

Planning and Environment  
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## PLANNING PERMIT

<b>Permit No.:</b>	PA2403122
<b>Planning scheme:</b>	Campaspe Planning Scheme
<b>Responsible authority:</b>	Minister for Planning
<b>ADDRESS OF THE LAND:</b>	<p>124 Cornella Church Road, Colbinabbin <i>Comprising</i></p> <ul style="list-style-type: none"> <li>• Lot 1 on Title Plan 082687J</li> <li>• Lot 1 on Title Plan 372228C</li> <li>• Lot 2 on Title Plan 372228C</li> <li>• Lot 3 on Title Plan 372228C</li> <li>• Lot 4 on Title Plan 372228C</li> <li>• Lot 5 on Title Plan 372228C</li> <li>• Lot 6 on Title Plan 372228C</li> <li>• Lot 7 on Title Plan 372228C</li> <li>• Lot 1 on Title Plan 375179W</li> <li>• Lot 2 on Title Plan 375179W</li> <li>• Lot 3 on Title Plan 375179W</li> <li>• Lot 1 on Title Plan 384871H</li> <li>• Lot 2 on Title Plan 384871H</li> <li>• Lot 3 on Title Plan 384871H</li> <li>• Lot 4 on Title Plan 384871H</li> <li>• Lot 5 on Title Plan 384871H</li> <li>• Crown Allotment 29 Section C Parish of Colbinabbin 29~C\PP2407</li> <li>• Crown Allotment 14A Parish of Cornella 14A\PP2455</li> <li>• Crown Allotment 15 Parish of Cornella 15\PP2455</li> <li>• Crown Allotment 14C Parish of Cornella 14C\PP2455</li> <li>• Crown Allotment 25A Parish of Cornella 25A\PP2455</li> <li>• Crown Allotment 19B Parish of Cornella 19B\PP2455</li> <li>• Crown Allotment 20 Parish of Cornella 20\PP2455</li> <li>• Crown Allotment 21A Parish of Cornella 21A\PP2455</li> <li>• Lot 1 on Plan of Subdivision 330195Q</li> <li>• Plain Road</li> <li>• Heathcote-Rochester Road</li> <li>• Cornella Church Road</li> <li>• Myola Road</li> <li>• Plain Road</li> <li>• Davey Road</li> </ul>

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**THE PERMIT ALLOWS:**

Planning scheme clause	Matter for which the permit has been granted
35.07-1	Use of land for a renewable energy facility (other than wind energy facility) Use the land for utility installation
35.07-4	Construct a building or construct or carry out works associated with a Section 2 use of Clause 35.07-1 Earthworks which change the rate of flow or the discharge point of water across a property boundary. A building setback less than 100m from a Transport Zone 2
52.05-14	Display of business identification signage
52.17-1	Remove, destroy or lop native vegetation, including dead native vegetation

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

**Compliance with documents approved under this permit**

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.
2. The use and development must generally be in accordance with all plans and documents approved and endorsed under this permit. The use and development as shown on the endorsed plans must not be altered (unless the Campaspe Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

**Commencement**

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

**Development Plans**

3. Before the use or development commences, excluding demolition, bulk excavation and site preparations, amended plans and elevations must be submitted to and approved by the Responsible Authority. The amended plans and elevation must generally be in accordance with:
  - DA01 (rev W), DA02 – DA04 (rev E), SK230307 (rev F), CLB-GA-240306 (rev A), CLB-GA-240127 (rev A), CLB-SK-230823-2 (rev A), CLB-EL-03 (rev C), 'Single Axis Tracking System Elevation' (rev C), CLB-SK-231123-2 (rev A), CLB-SK-231202 (rev A), CLB-EL-02 (rev A), GLB-GA-231217 (rev B), SK-230316-1 (rev A), SK-230316-2 (rev A), SK-230316-3 (rev A), prepared by Venn Energy and Brighty Energy

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- DRG-02-01 (rev C), prepared by Impact and dated 24 May 2024

but modified to include:

- a. The location and design of the proposed signage.
  - b. The BESS fire water supply a minimum of 576L (CFA condition).
  - c. Fire water tanks for the solar arrays provided in accordance with CFA Guidelines (CFA condition).
  - d. The centralised BESS option in the proposal be chosen for development (WorkSafe condition).
  - e. Any changes required to comply with:
    - i. AusNet Conditions 29 to 33 (if required).
    - ii. CFA Conditions 37 to 39 (if required).
    - iii. Head, Transport for Victoria Condition 13 (if required).
4. Unless relevant consent is obtained from the land owner and/or manager, no structures (including temporary storage) are to be constructed on, or encroach upon, the adjoining Crown land.
  5. All works should ensure that they do not impact the native vegetation on Crown land.

**Compliance with Landscape Plan**

6. Landscaping must be implemented and maintained in accordance with the endorsed landscape plan (TP01 and TP03 (Dec 23) and TP02 and TP04-TP05 (Jan 24), prepared by CDA Design Group) to the satisfaction of the Responsible Authority.

**Advertising signage**

7. The signs must not be illuminated.
8. The signs shall only contain an advertisement which provides or supplies information relating to the business conducted on the land as described in this permit or as shown on the endorsed plans.
9. The signs, including the structure and content, must be constructed and maintained to the satisfaction of the responsible authority.

**Operational Environmental Management Plan**

10. 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.

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- d. Include organisational responsibilities, and procedures for staff training and communication.

### **Construction Environment Management Plan**

11. Before the development starts, including demolition, bulk excavation, site preparation works and native vegetation removal, a Construction Environmental 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:
  - 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.

### **Implementation of the Construction Environment Management Plan**

12. 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.

### **Head, Transport for Victoria Conditions - Section 52**

13. Prior to the commencement of any construction (whether staged or not) on the subject land and before the engagement of any haulage contractors,
- a. a Functional Layout Plan (FLP) must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must show:
    - i. A Basic Right (BAR) turn treatment on Heathcote-Rochester Road at Cornella Church Road.
    - ii. A Basic Left (BAL) turn treatment on Heathcote-Rochester Road at Cornella Church Road.
    - iii. Speed signage on Heathcote-Rochester Road.

- b. A Functional Layout Stage Road Safety Audit must be submitted to and approved by the Head, Transport for Victoria. The Road Safety Audit must be undertaken by a suitably qualified road safety auditor and include a sight distance assessment of the intersection of Heathcote-Rochester Road at Cornella Church Road in accordance with the Austroads guidelines and relevant DTP supplements. Any mitigation works arising from the Functional Layout Stage Road Safety Audit must be carried out by the applicant at no cost to, and to the satisfaction of, the Head Transport for Victoria.
- c. A Traffic Management Plan (TMP) must be submitted to and approved by the relevant road authorities (Head, Transport for Victoria and Campaspe Shire Council). When approved by the relevant road authorities, the plans must be endorsed by the Responsible Authority to form part of the permit. The TMP must include, but not be limited to:
  - i. The designation of all vehicle access points
  - ii. Assessment of safe sight distances for any vehicle access points to Heathcote-Rochester Road, either direct access or via intersections
  - iii. Provision of BAR and BAL turn treatments on Heathcote-Rochester Road at Cornella Church Road
  - iv. Any mitigation works required
  - v. The designation and suitability assessment of appropriate pre-construction, construction and transport vehicle routes to and from the site
- d. The following works must be completed to the satisfaction and at no cost to the Head, Transport for Victoria or Campaspe Shire Council:
  - i. All works identified in the approved Functional Layout Plan
  - ii. All works identified in the approved Traffic Management Plan
  - iii. Any works identified in the road safety audit
  - iv. Any other works required.

#### **Drainage and Stormwater Management Plan**

14. Before the development starts, a Drainage and Stormwater Management Plan (DSWMP) must be approved and endorsed by the responsible authority. The DSWMP must:
- a. Include details (and computations) of how the works on the land are to be drained including drains conveying stormwater to the legal point of discharge.
  - b. Include details of how the drainage design affects the continuation of existing overland flow paths and flood patterns across the land.
  - c. Assess impacts on on-site infiltration and surface water quality, including adjacent land and waterways, specifically the site's south-eastern designated waterway.
  - d. Include details about how polluted or contaminated runoff is to be managed.
  - e. Be approved by the Campaspe Shire Council prior to submission to the responsible authority.

#### **Noise**

15. The use of the land must at all times comply with *EPA Publication 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues* (EPA Publication 1826.4).

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16. Before the endorsement of development plans in accordance with condition 3 of this permit, a Predictive Noise Assessment must be submitted to the responsible authority and must:
  - a. Model the final design layout and all electrical components of the facility and assess this against EPA Publication 1826.4.
  - b. Demonstrate compliance of the proposal with EPA Publication 1826.4.
  - c. Include details of any mitigation measures that will be implemented to achieve compliance with EPA Publication 1826.4 to the satisfaction of the responsible authority.
17. All measures relied on to achieve compliance with EPA Publication 1826.4 must be shown on the development plans under condition 3 and implemented to the satisfaction of the responsible authority.
18. The Predictive Noise Assessment must be made available to the public.
19. Within 6 months of the use commencing, a Post-Construction Noise Assessment must be prepared by a suitably qualified acoustic engineer and must be submitted to the Minister for Planning and Campaspe Shire Council, demonstrating compliance with EPA Publication 1826.4 at all times. The Post-Construction Noise Assessment must:
  - a. Assess the compliance of the use with EPA Publication 1826.4.
  - b. If necessary, make recommendations to achieve compliance with EPA Publication 1826.4, to the satisfaction of the responsible authority.
  - c. Be made available to the public.
20. Where the Post-Construction Noise Assessment recommends measures to achieve compliance with EPA Publication 1826.4, the measures must be:
  - a. Implemented within 2 months of the Post Construction Noise Assessment being submitted to the Minister for Planning and Campaspe Shire Council.
  - b. Assessed within 2 months to demonstrate compliance with EPA Publication 1826.4.

**Light Spill Management**

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

**Department of Energy, Environment and Climate Action (DEECA) Conditions – Section 55**

Biodiversity Management plan

22. Before any works commence (including native vegetation removal), a Biodiversity Management Plan (BMP) for the operation of the solar farm must be prepared in consultation DEECA, and approved and endorsed by the Responsible Authority. The BMP must be prepared by a suitably qualified Ecologist and/or bushland regeneration expert, and be generally in accordance with the recommendations of the submitted Biodiversity Plan but updated to include:
  - a. Overall biodiversity objectives for mitigation of biodiversity impacts including fauna management, riparian corridor protection and revegetation / rehabilitation
  - b. Felled timber containing hollows or dead timber must be retained and located on-site within the riparian corridor to the satisfaction of the department and responsible authority.
  - c. Details of mitigation methods to mitigate biodiversity impacts
  - d. Procedures for protection of retained native vegetation

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- e. Techniques to reinstate, protect and enhance the biodiversity values of the land, including the retention of native vegetation and faunal habitat and the need to revegetate land
- f. A map showing the locations of all native vegetation to be retained, locations of revegetation and faunal crossing structure mitigation measures to reduce biodiversity impacts including important faunal connections (e.g. crossing structure locations and types, areas for revegetation and habitat enhancement – hollow replacement), supported by a statement of their feasibility.
- g. Details of fauna crossing structures to be implemented
- h. Details of habitat replacement (i.e. replacement of removed hollows and other structural habitat)
- i. Revegetation targets
- j. Methods for the revegetation of the site using indigenous species consistent with the Bioregional Ecological Vegetation Class
- k. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, tubestock and quantities of each plant
- l. Management actions to adapt to any new emerging threats
- m. Maintenance schedule
- n. Monitoring methods
- o. Reporting methods on an annual basis

Once approved the BMP must be implemented to the satisfaction of the responsible authority for the life of the project.

Notification of works

23. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions.

Protection of retained native vegetation

24. Before works start, a native vegetation protection fence must be erected to protect all native vegetation to be retained within 15 metres of the works area. This fence must be erected to delineate the works area as described in the report 'Biodiversity Assessment and Targeted Flora and Fauna Surveys for the proposed Cooba Solar Project at 124 Cornella Church Road, Colbinabbin, Victoria' prepared by Ecology and Heritage Partners, dated 30 July 2024.

This fence must be erected at:

- a. A radius of 12 times the diameter of any tree trunk, measured at a height of 1.4 metres above ground level, to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
- b. To protect patch(es) of native vegetation not containing trees at a minimum distance of 2 metres from any retained native vegetation.

The fence must be constructed of star pickets and paraweb or similar to the satisfaction of the Department of Energy, Environment and Climate Action. The protection fence must remain in place until all works are completed to the satisfaction of the responsible authority and department.

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25. Except with the written consent of DEECA, 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, and
  - any other actions or activities that may result in adverse impacts to retained native vegetation

Native vegetation offsets

26. To offset the removal of 6.505 hectares of native vegetation as identified in Native Vegetation Removal Report 310\_20240725\_MDO, the permit holder must secure a native vegetation offset(s) that meets the following:
- A general offset of 1.4770 general habitat units;
  - located within the Goulburn Broken Catchment Management Authority boundary or Campaspe Shire Council municipal district;
  - have a Strategic Biodiversity Value score of at least 0.1834;
  - provide protection for at least 71 large trees;
  - must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017).
27. 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 to the required standard, signed by both parties, and a 10-year offset management plan to the satisfaction of the Department of Energy, Environment and Climate Action and approved by the Responsible Authority. The offset management plan must detail the 10-year management actions and ongoing management of the site. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan to the responsible authority. An offset site condition statement, including photographs must be included in this notification.

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 by the responsible authority, a copy of the endorsed offset evidence must be provided to the Department of Energy, Environment and Climate Action.

Tree pruning

28. Any pruning that is required to be done to the canopy of trees to be retained must be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996, to the satisfaction of the responsible authority.

**Ausnet conditions – Section 55**

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29. Details of any proposed development or use of the AusNet easements, including access roads, installation of lighting, underground services and the use of construction equipment and explosives, must be submitted to and approved by AusNet before work is commenced on site.
30. Buildings and structures including solar panels are not permitted on the AusNet easements without prior written approval from AusNet.
31. Vehicle access by AusNet and its service providers must remain available along the easements at all times.
32. All trees and shrubs planted on the easement must not exceed 3 metres maximum mature growth height.
33. Details of the 33kV overhead power line which crosses under the Transmission Line must be submitted to AusNet for review.

**WorkSafe – Section 55**

34. The applicant must submit a fire management plan that includes review of impact from bush fire and vegetation management conducted by a suitably competent person.
35. An emergency response plan must be developed prior to construction.
36. The requirements of the WorkSafe conditions (34 and 36) can be included in the FMP and EP required by condition 38.

**CFA Conditions – Section 52**

Risk Management Plan

37. Before plans are endorsed under condition 3, in consultation with 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 (BESS):
      1. At the centralised BESS area, a quantity no less than 576kL (40L/s for four hours) effective capacity.
      2. At every other location where BESS are proposed (decentralised BESS areas), a quantity no less than 45kL located within 120m of each BESS unit/container.
      3. Provided otherwise in accordance with the CFA Guidelines and AS 2419.1-2021: Fire hydrant installations.
      4. Located reasonably adjacent to the battery energy storage system but in a position that is accessible without undue danger in an emergency, to the satisfaction of CFA.
      5. Commissioned prior to the arrival of the battery energy storage system enclosures/containers at the facility.
    - ii. For the solar panel infrastructure:
      1. 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.
2. 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. Include a copy and summary of the findings of WorkSafe and ESV's Arc Flash Self-Audit Tool (dated June 2022), including the proposed risk controls to manage arc flash risks for site personnel and emergency responders.
- e. Include consequence modelling and assessment for fires at BESS locations where acoustic barriers are proposed within 10m. The modelling and assessment must consider the implications of the barriers on smoke and toxic gas releases.
- f. Include all-weather access roads around the perimeter of the solar farm and BESS infrastructure, and to all fire service infrastructure, to the satisfaction of CFA.
- g. 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).
- h. 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.
- i. Form the basis for the design of the facility.

#### Emergency Plan and Fire Management Plan

38. Before plans are endorsed under condition 3, 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 CFA and be in accordance with the CFA Guidelines.
39. Before the use commences, all fire protection measures shown on the endorsed plans (including separation distances, emergency vehicle access, firefighting water supply (location and quantity) 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.

#### **Goulburn Murray Water conditions – Section 52**

40. All toilet facilities, wastewater treatment and disposal on-site must be in accordance with the recommendations of *EPA Guidelines for On-site Wastewater Management (May 2024)*, including any prescribed setbacks.

#### **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.

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- 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@transport.vic.gov.au](mailto:Vicmap@transport.vic.gov.au) to be used to direct emergency services to and within the site. This information must be in the ESRI Shapefile or Geodatabase .gdb format, GDA94 or GDA2020 datum and include:

- a. The main address of the site and any other addresses associated with access points to the site.
- b. Spatial polygon extent, which is the location and boundaries of the site/facility The location and name of all access entry points onto the property. E.g. Gate ID .
- c. The location of all internal roads.
- d. The locations of site compound, depots, substations, batteries, solar arrays and maintenance facilities.
  - i. For solar arrays the location and extent of the solar array polygon

47. If there are any subsequent changes to infrastructure location, internal roads, solar arrays, access points, or any other internal infrastructure during construction, or after completion of construction, the updated data must be provided to Department of Transport and Planning via email to [Vicmap@transport.vic.gov.au](mailto:Vicmap@transport.vic.gov.au) within 30 days of the change. This will enable the details of any changes to be broadcast for Emergency Services purposes.

### **Decommissioning**

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48. Once the facility permanently ceases operation, the responsible authority and Campaspe 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:

- 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 49.
- 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.

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 [energy.assessment@transport.vic.gov.au](mailto:energy.assessment@transport.vic.gov.au).

**Expiry – Development and use**

53. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:
- a. The development is not started within [4] years of the issued date of this permit.
  - b. The development is not completed within [8] years of the issued date of this permit.
  - c. This permit as it relates to use will expire if the use does not start within [4] years after the issued date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion of the development if a request is made in writing within twelve

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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)

- Works or other activities on public land, which may affect protected native plants, will require a Protected Flora Permit under the Flora and Fauna Guarantee (FFG) Act 1988. Protected Flora Permits can be obtained from the regional DEECA office ([loddonmallee.environment@deeca.vic.gov.au](mailto:loddonmallee.environment@deeca.vic.gov.au)).
- If live capture and relocation of native fauna is required, it must be undertaken with authorisation under the Wildlife Act (1975). Any translocation of threatened native fauna is to follow the process detailed in the Procedure Statement available on the department's website: [https://www.wildlife.vic.gov.au/\\_data/assets/pdf\\_file/0021/621255/TEP-Procedure-StatementJanuary-2023-FINAL-External.pdf](https://www.wildlife.vic.gov.au/_data/assets/pdf_file/0021/621255/TEP-Procedure-StatementJanuary-2023-FINAL-External.pdf). Further advice can be obtained from [environmental.research@deeca.vic.gov.au](mailto:environmental.research@deeca.vic.gov.au).
- Works within a designated waterway will require a Works on Waterways authorisation under the Water Act 1989. Please seek further advice from your local Catchment Management Authority.
- Separate consent for works within the road reserve and the specifications of these works is required under the *Road Management Act 2004*. For the purposes of this application the works will include provision of:
  - Basic Right Turn (BAR) Treatments.
  - Basic Left Turn (BAL) Treatments.
  - Any other works required.
- The proposed development requires removal of several street trees. Tree removal constitutes works within the Heathcote-Rochester Road reserve and separate approval under the *Road Management Act 2004* for this activity is required from the Head, Transport for Victoria.
- National Heavy Vehicle Register approval may be required.
- 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*.
- The permitted use or development may need to comply with, or obtain the following further approvals:
  - The recommendations of a cultural heritage management plan approved under the *Aboriginal Heritage Act 2006*.
  - A building permit under the *Building Act 1993*.

**Date of issue:** 5 June 2025    **Signature for the responsible authority:**

Katharine Morton

Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

**IMPORTANT INFORMATION ABOUT THIS PERMIT**

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**WHAT HAS BEEN DECIDED?**

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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**.)

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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.

**Date of issue:** 5 June 2025    **Signature for the responsible authority:**

*Katherine Morton*