

PLANNING PERMIT GRANTED BY THE MINISTER UNDER
DIVISION 6 OF PART 4 OF THE PLANNING AND ENVIRONMENT ACT 1987

PLANNING PERMIT

Permit No: P09-134A

Planning Scheme: Golden Plains

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

ADDRESS OF THE LAND:

Land generally described as:

North of Berrybank wind energy facility along
Berrybank-Wallinduc Road reserve to the
intersection of Urches Road. Then along
Urches Road reserve west to the Lismore
Scarsdale Road intersection.

THE PERMIT ALLOWS:

The removal of native vegetation.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the native vegetation removal starts a **native vegetation management plan** to be prepared, submitted to and approved by the Minister for Planning. The plan must include:
 - (i) A report by a suitably qualified person after the completion of a target spring survey of native vegetation in the vicinity of access points where a Vegetation Protection Overlay exists. The report should set out the findings of the targeted spring survey and, if vegetation listed under the *Flora and Fauna Guarantee Act 1988* or the *Environment Protection and Biodiversity Conservation Act 1999* is identified, set out how impacts on that vegetation is to be avoided or minimised;
 - (ii) Requirements for consultation with the Department of Sustainability and Environment and Golden Plains Shire Council in the preparation of any offset plan;
 - (iii) Identification of offsets prior to native vegetation removal;
 - (iv) Explanation of how vegetation removal has been minimised by project design;
 - (v) A detailed and thorough description of how the native vegetation management framework's three-step approach has been applied;

- (vi) Protocols so that net gains will be undertaken if native vegetation disturbance and removal cannot be avoided for the construction, operation and decommissioning stages of the project; and
- (vii) A protocol for the protection of native vegetation on the wind farm site during the construction phase; procedures for the rehabilitation of construction zones with appropriate pasture species.

Management of the offset is to be undertaken to the satisfaction of the Department for Sustainability and Environment.

The Minister for Planning, in consultation with the Department of Sustainability and Environment, may approve amendments to the native vegetation management plan.

2. Prior to the removal of vegetation a **terrestrial fauna management plan** must be prepared, submitted to and approved by the Minister for Planning. The plan must include:
 - (i) Training of construction staff in the recognition of the Striped Legless Lizard and the Fat-tailed Dunnart;
 - (ii) Development of a protocol, in consultation with the Department of Sustainability and Environment, that outlines actions to be taken if Striped Legless Lizard and the Fat-tailed Dunnart are detected during construction; and
 - (iii) Development of a salvage protocol for the Striped Legless Lizard and the Fat-tailed Dunnart in consultation with the Department of Sustainability and Environment.

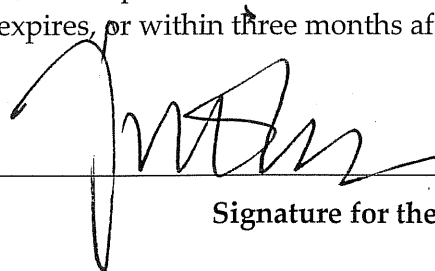
The Minister for Planning, in consultation with the Department of Sustainability and Environment, may approve amendments to the terrestrial fauna management plan.

3. This permit will expire if one of the following circumstances applies:
 - (i) The native vegetation removal is not started within 3 years of the date of this permit.
 - (ii) The native vegetation removal is not completed within 6 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.

24 AUG 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.