a description of other works; and
- (ii) a timetable for implementation of the landscaping works.

- 5. The landscaping as shown on the endorsed landscape plans required by Condition 4 must be completed to the satisfaction of the responsible authority within 12 months of the completion of the development or any relevant stage of it,**

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or to such other timetable as agreed with the landowner and approved by the Minister for Planning, at the cost of the operator of the wind energy facility.

6. All access tracks associated with the wind farm should, as far as is practicable, be constructed with surface material that will not unduly contrast with the landscape to the satisfaction of the responsible authority.

LIGHTING

7. Except in the case of an emergency, no external lighting of infrastructure associated with the wind energy facility, other than low level security lighting or aviation safety lighting in accordance with Conditions 1(e) and 8 may be installed or operated without the further written consent of the Minister for Planning.

AIRCRAFT SAFETY LIGHTING

8. If obstacle lighting for aviation safety is to be installed, it must meet the following conditions to the satisfaction of the Minister for Planning:
 - a) the number of lit turbines be kept to the minimum required such that the wind farm is not declared a hazardous object to aviation by the Civil Aviation Safety Authority and be no more than 42;
 - b) the aviation safety lighting is restricted to two red medium intensity lights on any turbine;
 - c) the individual lighting installations be in accordance with any relevant CASA standards
 - d) the impact minimisation features allowed under the documents in Conditions 8(c) be installed including, but not limited to:
 - (i) treatment of the rear of the blade to minimise reflection of aviation lights;
 - (ii) shielding of the lights on the top and bottom such that the maximum intensity of light is limited to a beam of 3 degrees, with only 0.5 degrees of this beam width below the horizontal; and
 - (iii) all lights on the wind farm synchronised to flash in unison.
9. Before the development starts the permit holder shall submit an aircraft safety plan for the site that shows how Condition 8 will be complied with and under what conditions obstacle lighting will operate. This plan must be submitted to, approved and endorsed by the Minister for Planning. Once endorsed the aviation safety plan will form part of the permit.

TRAFFIC MANAGEMENT

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10. Before the development starts a traffic management plan, prepared in consultation with, and to the satisfaction of, VicRoads, the Ararat Rural City, Pyrenees Shire and Northern Grampians Shire Councils must be submitted to and approved by the Minister for Planning.
11. When approved, the plan will be endorsed by the Minister for Planning. The traffic management plan must include those elements identified in the draft *traffic management plan* in Part B, Volume 1 of the planning application and the following:
 - 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 main road access points to local access roads. For access to the site from arterial roads, details of the location, type of culverts/endwalls, angle of the access to road reserve, radius of the bellmouth to suit the length of the vehicle, sealing of access and sight distances must be included for approval by VicRoads;
 - d) the designation of operating hours and speed limits of vehicles 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 street planting or roadside vegetation to provide for transport of materials to the site, and pruning practices to be followed;
 - f) the designation of vehicle access ways and 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 an additional traffic or site access requirements, whether temporary or ongoing;
 - i) the need for general road and signage upgrades to accommodate additional volumes of traffic;
 - j) a timetable for implementation of any pre-construction works identified to be undertaken;
 - k) a timetable for identifying and implementing any post-construction restitution works identified at the completion of construction;
 - l) a timetable of regular inspections to be carried out during the construction period to identify maintenance works necessary as a result of construction traffic;

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- m) the use and development must be carried out in accordance with the endorsed traffic management plan and the cost of any works to repair damage and maintain roads are to be at the expense of the permit holder.

Note: Any native vegetation removal required as a result of implementation of the traffic management plan on public road reserves may require separate planning permission.

12. Prior to the construction of the wind energy facility, Spring Flat Road shall be upgraded and sealed to two lane width from 250 m east of House 12 to 250 m west of House 14 (house numbers referenced from the Exhibit 1 plan titled '*Crowlands Wind Farm Landholders and panel submitter properties, indicative layout, electrical infrastructure*' dated 4 February 2008) and maintained in that condition until construction is completed.
13. Prior to the commencement of the traffic management works the permit holder must provide evidence to VicRoads that the developer/developer's contractor has a public liability insurance for at least \$10 million for the duration of any proposed works on roads that are under the control or management of VicRoads.
14. Access and egress tracks must be located and constructed in accordance with access track location and design plans which have been prepared in consultation with the Country Fire Authority and which have been submitted to and approved by the Minister for Planning.
15. The layout and construction methods of access tracks must, where practical, and to the satisfaction of the responsible authority:
- a) be sited and designed to minimise impacts on overland water flows, soil erosion, the landscape value of the site, environmentally sensitive areas, sites of geomorphological value and cultural heritage;
 - b) minimise the extent to which any tracks (including cut and fill associated with the tracks) is visible from the Pyrenees Highway, Crowlands – Eversley Road, Ararat – St Arnaud Road, Shays Flat – Malakoff Road and Landsborough – Elmhurst Road; and
 - c) have addressed any comment on the layout and design of the access tracks provided by the Country Fire Authority.

ENVIRONMENTAL MANAGEMENT PLAN

16. 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 and Ararat Rural

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City Councils 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 plans in Volume 1 Part B of the Application Report dated June 2007 and in particular the *Construction and Worksite Management Plan*, the *Land Protection Management Plan*, the *Historical Sites Cultural Heritage Management Plan*, the *Pest Management Plan* and the *Weed Management Plan*. The environmental management plan must be submitted to the Minister for Planning for approval. The environmental management plan may be prepared in sections or stages. When approved, the environmental management plan will be endorsed by the Minister for Planning and will then form part of this permit. The environmental management plan must address the issues in points a to k 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 re-use, 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 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 TG302-92.
- b) 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. The environmental management 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;

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- (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 postblast 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 24 hours prior notification in writing of the intention to undertake blasting has been given to all adjoining neighbours of the proposal with a property boundary within 1 km of the location of the proposed blasting; and
 - (vii) a requirement that blasting only be undertaken between the hours of 8am and 4pm. No blasting may occur on a Sunday.
- c) hydrocarbon and hazardous substances management including:
- (i) procedures for any on-site storage of fuels, lubricants or waste oil;
 - (ii) no hydrocarbons and hazardous substances are to be stored on land within the Environmental Significance Overlay (Schedule 1); and
 - (iii) contingency measures to ensure that any chemical or oil spills are contained on-site and cleaned up in accordance with Environment Protection Authority requirements.
- d) geomorphology management including:
- (i) procedures to protect those sites of geomorphological significance identified in the expert evidence statement of Dr Neville Rosengren dated 23 January 2008; and
 - (ii) procedures to have sites of potential geomorphological significance revealed during excavation evaluated and protected if necessary.
- e) non-indigenous heritage and archaeology management including:
- (i) procedures to ensure that before any buildings or works commence in association with the development, the identified non-Aboriginal heritage locations identified in the report titled '*Report on Preliminary Cultural Heritage Investigation*' written by Dr Heather Builtth dated April 2007, must be protected from any buildings and works in accordance with the recommendations contained in that report;
 - (ii) a survey conducted by a qualified archaeologist which locates, records and assesses non-indigenous archaeological places and objects on those parts of the site which have the potential to be affected by the wind energy facility. This must include land that may be disturbed by associated works such as generator footings, access tracks, buildings, services and/or possible erosion arising from such works;
 - (iii) protocols for construction activities which have the potential to affect sites identified by the survey in Condition 16(e)(ii); and

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- (iv) protocols for protecting and reporting the discovery of any human remains in accordance with the requirements of the Victoria Police, the Victorian State Coroners Office and Aboriginal Affairs Victoria.
- f) pest animal management. This section of the environmental management plan must be prepared in consultation with the Department of Sustainability and Environment and the Department of Primary Industries. It must include:
 - (i) procedures to control and prevent the spread of pest animals, particularly by negating opportunities for the sheltering of pests;
 - (ii) a protocol and procedures to prevent the importation of the grape vine pest Phylloxera to the area; and
 - (iii) 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 constructing the wind energy facility or, if the facility is developed in stages, within two years following completion of that stage.
- g) pest plant management. This section of the environmental management plan must be prepared in consultation with the Department of Primary Industries. It must include:
 - (i) procedures to prevent the spread of weeds and pathogens to and from the site 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) that follow-up weed control is undertaken on all areas disturbed through construction of the wind energy facility for a minimum period of two years following constructing the wind energy facility or, if the facility is developed in stages, within two years following completion of that stage.
- h) sediment, erosion and water quality management including:
 - (i) incorporation of control measures outlined in Environment Protection Authority publication No. 480 Environmental Guidelines for Major Construction Sites;
 - (ii) 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.

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Stockpiles must be located away from drainage lines and in locations which minimise their visibility from the Pyrenees Highway, Crowlands – Eversley Road, Ararat – St Arnaud Road, Shays Flat – Malakoff Road and Landsborough – Elmhurst Road;

- (iii) procedures to contain any contaminated or turbid run-off during and after construction of the wind energy facility;
 - (iv) 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;
 - (v) 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;
 - (vi) procedures for managing and discharging waste water;
 - (vii) the installation of geotextile silt fences (with sedimentation basins where appropriate) on all drainage lines from the site which are likely to receive run-off from disturbed areas;
 - (viii) criteria for the siting of any temporary concrete batching plant(s) 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 temporary concrete batching plant must be in accordance with the Environment Protection Authority's Environmental Guidelines for the Concrete Batching Industry, Publication No. 628;
 - (ix) a process for overland flow management to prevent the concentration and diversion of waters onto the site or erosion prone slopes;
 - (x) pollution management measures for management of stored and stockpiled materials including waste materials, litter and any other potential source of water pollution; and
 - (xi) siting of concrete batching plant and any on-site wastewater treatment and disposal fields at least 100 metres from any watercourse.
- i) 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.
 - j) A program for monitoring and reporting including a register of environmental incidents, non-conformances, complaints and corrective actions.

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- k) A timetable for implementation of all programs and works identified in the environmental management plan.
17. The environmental management plan must be reviewed and if necessary amended in consultation with the Pyrenees Shire and Ararat Rural City Councils to the satisfaction of the Minister for Planning every 5 years from the date of approval to reflect completion of many of the elements, operational experience and changes in environmental management standards and techniques. The revised plan must be submitted to the Minister for Planning for approval.
18. The use and development must be carried out in accordance with the endorsed environmental management plan.

CROWN LAND

19. Before the development starts, the applicant must provide written agreement, to the Department of Sustainability and Environment, to become the responsible road authority under the *Road Management Act 2004* for the life of the wind farm, in respect to any access roads which will traverse Crown land and are not within a gazetted government road reserve.
20. Prior to commencing the construction or upgrade of any access roads or other infrastructure on Crown land which is not a gazetted Government road reserve, the applicant must:
- a) meet any requirements resulting from the notification of this proposal under the *Native Title Act 1993* (Commonwealth);
 - b) obtain the written consent of the Department of Sustainability and Environment.

WILDFIRE AND EMERGENCY RESPONSE

21. A wildfire 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 Pyrenees Shire and Ararat Rural City Councils. This plan must include:
- a) criteria for the provision of static water supply tanks or dams for fire fighting purposes, including minimum capacities, appropriate connections and signage;
 - b) criteria for access to designated water supply sources for fire fighting vehicles;
 - c) procedures for vegetation management, fuel control and the provision of fire fighting equipment during declared fire danger periods; and

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- d) the facilitation by the operator, before or within 3 months after the commencement of the operation of any part 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, Pyrenees Shire and Ararat Rural City Councils Municipal Emergency Management Committee and Victoria Police.

AVIFAUNA

22. Before the development starts, an avifauna management plan to the satisfaction of the Minister for Planning must be prepared in consultation with the Department of Sustainability and Environment, and must be submitted to and approved by 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.

The avifauna management plan must be based on the *Avifauna Management Plan* in Volume 1, Part B of the planning application and include:

- a) a statement of the 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 two years duration from the commissioning of the last generator including surveys during the breeding season to ascertain:
- (i) the presence, behaviour and movements of priority species, being Powerful Owls and Wedge-tailed Eagles, 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. Bird strikes affecting the priority species in 22(b)(i) above must be reported to the Department of Sustainability and Environment within 7 days of becoming aware of the strike;
 - (v) seasonal and yearly variation in the number of birds 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

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- (vii) procedures for the regular removal of carrion (including livestock, native animals and pest animals) likely to attract raptors to areas near generators.
 - 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 19(b)(i) above which would trigger the requirement for responsive mitigation measures to be undertaken by the proponent to the satisfaction of the Minister for Planning;
 - e) details of any responsive mitigation measures which may be implemented if the trigger mortality for a specified species is exceeded; and
 - f) a strategy to offset any impacts detected during monitoring in the event that these impacts are considered excessive by the Minister for Planning, to be approved to the satisfaction of the Minister for Planning.
23. Following the completion of the monitoring program in accordance with the avifauna management plan, an avifauna monitoring report must be prepared by the applicant setting out the findings of the monitoring program to the satisfaction of the Minister for Planning.
24. In the event that impacts detected during the two year monitoring program are considered by the Minister for Planning to be ecologically significant, further targeted monitoring and species specific mitigation measures must be developed in consultation with the Department of Sustainability and Environment and approved by the Minister for Planning. The approved strategy must be implemented to the satisfaction of the Minister for Planning.

NATIVE VEGETATION

25. Before the development starts, a native vegetation management plan must be prepared to the satisfaction of the Minister for Planning, in consultation with the Department of Sustainability and Environment. The plan must be based on the *Native Vegetation Management Plan* in Volume 1 Part B of the Application Report dated June 2007. The Native Vegetation Management Plan may be prepared in sections or stages. When approved by the Minister for Planning 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*

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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;
- 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
- l) a schedule of offset management actions.

NOISE

26. Except as provided for below in this condition the operation of the wind energy facility must comply with the noise criteria specified in NZS 6808:1998 ‘Acoustics - The Assessment and Measurement of Sound from Wind Turbine Generators’ at any non-participating stakeholder dwelling existing in the vicinity of the wind energy facility at 20 June 2007 when measured by the method specified in that standard. In determining compliance the following shall apply;

- a) the sound level from the operating wind energy facility when measured outdoors within 10 metres of any such dwelling shall not exceed the background sound level (L_{95}) by more than 5 dBA or a level of 40 dBA L_{95} ,

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whichever is the greater. Compliance shall be assessed separately for all-time data and for night-time data. Night time is defined as 10 pm to 7 am; and

- b) if the sound has a special audible characteristic the measured sound level shall have a penalty of 5 dB applied.

This condition does not apply at any dwelling existing on land on which one or more turbines of the wind energy facility is located ie. a dwelling on participating landowner's land, or at an existing dwelling of a nonparticipating landowner for which an agreement has been reached by which that landowner accepts that noise levels in outdoor areas of the dwelling may exceed the standard. In those cases the operator under the permit must enter into an agreement with the Minister for Planning as the responsible authority and the registered proprietor of the subject land pursuant to Section 173 of the *Planning and Environment Act 1987*.

27. Before the development commences a detailed proposal must be prepared to the satisfaction of the Minister for Planning to obtain robust background noise measurements at a selection of non participating landowner dwellings in the vicinity of the proposed wind farm. If this proposal requires background noise measurements before construction commences those measurements shall be made, and if successful, those results will provide the background noise measurements which shall be submitted to the Minister for Planning for approval.
28. If background noise measurements can only be obtained post construction that shall be done as soon as possible after commissioning, and if successful, those results will provide the background noise measurements which shall be submitted to the Minister for Planning for approval.
29. If robust background measurements are obtained the acceptable noise limit curve derived from those background noise curves shall provide the references at the relevant dwellings for post-construction compliance testing. If reliable background noise curves can not be obtained, and in the interim until such measurements are made, an acceptable noise limit of 40 dBA L₉₅ as a presumptive criterion shall apply across the range of operating wind speeds.
30. A post-construction noise monitoring and compliance assessment program must be undertaken by the operator under the permit. The initial compliance noise monitoring program must commence within two months of the commissioning of the last turbine in the wind energy facility or, if the facility is constructed and commissioned in groups of turbines, separate programs at the dwellings in the

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vicinity of each group within two months of the commissioning of each group. The monitoring must be carried out in accordance with the method in NZS 6808:1998. Should one or more wind turbines in the facility not be operating at the time of measurement the operator under the permit shall demonstrate to the satisfaction of the Minister for Planning that that would have an immeasurably small effect on the measured result.

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.

31. The results of the post-construction noise monitoring program(s) of Condition 27 and a statement of compliance or otherwise must be provided to the Minister for Planning within 45 days of the end of each monitoring program.
32. Should the results show non-compliance the holder of this permit must submit to the Minister for Planning 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 Minister for Planning within 45 days of the completion of the program.
33. Noise monitoring shall be repeated commencing not less than 10 months and not greater than 12 months after the commencement of the program in Conditions 30 or 32 as applicable. Should that further noise monitoring program demonstrate compliance with the noise criteria no further monitoring shall be required unless otherwise determined by the Minister for Planning.
34. Before the use begins the operator under the permit must prepare a detailed noise complaint evaluation and response plan generally in accordance with the draft *Noise Complaint and Evaluation Procedure* in Volume 1 Part B Section 10 of the Crowlands Wind Farm planning application to the satisfaction of the Minister for Planning.

BLADE SHADOW FLICKER

35. Shadow flicker from the wind energy facility must not exceed 30 hours per annum at any dwelling existing at 20 June 2007.

The operation of the wind energy facility is not required to comply with this condition at any dwelling on land on which part of the wind energy facility is erected. This exemption will be given effect through an agreement with the landowner that shall apply to any occupant of the dwelling.

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36. Before the generation of electricity at the wind energy facility commences, details of a complaint evaluation and response process must be submitted to and approved by the Minister for Planning to assess any alleged breach of Condition 35.

TELEVISION AND RADIO RECEPTION AND INTERFERENCE

37. Before the development starts, a telecommunications complaint and evaluation procedure must be prepared to the satisfaction of the Minister for Planning, in consultation with the Department of Sustainability and Environment. The procedure must be based on the draft *Telecommunications Complaint and Evaluation Procedure* in Volume 1 Part B of the planning application dated June 2007. When approved by the Minister for Planning the Procedure will be endorsed and will then form part of this permit. In addition to those elements contained in the telecommunications complaint and evaluation procedure included in the application, the plan must clarify:

- a) the standard area to which the procedure applies to be 5 km from any turbine;
 - b) the procedure recognises complaints about television, radio and mobile phone reception;
 - c) the 'valid' and 'invalid' complaint criteria that will be used to evaluate complaints;
 - d) potential mitigation action for valid complaints;
 - e) a time limit for resolving complaints;
 - f) consideration of reception complaints beyond the 5 km zone; and
 - g) how the endorsed procedure document will be made available to the public
38. A pre-construction survey must be carried out to the satisfaction of the Minister for Planning to determine television, radio and mobile phone reception strength at selected locations up to 5 km from all wind generators. The location of such monitoring is to be determined by an independent and appropriate monitoring specialist appointed by the operator under this permit.
39. 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, radio or mobile phone reception at any dwelling, business or community facility in the area which existed at the date of the pre-construction survey, a post-construction survey must be carried out at that location.

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40. 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 in accordance with the endorsed telecommunications complaint and evaluation procedure 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

41. 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.

AVIATION SAFETY CLEARANCES

42. Within 14 days of endorsement by the Minister for Planning, copies of the endorsed plans must be provided to CASA, the Department of Defence 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.

PRELIMINARY INVESTIGATIVE WORKS

43. 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.

STAGING

44. 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, and any corresponding obligation arising under this permit (including the preparation and approval of plans) may be similarly completed in stages or parts.

DECOMMISSIONING

45. The wind energy facility operator must, without delay, notify the Minister for Planning in writing as soon as all of the wind generators have permanently ceased to generate electricity. Within 12 months of this date, the wind energy facility

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operator must undertake the following to the satisfaction of the Minister for Planning within such timeframe as may be specified by the Minister:

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

EXPIRY

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

- (i) the development is not started within 3 years of the date of this permit;
- (ii) the development is not completed within 6 years of the date of this permit.;
- iii) the use is discontinued for 2 years.

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. A permit under the Water Act 1989 will be required from the relevant Catchment Management Authority for any works deemed to be on a waterway.
2. The movement of Over Dimensional Loads is required to be approved by VicRoads. Any proposed transmission lines located within an arterial road under the Road Management Act 2004, must be approved in writing by VicRoads
3. Prior to commencing work within any 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

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reserve. The 'consent form' from VicRoads requires the applicant to complete an 'Application for Consent' form and submit to VicRoads for approval.

4. This permit also relates to Ararat Planning Permit No. 2007/0562 which applies to that part of the Crowlands wind energy facility within the Ararat Shire municipality.

Date Issued: 18 AUG 2010



Signature for the Minister

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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.