



Permit No.: PA1700251-2

Planning Scheme: Hindmarsh Planning Scheme

Responsible Authority: Minister for Planning

ADDRESS OF THE LAND:

Land parcel CA 282A Parish of Tarranginnie, Land Parcel CA283 Parish of Tarranginnie 411 Rogers Road Nhill,
Road reserve of Nhill-Diapur Road at intersection with 'Unnamed' Road and Road Reserve of Diapur-Lawloit Road south of Rogers Road, Road Reserve of Rogers Road directly south of the 'Unnamed Road'

THE PERMIT ALLOWS

Use and development of land for a wind energy facility, including an anemometer and associated earthworks, and removal of native vegetation.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

DEVELOPMENT PLANS

- 1 Before development starts, amended development plans must be endorsed by the responsible authority. When endorsed the plans will form part of this permit. The plans must be fully dimensioned and drawn to scale. They must be generally in accordance with the application plans titled *Development Plans Version 1*, dated October 2017 prepared by Future Energy Pty Ltd, but modified to show:
 - (a) Reduction in the number of wind turbines to 2.
 - (b) The final location, specifications, materials and finishes of the wind energy facility.
 - (c) Native vegetation that will be removed.
- 2 Except as permitted under Conditions 3 and 4, the use and development must be generally in accordance with the endorsed plans. The endorsed plans must not be altered or modified without the written consent of the responsible authority.

MICRO-SITING OF TURBINES

- 3 Before development starts, a Micro-siting Plan must be submitted to the responsible authority for endorsement, identifying a footprint at ground level within which each turbine may be located. Once endorsed, the plan will form part of this permit and the turbines can be located anywhere in the footprint shown.

The plan must be fully dimensioned and drawn to scale. The footprint for each turbine identified on the Micro-siting Plan:

- (a) must not extend more than 100 metres in any direction from the centre of the turbine at ground level as shown on the development plans endorsed under Condition 1.
 - (b) must not be within 1 km of a dwelling unless evidence is provided to the satisfaction of the responsible authority that the owner of the dwelling has consented in writing to the location of the turbine footprint.
- 4 Any changes to access tracks, electricity cabling and associated infrastructure arising from micro-siting a turbine in accordance with an endorsed Micro-siting Plan are permitted without requiring the consent of the responsible authority, or any amendments to the development plans endorsed under Condition 1.
- 5 The endorsed Micro-siting Plan must not be altered or modified without the written consent of the responsible authority.

SPECIFICATIONS

- 6 The wind energy facility must comprise no more than 2 turbines.
- 7 The wind energy facility must meet the following requirements, unless varied with the written consent of the responsible authority:
- (a) the maximum height of the rotor blade tip must not exceed 200 metres above natural ground level.
 - (b) the minimum height of the rotor blade tip must not be less than 50 metres above natural ground level.
 - (c) the transformer associated with each wind generator must be located beside each tower and pad mounted or enclosed within the tower structure.
 - (d) electricity cabling must be placed underground.
 - (e) external lighting is not permitted on the site other than:
 - (i) low-level, low-intensity security lighting.
 - (ii) lighting necessary in the case of an emergency or for operational call-outs at reasonable times.
 - (iii) aviation safety lighting as allowed under Condition 37.
 - (f) The colours and finishes of all buildings and works (including turbines) must be non-reflective such as to minimise the visual impact of the development on the surrounding area.
 - (g) The anemometer mast must be painted a conspicuous colour.

LANDSCAPING

- 8 Before development starts, an Off-site Landscaping Program must be submitted to the responsible authority for endorsement. Once endorsed, the Off-site Landscaping Program will form part of this permit.

The Off-site Landscaping Program must:

- (a) provide for off-site landscaping or other treatments to reduce the visual impact of the turbines from any dwelling within four kilometres of any turbine.
 - (b) include a methodology for determining:
 - (i) the type of landscaping treatments to be proposed.
 - (ii) a timetable for establishing and maintaining the landscaping for at least two years.
 - (c) include a process for making offers to affect landowners to:
 - (i) undertake landscaping on the landowner's land.
 - (d) include a process for recording:
 - (i) offers that have been made to landowners.
 - (ii) whether or not the offers are accepted.
 - (iii) when and how offers are actioned following acceptance.
- 9 The endorsed Off-site Landscaping Program must be implemented to the satisfaction of the responsible authority. The endorsed Off-site Landscaping Program must not be altered or modified without the written consent of the responsible authority.
- 10 Progress reports regarding the implementation of the endorsed Off-site Landscaping Program must be provided to the responsible authority on each anniversary of the date of this permit for 5 years, and at other times on request.

NOISE

In Conditions 11 to 17:

- (a) 'the Standard' means New Zealand Standard 6808:2010, Acoustics – Wind Farm Noise
- (b) noise sensitive locations are locations defined as such in the Standard and that were present at 26 June 2017.

Performance requirement

- 11 Subject to Condition 12, at any wind speed, noise emissions from the operation of the facility, when measured at noise sensitive locations, must comply with the limits specified in the Standard.
- 12 The limits specified in the Standard do not apply if an agreement has been entered into with the relevant landowner waiving the limits. Evidence of the agreement must be provided to the satisfaction of the responsible authority upon request and be in a form that applies to the land for the life of the wind energy facility.

Pre-construction assessment

- 13 Before development starts, a Pre-construction Noise Assessment must be undertaken and submitted to the responsible authority for endorsement.

The Pre-construction Noise Assessment must be prepared in accordance with the Standard, including the final turbine layout and turbine model to be installed, and must demonstrate to the satisfaction of the responsible authority that the facility will comply with the performance requirements specified in Condition 11.

Operating acoustic compliance assessment

- 14 Within six months of the first turbine operating, a post-construction Acoustic Compliance Report prepared in accordance with the Standard must be submitted to the responsible authority. The report must demonstrate whether the facility complies with the performance requirements specified in Condition 11. Further post-construction acoustic compliance reports prepared in accordance with this condition must be submitted to the responsible authority annually from the date of the first report being submitted until the final turbine is operating.

Noise management plan

- 15 Before development starts, a Noise Management Plan must be prepared to the satisfaction of and endorsed by the responsible authority. Once endorsed, the plan will form part of this permit.

The Noise Management Plan must specify details of:

- (a) Post-construction Acoustic Compliance Report methodology: detailing how these will be prepared to demonstrate whether the facility complies with the performance requirements specified in the Standard.
 - (b) Noise Investigation Reporting: detailing procedures for when complaints are received in accordance with the endorsed Complaints Investigation and Response Plan or when potential non-compliance with the performance requirements in the Standard is otherwise detected.
 - (c) Noise Remediation Plans: detailing procedures for when non-compliance with the performance requirements in the Standard is found to have occurred.
- 16 The endorsed Noise Management Plan must be implemented to the satisfaction of the responsible authority. The endorsed Noise Management Plan must not be altered or modified without the written consent of the responsible authority.

Peer review of noise reports and plans

- 17 The Pre-construction Noise Assessment required under Condition 13, the Noise Management Plan required under Condition 15, and each report and remediation plan required under Condition 15a-c, must be prepared by a suitably qualified and experienced acoustician.
- 18 The Pre-construction Noise Assessment required under Condition 13, Noise Management Plan required under Condition 15, acoustic compliance report required under Condition 15a, and the noise remediation plan required under Condition 15c, must be accompanied by a peer review from an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970* verifying that the report or plan is suitable, and meets the requirements of this permit.
- 19 If requested by the responsible authority, the noise investigation reports required under Condition 15b must be accompanied by a peer review from an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970* verifying that the report or plan is suitable and meets the requirements of this permit.
- 20 If an auditor appointed under Part IXD of the *Environment Protection Act 1970* cannot be retained for any of the requirements under the conditions of this permit, written

consent of the responsible authority may be sought to provide a peer review from a suitably qualified and experienced independent acoustic engineer instead.

- 21 The environmental auditor or peer reviewer must be a different author to the author of the report being reviewed.

BLADE SHADOW FLICKER

- 22 Shadow flicker from the facility must not exceed 30 hours per annum at any pre-existing dwelling (i.e. a dwelling present at 26 June 2017) unless the relevant landowner has entered into an agreement waiving this requirement. Evidence of the agreement must be provided to the satisfaction of the responsible authority upon request and be in a form that applies to the land for the life of the wind energy facility.

BLADE GLINT

- 23 All turbines are to be non-reflective to eliminate blade glint, to the satisfaction of the Responsible authority.

TELEVISION AND RADIO RECEPTION AND INTERFERENCE

- 24 Before development starts, a Television and Radio Strength Survey must be submitted to the responsible authority for endorsement. Once endorsed, the survey will form part of the permit. The survey must be to the satisfaction of the responsible authority, and must:
 - (a) be carried out by a suitably qualified and experienced television and radio monitoring specialist.
 - (b) include testing at selected locations within 5 kilometres of the facility to enable the average television radio reception strength to be determined.
- 25 If a complaint is received regarding the effect of the facility on television or radio reception at a pre-existing dwelling (i.e. a dwelling present at 26 June 2017) within 5 kilometres of the site, the operator of the wind farm must:
 - (a) investigate the complaint in accordance with the Complaint Investigation and Response Plan referred to in Condition 48.
 - (b) if the investigation indicates that the facility has had a detrimental impact on the quality of reception, restore reception at the pre-existing dwelling to at least the quality determined in the survey carried out under Condition 24, to the satisfaction of the responsible authority.

TRAFFIC MANAGEMENT

Vehicle access points

- 26 Vehicle access points must be designed and located to the following standards, to the satisfaction of the relevant road management authority:
 - (a) truck movements to and from the site must be able to be accommodated on sealed roadways where available.
 - (b) to the extent practicable, access points must be able to accommodate turning movements without vehicles encroaching onto the incorrect side of the road.
 - (c) safe sight distances must be provided.

- (d) potential through traffic conflicts must be avoided.

Pre-construction Survey of Existing Conditions of Public Roads

- 27 Before development starts, an existing conditions survey of public roads that may be used in connection with the construction of the facility, and proposed access points to the site must be submitted to and endorsed by Hindmarsh Shire Council. Once endorsed the survey will form part of the permit. The survey must assess the suitability, design, condition and construction standard of the relevant public roads and access points, and must:
- (a) be prepared by a suitably qualified and experienced civil or traffic engineer.
 - (b) include recommendations, if any, regarding upgrades required to accommodate construction traffic, and to meet the requirements of Condition 26.
 - (c) be prepared in consultation with VicRoads prior to submission to Hindmarsh Shire Council.

Traffic Management Plan

- 28 Before development starts, a Traffic Management Plan must be prepared in consultation with VicRoads and endorsed by Hindmarsh Shire Council. Once endorsed, the plan will form part of the permit.

The Traffic Management Plan 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 of the facility.
- (c) include a program to inspect, maintain and (where required) repair public roads used by construction traffic.

Any mitigating works identified on the road network in the Traffic Management Plan must be undertaken to the satisfaction and at no cost to the relevant road management authority.

- 29 The endorsed Traffic Management Plan must be implemented to the satisfaction of Hindmarsh Shire Council. The endorsed Traffic Management Plan must not be altered or modified without the written consent of Hindmarsh Shire Council. Any proposed alteration or modification to the endorsed Traffic Management Plan must be prepared in consultation with VicRoads prior to submission to Hindmarsh Shire Council.

Traffic upgrade works

- 30 Where traffic upgrade works are recommended or required by a plan/report required by any condition of this permit, the following must be submitted to Hindmarsh Shire Council for endorsement prior to commencement of the traffic upgrade works:

- (a) detailed plans for the required works
- (b) a program indicating when the works will be undertaken

The plans / program required under this condition must be prepared in consultation with VicRoads. Traffic upgrade works must be completed to the satisfaction of Hindmarsh Shire Council.

ENVIRONMENTAL MANAGEMENT PLAN

- 31 Before development starts, an Environmental Management Plan must be submitted to and endorsed by the responsible authority. Once endorsed, the plan will form part of this permit.

The Environmental Management Plan must:

- (a) describe measures to minimise the amenity and environmental impacts of the construction, operation and decommissioning of the facility.
 - (b) include organisational responsibilities, and procedures for staff training and communication.
 - (c) meet the requirements of Conditions 33 (Construction Environmental Management Plan).
- 32 The endorsed Environmental Management Plan must be implemented to the satisfaction of the responsible authority. The endorsed Environmental Management Plan must not be altered or modified without the written consent of the responsible authority.

Construction Environmental Management Plan

- 33 The Environmental Management Plan must include a Construction Environmental Management Plan, which must include:
- (a) procedures to manage dust and noise emissions, erosion, mud and stormwater run-off
 - (b) procedures to remove temporary works, plant equipment, buildings and staging areas, and reinstate the affected parts of the site when construction is complete.

Bat and Avifauna Management Plan

- 34 The Environmental Management Plan must include a Bat and Avifauna Management Plan (BAM Plan), which must:
- (a) include a statement of the objectives and overall strategy for minimising bird and bat strike arising from the operation of the facility
 - (b) include a mortality monitoring program of at least two years duration that commences when the first turbine is commissioned or such other time approved by DELWP (Environment Portfolio). The monitoring program must include:
 - (i) procedures for reporting any bird and bat strikes to DELWP (Environment Portfolio);
 - (ii) information on the efficacy of searches for carcasses of birds and bats, and, where practicable, information on the rate of removal of carcasses by scavengers, so that correction factors can be determined to enable calculations of the likely total number of mortalities; and
 - (iii) procedures for the regular removal of carcasses likely to attract raptors to areas near turbines.
 - (c) Be prepared in consultation with DELWP Environment Portfolio prior to submission to the responsible authority.

- 35 When the monitoring program required under the BAM Plan is complete, the operator must submit a report to the responsible authority and DELWP Environment Portfolio setting out the findings of the program. The report must be:
- (a) To the satisfaction of the responsible authority and DELWP Environment Portfolio
 - (b) Made publicly available on the operator's website
- 36 After considering the report submitted under Condition 34 and consulting with DELWP (Environment Portfolio) the responsible authority may direct the operator to conduct further investigation of impacts on birds and bats. The further investigation must be undertaken by the wind energy facility operator to the satisfaction of the responsible authority and DELWP Environment Portfolio.

AVIATION SAFETY

- 37 The wind energy facility must be lit with a single steady red medium intensity hazard light on the highest fixed point of the highest altitude tower whenever aircraft is in the near vicinity, at night time and in other low light conditions. Lighting must be installed in accordance with the Civil Aviation Safety Authority Manual of Standards Part 139 – Aerodromes, Chapter 9, paragraph 9.4.7.
- The requirements of this condition may be altered or modified with the written consent of the responsible authority. The responsible authority may also direct the wind energy facility operator to alter operation of lighting installed under this condition, including switching the lighting on or off.
- 38 No aviation obstacle lighting, other than lighting as outlined in Condition 37 is to be operated without the written consent of the responsible authority.
- 39 Before development starts, copies of the endorsed development plans must be provided to the following entities to enable details of the wind energy facility to be shown on aeronautical charts of the area:
- (a) CASA;
 - (b) The Department of Defence (RAAF Aeronautical Information Service);
 - (c) Airservices Australia;
 - (d) Any aerodrome operator within 15 km of the outside property boundaries of the site;
 - (e) The Aerial Agriculture Association of Australia;
 - (f) Western Aerial Agriculture;
 - (g) Any organisation responsible for providing air ambulance services in the area; and
 - (h) Agencies responsible for aerial firefighting.
- 40 If there are any subsequent changes to turbine or anemometer location or height during construction, all agencies listed above must be advised prior to erection of any turbines or anemometer, to enable details of any changes to the wind energy facility to be shown on aeronautical charts of the area or otherwise known.

NATIVE VEGETATION REMOVAL

- 41 Before works start, the permit holder must advise all persons undertaking the vegetation removal and associated works on site of all relevant permit conditions and associated statutory requirements or approvals.
- 42 Before any permitted clearing of native vegetation starts, plans to the satisfaction of the responsible authority must be submitted to and endorsed by the responsible authority. When endorsed the plans will form part of this permit. The plans must include:
- (a) a detailed description of the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance. These measures must include the erection of a native vegetation protection fence around all native vegetation to be retained on site, to the satisfaction of the responsible authority, including the tree protection zones of all native trees to be retained. All tree protection zones must comply with *AS 4970-2009 Protection of Trees on Development Sites*, to the satisfaction of the responsible authority.
- 43 The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.097 hectares of native vegetation, which is comprised of:
- (a) 0.097 hectares of native vegetation with a strategic biodiversity value of 0.597.
- 44 To offset the removal of 0.097 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017), the permit holder must secure the following offsets:
- (a) A general offset of 0.053 general habitat units:
 - (i) located within the Wimmera Catchment Management boundary or Hindmarsh Shire Council municipal area
 - (ii) with a minimum strategic biodiversity value of at least 0.597.
- 45 Before any native vegetation is removed, evidence that the required offset by this permit OR for each stage of the subdivision/project has been secured must be provided to the satisfaction of DELWP. This evidence must be:
- (a) a credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
- 46 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:
- (a) Any vehicle or pedestrian access, trenching or soil excavation, and
 - (b) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products, and
 - (c) Entry or exit pits for underground services, and
 - (d) Any other actions or activities that may result in adverse impacts to retained native vegetation.

- 47 Within two (2) years of the completion of construction, an additional 100 Jumping Jack Wattle plants must be planted within the local region, to the satisfaction of the Responsible Authority.

COMPLAINTS

Complaint Investigation and Response Plan

- 48 Before development starts, a Complaint Investigation and Response Plan must be submitted to and endorsed by the responsible authority. Once endorsed, the plan will form part of this permit.

The Complaint Investigation and Response Plan must:

- (a) respond to all aspects of the construction and operation of the wind farm
 - (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).
- 49 The endorsed Complaint Investigation and Response Plan must be implemented to the satisfaction of the Responsible authority and be publicly available online. The endorsed Complaint Investigation and Response Plan must not be altered or modified without the written consent of the responsible authority.

Publishing information about complaints handling

- 50 Before the development starts the following information must be made publicly available and readily accessible from the wind farm project website or another publicly available resource to the satisfaction of the responsible authority:
- (a) a copy of the endorsed Complaints Investigation and Response Plan
 - (b) a toll-free telephone number and email contact for complaints and queries to the wind farm operator

Complaints Register

- 51 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 Nhill Wind Farm Noise Assessment prepared by Marshall Day Acoustics dated 21 December 2016.
 - (b) a receipt number for each complaint, which must be communicated to the complainant
 - (c) the time and date of the incident, and the prevailing weather and operational conditions at the time of the incident
 - (d) a description of the complainant's concerns, including (for a noise complaint) the potential occurrence of special audible characteristics

- (e) the process for investigating the complaint, and the outcome of the investigation, including:
 - (i) the actions taken to resolve the complaint
 - (ii) for noise complaints, the findings and recommendations of an investigation report undertaken in accordance with the endorsed Noise Management Plan.
- 52 All complaints received must be recorded in the Complaints Register.
- 53 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.
- 54 Before development starts, the permit holder must provide spatial information data to Land Use Victoria via email 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 wind farm extents polygon(s)
 - (b) Tower location and name/number
 - (c) All access entry points onto private property
 - (d) All internal roads that lead to the individual towers
 - (e) The locations of site compound, substations, maintenance facilities, and anemometers.

DECOMMISSIONING

- 55 The following requirements must be met when a turbine(s) permanently ceases operation:
 - (a) the responsible authority must be notified within two (2) months after the turbine(s) permanently ceases operation
 - (b) prior to commencing decommissioning works, a Decommissioning Traffic Management Plan must be submitted to the Responsible authority for endorsement under the permit. The plan must specify measures to manage traffic impacts associated with removing the turbine(s) and associated infrastructure from the site, to the satisfaction of the Responsible authority.
 - (c) All infrastructure, plant, equipment and access tracks that are no longer required for the on-going use or decommissioning of the facility must be removed.
 - (d) The site or the relevant part of the site must be reinstated to the condition it was in prior to the commencement of development to the satisfaction of the responsible authority.

EXPIRY

- 56 This permit will expire if one of the following applies:
 - (a) the development is not started within five (5) years of the date of this permit
 - (b) the development is not completed within ten (10) years of the date of this permit.



SIGNATURE FOR THE RESPONSIBLE AUTHORITY

NOTES

1. Before any works on public land start, a permit to take protected flora under the Flora and Fauna Guarantee (FFG) Act 1988 may be required. To obtain an FFG permit or further information, please contact a Natural Environment Program officer at the Grampians regional office of the Department of Environment, Land, Water and Planning on grampians.environment@delwp.vic.gov.au.
2. Before any works on public land start, the applicant must comply with applicable Commonwealth, State and local legislation, regulations and permits.
3. Data collected for the ecological report by EHP should be added to the Victorian Biodiversity Atlas records to inform any future projects. There are limited records of Jumping Jack Wattle and Hairy Pod Wattle within the area and both are EPBC listed species.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

<i>Date of amendment</i>	<i>Brief description of amendment</i>	<i>Name of responsible authority that approved the amendment</i>
PA1700251-2 6 October 2020	Amendment of the permit in accordance with Section 72 of the <i>Planning and Environment Act 1987</i> to add an anemometer, add condition 7g, alter conditions 39 and 40, add condition 54 and renumber the remaining conditions.	Minister for Planning
PA1700251-A 20 April 2020	Permit amended under section 72 – Alter land description to include land used for access. Amend the pre-amble to include earthworks. Amend condition 7 to reduce the blade clearance to ground from 60 metres to 50 metres. Reduce the extent of native vegetation removal by Inserting a new condition 43 and amending conditions 44 to 47. Renumber all conditions from 44 onwards	Minister for Planning

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?

[If this permit was not issued at the direction of the Victorian Civil and Administrative Tribunal or if this permit was issued at the direction of the Tribunal but the Tribunal did not direct that the permit or part of the permit must not be amended by the responsible authority under Division 1A of Part 4 of the Act include the following paragraph-] The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

[If the Victorian Civil and Administrative Tribunal directed that the permit must not be amended by the responsible authority under Division 1A of Part 4 of the Act insert the following paragraph—]

The Victorian Civil and Administrative Tribunal directed that this permit must not be amended by the responsible authority under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

[If the Victorian Civil and Administrative Tribunal directed that a specified part of the permit must not be amended by the responsible authority under Division 1A of Part 4 of the Act insert the following paragraph—]

The Victorian Civil and Administrative Tribunal directed that the following specified part(s) of this permit must not be amended by the responsible authority under Division 1A of Part 4 of the **Planning and Environment Act 1987**:

[List the specified part(s) of the permit that the Victorian Civil and Administrative Tribunal directed must not be amended by the responsible authority under Division 1A of Part 4 of the Act.]

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.