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Planning and Environment Regulations 2015

Form 4

Sections 63, 64, 64A and 86

PLANNING PERMIT

Permit No.: PA2201507

Greater Shepparton Planning Scheme

Responsible Authority: Minister for Planning

ADDRESS OF THE LAND:

910 Side Bottoms Road, Pine Lodge
490 Cosgrove-Lemnos Road, Pine Lodge

THE PERMIT ALLOWS:

Use and development of the land for the purpose of a Utility Installation (Battery Energy Storage System), creation of an easement and removal of native vegetation.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

DEVELOPMENT PLANS

1. Before development starts, an electronic set of plans must be submitted to and approved by the responsible authority, generally in accordance with the plans prepared by AC Energy titled *Sidebottoms Road BESS* and dated March 2022, but amended to include:
 - a. The location of on-site car parking.
 - b. Any changes required to comply with CFA's conditions 30 to 32, inclusive.
 - c. Any noise attenuation measures prescribed by the Predictive Noise Assessment required by condition 15.
 - d. Any further design changes required to comply with any other condition of this permit.

USE AND DEVELOPMENT

2. The development must be generally in accordance with the endorsed plans. The endorsed plans must not be altered or modified without the prior written consent of the responsible authority.

NATIVE VEGETATION REMOVAL

3. Before development starts, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
4. The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.070 ha of native vegetation, comprising one scattered tree.

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5. To offset the permitted 0.070 ha of removal, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017), the permit holder must secure the following native vegetation offset:
 - a. A general offset of 0.014 general habitat units:
 - i. Located within the Goulburn Broken Catchment Management Authority boundary or Greater Shepparton municipal area
 - ii. With a minimum strategic biodiversity score of at least 0.080.
 - b. The offset(s) secured must include 1 large tree.
6. Before any native vegetation is removed, evidence that the offset required by this permit has been secured must be provided to the satisfaction of the responsible authority.

This evidence must be:

- a. An established first party offset site including a security agreement signed by both parties, and a management detailing the 10-year management actions and ongoing management of the site; and/or
 - b. Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
7. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of that endorsed offset evidence must be provided to the Greater Shepparton City Council and the Department of Environment, Land, Water and Planning Hume regional office by email to p&a.north@delwp.vic.gov.au.

LANDSCAPING PLAN

8. Concurrently with the endorsement of plans, a Landscaping Plan must be submitted to, approved, and endorsed by the responsible authority, to the satisfaction of the responsible authority. When endorsed, the Landscaping Plan will form part of this permit.

The Landscaping Plan must include:

- a. A two-metre-wide landscaping buffer along the BESS facility perimeter consisting of mostly native vegetation and of sufficient density to create an effective visual buffer, to the satisfaction of the responsible.
 - b. Details of all landscaping and vegetation (including species, density, height at time of planting and maturity, and separation in both plan and elevation) and visual impact mitigation techniques and landscape buffers, including screen planting, selected architectural finishes that blend into existing background features, use of existing and proposed landscaping, that will provide reasonable screening of the facility from public land and adjoining allotments.
 - c. Schedule of timing of planting.
 - d. Details of all ground surface finishes including internal access tracks, pathways, laydown areas, and driveways including how these areas will be maintained at a reasonable level.
9. The landscaping works must be carried out and completed in accordance with the Landscaping Plan to the satisfaction of the responsible authority within the timeframe indicated in that plan.
 10. Once the landscaping is carried out, it must be maintained in good health for the operational life of the BESS facility, including the replacement of any dead or diseased plants to the satisfaction of the responsible authority.

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CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

11. Before development starts, excluding site preparation works, a Construction Environment Management Plan (CEMP) must be submitted to, approved, and endorsed by the responsible authority. Once endorsed, the CEMP will form part of the permit.
12. The CEMP must include:
 - a. Measures to avoid and minimise amenity and environmental impacts during the construction of the BESS facility.
 - b. Procedures to manage construction noise and vibration in accordance with the requirements of the *Noise Control Guidelines* (EPA Publication 1254) and the *Environmental Guidelines for major construction sites* (EPA Publication 480).
 - c. Erosion and sediment control measures to ensure that no polluted and/or sediment laden runoff or other stormwater is discharged directly or indirectly onto adjoining land or into drains, watercourses, or wetlands.
 - d. Procedures to manage any dust emissions.
 - e. Vehicle and equipment hygiene measures to prevent the spread of weeds and pathogens to, from and within the site.
 - f. Locations of any construction waste storage and the method of storage and disposal.
 - g. Appropriate stockpile and storage area management.
 - h. The location of any temporary buildings or works and procedures to remove these and reinstate the affected parts of the land when construction is complete.
 - i. Measures to protect native vegetation being retained on site and in the vicinity of the subject land, including tree protection zones during and post-construction. These measures must include:
 - i. The erection of a native vegetation protection fence around all native vegetation to be retained on site and on any adjoining road reserves; and
 - ii. The tree protection zones of all native trees to be retained and this to be marked on plan(s). All tree protection zones must comply with *AS 4970-2009 Protection of Trees on Development Sites*.
 - j. A construction timetable, including typical daily start and end times.
 - k. Road maintenance measures to be put in place for the surrounding road network to ensure its condition does not deteriorate during the construction phase of the project.
 - l. Procedures to manage mud and debris on the surrounding road network which may occur during construction.
 - m. Monitoring requirements for the rehabilitation / revegetation works and any vegetation / tree protection areas being retained on site.
 - n. The persons responsible for implementing the above measures, including details of a site contact / site manager.

CONTROL OF LIGHTING

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

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OPERATIONAL NOISE

14. 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* (Noise Protocol).
15. Prior to the endorsement of plans in accordance with condition 1, an updated Predictive Noise Assessment must be provided to the responsible authority that:
 - a. Is modelled using the final design layout and electrical components for the entire facility (including all ancillary infrastructure and any battery cooling systems).
 - b. Demonstrates the proposal will comply with the Noise Protocol at all times without relying on limiting the operating capacity of any part of the facility.
 - c. Provides detail of any mitigation measures that will be implemented to achieve compliance with the Noise Protocol, if required.All measures relied on to achieve compliance with the Noise Protocol, must be shown on the plans endorsed under condition 1, and implemented to the satisfaction of the Responsible Authority.
16. The Predictive Noise Assessment must be made available to the public.
17. Within 1 month of the commencement of the use, a Post-Construction Acoustic Assessment must be prepared by a suitably qualified acoustic engineer and must be submitted to the responsible authority and council. The Acoustic Assessment must be made available to the public. The Acoustic Assessment must assess the compliance of the use with the Noise Protocol and, where necessary, make recommendations to limit the noise impacts in accordance with the Noise Protocol. If recommendations to limit the noise impacts are made, they must be implemented to the satisfaction of the responsible authority.

VEHICLE ACCESS

18. 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.

AUSNET

19. No part of the proposed development is permitted on AusNet Transmission Group's easement unless otherwise agreed to in writing by AusNet Transmission Group.
20. Access to and along the easement must be maintained at all times for AusNet Transmission Group's vehicles, staff and contractors.
21. Parking, loading, unloading and load adjustment of large commercial vehicles is not permitted on the easement
22. Fuelling of any vehicles, equipment or plant is not permitted on the easement
23. The use of vehicles and equipment exceeding 3 metres in height are not permitted to operate on the easement without prior written approval from AusNet Transmission Group.
24. Details of proposed road construction and the installation of services within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.

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25. All trees and shrubs planted on the easement must not exceed 3 metres maximum mature growth height
26. Natural ground surface levels on the easement must not be altered by the stockpiling of excavated material or by landscaping without prior written approval from AusNet Transmission Group.
27. All services traversing the easement must be installed underground.
28. All future works within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.

WORKSAFE VICTORIA

29. The applicant must create an emergency response plan which includes a procedure for a Lithium Battery fire in accordance with conditions 30-32.

COUNTRY FIRE AUTHORITY CONDITIONS (Not a referral authority)

30. Before development commences, in consultation with CFA, a Risk Management Plan (RMP) must be prepared, submitted to and endorsed by the responsible authority. The RMP must be prepared in accordance with the CFA Guidelines, and must:
 - a. Describe the risks and hazards at the facility to and from the battery energy storage system and related infrastructure.
 - b. Specify and justify emergency vehicle access to and within the facility that includes a minimum of two site access points.
 - c. Include a dedicated fire water supply of a quantity no less than 576kL:
 - i. Provided otherwise in accordance with CFA's Design Guidelines and Model Requirements for Renewable Energy Facilities v3 2022 and AS 2419.1-2005: Fire hydrant installations.
 - ii. Located at the main entrance to the facility.
 - iii. Commissioned prior to the arrival of the battery containers at the facility.
 - d. Specify a fire break width of 10m or greater, based on radiant heat flux (output) as an ignition source:
 - i. Around the perimeter of the facility.
 - ii. Between any vegetation and battery energy storage systems.
 - e. 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, and vegetation.
 - f. 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).
 - g. 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.
 - h. Be peer-reviewed by a suitably qualified, independent third party.
 - i. Form the basis for the design of the facility.

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31. Before development commences, 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.
32. 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.

DEPARTMENT OF TRANSPORT CONDITIONS (Not a referral authority)

33. Prior to the commencement of the buildings and/or works unless otherwise agreed in writing the following must be submitted to the satisfaction of and at no cost to the Head, Transport for Victoria:
 - a. A Traffic Management Plan (TMP) must be prepared by a prequalified contractor. The TMP must address the transport and traffic impacts associated with the buildings and / or works including:
 - i. Specification of the travel routes, number and type of vehicles, in conformity with the Planning Report dated (24 January 2022, revised April 2022) or other report prepared that will be used to access the site during the construction and operation of the project.
 - ii. Details on how the TMP will be communicated to road users including the drivers of heavy vehicles associated with the buildings and / or works.
 - b. Road Safety Audit of the New Dookie Road / Pine Lodge Road intersection, including site visit, from an accredited provider that identifies risks and how these risks will be mitigated and managed.
 - c. 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 anticipated to use the site may:
 - i. Enter and exit Pine Lodge Road from New Dookie Road.
 - d. A process that will provide for the remediation of New Dookie Road at the intersection of Pine Lodge Road to pre-construction condition at the end of the construction period.
 - e. 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:
 - i. A survey of the New Dookie Road / Pine Lodge Road intersection extending 150m north and south of Pine Lodge Road, and associated road infrastructure that may be used in connection with the energy facility (for access, delivery of material, pre-construction or construction purposes).
34. Prior to the commencement of the use unless otherwise agreed in writing, the following must be completed to the satisfaction of and at no cost to Head Transport for Victoria:
 - a. A dilapidation report must be submitted to and approved by the Head, Transport for Victoria and the Responsible Authority. The dilapidation report must include the following:
 - i. The existing conditions report required by the above condition.
 - ii. The dilapidation report must cover the area outlined in the existing conditions report required by the above condition.

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- iii. The report must assess the works that need to be undertaken to rectify any impacts the development has caused to the road pavement and road infrastructure.
 - iv. An assessment must be undertaken after the completion of construction of the buildings and/or works.
- b. The works outlined in the dilapidation report must be constructed.
35. The endorsed Transport Management Plan must not be modified without the prior written consent of the Head, Transport for Victoria and the Responsible Authority.

LOCAL ROADS TRAFFIC MANAGEMENT PLAN

36. Before development starts, a Traffic Management Plan (TMP) must be prepared in consultation with the City of Greater Shepparton to address local roads, and submitted to approved, and endorsed by the responsible authority. When endorsed, the TMP will form part of this permit.

The TMP must:

- a. Include measures to be taken to manage traffic impacts associated with the construction of the facility, including powerlines.
- b. Specify designated transportation routes that will be used to access the site during construction of the facility, including powerlines, including the amount and type of vehicles required.
- c. Include a program to inspect, maintain and repair public roads used by construction traffic.
- d. Include details of any proposed modifications or upgrades to existing roads that will be required before, during and after construction of the Utility installation.
- e. Address potential environmental and social impacts associated with the traffic generated by construction of the Utility installations, including potential coordination with public transport routes.
- f. Be prepared by a suitably qualified independent civil or traffic engineer.
- g. Be approved by the the Greater Shepparton City Council prior to submission.

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GOULBURN BROKEN CATCHMENT MANAGEMENT AUTHORITY (Not a referral authority)

37. Any proposed substations, battery systems, high voltage switchgear and other sensitive electrical infrastructure is to be elevated at least 300 millimetres above the applicable 1 in 100 AEP flood level, or at least 300 millimetres above the general surrounding ground level, whichever results in the higher level of protection.
38. The perimeter fencing shall be designed in a manner which does not obstruct flood flows. For example, farm type fencing, large open mesh (150mm centres), vertical pool style fencing (150mm centres), etc.

COMPLAINTS

Complaint Investigation and Response Plan

39. Before development starts, excluding site preparation works, 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 this permit.

The CIRP must:

- a. Respond to all aspects of the construction and operation of the BESS facility.

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- 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).

40. The endorsed CIRP must be implemented to the satisfaction of the responsible authority.

Publishing Information about Complaints Handling

41. Before development starts, the following information must be made publicly available and readily accessible from the BESS 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 BESS facility operator.

Complaints Register

42. 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.

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

44. 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.

DECOMMISSIONING

45. Once the BESS facility permanently ceases operation, the Minister for Planning and Greater Shepparton City Council must be notified within three months.

46. Subject to condition 45, once the BESS facility permanently ceases operation, all infrastructure, equipment, buildings, structures and works must be removed, and the site or the relevant part of the site must be rehabilitated and reinstated to the condition it was in prior to the commencement of development to allow it to be used for agricultural purposes (or any proposed alternative use). This includes, but is not limited to, all battery storage containers, inverters/transformer containers, control building, substation, switchyard, and above and below ground electrical infrastructure and equipment.

47. If the landowner requests, items of infrastructure or other works (such as access tracks or the control building) that are suitable for the ongoing agricultural use of the land (or proposed alternative use) may be retained, subject to the written consent of responsible authority.

48. Within three months of the BESS facility permanently ceasing operation, a Decommissioning Management Plan (DMP) prepared by a suitably qualified and experienced person must be submitted to, approved and endorsed by the responsible authority. Once endorsed, the DMP will form part of the permit.

The DMP must include, as a minimum:

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- 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 46.
- 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.

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

EMERGENCY SERVICES

50. Before development starts, the permit holder must provide spatial information data to Land Use Victoria via email vicmap@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:

- 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.

51. 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@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.

EXPIRY

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

- a. The development is not started within four years of the date of this permit.
- b. The development is not completed within eight years of the date of this permit.

DATE ISSUED: 19/08/2022



SIGNATURE OF MICHAEL JUTTNER, MANAGER, DEVELOPMENT APPROVALS AND DESIGN, AS DELEGATE FOR THE MINISTER FOR PLANNING

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Notes:
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1. The amended *Environment Protection Act 2017* came into effect on 1 July 2021. The amended *Environment Protection Act 2017* imposes new duties on individuals and/or businesses undertaking the activity permitted by this permit. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable.

For further information on what the new laws will mean for Victorian businesses go to <https://www.epa.vic.gov.au/for-business/new-laws-and-your-business>

For further information on what the new laws will mean for individuals and the community go to <https://www.epa.vic.gov.au/about-epa/laws/new-laws/the-new-act-for-the-community>

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

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

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 a plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - * the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if -
 - * the use does not start within the time specified in the permit, or if no time is specified, within two years of the issue of the permit; or
 - * the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit; or
 - * the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - * the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - * the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in Section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision-
 - * the use or development of any stage is to be taken to have started when the plan is certified; and
 - * the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

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.

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