

PLANNING PERMIT

Permit No.:	PA2302133
Planning scheme:	Latrobe Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	Monash Way, Hazelwood North (Lot 2 PS533418)

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
33.02-1	Use of the land for a Utility Installation (Section 2 Use)
33.02-4	Buildings and works
43.02-2	Buildings and works
44.04-2	Buildings and works

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

COMPLIANCE WITH DOCUMENTS ASSOCIATED WITH THIS PERMIT

- 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.

COMMENCEMENT

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

DEVELOPMENT PLANS

- 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 *Bennetts Creek BESS*, dated 13 July 2023, prepared by Flow Power, but modified to include:
 - The colours and finishes of all buildings and works.
 - The location of Easement E-5 clearly delineated on plans and the setback of any buildings and works shown in relation to the easement.
 - Any changes required to comply with:
 - The relevant fire authority's conditions 16 to 21, inclusive.

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- ii. APA Group conditions 26 to 27, inclusive.
- iii. Any other condition of this permit.

WRITTEN CONSENT TO MODIFY ENDORSED PLANS

- 5. The use and development must generally be in accordance with all plans and documents approved and endorsed under this permit. The endorsed plans must not be altered or modified without the prior written consent of the responsible authority.

CONSTRUCTION ENVIRONMENTAL 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. That no stockpiles or storage of material on the gas pipeline easement at any time.
 - 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 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.
- 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.

NOISE

- 9. 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).
- 10. Before the endorsement of development plans in accordance with condition 1 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.

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- 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.
11. All measures relied on to achieve compliance with EPA Publication 1826.4 must be shown on the development plans under condition 1 and implemented to the satisfaction of the responsible authority.
12. The Predictive Noise Assessment must be made available to the public.

TRAFFIC MANAGEMENT

Traffic Management Plan

13. Before the development starts, a Traffic Management Plan (TMP) must be prepared in consultation with the relevant road authority (or authorities) and submitted to, approved and endorsed by the responsible authority. The TMP must:
- a. Be prepared by a suitably qualified and experienced civil or traffic engineer.
 - b. Specify measures to be taken to manage traffic impacts associated with the construction and operation of the facility.
 - c. Specify designated transportation routes that will be used to access the site during construction of the facility, including the amount and type of vehicles required.
 - d. Include details of any proposed road modifications or upgrades to existing roads that will be required before, during and after construction.
 - e. Include a program to inspect, maintain and (where required) repair public roads used by construction traffic.
 - f. Be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority.
14. The endorsed TMP must be implemented to the satisfaction of the responsible authority and relevant road management authority (or authorities).
15. Any proposed alteration or modification to the endorsed TMP must be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority for endorsement.

EMERGENCY MANAGEMENT

16. 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.
17. Before development plans are endorsed under condition 1, in consultation with FRV, a Risk Management Plan (including fire safety study) must be prepared, submitted to and endorsed by the responsible authority. The Risk Management Plan must be prepared in accordance with Section 5 of *CFA's Design Guidelines and Model Requirements for Renewable Energy Facilities* (newest version at time of submitting plan for endorsement).
18. Before development plans are endorsed under condition 1, in consultation with the FRV, an Emergency 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)

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- a. The Emergency Management Plan must be prepared in accordance with Section 10 of the above-mentioned Guideline.
 - b. The Fire Management Plan must be prepared in accordance with Section 9 of the above-mentioned Guideline.
19. 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 10 of the above-mentioned Guideline.
20. Before the arrival of battery energy storage system enclosures/containers at the facility, the fire hydrant system must be installed and commissioned.
21. Before the use starts, 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 CONDITIONS

West Gippsland Catchment Management Authority (recommending referral)

22. Prior to the commencement of works, a copy of the hydrology and hydraulic model and results in raster format accessible by ArcGIS must be provided to and endorsed in writing by the West Gippsland Catchment Management Authority.
23. Prior to the commencement of works, a Stormwater Management Plan (SMP) must be developed to the satisfaction of the West Gippsland Catchment Management Authority. The SMP must demonstrate that all stormwater discharge from the development will meet the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, 1999), and must quantify the reduced loads of sediment, nutrient and gross pollutants in kg/year.
24. Before use of the Battery Energy Storage System starts, the Stormwater Management Plan must be implemented to the satisfaction of the West Gippsland Catchment Management Authority.
25. Before use of the Battery Energy Storage System starts, as constructed survey must be provided to the satisfaction of the West Gippsland Catchment Management Authority and must be in accordance with the endorsed Flood Assessment to the satisfaction of the West Gippsland Catchment Management Authority.

APA GROUP (not a referral authority)

26. Prior to the endorsement of plans in accordance with Condition 1, an electrical hazard study must be prepared in accordance with the requirements of Australian Standard 4853-2012 (for Low Frequency Induction and Earth Potential Rise), in consultation with APA for both pipelines, and approved and endorsed by the Responsible Authority.
27. The current ground level over the existing high pressure gas pipeline easement is not to be reduced and must be maintained, unless agreed in writing with the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd), to the satisfaction of the Responsible Authority.

DEECA GIPPSLAND REGION (not a referral authority)

28. No works shall be undertaken within 20m of a licensed transmission pipeline without the prior written consent of the relevant pipeline operator.
29. Transmission pipeline easement shall be marked with permanent signs positioned according to the requirements of the pipeline operator/s.

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30. Transmission pipeline easements shall be kept free of vehicles, goods or materials unless otherwise agreed to be the pipeline operator.

COMPLAINTS

Complaint Investigation and Response Plan

31. Before 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).

32. 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

33. Before the development starts, a Complaints Register must be established, which records:

- a. The complainant's name and address (if provided), including (for noise complaints) any applicable property reference number contained in the report titled Noise Assessment Report prepared by Aurecon, dated 19 June 2023.
- b. A receipt number for each complaint 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.

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

35. A 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 upon request.

EMERGENCY SERVICES

36. 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:

- 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 the site compound, substations, and maintenance facilities.

37. 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 at 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

38. Once the facility permanently ceases operation, the responsible authority and Latrobe City Council must be notified within three months.
39. 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.
40. 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 37
 - 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.
41. The endorsed DMP must be implemented to the satisfaction of the responsible authority.

EXPIRY

42. This permit will expire if one of the following applies:
- a. The development is not started within three years of the date of this permit.
 - b. The development is not completed within six years of the date of this permit.
 - c. The use has not commenced within three years of the completion of the development.

The responsible authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

Notes:

Prior to the commencement of any works (including the planting of vegetation) within the gas transmission pipeline easement, the proponent must enter a Third Party Works Authorisation agreement with the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd). Works within the easement must comply with any conditions attached to a third party works approval.

No buildings, structures, roadway, pavement, pipeline, cable, fence, stockpile, materials or any other improvement may be constructed or placed on or under the land within the gas transmission pipeline easement without prior consent in writing from the pipeline licensee/operator (APA VTS Australia

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Signature for the responsible authority:



(Operations) Pty Ltd). No structure or vegetation will be permitted on the easement that prohibits maintenance of line of sight along the pipeline easement.

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Signature for the responsible authority:



IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

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**.

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.

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Signature for the responsible authority:

