

PLANNING PERMIT

Permit No.:	PA2302025
Planning scheme:	Greater Bendigo Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	Toolleen-Axedale Road, Toolleen Formally known as: - Lot 2 PS704656 - Allot. 2 Sec. 2 PARISH OF WESTON - Allot. 1 Sec. 2 PARISH OF WESTON - Allot. 4 Sec. 2 PARISH OF WESTON

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
	<i>Use and development of a solar energy facility, utility installations, display of business identification signage and removal of native vegetation</i>
35.07-1	Use of land for a renewable energy facility (other than Wind energy facility) Use of land for a Utility installation
35.07-4	Construct a building or construct or carry out works associated with a Section 2 use of Clause 35.07-4
42.01	Construct a building or carry out works
52.05-14	Display of business identification signage
52.17	Removal of native vegetation

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Commencement

Date issued: 24 September 2024 **Signature for the responsible authority:**



2. This permit will operate from the issued date of this permit.

Development plans

3. Before the development starts, amended plans must be approved and endorsed by the responsible authority.

The development plans must be fully dimensioned and drawn to scale. The plans must be generally in accordance with the plans prepared by NGH Consulting and Terra Solutions, titled "Edify Energy - Muskerry Solar Farm" and dated 16/12/2022, but modified to include:

- a. Detailed, fully dimensioned location / site layout, floor, elevation, and other typical detail plans (including the specifications, model, dimensions, and materials) of all proposed buildings and works, including the proposed signage;
- b. Any changes required to comply with:
 - i. Condition 6 (Landscaping)
 - ii. Condition 9 (Predictive Noise Assessment)
 - iii. Condition 21-23 (CFA)

Written consent to modify endorsed plans

4. The use and development must be generally in accordance with the plans endorsed under this permit (unless the Greater Bendigo Planning Scheme specifies that a permit is not required). The endorsed plans must not be altered or modified without the prior written consent of the responsible authority.

Staging

5. The use and development may be completed in stages in accordance with the endorsed development plans. The corresponding obligations arising under this permit may be completed in stages.

Landscaping

6. Before the endorsement of development plans in accordance with condition 3 of this permit, a Landscaping Plan must be approved and endorsed by the responsible authority.

The Landscaping Plan must be generally in accordance with the planting arrangements illustrated in the submitted Development plans referred to in Condition 3, and must include:

- a. Details (including type, location, species and height at maturity) of all vegetation buffers.
 - i. Vegetation buffers should include indigenous species where appropriate.
- b. Details of screening mitigation measures to be utilised until the vegetation reaches full maturity.
- c. A schedule for the implementation of landscaping works including any landscaping works to commence prior to the commencement of the facility.
- d. A maintenance and monitoring program to ensure the ongoing health of landscaping and the replacement of dead or diseased plants including but not limited to:



Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

- i. The provision of temporary stock-proof fencing around the landscaping if grazing is to occur during planting establishment, until the landscaping is sufficiently established.
7. The endorsed Landscaping Plan must be implemented to the satisfaction of the responsible authority.

Noise

8. The use of the land must at all times comply with EPA Publication 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (EPA Publication 1826.4).
9. Before the endorsement of development plans in accordance with condition 3 of this permit, a Predictive Noise Assessment must be submitted to the responsible authority and must:
 - a. Model the final design layout and all electrical components of the facility and assess this against EPA Publication 1826.4.
 - b. Demonstrate compliance of the proposal with EPA Publication 1826.4.
 - c. Include details of any mitigation measures that will be implemented to achieve compliance with EPA Publication 1826.4, to the satisfaction of the responsible authority.
 - d. Be made available to the public upon request.
10. Within 6 months of the use commencing, a Post-Construction Noise Assessment must be prepared by a suitably qualified acoustic engineer and must be submitted to the Minister for Planning demonstrating compliance with EPA Publication 1826.4 at all times. The Post-Construction Noise Assessment must:
 - a. Assess the compliance of the use with EPA Publication 1826.4.
 - b. If necessary, make recommendations to achieve compliance with EPA Publication 1826.4, to the satisfaction of the responsible authority.
 - c. Be made available to the public.

Where the Post-Construction Noise Assessment recommends measures to achieve compliance with EPA Publication 1826.4, the measures must be:

- i. Implemented within 2 months of the Post Construction Noise Assessment being submitted to the Minister for Planning and Greater Bendigo City Council.
 - ii. Assessed within 2 months to demonstrate compliance with EPA Publication 1826.4.

Glint and glare

11. Before the construction or installation of any solar arrays on the subject site, all glare treatments must be constructed in accordance with the endorsed development plans to the satisfaction of the responsible authority.
12. Despite what is shown on the endorsed development plans, any glare treatments may be removed with the written consent of the responsible authority, following the satisfactory growth of vegetated buffers.

Date issued: 24 September 2024 **Signature for the responsible authority:**



Native vegetation removal

Notification of permit conditions

13. Before works start, all persons undertaking the vegetation removal or works on site must be advised of all relevant permit conditions and associated statutory requirements or approvals.

Protection of native vegetation to be retained

14. Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at:
- A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

The fence must be constructed of star pickets and paraweb 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.

15. Within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
- vehicular or pedestrian access;
 - trenching or soil excavation;
 - storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - construction of entry and exit pits for underground services; or
 - any other actions or activities that may result in adverse impacts to retained native vegetation.

The responsible authority may consent in writing to vary these requirements.

Native vegetation offsets

16. To offset the removal of 2.029 hectares of native vegetation, Native Vegetation Removal Report NGH_2023_016, the permit holder must secure a native vegetation offset(s) that meets the following:
- A general offset of 0.805 general habitat units:
 - located within the North Central Catchment Management boundary or City of Greater Bendigo municipal district;
 - with a Strategic Biodiversity Value of at least 0.534;
 - provide protection for least 4 large trees.
17. Before any native vegetation is removed, evidence the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following.
- credit extract(s) allocated to the permit from the Native Vegetation Credit Register and/or



Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

- b. 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
18. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.
19. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning and Approvals at the Department of Energy, Environment and Climate Action, at pea.energyproject@deeca.vic.gov.au

Construction Environment Management Plan

20. Before the development or any site works (including native vegetation removal) start, a Construction Environment Management Plan (CEMP) must be prepared in consultation with DEECA, and approved and endorsed by the responsible authority.

The CEMP must include:

- a. The recommendations made within the *Ecological Assessment Muskerry Solar Power Station, January 2024, Project Number: 19-941*, Prepared by NGH, revision Final V2.4, dated 24/01/2024 (including appendices).
- b. A detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works. These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the responsible authority including the tree protection zones of all native trees to be retained and timeframe the fencing must remain in place. All tree protection zones must comply with AS 4970-2009 Protection of Trees on Development Sites, to the satisfaction of the responsible authority.
- c. Measures to avoid and minimise environmental impacts during construction.
- d. Erosion and sediment control measures to ensure that no polluted and / or sediment laden run-off or other stormwater is discharged directly or indirectly onto adjoining land or into drains, watercourses or wetlands.
- e. Locations of any construction waste storage and the method of storage and disposal.
- f. The location of any temporary buildings or works (including storage and stockpiling) and procedures to remove these and reinstate the affected parts of the land when construction is complete.
- g. A Management Structure including the person(s) and roles responsible for implementation and compliance of each of the CEMP requirements including any environmental audit process.
- h. Details of construction methods including:
 - i. management zones
 - ii. construction zone
 - iii. site preparation and access,
 - iv. construction activities
 - v. schedule and timing of works
 - vi. contractor briefing
- i. Auditing/review structure to monitor this plan's actions for the duration of construction activities.
- j. All applicable planning and legislative requirements.

Date issued: 24 September 2024 Signature for the responsible authority:



Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

- k. Environmental considerations; management of and/or mitigation of impacts on:
 - i. surface water pollution
 - ii. erosion and sediment
 - iii. waterway crossings
 - iv. terrestrial ecology
 - v. aquatic ecology
 - vi. land management, reinstatement and rehabilitation
 - vii. dust, odour and air quality
 - viii. waste management
 - ix. hazardous materials
 - x. environmental incidents and emergencies
 - xi. fire hazards
- l. A list of any further plans to be developed.

CFA conditions

21. Prior to the commencement of the use, in consultation with the CFA, a Risk Management Plan must be submitted to, approved and endorsed by the responsible authority. The Risk Management Plan must be prepared in accordance with the CFA Guidelines, and:
- a. Describe the risks and hazards at the facility to and from the battery energy storage system and related infrastructure.
 - b. Include a dedicated fire water supply for the battery energy storage system of a quantity no less than 288kL:
 - i. Where battery energy storage systems are centralised, fire water supplies are to be located adjacent to the nearest site access point to the battery energy storage system. The site access point must be suitable for emergency vehicles.
 - ii. Where battery energy storage systems are decentralised, fire water supplies are to be arranged throughout the site so that every part of battery energy storage system containers/enclosures are within reach of a 90m length of hose to the satisfaction of the CFA.
 - iii. Provided otherwise in accordance with the CFA Guidelines and AS 2419.1-2005: Fire hydrant installations.
 - iv. Commissioned prior to the arrival of the battery energy storage system enclosures/containers at the facility.
 - c. Specify the separation distance, based on radiant heat flux (output) as an ignition source, between:
 - i. Adjacent battery containers/enclosures.
 - ii. Battery containers/enclosures and related battery infrastructure, buildings/structures, solar panel infrastructure, and vegetation.
 - d. List and describe all other controls for the management of on and off-site hazards and risks at the facility (including all proposed battery energy storage system safety and protective systems).

Date issued: 24 September 2024 **Signature for the responsible authority:**



- e. Provide an evidence-based determination of the effectiveness of the risk controls against the identified hazards, including justification for the omission of any battery safety and protective system/s.
 - f. Be peer-reviewed by a suitably qualified, independent third party.
 - g. Form the basis for the design of the facility.
22. Prior to the commencement of the use, an Emergency Management Plan (EMP) and Fire Management Plan (FMP) must be submitted to, approved and endorsed by the responsible authority. The EMP and FMP must be prepared in consultation with the CFA and be in accordance with the CFA Guidelines.
23. Before the use commences, all fire protection measures shown on the endorsed plans (including separation distances, emergency vehicle access, firefighting water supply and equipment, and fire breaks) must be implemented. The fire protection measures must be maintained on a continuing basis for the life of the permit, to the satisfaction of the responsible authority.

Traffic management

24. Before the development starts, a Traffic Management Plan (TMP) must be prepared in consultation with Greater Bendigo City Council and approved and endorsed by the responsible authority. The TMP must:
- a. Be prepared by a suitably qualified and experienced civil or traffic engineer.
 - b. Specify measures to be taken to manage traffic impacts associated with the construction and operation of the facility.
 - c. Specify designated transportation routes that will be used to access the site during construction of the facility, including the amount and type of vehicles required.
 - d. Include details of any proposed modifications or upgrades to existing roads that will be required before, during and after construction.
 - e. Include a program to inspect, maintain and (where required) repair public roads used by construction traffic.
 - f. Be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority.
25. The endorsed TMP must be implemented to the satisfaction of the responsible authority and relevant road management authority (or authorities).
26. 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.

Environmental management plan

27. Before the commencement of the use, an Environmental Management Plan (EMP) must be prepared in consultation with Greater Bendigo City Council and approved and endorsed by the responsible authority. The EMP must:



- a. Include measures to avoid and minimise amenity and environmental impacts during the operation of the solar energy facility.
- b. Include design measures and / or procedures to manage dust, odour, light spill, mud, flood, surface water quality and stormwater run-off.
- c. Include response measures to environmental incidents, including a program for recording and reporting environmental incidents.
- d. Include organisational responsibilities, and procedures for staff training and communication.
- e. Describe methods and maintenance regime for the cleaning of the solar panels to ensure that no external cleaning agents or any other agents including cleaning or growth inhibiting lichen moss or mould treatments unsuitable to agricultural practices will be used for routine cleaning of the facility including panels.

Complaints

Complaint Investigation and Response Plan

28. Before development starts, 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.
- a. 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).
29. The endorsed CIRP must be implemented to the satisfaction of the responsible authority.

Complaints Handling

30. Before development starts, 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

31. Before development starts, 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.

32. All complaints received must be recorded in the Complaints Register.

33. 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.

Lighting

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

Signs

35. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.

36. No part of the signage approved by this permit must be internally or externally illuminated.

Decommissioning

37. Once the facility permanently ceases operation, the responsible authority and Greater Bendigo Council must be notified within three months.

38. Once the facility permanently ceases operation, all buildings and works must be removed from the site, 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, unless otherwise agreed with the landowner, subject to the written consent of the responsible authority.

Within three months of the 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.

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 41.
- 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.

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

Emergency services information

40. Before development starts, spatial information data to be provided to Land Use Victoria via email vicmap.help@transport.vic.gov.au to be used to direct emergency services to and within the site. This information must be in the ESRI Shapefile or Geodatabase. gdb format, GDA94 or GDA2020 datum and include:

- a. the location and boundaries of the facility extents polygon(s)
- b. all access entry points onto private property
- c. all internal roads
- d. the locations of site compound, substations, batteries, and maintenance facilities.

41. If there are any subsequent changes to infrastructure location, internal roads or access points during construction, or after completion of construction, updated data must be provided to Land Use Victoria via email vicmap.help@transport.vic.gov.au within 30 days of the change, to enable details of any changes to the facility to be known to emergency services dispatchers.

North Central Catchment Management Authority

42. Unless otherwise agreed in writing with the Responsible Authority and the North Central CMA, all buildings, works and solar panels (excluding any approved crossings, fencing and cabling) must be set back a minimum 30 metres from the top of bank of the seven designated waterways that traverse the properties across the whole development.

43. The proposed development must maintain all existing flow paths on the site. Prior to commencement of works, details of any proposed earthworks to level or alter the topography of flood prone land must be provided to the North Central CMA and the Responsible Authority for approval. In this case, additional flood modelling may be required to demonstrate how flow paths will be retained.

44. Prior to the commencement of works, an erosion management plan must be submitted to the responsible authority and North Central CMA for approval. The erosion management plan must ensure the risks of further erosion of existing head cuts are not increased by the proposed development.

45. Any infrastructure such as site offices, inverter power control units, battery energy storage systems and substation infrastructure (excluding solar panels) must be sited outside of all defined flow paths.

46. Any infrastructure such as site offices, inverter power control units, battery energy storage systems and substation infrastructure must be constructed a minimum of 300 millimetres



Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

above the applicable 1% AEP flood level estimated by Alluvium Consulting Australia Pty Ltd for, Muskerry Solar Power Station Flood Impact Assessment 06 January 2022.

47. The solar panels must be constructed so that the undersides of the panels are a minimum of 300 millimetres above the applicable 1% AEP flood level when in a horizontal position.
48. Fencing within the defined flood extent must be of an open style construction up to the 1% AEP flood level to allow the passage of flood waters through the site. Prior to the commencement of works, plans of the proposed fencing style must be submitted to the North Central CMA.
49. Prior to the commencement of works, a plan of internal and external access routes must be submitted to the responsible authority and North Central CMA for approval. The plan should seek to minimise the number of new permanent access crossings over the designated waterways within and adjacent to the development area. Prior to the commencement of works (including boring to lay cables under a waterway) a separate works on waterway permit for any works within the bed and banks of any designated waterway must be obtained directly from the North Central CMA

Expiry

50. This permit will expire if one of the following applies:
 - a. The development is not started 3 years of the date of this permit.
 - b. The development is not completed within 6 years of the date of this permit.
 - c. The use has not commenced within 3 years of the completion of the development.

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



Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

USEFUL INFORMATION:

(the following information does not form part of this permit)

1. The permitted use or development may need to comply with, or obtain the following further approvals:
 - a. The recommendations of a cultural heritage management plan approved under the *Aboriginal Heritage Act 2006*.
 - b. A building permit under the *Building Act 1993*.
 - c. Works or other activities on public land, which may affect protected native plants, will require a Protected Flora Licence or Permit under the *Flora and Fauna Guarantee Act 1988* (FFG). All native vegetation likely to be affected should be checked against the Protected Flora List DELWP 2017) to determine whether FFG approvals are required. Protected Flora Permits can
 - a. be obtained from the regional DELWP office
(loddonmallee.environment@delwp.vic.gov.au).



Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A 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—
 - 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.

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 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 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.

WHAT ABOUT REVIEWS?

- 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.

Date issued: 24 September 2024 Signature for the responsible authority:

