



AMENDED PLANNING PERMIT

DA 2010/19

**AMENDED BY RMPAT CONSENT DECISION DATED 2 APRIL 2012
J No. 056-2012**

In accordance with Division 2 of Part 4 of the *Land Use and Planning Approvals Act 1993*, the Central Highlands Council (Planning Authority) grants a permit –

To: Wild Cattle Hill Pty Ltd
Of: Level 7, 31 Queen Street
MELBOURNE VIC 3000

For land described as:

197 Macclesfield Road & 1839 Bashan Road, Waddamana (Certificate of Title CT29897/1, CT135247/2, CT135247/1, CT2987/6, CT29897/3, CT29888/4, CT29897/5, CT248810/1 (part) and CT135246/1) (amended under Section 55 of the *Land Use Planning & Approvals Act 1993*)

This Permit allows for:

The land to be used for a Utility (Major) Cattle Hill Wind Farm and comprising of 100 wind turbine generators, electricity substation, control room, access tracks, high voltage transmission line and associated native vegetation removal in the Rural Zone and associated site works in accordance with the information and particulars set out in the development application and endorsed drawings.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT: -

General

1. The use or development must be carried out substantially in accordance with the application for planning approval, documentation and plans, submitted to Council and the Environmental Protection Authority. Except where such use and development is to be modified by way of the conditions imposed by both Council in this Permit and the Board of the Environmental Protection Authority in their Environment Assessment Report November 2011 (attached) which includes environmental conditions and the commitments by the proponent. If there are any conditions that conflict or are duplicated, the conditions of the Board will prevail.

2. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the *Land Use Planning and Approvals Act 1993*.

Specifications

3. The wind energy facility must meet the following requirements:
 - (i) The wind energy facility must comprise no more than 100 wind turbines.
 - (ii) the wind generators must contain lightning protection.

Amenity

4. All external metal building surfaces (including wind turbine generators and associated infrastructure) must be clad in non-reflective pre-coated metal sheeting or painted in a matt finish to the satisfaction of the Council's General Manager.
5. A colours and finishes schedule must be submitted to Council to the satisfaction of Council's General Manager. The colours must be sympathetic to the environment. The schedule shall form part of this permit when approved.
6. The wind generator towers, nacelles and rotor blades must be 'off white' and must be of a non-reflective finish to the satisfaction of the General Manager.
7. All access tracks associated with the wind energy facility should, as far as is practicable, be constructed with surface material that will not unduly contrast with the landscape to the satisfaction of the General Manager.
8. Blade shadow flicker from the wind energy facility must not exceed 30 hours per annum at any dwelling existing **off-site**. The operation of the wind energy facility is not required to comply with this condition at any dwelling on land on which part of the wind energy facility is erected. This exemption will be given effect through an agreement with the landowner that shall apply to any occupant of the dwelling.
9. The wind energy facility control room and facilities building must not be used for any habitable purposes.

Lighting

10. Except in the case of an emergency, no external lighting of infrastructure associated with the wind energy facility, other than low level security lighting or aviation safety lighting may be installed or operated without the further written consent of the General Manager.

Security

11. Public safety warning signs must be located on all towers and infrastructure at appropriate locations to the satisfaction of the responsible authority.

Signage

12. No signs are to be erected on the property without Council approval unless exempt under the Scheme.

Covenants

13. Covenants or other similar restrictive controls that conflict with any provisions or seek to prohibit any use provided within the planning scheme must not be included or otherwise imposed on the titles to the lots created by this permit, either by transfer, inclusion of such covenants in a Schedule of Easements or registration of any instrument creating such covenants with the Recorder of Titles, unless such covenants or controls are expressly authorised by the terms of this permit or the consent in writing of the Council's General Manager.

Aboriginal Heritage

14. In the event that any suspected item of archaeological significant is inadvertently encountered during works associated with development of the site, then the activity creating the disturbance should cease immediately, and the *Aboriginal Relics Act 1975* will apply for reporting and management.

Wastewater

15. All wastewater disposal shall be to the satisfaction of Council's Senior Environmental Health Officer.

Services

16. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.
17. The approved structure(s) must be sited clear of any easement and located at least 1.00 metre measured horizontally from any Council service mains.

Protection of water quality

18. Before any work commences a soil and water management plan (SWMP) prepared in accordance with best practice guidelines must be approved by Council's General Manager before development (refer to advice below). The SWMP shall form part of this permit when approved.

Telecommunications, electrical and gas reticulation

19. Where electrical and telecommunications services are to be provided to each lot, they must be provided in accordance with the requirements of the responsible authority and the satisfaction of Council's General Manager.

Traffic Management Plan

20. Prior to the development commencing a Pre-Construction Traffic Management Plan is to be submitted to Council for approval by the Department of Infrastructure Energy and Resources and Council's General Manager. The Traffic Management Plan is to include:
 - An assessment from an Independent Engineer acceptable to the Central Highlands Council and the applicant of the condition and wear of roads, bridge and weir structures for transportation routes,
 - Details of any road closures,
 - Management of upgrades to infrastructure,
 - Traffic sign removal and reinstatement,
 - Speed limits, transport times and other restrictions during transport,
 - Management for the use of escorts for over-dimensional vehicles,
 - A public contact plan,
 - Procedures for incident management,
 - Details of permits required;

- A maintenance program for affected roads; and
 - During construction the roads shall be maintained to their pre-construction standard to the General Managers satisfaction.
21. The Design Report, Construction Environmental Management Plan, and Operational Environmental Management Plan, as required by the EPA, and/or outlined in the Development Proposal and Environmental Management Plan submitted with the application are to be submitted to Council's General Manger for approval prior to the commencement of works.

Roadworks

22. The developer must pay the cost of any alterations, damages and/or reinstatement to Council's road assets, Council infrastructure, existing services or private property incurred as a result of the development. Any work required is to be to Council's specifications and undertaken by the authority concerned.
23. Upon practical completion the developer in conjunction with Council's General Manager must undertake a post construction condition assessment of roads, bridge and weir structures for transportation routes for submission to Council's General Manager. Any damage or wear and tear, which may be attributed to the development is to be made good at the developer's expense to the satisfaction of the General Manager. A minimum of 200 tonnes per KLM at the end of project would be needed to meet this condition that the gravel be an acceptable size and standard to the Central Highlands Council.

Engineering drawings

24. Engineering design drawings for any works relating to Council Infrastructure are to be submitted for approval by Council's General Manager. Engineering Drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by the General Manager.
25. Approved Engineering Plans will remain valid for a period of 2 years from the original date of approval.

The applicant is also advised that:

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. The issue of this permit does not ensure compliance with the provisions of the *Threatened Species Protection Act 1995* or the *Environmental Protection and Biodiversity Protection Act 1999* (Commonwealth). The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Policy and Conservation Assessment Branch of the Department of Primary Industries, Parks, Water and the Environment or the Commonwealth Minister for a permit.
- C. The Tasmanian Heritage Council to be advised with regards to any disturbances to any of the five (5) European huts located within the 'wind farm area' to determine the scope of archaeological documentation works.
- D. The SWMP shall be prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, the State Policy for Water Quality Management 1997 and the requirements of the Council's General Manager and show the following -

- Allotment boundaries, north-point, contours, layout of roads, driveways, building envelopes and reticulated services (including power and telephone and any on-site drainage or water supply), impervious surfaces and types of all existing natural vegetation;
- Critical natural areas such as drainage lines, recharge area, wetlands, and unstable land;
- Estimated dates of the start and completion of the works;
- Timing of the site rehabilitation or landscape program;
- Details of land clearing and earthworks or trenching and location of soil stockpiles associated with roads, driveways, building sites, reticulated services and fire hazard protection;
- Arrangements to be made for surface and subsurface drainage and vegetation management in order to prevent sheet and tunnel erosion;
- Temporary erosion and sedimentation controls to be used on the site; and
- Recommendations for the treatment and disposal of wastewater in accordance with Standards Australia: *AS/NZS 1547: On-site wastewater management*, Standards Australia, Sydney, 2000.

E. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.

Original date of approval: **15 December 2011**

Amended by RMPAT Consent Decision Dated **2 April 2012**

Amended Section 55 of Land Use Planning & Approvals Act 1993: **25 October 2017**

for 

Jacqui Tyson
Contract Planner