

## PLANNING PERMIT

<b>Permit No.:</b>	PA2402944
<b>Planning scheme:</b>	Latrobe Planning Scheme
<b>Responsible authority:</b>	Minister for Planning
<b>ADDRESS OF THE LAND:</b>	Bartons Lane, Loy Yang (Crown Allotment 16A2 Parish of Loy Yang TP822775Q)

### THE PERMIT ALLOWS:

<b>Planning scheme clause No.</b>	<b>Description of what is allowed</b>
	Buildings and works associated with a utility installation (battery energy storage system)
37.01-4	Construct a building or construct or carry out works.

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

#### COMPLIANCE WITH DOCUMENTS ASSOCIATED WITH 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.

#### PERMIT COMMENCEMENT

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

#### NOTIFICATION OF COMMENCEMENT OF CONSTRUCTION AND OPERATION

3. Within one week, the Department of Transport and Planning, and WorkSafe Victoria, must be advised in writing:
  - a. When the construction commences for the proposal.
  - b. When the facility begins exporting power to the electricity network.

#### DEVELOPMENT PLANS

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

The development plans must be fully dimensioned and drawn to scale. The development plans must generally be in accordance with the application plans titled Loy Yang B BESS, dated 18 June 2024,

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prepared by GHD, but modified to include:

- a. Dimensioned site layout and elevation plans (including the specifications, model, and materials, building height) of all proposed buildings, structures, fencing, and works, including their setbacks from site boundaries.
- b. The colours and finishes of all buildings and works.
- c. Any changes required to comply with:
  - i. The relevant emergency management conditions 9 to 13, inclusive.
  - ii. The Latrobe City Council's condition 15.
  - iii. Any other condition of this permit.

**WRITTEN CONSENT TO MODIFY ENDORSED PLANS**

5. The development must generally be in accordance with all plans and documents approved and endorsed under this permit. The development as shown on the endorsed plans must not be altered (unless the Latrobe Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

**CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN**

6. Before the development starts, a Construction Environmental Management Plan (CEMP) must be approved and endorsed by the responsible authority.

The CEMP must include:

- a. Measures to avoid and minimise amenity and environmental impacts during construction of the facility.
  - b. Procedures to manage construction noise and vibration in accordance with the requirements of the Civil construction, building and demolition guide (EPA Publication 1834).
  - c. Procedures to manage mud and debris on the surrounding road network which may occur during construction.
  - d. Procedures to remove temporary works, plant, equipment, buildings and staging areas, and reinstate the affected parts of the land, when construction is complete.
  - e. A construction timetable, including typical daily start and end times.
  - f. The person(s) responsible for implementation and compliance of each of the CEMP requirements, including details of a site contact / site manager.
  - g. Measures to protect native vegetation proposed to be retained during construction works. These measures must:
    - i. 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.
    - ii. Comply with Australian Standard 4970 Protection of Trees on Development Sites.
7. 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.

**LIGHT SPILL MANAGEMENT**

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

**EMERGENCY MANAGEMENT**

9. Renewable energy facilities and batteries must be designed and constructed in accordance with CFA's *Design Guidelines and Model Requirements for Renewable Energy Facilities* (newest version at the time of facility design), in consultation with FRV, to the satisfaction of the responsible authority.

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10. Before development plans are endorsed under condition 4, in consultation with the FRV, an Emergency Management Plan, Risk Management Plan and Fire Management Plan must be prepared, submitted to and endorsed by the responsible authority in accordance with *CFA's Design Guidelines and Model Requirements for Renewable Energy Facilities* (newest version at time of submitting plan for endorsement):
  - a. The Emergency Management Plan must be prepared in accordance with Section 7 of the above-mentioned Guideline.
  - b. The Risk Management Plan must be prepared in accordance with Section 3 of the above-mentioned Guideline.
  - c. The Fire Management Plan must be prepared in accordance with Section 6 of the above-mentioned Guideline.
11. Before the commissioning of the facility starts, in consultation with FRV, an Emergency Information Book must be prepared in accordance with *CFA's Design Guidelines and Model Requirements for Renewable Energy Facilities* (newest version at time of submitting plan for consultation).
  - a. The Emergency Information Booklet must be prepared in accordance with Section 8 of the above-mentioned Guideline.
12. Before the arrival of battery energy storage system enclosures/containers at the facility, the fire hydrant system must be installed and commissioned.
13. All fire protection measures shown on the endorsed plans (including separation distances, emergency vehicle access, 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.

**AUTHORITY CONDITION**

**AusNet Transmission Group**

14. Written acceptance of the final design of the proposed 500kV connection gantry and associated infrastructure is obtained from AusNet.

**LATROBE CITY COUNCIL**

15. All stormwater discharging from the proposed building and works must be conveyed to the legal point of discharge by the existing drainage system within the property to the satisfaction of Latrobe City Council.
16. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Latrobe City Council.

**DECOMMISSIONING**

17. Once the facility permanently ceases operation, the responsible authority and Latrobe City Council must be notified within three months.
18. 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.

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19. Within three (3) 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 18.
- 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.

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

**EXPIRY**

21. This permit will expire if one of the following applies:

- a. The development is not started within three (3) years of the date of this permit.
- b. The development is not completed within six (6) 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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**PERMIT NOTES**

- I. This permit is not an EPA permission/approval. Before the development authorised under this permit starts, the permit holder must ensure that any obligations or duties that arise under the Environment Protection Act 2017 are met. This may include obtaining an EPA permission, approval or exemption, in accordance with the Environment Protection Regulations 2021.
- II. The granting of this permit does not obviate the necessity for compliance with the requirements under the 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).

**LATROBE CITY COUNCIL NOTES**

- I. This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
- II. 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.

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A handwritten signature in black ink, appearing to be 'R. Wilson', written over a horizontal line.

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## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

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The responsible authority has issued a permit. 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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The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

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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 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.

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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.

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