

PLANNING PERMIT

Permit No.:	PA2302521
Planning scheme:	Moorabool Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	<p>Elaine Solar Farm. Formally known as:</p> <ul style="list-style-type: none"> - Crown Allotment 17 on Title Plan 609966X, Volume 07076 Folio 091 - Crown Allotments 19B, 21E, 21F, 21G, 50 on Title Plan 488617T, Volume 08389 Folio 061 - Woolshed Road Reserve - Midland Highway Road Reserve - Horsehill Road Reserve

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what the permit will allow
	Use and development of the land for a solar energy facility and utility installation, associated buildings and works, removal of native vegetation and display of business identification signage.
Clause 35.07-1	Use of the land for the purpose of a Renewable energy facility (other than a Wind energy facility). Use of land for the purpose of a utility installation (other than Minor utility installation and Telecommunications facility).
Clause 35.07-4	Construct a building or construct or carry out works associated with Section 2 use. Earthworks which change the rate of flow or the discharge point of water across a property boundary. Construction of a building setback less than 100m from a Transport Zone 2.
Clause 36.04-1	Use of land for a utility installation.
Clause 36.04-2	Construct a building or construct or carry out works associated with Section 2 use of Clause 36.04-2.
Clause 43.02-3	Construct a building or construct or carry out works.
Clause 52.05-14	Display of a business identification sign.
Clause 52.17-1	Remove, destroy or lop native vegetation including dead vegetation.

Date issued: 3 May 2024 Signature for the responsible authority:

Hannah Scott

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 condition of this permit, to the satisfaction of the responsible authority.
2. The use and development as shown on the endorsed plans must not be altered (unless the Moorabool Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

Commencement

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

Amended Plans

4. Before the use and development commences, excluding demolition, bulk excavation and site preparation works, amended plans and elevations must be submitted to and approved by the Responsible Authority. The plans and elevations must be generally in accordance with:
 - The plans prepared URBIS, titled 'Elaine Solar Farm', Rev C and dated 21 November 2023; and,
 - The elevations prepared by URBIS, titled 'Elaine Solar Farm Specification Details', Rev B and dated 3 November 2023,

but modified to show:

- a) Any changes required to comply with CFA conditions 36 to 38 (if required).
- b) The following changes, to the satisfaction of Head, Transport for Victoria:
 - i. Left and right turn treatments to Midland Highway, Horsehill Road, Woolshed Road and Murphys Road, or as required by the Transport Management Plan.
 - ii. Any other roadworks required by the Transport Management Plan.
 - iii. No poles within the road reserve of Midland Highway.
 - iv. Any further design changes required to comply with any other condition of this permit.
- c) Any changes required to comply with Condition 5 (Landscape Plan).
- d) A notation stating that the resting angle of the panels will be configured between 5-60 degrees (inclusive) from horizontal.

Landscape Plan

Date issued: 3 May 2024 Signature for the responsible authority:



5. Concurrent with the endorsement of plans, a detailed landscape plan prepared by a suitably qualified landscape architect must be submitted to and approved by the Responsible Authority. Landscaping must be implemented in accordance with:
- The plans prepared URBIS, titled 'Elaine Solar Farm', Rev C and dated 21 November 2023;
 - The Landscape Strategy, prepared by URBIS, dated September 2023; and,
 - The recommendations of the Landscape and Visual Impact and Visual Assessment Report prepared by Peter Haack Consulting dated 10 November 2023
- to the satisfaction of the Responsible Authority. The plan must show:
- a) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - b) Details of all ground covers including hardstand and access tracks.
 - c) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - d) A 5m wide landscape screening buffer along the boundaries of the site.

Compliance with Landscape Plan

6. Landscaping must be implemented and maintained in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.

Operational Environmental Management Plan

7. Before the commencement of the use, an Operational Environmental Management Plan (OEMP) must be approved and endorsed by the responsible authority.

The OEMP must be prepared by an appropriately qualified environmental consultant and:

- 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, glint and glare, 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.

Construction Environment Management Plan

8. Before the development starts, including demolition, bulk excavation, site preparation works and native vegetation removal, a Construction Environment Management Plan (CEMP) must be approved and endorsed by the responsible authority.

The CEMP must be prepared by an appropriately qualified environmental consultant and include:

- a) The environmental risk assessment prepared for the construction of the facility.
- b) Measures to avoid and minimise amenity and environmental impacts during construction of the facility.
- c) Procedures to manage construction noise and vibration in accordance with the requirements of the Civil construction, building and demolition guide (EPA Publication 1834).
- d) Procedures to manage mud and debris on the surrounding road network which may occur during construction.
- e) Procedures to remove temporary works, plant, equipment, buildings and staging areas, and reinstate the affected parts of the land, when construction is complete.
- f) A construction timetable, including typical daily start and end times.
- g) The person(s) responsible for implementation and compliance of each of the CEMP requirements, including details of a site contact / site manager.
- h) Measures to protect native vegetation proposed to be retained during construction works. These measures must:
 - o Include the erection of native vegetation protection fencing around all native vegetation to be retained (including tree protection zones), to the satisfaction of the responsible authority.
 - o Comply with Australian Standard 4970 Protection of Trees on Development Sites.

Implementation of the Construction Environment Management Plan

9. All persons undertaking works on-site must be fully briefed on all aspects and requirements of the endorsed CEMP. All works constructed or carried out must be in accordance with the endorsed CEMP, to the satisfaction of the responsible authority.

Department of Energy, Environment and Climate Action (DEECA) Conditions

Notification of permit conditions

10. Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.

Protection of native vegetation to be retained

11. 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) 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
 - b) Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

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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.

12. 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

13. To offset the removal of 2.569 hectares of native vegetation as identified in Native Vegetation Removal Report EHP_2024_007, the permit holder must secure a native vegetation offset(s) that meets the following:
- A general offset of 0.443 general habitat units:
 - Located within the Corangamite Catchment Management boundary or Moorabool Shire Council
 - With a minimum strategic biodiversity value of at least 0.233
 - The offsets secured must also protect 6 large trees
14. Before any native vegetation is removed, evidence that 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
 - 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.
15. A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.
16. Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the Department of Energy, Environment and Climate Action at pea.energyproject@delwp.vic.gov.au.

Head, Transport for Victoria Conditions – not a referral authority

17. Prior to the commencement of the use, all disused or redundant vehicle crossings and gates to the Midland Highway must be removed and the area and fencing reinstated to the satisfaction of and at no cost to the Head, Transport for Victoria.

Date issued: 3 May 2024 Signature for the responsible authority:



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18. Prior to commencement of the buildings and/or works, Horsehill Road, Woolshed Road and Murphys Road must be upgraded to all weather access, to the satisfaction of the responsible authority.
19. 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.
20. There must be no direct access to or from Midland Highway.
21. The operating speed of the Midland Highway must not be reduced without the prior written consent of the Head, Transport for Victoria prior.
22. Prior to commencement of the buildings and/or works, a Transport Management Plan must be submitted to, approved and endorsed by the responsible authority. When endorsed, the Transport Management Plan will form part of this permit.

The Transport Management Plan must be prepared by a suitably qualified person and at no cost to and approved by the Head, Transport for Victoria and any other relevant road management authority, prior to submission to the responsible authority. The Transport Management Plan must address the transport and traffic impacts associated with the buildings and/or works, with the speed limit on the Midland Highway to remain at 100km/h, including:

- a) Specification of the travel routes, number and type of vehicles, in conformity with the Traffic and Transport Assessment (prepared by Impact, dated 21 September 2023) or other report prepared to the satisfaction of the Head, Transport for Victoria, that will be used to access the site during the construction and operation of the project.
- b) The completion of a Road Safety Audit, including site visit, from an accredited provider that identifies risks and how these risks will be mitigated and managed.
- c) An assessment to inform the length of left or right turn treatments, or any other required roadworks such as acceleration or deceleration lanes utilising the existing highway shoulder, that shows:
 - i. details of the largest gazetted vehicle to regularly access the site, including consideration of load conditions of vehicles leaving the site;
 - ii. details of truck performance modelling based on the power to weight ratio for the vehicle leaving the site and adjusted for carriageway grading.
- d) Preparation of Functional Layout Plans that show:
 - i. turning vehicle not to encroach on the through lane of Midland Highway to make the turn;
 - ii. intersections on Midland Highway modified to cater for the swept path of the design vehicle. Permanent or temporary kerbing should be incorporated into the design to direct turning vehicles into the appropriate lane;
 - iii. adaptation of the shoulder on the Midland Highway to an acceleration lane if required by the assessment.

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- e) The submission of a swept path analysis for the appropriate design vehicle for all movements associated with all the proposed access points, including how the largest design vehicle that could reasonably be anticipated to use the site may:
 - i. enter and exit the development site;
 - ii. enter and exit Midland Highway from Horsehill Road, Woolshed Road and Murphys Road.
 - f) Details on the transportation of workers to and from the site during construction. This must not include the use of private vehicles to the site other than light vehicles for managerial staff.
 - g) Details on how the Transport Management Plan will be communicated to the drivers of heavy vehicles associated with the buildings and/or works.
 - h) A process that will provide for the remediation of Midland Highway to pre-construction condition at the end of the construction period.
 - i) The identification of potential traffic impacts and required temporary measures resulting from the development, and how this will be managed.
 - j) Details of any modifications or upgrades to existing roads that will be required to provide construction access to the site.
 - k) A program to inspect, maintain and (where required) repair public roads and railway crossings used by construction traffic. The program must also be approved by VicTrack. All damage to rail crossings (including the road 50m either side of the crossing) attributable to B-Double truck movements must be repaired within 3 months of completion of the project at the full cost of the permit holder.
 - l) Details on the proposed minimum vertical clearance between the transmission line and any roads it will cross, noting that in respect of the Midland Highway this must be a minimum clearance of 9.5 metres.
 - m) Any other inclusions outlined in the Traffic and Transport Assessment (prepared by Impact, dated 21 September 2023).
 - n) Any other associated works.
23. The requirements of the Transport Management Plan as specified in condition 22 may only be modified with the written consent of the Head, Transport for Victoria.
24. Prior to the commencement of buildings and/or works, a truck wheel-wash must be installed at the property boundary to enable all mud and other tyre borne debris from vehicles to be removed prior to exiting the land.
25. The truck wheel-wash must be maintained in good order during the construction phase of the development and may be removed at the end of the construction phase of the development with the prior approval of the Head, Transport for Victoria.
26. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (e.g. by spilling gravel onto the roadway).
27. Prior to the commencement of buildings and/or works, an existing conditions report must be submitted to and approved by the Head, Transport for Victoria and the responsible authority. The existing conditions report must include the following:
- a) A survey of Midland Highway for 1 kilometre from Horsehill Road, Woolshed Road and Murphys Road and associated road infrastructure that may be used in connection with

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the solar energy facility (for access, delivery of material, pre-construction or construction purposes).

28. Within 6 months of the commencement of the use, a Dilapidation Report must be submitted to and approved by the relevant road manager prior to submission to the responsible authority. The Dilapidation Report must include the following:
- a) The existing conditions report required by condition 27;
 - b) The report must cover the area outlined in the existing conditions report required by condition 27;
 - c) The report must assess the works that need to be undertaken to remedy any impacts the development has caused to the road pavement, road infrastructure and railway crossing;
 - d) The assessment must be undertaken after the completion of construction of the buildings and/or works.
29. Within 6 months of the approval of the Dilapidation Report; or any such time as agreed with the relevant road manager, the works outlined in the Dilapidation Report must be constructed to the satisfaction of and at no cost to the relevant road manager and the responsible authority.
30. Before any solar arrays are installed on the site, a Glint and Reflectivity Report (Signal Sighting Impact Report) assessing the impact of the development on train driver visibility of rail signals must be prepared in consultation with the Head, Transport for Victoria and submitted to and approved by the responsible authority. All mitigation measures recommended by the report must be implemented to the satisfaction of the authorised rail operator at no cost to the rail operator or the Head, Transport for Victoria.
31. Before any solar arrays are installed on the site, any glare screening and/or landscaping mitigation measures must be constructed in accordance with the endorsed development plans.
32. The proposed minimum vertical clearance between the transmission line and the Midland Highway must be a minimum of 9.5 metres.
33. No poles or other infrastructure are to be constructed within the road reserve of Midland Highway.
34. Prior to the commencement of the use, the permit holder must contact the Department of Transport and Planning's Land and Property team to confirm, and if required complete, a licensing agreement for the use of the Midland Highway road reserve for a transmission line.
35. Prior to commencement of the buildings and/or works, a Stormwater Management Plan must be submitted to and approved by the Head, Transport for Victoria. The Stormwater Management Plan must identify any buildings and works required within the road reserve of Midland Highway. Stormwater management must be designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.

CFA Conditions

In conditions 36 to 38:

'The CFA Guidelines' means The CFA's Design Guidelines and Model Requirements for Renewable Energy Facilities (newest version at time of submitting plan for endorsement).

36. 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 dedicated fire water supplies:
 - i. For the battery energy storage system:
 - A. Of a quantity no less than 432kL (30L/s for four hours) effective capacity.
 - B. Provided otherwise in accordance with the CFA Guidelines and AS 2419.1-2021: Fire hydrant installations.
 - C. Located reasonably adjacent to the battery energy storage system but in a position that accessible without undue danger in an emergency, to the satisfaction of CFA.
 - D. Commissioned prior to the arrival of the battery energy storage system enclosures/containers at the facility.
 - ii. For the solar panel infrastructure:
 - A. Additional fire water tanks of a quantity of no less than 45,000L effective capacity each, one located at the primary vehicle entrance to each part of the facility, and at least one for every 100ha within the solar facility, to the satisfaction of CFA.
 - B. Provided otherwise in accordance with the CFA Guidelines and AS 2419.1-2021: Fire hydrant installations.
- 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).
- 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) Form the basis for the design of the facility.

37. Prior to the commencement of the use, an Emergency Plan (EP) and Fire Management Plan (FMP) must be submitted to, approved and endorsed by the responsible authority. The EP and FMP must be prepared in consultation with the CFA and be in accordance with the CFA Guidelines.

38. 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.

Glint and Glare

39. The resting angle of the panels must be configured between 5-60 degrees (inclusive) from horizontal to ensure that glint and glare impacts are appropriately managed, unless otherwise agreed in writing by the responsible authority.

Light Spill Management

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

Complaint Investigation and Response Plan

41. Before the development starts, a Complaint Investigation and Response Plan (CIRP) must be submitted to, approved and endorsed by the responsible authority.

The CIRP must:

- a) Respond to all aspects of the construction and operation of the facility.
- b) Be prepared in accordance with Australian Standard 10002 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).

42. The endorsed CIRP must:

- a) Be implemented to the satisfaction of the responsible authority.
- b) Not be altered or modified without the written consent of the responsible authority.

Complaints Register

43. Before the 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.

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

45. A complete copy of the Complaints Register must be provided, along with a reference map of complaint locations, to the responsible authority upon request.

Emergency Services

46. Before the development starts, the permit holder must provide spatial information data to Land Use Victoria via email at vicmap.help@delwp.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:
- The location and boundaries of the facility extents polygon(s)
 - All access entry points onto private property.
 - All internal roads.
 - The locations of the site compound, substations, and maintenance facilities.
47. 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@delwp.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.

Decommissioning

48. Once the facility permanently ceases operation, the responsible authority and Moorabool Council must be notified within three months.
49. 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.
50. 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:
- Identification of infrastructure, equipment, buildings, and structures to be removed, and details of how these will be removed.
 - Details of how the site will be rehabilitated to meet the requirements of condition 49.
 - 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.
 - 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.
51. The endorsed DMP must be implemented to the satisfaction of the responsible authority.

Notification of Works Commencing

52. The Department of Transport and Planning (DTP) must be notified when works commence on site, via email development.approvals@delwp.vic.gov.au.

Permit Expiry

53. This permit will expire if:

- a) The development is not commenced within three years of the date of this permit;
- b) The development is not completed within six years of the date of this permit; or
- c) The use is not commenced within six years of the date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six months afterwards.
- The completion date referred to if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

USEFUL INFORMATION:

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

- 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. An application can be obtained from www.DEECA.vic.gov.au/conserving-threatened-species/protected-flora-and-listed-fish, under Protected flora permit. To obtain an FFG permit or further information, please contact grampians.environment@delwp.vic.gov.au.
- The proposed development requires works within the road reserve. Separate approval under the *Road Management Act 2004* for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport and Planning prior to commencing any works.
- Prior to the works commencing, the applicant must contact the Head, Transport for Victoria to confirm design plans and works approvals processes, including the determination of fees and the level of Head, Transport for Victoria's service obligations.
- National Heavy Vehicle Register approval may be required.
- The applicant is advised to contact Freight Victoria prior to the gazettal of any local roads to Moorabool Shire.
- The use of the land should 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*.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

(Note: 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: 3 May 2024 Signature for the responsible authority:

