

# PLANNING PERMIT

**Permit No.: PA1900723**

**Latrobe Planning Scheme**

**Responsible Authority: Minister for Planning**

## ADDRESS OF THE LAND:

### Land

The land south-west of the corner of Frasers Lane & Traralgon-Maffra Road, Glengarry North, formally described as:

Lot	Volume	Folio	Description
CA124, parish of Toongabbie South	11453	88	Shown as 124 on plan TP315164A
CA124A, parish of Toongabbie South	11453	89	Shown as 124A on plan TP315164A
CA125, parish of Toongabbie South	11453	90	Shown as 125 on plan TP315164A
CA125C, parish of Toongabbie South	11453	91	Shown as 125C on plan TP315164A

### Roads

Road reserve of Traralgon-Maffra Road

## THE PERMIT ALLOWS:

Use and development of a solar energy facility, utility installations and associated buildings and works, native vegetation removal and business identification signage

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

### DEVELOPMENT PLANS

1. Before development starts, including the removal of native vegetation, 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 and drawn to scale. The plans must be generally in accordance with the application plans all generally titled 'Frasers Solar Farm' but modified to include:

- a. Detailed location/site layout, floor, elevation and/or other typical detail plans (including the specifications, model, dimensions and materials) of all proposed buildings, structures and works, including:
  - i. Solar panel(s) and associated mounting structure(s);

- ii. Power conversion unit(s);
  - iii. Operations and maintenance facility;
  - iv. Control building;
  - v. Substation;
  - vi. Switchyard;
  - vii. Battery Storage facility
  - viii. Noise attenuation measures prescribed by the endorsed Predictive Noise Assessment required by Condition 16;
  - ix. Security fencing, which is to be located between the solar arrays and landscaping/vegetation buffers, and to have a consistently dimensioned height;
  - x. Glare screening, which must be designed in accordance with the revised Glint and Glare Assessment required by condition 12, located between the solar arrays and boundary landscaping/vegetation buffers on the relevant site boundaries and colour-matched to the host landscape;
  - xi. The risk and emergency management design features and facilities specified at conditions 43-69 inclusive;
  - xii. Business identification signage not exceeding 3 square metres in overall area including its location, design and any lighting proposed;
  - xiii. Underground cabling;
  - xiv. Internal access tracks, including indicative sections and information regarding material;
  - xv. Detailed plans of site access points from Frasers Lane;
  - xvi. Laydown area(s);
  - xvii. Equipment/material storage area(s);
  - xviii. Landscaping, in accordance with the Landscaping Plan required by condition 3;
  - xix. Any other development or design features that are required by any other endorsed plan forming part of this permit.
- b. The colours and finishes of all buildings and works, which must be non-reflective, and matched where possible to colours present within the surrounding landscape to minimise visual impact.
  - c. Setbacks of all buildings and solar arrays from adjacent site boundaries dimensioned;
  - d. All development set back from designated waterways in accordance with condition 33, and this setback dimensioned.
  - e. All development set back at least 210 metres from the centreline of Four Mile Creek, and this setback dimensioned.
  - f. Detailed plans and elevations of any overhead power lines and other grid connection works.
  - g. Electricity cabling within the facility being located underground.
  - h. The location and areas of all native vegetation on site and on adjoining land that is permitted to be removed under this permit;
  - i. The location and areas of all native vegetation on site and on adjoining land that is to be retained; this must include all patches of vegetation, scattered trees and associated tree protection zones;
  - j. The location of any rehabilitation/revegetation works to be completed as part of the permitted development i.e. buffers, retained vegetation areas, perimeters;

- k. Any staging of the use and development.

#### **WRITTEN CONSENT TO MODIFY ENDORSED PLANS**

2. The use and development must be generally in accordance with the plans endorsed in accordance with this permit. The development plans endorsed under condition 1, and any other plan endorsed under a condition of this permit, must not be altered or modified without the written consent of the responsible authority.

#### **LANDSCAPING**

3. Before development starts, a Landscaping Plan must be submitted to the satisfaction of, and endorsed by, the responsible authority. When endorsed, the plan will form part of this permit.

The Landscaping Plan must generally be in accordance with the planting arrangements illustrated in the submitted Landscape Plan, prepared by Formium Pty Ltd and dated June 2020 and be amended to show:

- a. The inclusion of glare screens that are required by Condition 12.
  - b. Timing of planting, which must be before development starts.
  - c. Maintenance program, including weed management and the replacement of dead or diseased plants.
4. The landscaping works must be carried out and completed in accordance with the Landscaping Plan to the satisfaction of the responsible authority within the timeframe indicated in that plan.
  5. Once the landscaping is carried out, it must be maintained in good health for the operational life of the facility, including the replacement of any dead or diseased plants to the satisfaction of the responsible authority.
  6. Temporary stock-proof fencing must be provided around the landscaping if grazing is to occur during planting establishment, until the landscaping is sufficiently established to the satisfaction of the responsible authority.

#### **ENVIRONMENTAL MANAGEMENT PLAN**

7. Before development starts, including the removal of native vegetation, an Environmental Management Plan (EMP) must be submitted to, approved and endorsed by the responsible authority. Once endorsed, the EMP will form part of the permit.

The EMP must include:

- a. Measures to avoid and minimise amenity and environmental impacts during the operation of the solar energy facility;
- b. measures to mitigate any consequential impacts on native vegetation retained on and off site, including tree protection zones;
- c. Design measures and/or procedures to manage dust, odour, light spill, mud, flood, surface water quality and stormwater runoff;
- d. Procedures for weed management and control prior to construction and post construction that do not risk causing offsite soil contamination;
- e. Vehicle and equipment hygiene measures to prevent the spread of weeds and pathogens to, from and within the site;
- f. Fuel load management measures that are to be implemented including but not limited to vegetation management and possible grazing opportunities;

- g. Any other measures to address the requirements of the CFA's *Guidelines for Renewable Energy Installations* listed at conditions 40 to 69 inclusive;
  - h. Measures to manage, monitor and review erosion and control sediment-laden runoff;
  - i. Response measures to environmental incidents;
  - j. A program for recording and reporting environmental incidents; and
  - k. The persons responsible for implementing the above measures, including procedures for staff training and communication.
8. The recommendations of the endorsed EMP must be implemented to the satisfaction of the responsible authority.

#### **CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN**

9. The EMP must include a Construction Environment Management Plan (CEMP), which must include:
- a. Measures to avoid and minimise amenity and environmental impacts during the construction of the solar energy facility;
  - b. Procedures to manage construction noise and vibration in accordance with the requirements of the *Noise Control Guidelines* (EPA Publication 1254) and the Environmental Guidelines for major construction sites (EPA Publication 480);
  - c. Erosion and sediment control measures to ensure that no polluted and/or sediment laden runoff or other stormwater is discharged directly or indirectly onto adjoining land or into drains, watercourses or wetlands;
  - d. Procedures to manage any dust emissions;
  - e. Vehicle and equipment hygiene measures to prevent the spread of weeds and pathogens to, from and within the site;
  - f. Locations of any construction waste storage and the method of storage and disposal;
  - g. appropriate stockpile and storage area management, including the directive that no stockpiles or storage of material are to be stored on the gas pipeline easement at any time;
  - h. The location of any temporary buildings or works and procedures to remove these and reinstate the affected parts of the land when construction is complete;
  - i. measures to protect native vegetation being retained on site and in the vicinity of the subject land, including tree protection zones during and post construction. These measures must include:
    - i. the erection of a native vegetation protection fence around all native vegetation to be retained on site and on any adjoining road reserves; and
    - ii. the tree protection zones of all native trees to be retained and this to be marked on plan(s). All tree protection zones must comply with AS 4970-2009 Protection of Trees on Development Sites;
  - j. A construction timetable, including typical daily start and end times.
  - k. Road maintenance measures to be put in place for Frasers Lane to ensure its condition does not deteriorate during the construction phase of the project.
  - l. Procedures to manage mud and debris on the surrounding road network which may occur during construction.
  - m. monitoring requirements for the rehabilitation/revegetation works and any vegetation/tree protection areas being retained on site; and

- n. The persons responsible for implementing the above measures, including details of a site contact/site manager.

#### **DRAINAGE AND STORMWATER MANAGEMENT PLAN**

10. The EMP must include a Drainage and Stormwater Management Plan (DSMP), which must include:
  - a. Details (and computations) of how the works on the land are to be drained including drains conveying stormwater to the legal point of discharge.
  - b. Details of how the drainage design affects the continuation of existing overland flow paths and flood patterns across the land.
  - c. Assessment of impacts on onsite infiltration and surface water quality, including adjacent land and waterways, specifically Four Mile Creek.
  - d. Details on how polluted or contaminated run off is to be managed.
  - e. Confirmation that no panels are located within any waterways.

#### **NATIVE VEGETATION MANAGEMENT PLAN**

11. The EMP must include a Native Vegetation Management Plan to clearly describe how retained native vegetation will be managed for conservation and biodiversity enhancement into the future. The plan must be drawn to scale with dimensions, standard property identifiers and georeferences (such as VicGrid94 co-ordinates), that clearly shows:
  - a. the location and identification of the land affected by this permit, including standard parcel identifiers for freehold land;
  - b. the location and area of all native vegetation present, including scattered trees, that are permitted to be removed under this permit;
  - c. all areas of native vegetation to be retained;
  - d. the tree protection zones for each retained scattered native tree (dead or alive);
  - e. the person/s responsible for implementing the Vegetation Management Plan;
  - f. detailed measures to ensure the ongoing conservation of the existing biodiversity values of the retained scattered native trees (dead or alive). Measures must:
    - i. allow for limb drop/branch fall and retention within the tree protection zones
    - ii. clearly specify all actions and activities that may result in adverse impacts to retained native vegetation that must not occur within tree protection zones
    - iii. any pruning required to be done to the canopy of any retained scattered tree (dead or alive) to make the tree safe to be retained must:
      1. only be done by a qualified arborist to *Australian Standard – Pruning of Amenity Trees AS4373-1996*, and
      2. ensure no more than 1/3 of the foliage of each individual plant is lopped or pruned, and
      3. not include the tree trunk or limbs that contain hollows or nests.

#### **GLINT AND GLARE MANAGEMENT PLAN**

12. Prior to the endorsement of plans in accordance with Condition 1 of this permit, an updated Glint and Glare Assessment (GGA) report similar to that by Entura dated 20 August 2019 that:
  - a. Includes a map showing the direction of receipt of glare for each Observation Point (dwelling) and Route Receiver (road and railway),

- b. provides detail of the glint and glare mitigation methods that will be employed to ameliorate glint and glare at each Observation Point and Route Receiver, including recommendations on the length, height and materials for glare mitigation screening (if required);
  - c. An assessment from a suitably qualified person confirming that following the adoption of any glint and glare mitigation methods required by condition 12b, glint and glare from the solar farm would not have an impact on road safety, or the reasonable amenity of residents of the dwellings modelled in the report.
13. All glare screening must be constructed in accordance with the endorsed development plans prior to construction or installation of any solar arrays on the subject site.
14. Despite what is shown on the endorsed development plans, the glare screening may be removed with the written consent of the responsible authority, following the satisfactory growth of the vegetated buffers.

### **CONTROL OF LIGHTING**

15. All lighting installed and operated at the site must comply with *Australian Standard 4282 Control of the obtrusive effects of outdoor lighting*.

### **OPERATIONAL NOISE**

16. Prior to the endorsement of plans in accordance with Condition 1 of this permit, an updated Predictive Noise Assessment report must be provided that:
- a. provides detail of the noise reduction methods that will be employed to achieve compliance with Environmental Protection Authority's *Noise from Industry in Regional Victoria* Standard (NIRV, as documented in EPA publication 1411);
  - b. demonstrates the proposal will comply with the NIRV Standard at all times without relying on limiting the operating capacity of the inverters.

The Predictive Noise Assessment must be to the satisfaction of the responsible authority and when endorsed shall form part of this permit.

All measures relied on to achieve compliance with the NIRV, as documented in EPA publication 1411 must be shown on the endorsed plans under condition 1, and implemented to the satisfaction of the responsible authority.

17. Within 1 month of the commencement of the use, a Post-Construction Acoustic Assessment must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the compliance of the use with the NIRV Standard and, where necessary, make recommendations to limit the noise impacts in accordance with the Standard to the satisfaction of the Responsible Authority.
18. Within 1 year of the commencement of the use, a Post-Construction Acoustic Assessment Report must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the compliance of the use with the NIRV Standard and, where necessary, make recommendations to limit the noise impacts in accordance with the Standard to the satisfaction of the Responsible Authority.
19. The use of the land must at all times comply with the Environmental Protection Authority's *Noise from Industry in Regional Victoria* standard (as documented in EPA publication 1411)

## **TRAFFIC MANAGEMENT**

### **Vehicle Access Points**

20. Vehicle access points must be designed and located to the following standards, to the satisfaction of the relevant road management authority (or authorities):
  - a. To the extent practicable, access points must be able to accommodate turning movements without vehicles encroaching onto the incorrect side of the road.
  - b. Safe sight distances must be provided.
  - c. Potential through traffic conflicts must be avoided.

### **Traffic Management Plan**

21. Before development starts including the removal of native vegetation, a Traffic Management Plan must (TMP) be submitted to, approved and endorsed by the responsible authority. Once endorsed, the plan will form part of this permit.

The TMP must:

- a. Be prepared by a suitably qualified and experienced independent civil or traffic engineer.
  - b. Specify measures to be taken to appropriately eliminate, reduce or mitigate road safety hazards and traffic impacts associated with the construction and operation of the solar energy facility.
  - c. Identify the scheduling of all construction works.
  - d. Designate appropriate construction vehicle routes to the site.
  - e. Designate vehicle access points to the site from surrounding roads.
  - f. Address coordination between construction traffic and school bus travel.
  - g. Be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority.
22. The endorsed TMP must be implemented to the satisfaction of the responsible authority and relevant road management authority (or authorities).
  23. Any proposed alteration or modification to the endorsed TMP must be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority for endorsement.

## **DEPARTMENT OF TRANSPORT CONDITIONS**

24. At the intersection of the Traralgon-Maffra Road and Frasers Lane, a BAR right turn lane and an AUL(s) left turn lane must be provided in accordance with the Austroads Guidelines.
25. Prior to works beginning on the site, a detailed functional layout of the intersection must be submitted and approved by the Department. The plans must be in accordance with the Eastern Region developer funded checklists.
26. Prior to works beginning in the road reserve, detailed plans must be submitted and approved by the Department and the relevant consent approvals obtained.
27. Roadway lighting (flag) at the intersection of the Traralgon-Maffra Road and Frasers Lane must be provided to the satisfaction of the Department.
28. Prior to construction of the development, the intersection improvements must be completed at no cost and to the satisfaction of the Department.
29. Prior to the plans being submitted, the applicant's consultants must attend a pre-design meeting with the Department.

30. The location of the eastern access to the farm from Frasers Lane must be a minimum of 50m from the intersection of the Traralgon-Maffra Road and Frasers Lane.

#### **WEST GIPPSLAND CATCHMENT MANAGEMENT AUTHORITY CONDITIONS**

31. The finished floor level of any buildings at the property must be a minimum of 0.3m above the existing natural surface level.
32. No fill is to be imported to the portion of the property covered by the LSIO, or to the land within 30 metres of the designated waterway.
33. All works must be located a minimum of 10 metres from the centreline of the designated waterway.

#### **COMPLAINTS**

##### **Complaint Investigation and Response Plan**

34. Before development starts, including the removal of native vegetation, a Complaint Investigation and Response Plan (CIRP) must be submitted to, approved and endorsed by the responsible authority. Once endorsed, the CIRP will form part of the permit.

The CIRP must:

- a. Respond to all aspects of the construction and operation of the solar energy facility.
  - 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).
35. The endorsed CIRP must be implemented to the satisfaction of the responsible authority.

##### **Publishing Information about Complaints Handling**

36. Before development starts, including the removal of native vegetation, the following information must be made publicly available and readily accessible from the solar energy facility project website, or another publicly available resource to the satisfaction of the responsible authority:
  - a. A copy of the endorsed CIRP.
  - b. A toll-free telephone number and email contact for complaints and queries to the solar energy facility operator.

##### **Complaints Register**

37. Before development starts, including the removal of native vegetation, a Complaints Register must be established which records:
  - a. The complainant's name and address (if provided).
  - b. A receipt number for each complaint, which must be communicated to the complainant.
  - c. The time and date of the incident, and operational conditions at the time of the incident.
  - d. A description of the complainant's concerns.
  - e. The process for investigating the complaint, and the outcome of the investigation, including the actions taken to resolve the complaint.
38. All complaints received must be recorded in the Complaints Register.
39. The complete copy of the Complaints Register must be provided, along with a reference map of complaint locations, to the responsible authority on each anniversary of the date of this permit and at other times on request.



## **RISK AND EMERGENCY MANAGEMENT**

40. The operator of the facility must undertake a comprehensive risk management process for the facility in accordance with CFA's Guidelines for Renewable Energy Installations 2019.
41. Prior to the commencement of operation of the facility, the operator must develop an Emergency Information Book, and provide this in an Emergency Information Container at site entrances, as per CFA's Guidelines for Renewable Energy Installations 2019.
42. If applicable to the installation, adherence to dangerous goods storage and handling requirements, as per the dangerous goods regulatory framework and any relevant Australian Standards.

### Access

43. A four (4) metre perimeter road should be constructed within the ten (10) metre perimeter Fire Break.
44. Roads are to be of all-weather construction and capable of accommodating a vehicle of fifteen (15) tonnes.
45. Constructed roads should be a minimum of four (4) metres in trafficable width with a four (4) metre vertical clearance for the width of the formed road surface.
46. The average grade should be no more than 1 in 7 (14.4% or 8.1°) with a maximum of no more than 1 in 5 (20% or 11.3°) for no more than fifty (50) metres.
47. Dips in the road should have no more than a 1 in 8 (12.5% or 7.1°) entry and exit angle.
48. Incorporate passing bays at least every 600 metres which must be at least 20 metres long and have a minimum trafficable width of 6 metres. Where roads are less than 600 metres long, at least one passing bay is to be incorporated.
49. Road networks must enable responding emergency services to access all areas of the facility.
50. Two but preferably more access points to the site, to ensure safe and efficient access to and egress from areas that may be impacted or involved in fire. The number of access points is to be informed through a risk management process.

### Water Supply

51. Static water storage tank installations are to comply with AS 2419.1 and the following conditions:
  - a. The static water storage tank shall be of not less than 45,000 litres effective capacity.
  - b. The static water storage tank(s) must be an above-ground water tank constructed of concrete or steel. The location and number of tanks should be determined as part of the site's risk management process and in consultation with a CFA delegated officer.
  - c. The static storage tanks shall be capable of being completely refilled automatically or manually within 24 hours.
  - d. The hard-suction point shall be provided, with a 150mm full bore isolation valve equipped with a Storz connection, sized to comply with the required suction hydraulic performance. Adapters that may be required to match the connection are 125mm, 100mm, 90mm, 75mm, 65mm Storz tree adapters with a matching blank end cap to be provided.
  - e. The hard-suction point shall be positioned within 4 metres of a hardstand area and provide clear access for fire personnel.
  - f. An all-weather road access and hardstand shall be provided to the hard-suction point. The hardstand shall be maintained to a minimum of 15 tonne GVM, 8 metres long and 6 metres wide or to the satisfaction of the relevant fire authority.
  - g. The road access and hardstand shall be kept clear at all times.

- h. The hard-suction point shall be protected from mechanical damage (i.e., bollards) where necessary.
- i. Where the access road has one entrance, a 10 metre radius-turning circle shall be provided at the tank.
- j. An external water level indicator is to be provided to the tank and be visible from the hardstand area.
- k. Signage shall be fixed to each tank.

#### Fuel/Vegetation Management

- 52. Grass is to be maintained at below 100mm in height during the declared Fire Danger Period.
- 53. There must be a clearance of at least 2 metres between the lowest branches and ground level within the vegetation screening (landscape buffer) zone.
- 54. A fire break area of at least ten (10) metres width is to be maintained around the perimeter of the facilities, electricity compounds and substations. This area is to be of non-combustible mulch or mineral earth.
  - a. The fire break area must commence from the boundary of the facility or from the vegetation screening (landscape buffer) inside the property boundary.
  - b. The fire break must be constructed using either mineral earth or non-combustible mulch such as crushed rock.
  - c. The fire break must be vegetation-free at all times.
  - d. No obstructions are to be within fire break area (e.g., no stored materials of any kind).
- 55. The site operator must adhere to restrictions and guidance during the Fire Danger Period, days of high fire danger and Total Fire Ban days (refer to [www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)).
- 56. All plant and heavy equipment is to carry at least a 9-litre water stored-pressure fire extinguisher with a minimum rating of 3A, or firefighting equipment as a minimum when on-site during the Fire Danger Period.
- 57. There is to be no long grass or deep leaf litter in areas where plant and heavy equipment will be working.

#### Solar Installations – Operation and Maintenance

- 58. Solar facilities are to have a minimum 6 metre separation between banks of solar panels. Where this cannot be achieved, advice is to be sought from CFA's State Infrastructure and Dangerous Goods Unit ([sidgu@cfa.vic.gov.au](mailto:sidgu@cfa.vic.gov.au)).
- 59. Solar farm operators must provide specifications for safe operating conditions for temperature and the safety issues related to electricity generation, including isolation and shut-down procedures if solar panels are involved in fire. This information must be provided within the content of the Emergency Information Book at the entrances to the facility.
- 60. Under solar array installations, only mineral earth; non-combustible mulch such as stone; or grass or other vegetation maintained to no more than 100mm are acceptable to CFA. This includes localised crops of root vegetables or other plants with low flammability, planted to ensure that no part of the plant extrudes from underneath panel banks.
- 61. The distance of visual screening vegetation from solar panel installations is to be determined through a risk management process that considers radiant heat from a bank of solar panels fully involved in fire as an ignition source.

### Conditions Specific to Battery Installations

62. Containers/infrastructure for battery installations are to be located so as to be directly accessible to emergency responders (e.g., provided with a suitable access road).
63. Adequate ventilation of the battery container/storage area is to be provided where required under (DR) AS/NZS 5139-2017; the manufacturer's requirements and/or SDS for battery storage.
64. Containers/infrastructure for battery installations are to be provided with appropriate spill containment/bunding that includes provision for fire water runoff.
65. Battery installations that contain dangerous goods may have to comply with the requirements of the Dangerous Goods Act 1985; the Dangerous Goods (Storage and Handling) Regulations 2012; and relevant Australian Standards.
66. Battery storage manufacturers must provide specifications for safe operating conditions for temperature and the effects on battery storage if involved in fire. This information must be provided within the content of the Emergency Information Book at the main entrance of the facility.
67. Battery installations are to be kept free of extraneous materials and combustible materials of all kinds. Regular inspections and housekeeping is to be conducted to ensure materials do not accumulate.
68. Battery installations are to be serviced/maintained as per the manufacturer's requirements.
69. Containers/infrastructure for battery installations must be clear of vegetation for ten (10) metres on all sides, including grass. CFA requires non-combustible mulch such as stone or mineral earth within this ten (10) metre area.

### **NATIVE VEGETATION REMOVAL**

70. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
71. Before works start, a native vegetation protection fence must be erected around the tree protection zone of all scattered trees to be retained. This fence must be erected at a radius of 12x the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree. The protection fence must be constructed of star pickets, chain mesh or similar to the satisfaction of the responsible authority. The protection fence must remain in place until all works are completed to the satisfaction of the responsible authority.
72. The following is prohibited within any tree or vegetation protection zone:
  - a. Vehicular or pedestrian access.
  - b. Trenching or soil excavation.
  - c. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
  - d. Entry and exit pits for underground services.
  - e. Any other actions or activities that may result in adverse impacts to retained native vegetation.
73. The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.633 hectares of native vegetation, which comprises 9 scattered large trees.

74. To offset the removal of 0.633 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation* (DELWP 2017). The permit holder must secure the following offsets:
- a. A general offset of 0.129 general habitat units:
    - i. located within the West Gippsland Catchment Management boundary or Latrobe municipal area
    - ii. with a minimum strategic biodiversity value of at least 0.284.The offset(s) secured must also protect 9 large trees.
75. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:
- a. An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site; and/or
  - b. Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
76. A copy of the offset evidence will be endorsed by the responsible authority to form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to Planning and Approvals at the Department of Environment, Land, Water and Planning Traralgon regional office via [gippsland.planning@delwp.vic.gov.au](mailto:gippsland.planning@delwp.vic.gov.au)
77. Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

#### **DECOMMISSIONING**

78. Once the solar energy facility permanently ceases operation, the responsible authority must be notified within three months.
79. Subject to condition 80, once the solar energy facility permanently ceases operation, all infrastructure, equipment, buildings, structures and works must be removed, and the site or the relevant part of the site must be rehabilitated and reinstated to the condition it was in prior to the commencement of development to allow it to be used for agricultural purposes (or any proposed alternative use). This includes, but is not limited to, all solar panels, power conversion units, operations and maintenance facility, control building, substation, switchyard, and above and below ground electrical infrastructure and equipment.
80. If the landowner requests, items of infrastructure or other works (such as access tracks or the control building) that are suitable for the ongoing agricultural use of the land (or proposed alternative use) may be retained, subject to the written consent of the responsible authority.
81. Within three months of the solar energy facility permanently ceasing operation, a Decommissioning Management Plan (DMP) prepared by a suitably qualified and experienced person must be submitted to, approved and endorsed by the responsible authority. Once endorsed, the DMP will form part of the permit.
- The DMP must include, as a minimum:
- a. Identification of infrastructure, equipment, buildings and structures to be removed, and details of how these will be removed.

- b. Details of how the site will be rehabilitated to meet the requirements of condition 79.
- c. A requirement that a Decommissioning Traffic Management Plan (DTMP) be submitted to, approved and endorsed by the responsible authority prior to decommissioning works starting. The DTMP must be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority for endorsement. The DTMP must specify measures to manage traffic impacts associated with removing the infrastructure, equipment, buildings and structures from the site, to the satisfaction of the responsible authority.
- d. A requirement that all decommissioning works identified in the DMP be completed to the satisfaction of the responsible authority as soon as practicable, but no later than 12 months after the DMP is endorsed, or such other period approved by the responsible authority.

82. The endorsed DMP must be implemented to the satisfaction of the responsible authority.

**EXPIRY**

83. This permit will expire if one of the following applies:
- a. the development is not started within four years of the date of this permit;
  - b. the development is not completed within six years of the date of this permit;
  - c. the use has not commenced within six years of the date of this permit

The responsible authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

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**Date Issued: 10 September 2020**

**Signature for the responsible authority**

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.




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**NOTES**

1. Unless exempted by Latrobe City Council, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Latrobe City Council’s Local Law No.3. Latrobe City Council’s Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.
2. In the event that any Aboriginal or historical cultural heritage places or items are encountered during the course of the proposed activity, all activities likely to harm the material must cease immediately and a Heritage Advisor, Aboriginal Victoria (Ph: 1800 762 003) or Heritage Victoria (Ph: 03 9938 6894) consulted about an appropriate course of action prior to the recommencement of work.
3. If human skeletal remains are encountered during the course of the proposed activities all work in that area must cease. Remains must not be handled or otherwise disturbed except to prevent further disturbance. The police or Victorian Coroner’s office must be notified immediately. The Coronial Admissions and Enquiries hotline is Ph: 1300 888 544.
4. A Works on Waterways permit is likely to be required for the project. Please contact the West Gippsland Catchment Management Authority for further information.

5. Before any works on public land start, a permit to take protected flora under the Flora and Fauna Guarantee (FFG) Act 1988 may be required. To obtain an FFG permit or for further information go to:  
[https://www.environment.vic.gov.au/\\_data/assets/pdf\\_file/0020/50438/Application-for-Permit-to-Take-Protected-Flora.pdf](https://www.environment.vic.gov.au/_data/assets/pdf_file/0020/50438/Application-for-Permit-to-Take-Protected-Flora.pdf)
6. Before any works commence, a permit(s) may be required under the Wildlife Act 1975 for the destruction of wildlife habitat. The applicants/project management should liaise with DELWP – Gippsland Region to determine requirements.

# IMPORTANT INFORMATION ABOUT THIS PERMIT

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## WHAT HAS BEEN DECIDED?

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The responsible authority has issued a permit \*at the direction of the Victorian Civil and Administrative Tribunal. (Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

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## CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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*[If this permit was not issued at the direction of the Victorian Civil and Administrative Tribunal or if this permit was issued at the direction of the Tribunal but the Tribunal did not direct that the permit or part of the permit must not be amended by the responsible authority under Division 1A of Part 4 of the Act include the following paragraph-] The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.*

*[If the Victorian Civil and Administrative Tribunal directed that the permit must not be amended by the responsible authority under Division 1A of Part 4 of the Act insert the following paragraph—]*

The Victorian Civil and Administrative Tribunal directed that this permit must not be amended by the responsible authority under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

*[If the Victorian Civil and Administrative Tribunal directed that a specified part of the permit must not be amended by the responsible authority under Division 1A of Part 4 of the Act insert the following paragraph—]*

The Victorian Civil and Administrative Tribunal directed that the following specified part(s) of this permit must not be amended by the responsible authority under Division 1A of Part 4 of the **Planning and Environment Act 1987**:

*[List the specified part(s) of the permit that the Victorian Civil and Administrative Tribunal directed must not be amended by the responsible authority under Division 1A of Part 4 of the Act.]*

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## WHEN DOES A PERMIT BEGIN?

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A permit operates:

- \* from the date specified in the permit; or
- \* if no date is specified, from -
  - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  - (ii) the date on which it was issued, in any other case.

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## WHEN DOES A PERMIT EXPIRE?

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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 a plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; 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 in the case of a subdivision or consolidation within five 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 of 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.

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## WHAT ABOUT REVIEWS?

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- \* The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- \* An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- \* An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- \* An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- \* An application for review must state the grounds upon which it is based.
- \* A copy of an application for review must also be served on the responsible authority.
- \* Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.