

PLANNING PERMIT

Permit No: P2009/105

Planning Scheme: Corangamite Planning Scheme

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

ADDRESS OF THE LAND:

Within the powerline route between the proposed Stockyard Hill wind energy facility and proposed terminal station, within Corangamite Shire Council. The affected land is generally within road reserves south of the proposed wind energy facility site along Skipton Road, adjacent to Skipton via Murray Street and Park Street then to the proposed terminal station via Rokewood – Skipton Road, Mount Bute Road, Crawfords Road, Rowlands Road, Barrs Road, Frosts Road, Calverts Road, Hamilton Highway and McLeans Road.

THE PERMIT ALLOWS:

Removal of native vegetation to enable the installation of 132kV overhead powerlines.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

PLANS TO BE ENDORSED

1. Before the native vegetation removal starts, plans clearly showing the areas of native vegetation to be removed must be prepared to the satisfaction of the Minister for Planning. The plans must be drawn to scale with dimensions and three copies must be provided. When approved the plans will be endorsed by the Minister for Planning and will then form part of this permit.

The plans must show the location and extent of the 58 square metres of vegetation proposed to be removed and any additional areas identified by pre-construction surveys required by this permit which cannot be avoided to the satisfaction of the Minister for Planning.

All works must be in accordance with the endorsed plan, unless otherwise approved in writing by the Minister for Planning.

NATIVE VEGETATION REMOVAL

2. Before works start:
 - a) temporary fencing or tape must be installed around areas of native vegetation to be retained and the fenced area signed as not to be disturbed; and
 - b) a worker education and induction program concerning the avoidance of disturbance to vegetation to be retained must be developed and implemented

to the satisfaction of the Minister for Planning.

The fencing and sign(s) must remain in place until completion of the powerline works.

3. Works must not cause damage to native vegetation stands to be retained. Vehicles and machinery must not enter areas of native vegetation beyond the designated works area.
4. No construction activity, storage of equipment or materials or parking is to be undertaken beyond the designated works area.
5. To prevent the spread of weeds and pathogens, all vehicles and machinery must be made free of soil, seed and plant material before being taken to, and again before being taken from, the works site, during and on completion of the works.
6. Tree trimming operations must be undertaken using the natural target pruning 'three cut method' as described in the 'Roadside Handbook: *An Environmental Guide for Road Construction and Maintenance*' (VicRoads 2006).

FLORA AND FAUNA SURVEYS

7. Before the removal of any native vegetation starts the following surveys must be undertaken by a qualified ecologist to the satisfaction of the Minister for Planning on the advice of DSE:

- a) a further survey for Spiny Rice Flower (*Pimelea spinescens subsp. spinescens*) undertaken within the summer to autumn (flowering) season to ensure no impacts to this species occur. .
- b) targeted surveys for other flora must be undertaken in order to avoid removal of any plants which are listed as threatened communities and or species under the *Flora and Fauna Guarantee Act 1988* (Victoria) and the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth) to the satisfaction of the Minister for Planning.

These surveys must use the approach to identifying Natural Temperate Grassland of the Victorian Volcanic Plains remnants outlined in the Matters of National Environmental Significance peer review report at page 10 presented at the panel hearing.

8. Should Spiny Rice Flower be identified in the surveys required by condition 7, the area(s) of proposed clearing must be micro-sited to avoid the plants and appropriate environmental management measures adopted to prevent inadvertent loss or disturbance of the plants to the satisfaction of the Minister for Planning.

NET GAIN OFFSET PLAN

9. Before removal of native vegetation starts, a net gain offset plan must be prepared by a suitably qualified ecological specialist and submitted to and approved by the Department of Sustainability and Environment. Once approved, the plan will be endorsed and will then form part of the permit. The offset plan must include the following:
 - a) details of the proposed offsets which will achieve a net gain in quality and quantity of native vegetation in accordance with the principles and guidelines associated with the *Native Vegetation Management: A Framework for Action (DSE 2002)*;
 - b) 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;
 - c) type of offsets to be provided for each location;
 - d) 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);

- e) methods of managing and restoring the vegetation, including revegetation, such as fencing, weed control, enhancement planting and other habitat management actions;
 - f) pest plant and animal control methods;
 - g) a statement of the need to source local seed stock and options available for sourcing of local seed;
 - h) a statement of the need for revegetation works to be carried out by a suitably qualified ecological specialist;
 - i) methods of permanent protection for the offsets, such as the registration on title of an agreement under Section 173 of the *Planning and Environment Act 1987*, an agreement under Section 69 of the *Conservation Forests and Lands Act 1987*, or a covenant under section 3A of the *Victorian Conservation Trust Act 1972*;
 - j) persons responsible for implementing and monitoring the offset plan; and
 - k) a schedule of management actions, which documents how the net gain outcomes will be achieved within a 10 year timeframe.
10. Prior to the commencement of native vegetation removal, all offset sites must be legally secured by means of the registration of an on-title agreement or covenant to the satisfaction of the Department of Sustainability and Environment and the Minister for Planning.
 11. All actions specified in the endorsed offset plan must be completed within the specified timeframes, to the satisfaction of the Department of Sustainability and Environment and the Minister for Planning.
 12. The disturbed areas must be revegetated as soon as practicable to minimise soil erosion.

EXPIRY

13. This permit will expire if one of the following circumstances applies:
 - the native vegetation removal is not started within 5 years of the date of this permit;
 - the native vegetation removal is not completed within 10 years of the date of this permit.

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. Prior to the removal, destruction or lopping of any vegetation listed under the *Flora and Fauna Guarantee Act 1988* from Crown land, a permit under that Act must be obtained from the Department of Sustainability and Environment.

26 OCT 2010

Date Issued:



Signature for the Minister

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.