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Planning | Engagement | Strategy

Planning Permit Amendment Application Report

Elaine Battery Energy Storage System (BESS)

225 Elaine-Blue Bridge Road, Elaine

27 May 2024

Document Details

Elaine Bess

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1. Introduction

1.1 Project Summary

Cogency Australia Pty Ltd (Cogency), on behalf of Akaysha Energy Pty Ltd (the 'Proponent'), has prepared this report to accompany a planning permit amendment application under section 72 of the Planning and Environment Act for a Battery Energy Storage System (BESS) at 225 Elaine-Blue Bridge Road, Elaine (the 'site').

The planning permit (PA2302247) allowed for the use and development of the land for utility installations (a BESS and transmission lines), construction of buildings within the setbacks specified in schedule to Clause 35.07, business identification signage and the removal of native vegetation. The capacity of the permitted BESS was 200 MW / 800 MWh located within a 6ha site area.

The proposed amendment will increase the capacity of the BESS to 311 MW / 1244 MWh, will re-organise the layout of the BESS and ancillary infrastructure within the same 6 ha site and will amend condition 13 to remove the requirement for a basic right turn treatment at the Midland Highway. The proposed amendment has the same footprint as the permit plans, as the increase in capacity is achieved through a more refined layout and different battery technology. The proposed amendment is accompanied by updated technical impact assessments outlining the changes in impact associated with the increased BESS capacity.

The proposed BESS will be one of the largest battery storage projects in the state and include battery units, associated infrastructure, grid connection, access roads, vegetation screening and security fencing (the 'Proposal').

The proponent, Akaysha, are a specialised company focused on the end-to-end development of BESS and Renewables Projects. They are based in Melbourne and made up of long standing energy sector professionals experienced in the development and deployment of large-scale batteries and renewables in Australia. Akaysha are currently developing the Waratah Super Battery for the NSW Government, along with several other BESS projects around Australia. Akaysha are backed by BlackRock, one of the largest investors in the world.

The Proposal is located in a rural locality, with significant buffers to dwellings, adjacent to an existing terminal station, and nearby the operating Lal Lal Wind Farm.

The Proposal is considered to have a number of benefits, including:

- Assisting in Australia's energy transition through the provision of much needed energy storage.
- Supporting the further roll out of renewable energy generation.
- Contributing to Victoria's ambitious Renewable Energy Target of 65% by 2030 and 95% by 2035 and the energy storage targets of at least 2.6 GW by 2030 and 6.3 GW by 2035.
- Co-locating energy projects next to an existing terminal station and close to an existing wind farm.
- A $400 - $500 Million project investment, resulting in the provision of 140 jobs during construction and 3 in operation.
- A location distant from sensitive receptors and on a highly suitable site with minimal environmental values.

The project has been informed by an extensive community engagement strategy that to date has involved meetings with multiple State and Local Government and agencies, along with door knocking, a community information day, newsletters and fact sheets. More engagement is proposed to coincide with the planning application.

The amendment application is supported by the following updated technical assessment:

- Updated Transport Impact Assessment – onemilegrid (12 March 2024)
- Updated Landscape and Visual Impact Assessment – Orbit Solutions (21 February 2024)
- Updated Stormwater Management - Dalton Consulting Engineers (26 March 2024)
- Updated Noise Impact Assessment – SLR Consulting (13 May 2024)
- Updated Fire Hazard and Risk Assessment – NJM Designs (21 December 2024)

- Fire Hazard Summary of Design and Assessment Changes – NJM Designs (12 January 2024)

The following technical impact assessments have not needed to be updated as part of this amendment application (and remain valid):

- Flora and Fauna Impact Assessment – Nature Advisory (28 July 2023).
- Preliminary Aboriginal Heritage Test – JEM Archaeology (28 Feb 2023).

The Proposal is considered to have strong alignment with the applicable zones and overlays, and key State, Regional and Local policy of the Moorabool Planning Scheme, and implements a range of Federal and Victorian policy objectives in relation to renewable energy and emissions reduction.

This report outlines the Proposal, details the site and locality, and provides a detailed planning assessment of the Proposal against the Moorabool Planning Scheme and relevant Federal policy.

Figure 1 – Proposed Elaine BESS with native vegetation screening

2. Site & Context Analysis

This chapter provides a description of the immediate and broader physical context of the site as it is relevant to the Proposal.

2.1 The Site

The site at 225 Elaine-Blue Bridge Road (19C\PP3271, 1\PS630660 and 2\PS630660) is approximately 6 hectares in size, and comprises the land proposed to be used for the BESS, the adjacent road reserve, and a short transmission line connecting the BESS with the terminal station. Figure 4 the land identified as the site.

The site is currently used for agricultural grazing. It is part of a wider agricultural holding that is also used for grazing and was formerly used as a gravel quarry to support the construction of the adjacent terminal station

The site is bounded by the Elaine Terminal Station to the east, an access road to the south and farmland to the north and west. There is an existing row of screening vegetation along the northern boundary of the site, planted within the adjacent lot. The site is currently bounded by farming fences, with existing access from a gate in approximately 250 metres to the south-west.

Figure 2 – Subject site looking east towards the Elaine Terminal Station

The site features no natural waterways, although a shallow drainage line does cross the site, draining from the adjacent terminal station to the south west and avoiding the adjacent western dam. This western dam, understood to be constructed in the last 5 years to support the construction of the terminal station, is outside the site and no works are proposed on the western dam.

Figure 3 – Subject site looking west towards the adjacent dam, with Lal Lal Wind Farm in background.

Consistent with the ongoing use of the site for grazing, there is minimal native vegetation on the site. Vegetation in the site consisted largely of introduced pasture grasses. The only native vegetation found in the site consisted of scattered Rush in wet areas.

The site contains no trees, except for small plantings adjacent to the roadside along the southern boundary of the site and the recently planted screening vegetation to support the adjacent terminal station.

The land is generally flat with few changes in elevation, except for the shallow drainage line that runs across the site towards the southwest. There are some large earth mounding to the immediate east of the site associated with the terminal station construction.

A two-metre-wide easement exists along the southern boundary of the site for the purpose of "Power Supply (underground)." The easement is in favour of Powercor Australia Limited, who are understood to be a related business to the owners of the adjacent Elaine Terminal Station (Transmission Operations Australia Pty Ltd). No battery units or associated infrastructure are proposed to be built within the easement. Works within the easement will be limited to the vehicle crossover and vegetation screening.

Importantly, there are no known covenants or restrictions on the titles that bind the land to a particular use into the future, or constrain the project in any way.

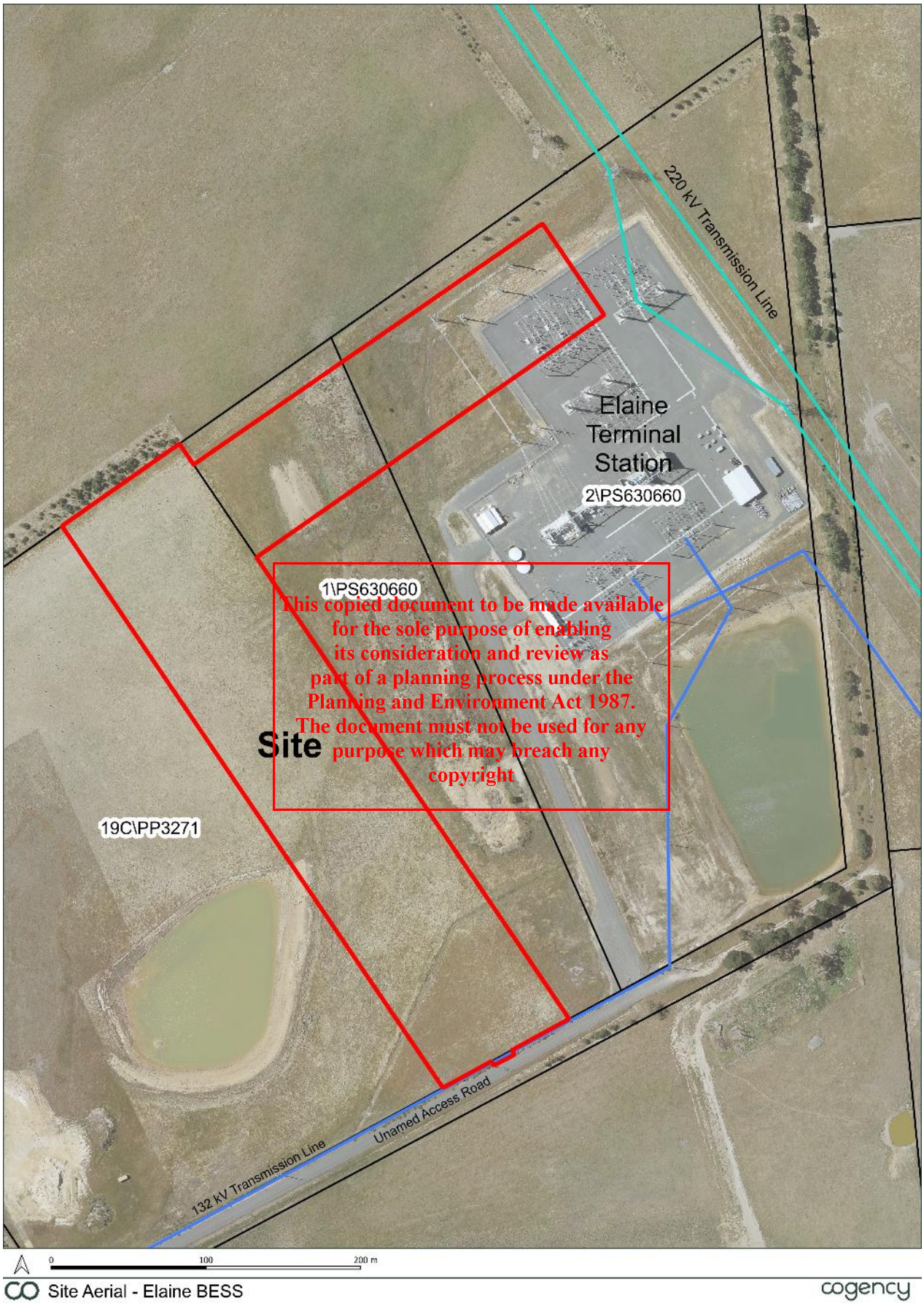


Figure 4 - Site Aerial

2.2 Context analysis

The site is located within the locality of Elaine, within a mostly agricultural area, approximately 5 km north of the township of Elaine and 23 km southeast of the nearest city, Ballarat. The township is located between Clarendon to the north and Meredith to the south, and has a population of 232 (ABS, 2021). The town comprises a number of shops, the Railway Hotel and community facilities such as the Elaine Recreation Reserve and CFA brigade.

Figure 5 – Context Plan

The site is within Moorabool Shire Council, and in proximity to Golden Plains Shire Council and the City of Ballarat. The region has traditionally been dominated by agriculture, although there is an emerging wind power generation industry. There are four operating wind farms within 20 km of the site (Lal Lal, Mt Mercer, Moorabool, and Yaloak South). The closest is the Lal Lal Wind Farm, approximately 1 km to the south of the subject site.

Figure 6 – Subject site looking south towards the Lal Lal Wind Farm.

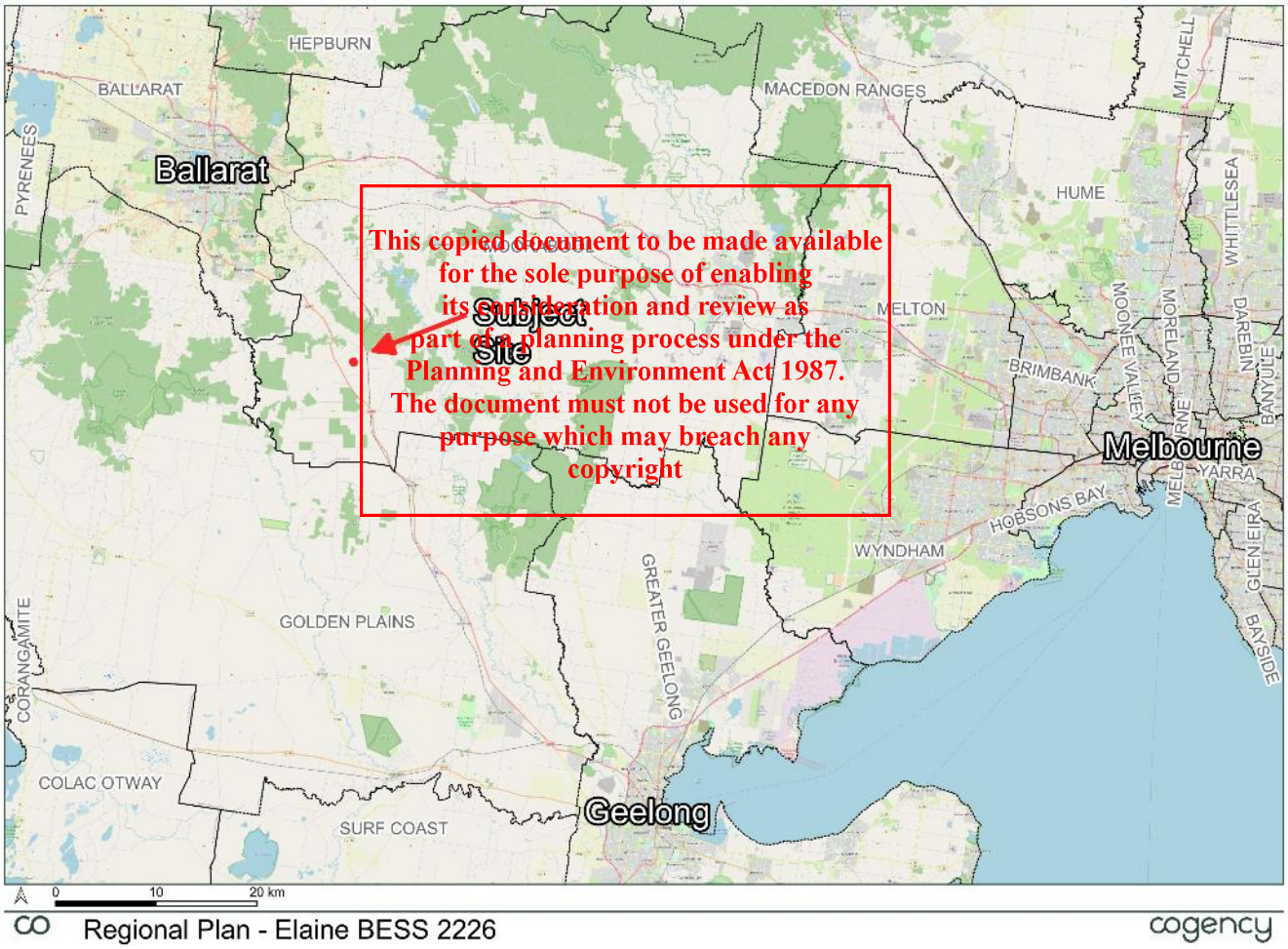


Figure 7 – Regional Plan

The land in the area is generally used for agricultural grazing, with limited cropping and irrigated farmland. The area is dotted with isolated rural dwellings and rural living areas such as Mount Doran, Elaine and Clarendon. There are also some farming related businesses in the area like the Unicorn Park Stud and Equestrian Centre 2.5 km to the northwest.

The Elaine area features several parks and forests such as the Mt Doran State Forest (2.5 km), the Mount Doran Bushland Reserve (4 km), and the Durham Lead Nature Conservation Reserve (5 km). The area also features several pine plantations.

The adjacent Elaine Terminal Station was originally constructed for the Mt Mercer Wind Farm in 2013, and was subsequently expanded in 2018 to accommodate the Moorabool Wind Farm connection and in 2019 to accommodate the Lal Lal Wind Farm. The terminal station is connected to the main 220 kV Moorabool to Ballarat transmission line which extends north west to the Ballarat Terminal Station and south east to Moorabool Terminal Station. The terminal station is also connected to two 132 kV transmission lines, one extends south west to the Mt Mercer wind farm, the other extending south east to the Moorabool wind farm.

Figure 8 – Elaine Terminal Station looking east

The site is relatively isolated from neighbouring dwellings, with the closest dwelling located 1.3 km to the southeast (Dwelling 31 on Figure 9). In total there are 40 dwellings within a 2.5 km radius of the site, with most of these located to the east of the railway line within the rural locality of Mount Doran.

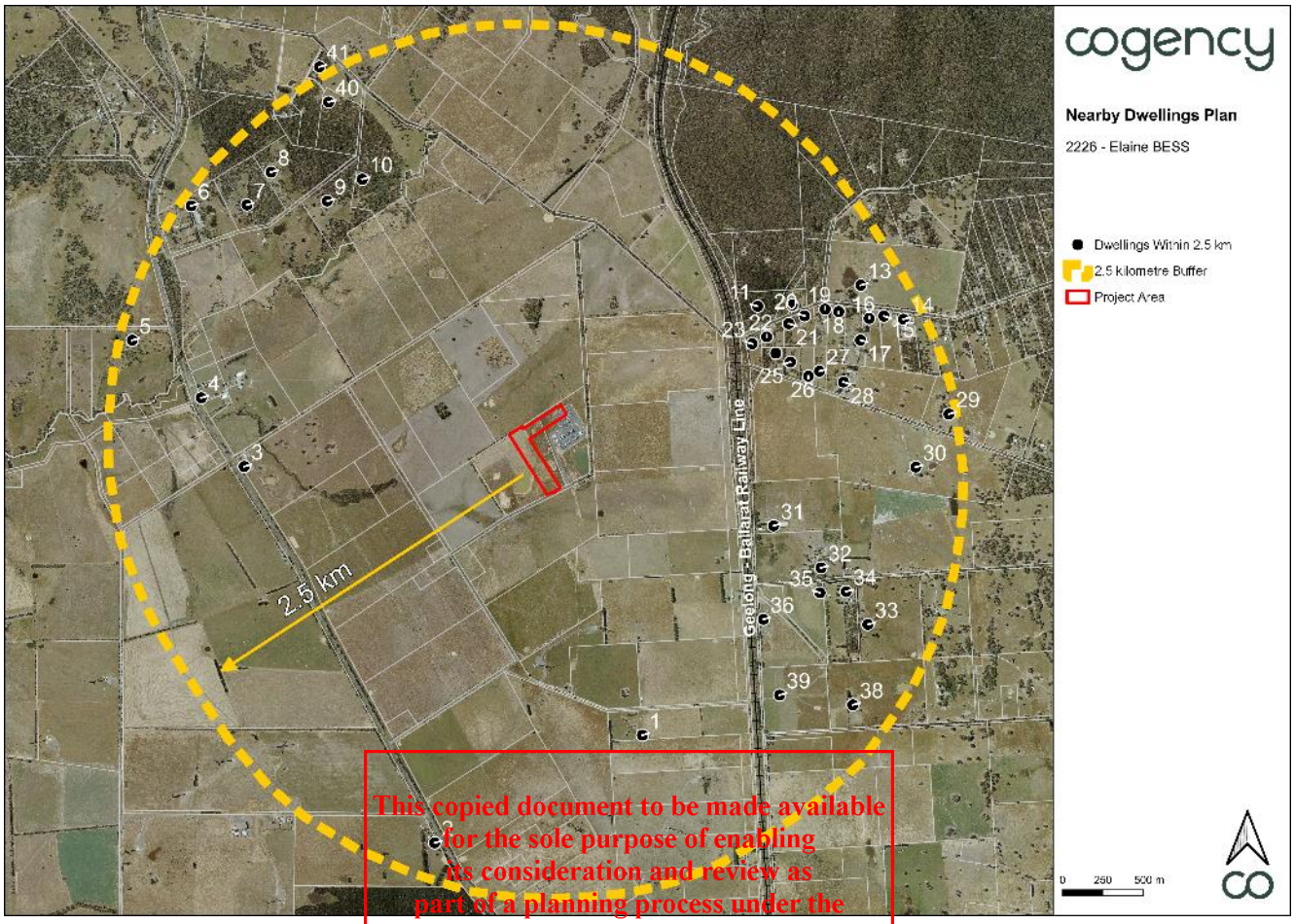


Figure 9 – Nearby Dwellings

2.3 Site Access

Access to the site is provided through an unnamed access road along the southern boundary of the site. The road is used for access to the Elaine Terminal Station and is a relatively wide, unpaved road. It is under the control of Moorabool Shire Council.

The road leads to the Midland Highway (A300) providing convenient access to Ballarat and Geelong. This road is classified as a non-urban arterial road and is under the control of VicRoads and the Department of Transport.

Figure 10 – Unnamed access road adjacent to the site looking west

3. The Proposal

This chapter outlines the details of the proposed amendment, the original permit plans as well as the project justification and benefits.

3.1 Overview of Changes

The amendment application includes the following key changes from the original permit and permit plans:

Table 1 - Overview of Amendment Changes

Item	Permit Plans	Amendment Application
Battery Units	200 MW / 800 MWh 72 units arranged in rows of 6 either side of 6 inverter and transformer units.	311 MW / 1244 MWh 160 units arranged in rows of 5 either side of 5 transformer units.
Inverter and Transformer Units	36 inverter and transformer units arranged in rows of 6, each unit located between 2 battery units.	80 transformer units arranged in rows of 5, each unit located between 2 battery units.
Switch Gear (Ring Main Units or RMU's)	3 units at the centre of 12 battery/inverter and transformer sets.	16 units located, each located adjacent to 5 battery/transformer sets.
Switch and Control Rooms	1 33 kV Switch Room and 1 Control Room located adjacent to the HV substation.	2 switchboard rooms with 1 control room in the middle, located adjacent to the HV substation.
220 kV HV Substation	Located at the north end of the site.	No change.
220 kV Transmission Line connecting to the Elaine Terminal Station	Either an underground or overhead transmission line from the HV substation to connect the north of the Elaine Terminal Station.	No change.
Electrical works within the terminal station	Electrical works within the terminal station connecting the BESS to the National Electricity Market.	No change.
Operations and Maintenance Building	Located in the south-west corner of the site.	Located in the south-east corner of the site.
Storage Containers	No storage containers originally proposed.	4 storage containers located at the south-west corner of the site.
Office Trailer	No office trailer originally proposed.	Office trailer located in the south-east corner of the site.
Water Tanks	Water tanks with capacity to meet CFA requirements located in the south-east corner of the site.	Water tanks with capacity to meet CFA requirements located in the south-west corner of the site.
Access Roads	4 meter wide access roads surrounding all BESS units with a 15 meter wide primary access.	No change, with the exception of additional 4 meter wide access roads in between BESS units.
Emergency Access	Secondary emergency access located to the east of the BESS.	Secondary emergency access located to the west of the BESS.
Native Vegetation Screening	5 meter wide native vegetation screening along the western and southern boundary.	No change.
Firebreaks	10 meter wide firebreaks along all boundaries.	No change.
Security Fencing	Perimeter security fencing around the BESS site.	No change, with the exception of additional fencing separating the HV substation.

Signage	Business identification signage at the primary site entrance.	No change.
Car Parking	Car parking area located in the south-east corner of the site.	Car parking area located in the south-west corner of the site.

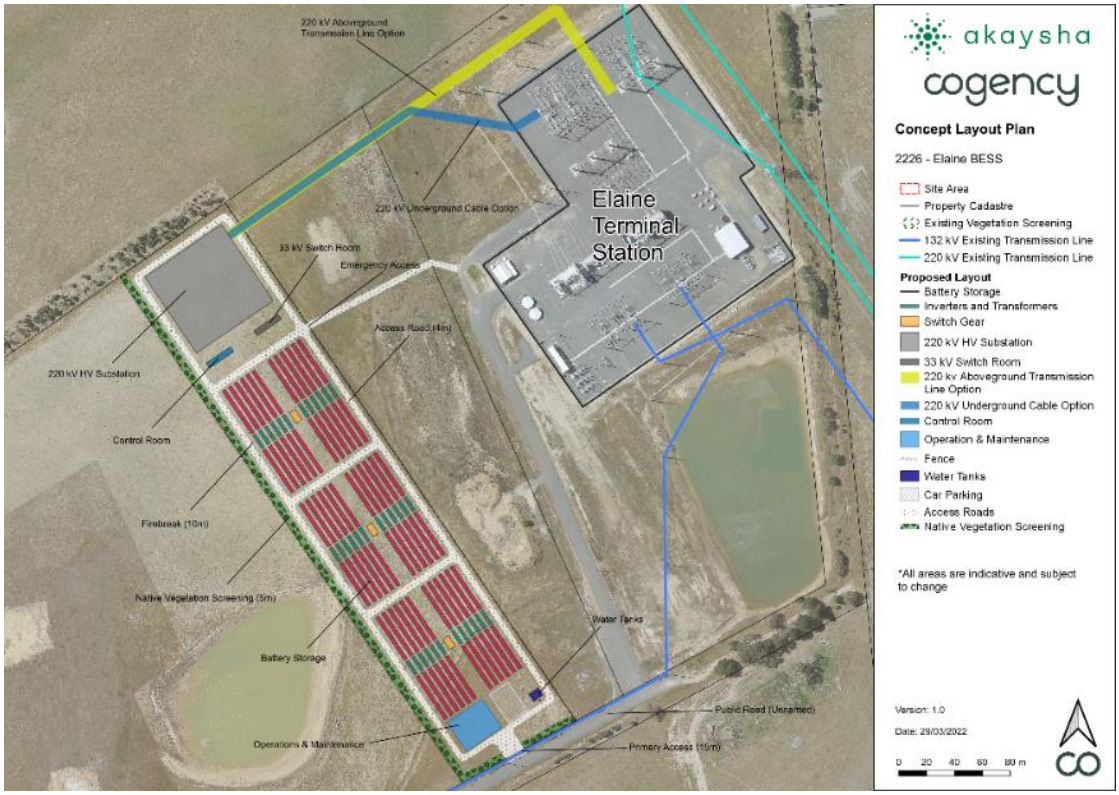


Figure 11 - Permit Plans Preliminary Concept Design

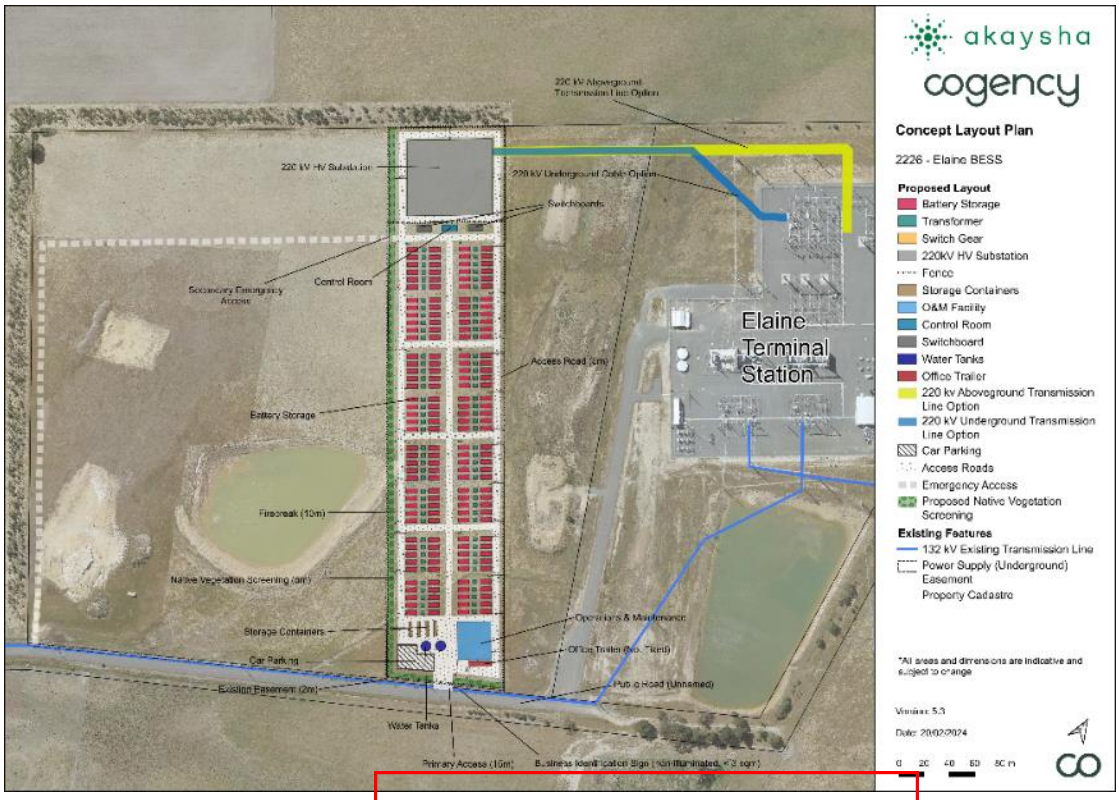


Figure 12 – Proposed Amendment: Preliminary Concept Design

3.2 Battery Storage

The Proposal includes 160 battery units arranged in rows with the transformers located at the centre of these rows. The batteries are arranged in eight sections bordered by access roads. The batteries are fully self-contained with cooling and fire prevention equipment located within each unit. The modularity of the batteries allow for ease of construction and maintenance.

The Proposal includes a managed firebreak of 10 metres surrounding all battery units, substation and associated infrastructure.

Outside the firebreak on the western and southern boundaries, the Proposal includes a 5 metre wide area for native vegetation screening. This will be planted with vegetation native to the Elaine area and will be managed by the proponent until the vegetation is self sufficient.

3.3 Associated Infrastructure

The northern quarter of the site will be occupied by the substation, control room and switch room (Figure 13). This infrastructure converts the lower voltage electricity coming from the battery units to the higher voltage needed to connect to the grid at the Elaine Terminal Station.

At the southern end of the site, adjacent to the entry, is the operations and maintenance building, storage containers, office trailer and car parking area. This allows for the ongoing operations of the facility once completed.

Water tanks and firefighting facilities will also be located at the southern end of the site, adjacent to the car parking area. The water facilities will be constructed to the standards of the local CFA unit (Section 6.2 of the *Design Guidelines and Model Requirements: Renewable Energy Facilities, Country Fire Authority (CFA), March 2022*).

All battery units and associated infrastructure will be coated in a non-reflective, muted finish. This will reduce the visual impact of the Proposal and ensure compliance with the Design and Development Overlay – Schedule 2.

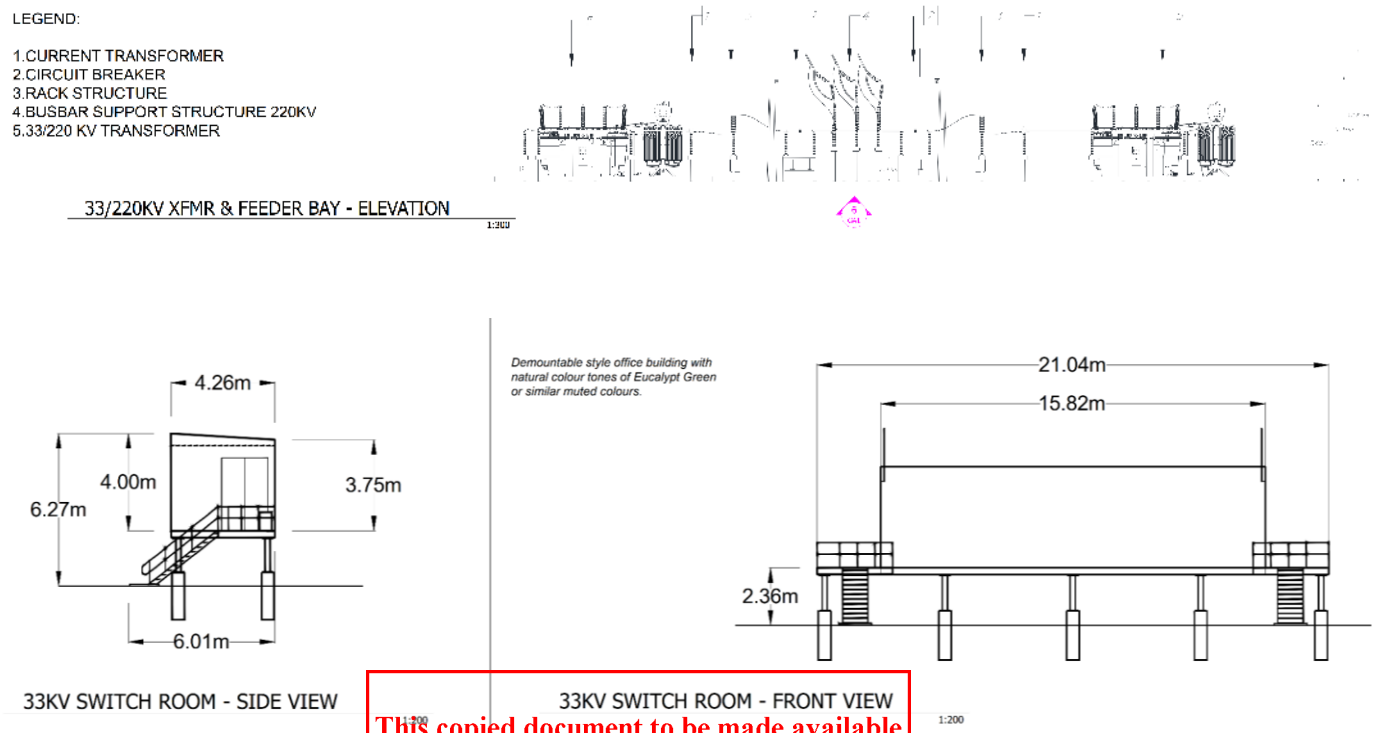


Figure 13 - 220 kV Substation and 33 kV Switch Room indicative elevations

3.4 Grid Connection

The Proposal includes an approximately 300m connection to the National Energy Market (NEM) at the Elaine Terminal Station. The connection will be a 220 kV transmission line from the substation at the north of the site to the north of the terminal station. The line will either be an overhead or underground line and will be located strategically to avoid the native vegetation on the site, and to minimise disruption at the terminal station.

If underground, the transmission line will be constructed using a cut and fill method, reducing the need for major excavation works. If overground, the line will feature several single pole towers of approximately 21 m high. More details of the transmission line will be determined within the detailed design phase and once the grid connection agreement has been finalised.

Electrical works within the terminal station will also be required where the proposed transmission line enters the terminal station.

3.5 Access

Access within the site is provided by 4 metre wide access tracks surrounding all battery units and associated infrastructure. These tracks are designed to accommodate both construction and operational traffic on site, including access for fire trucks in accordance with CFA guidelines .(Section 6.2 of the *Design Guidelines and Model Requirements: Renewable Energy Facilities, Country Fire Authority (CFA), March 2022*).

Primary access to the site will be through a 15 metre wide crossover to the unnamed access road to the south of the site, which will connect the site to the Midland Highway. This crossover has been located in an area that minimises the need for native vegetation removal. The width of this crossover has been driven by traffic engineering advice and will accommodate turning circles for trucks.

Emergency secondary access will also be provided to the east of the site via an emergency access track through the terminal station.

The original permit called for minor works at the intersection of the Midland Highway and Murphys Road to allow for access for larger vehicles during the construction phase through the construction of a right hand turn lane. Through further refinement to the traffic impact assessment (onemilegrid – 12 March 2024) it was found that this intersection upgrade is not required according to VicRoads standards. More details of this change can be found in Chapter 6.4.

Onsite parking for operations and maintenance workers is located at the south of the site, adjacent to the proposed Operations & Maintenance building and the Water Tanks.

3.6 Employment

An important aspect of the project is the creation of employment, both during construction and operation.

The development of the Elaine BESS, representing a $400 – 500m investment, is expected to create approximately 140 jobs for the construction stage of the project. These jobs will be both local and international, comprising jobs in the fields of manufacturing, electrical, civil engineering, roadworks, cabling, construction, fencing, and construction.

Beyond construction, there are expected to be 3 ongoing employees based at the site for the lifetime of the project.[1]. These jobs will be responsible for operations and maintenance of the facility, including reporting, safety, monitoring, and upkeep of the facility. These jobs will be entirely local, drawn from the Elaine or wider region.

The project will play an important role in growing the renewable energy generation and storage industry in Victoria. As the state's energy supply transitions to renewable energy, more demand for storage will be created. The construction and maintenance of the Elaine BESS will include upskilling local workers and utilising local contractors and suppliers. This will grow Victoria's ability to build and operate battery storage, securing the future competitiveness of other projects in the local energy sector.

3.7 Project Justification

3.7.1 Site suitability

The site is well suited battery energy storage system, and benefits from a location close to the Victorian State Government's designated Western Victoria and South West Renewable Energy Zones (REZs)(Figure 14). The site is deemed as suitable for the use and development of a BESS for the following reasons:

- Relatively flat topographic conditions.
- Far away from sensitive receptors (nearest dwelling >1km away).
- Close to a grid connection point at the Elaine Terminal Station.
- Close to main roads and transport.
- Not located within a declared irrigation district or state significant watercourse.
- Not characterised as having State significant landscape values or State significant agricultural land.
- Not within an identified area of Cultural Heritage Sensitivity.
- Land has already experienced significant ground disturbance and clearing.
- Minimal existing native vegetation within the site area.

[1] Construction and ongoing employment numbers have been calculated from similar projects across Australia. Exact employment numbers will be confirmed closer to construction.

The Elaine Terminal Station is the connection point for three lager scale wind farms, being:

- Lal Lal Elaine Section (84 MW)
- Moorabool (312 MW)
- Mount Mercer (131 MW).
- Elaine Solar Farm – not yet constructed (150 MW)

These wind and solar farms produce energy at all hours of the day and do not always match with the electricity demand. The Elaine BESS will store power at times when demand is low and release that energy when demand is high.

Elaine is also central to the Victorian grid, offering a location that is close to major loads of Melbourne, while having good access to Victoria's major transmission lines.

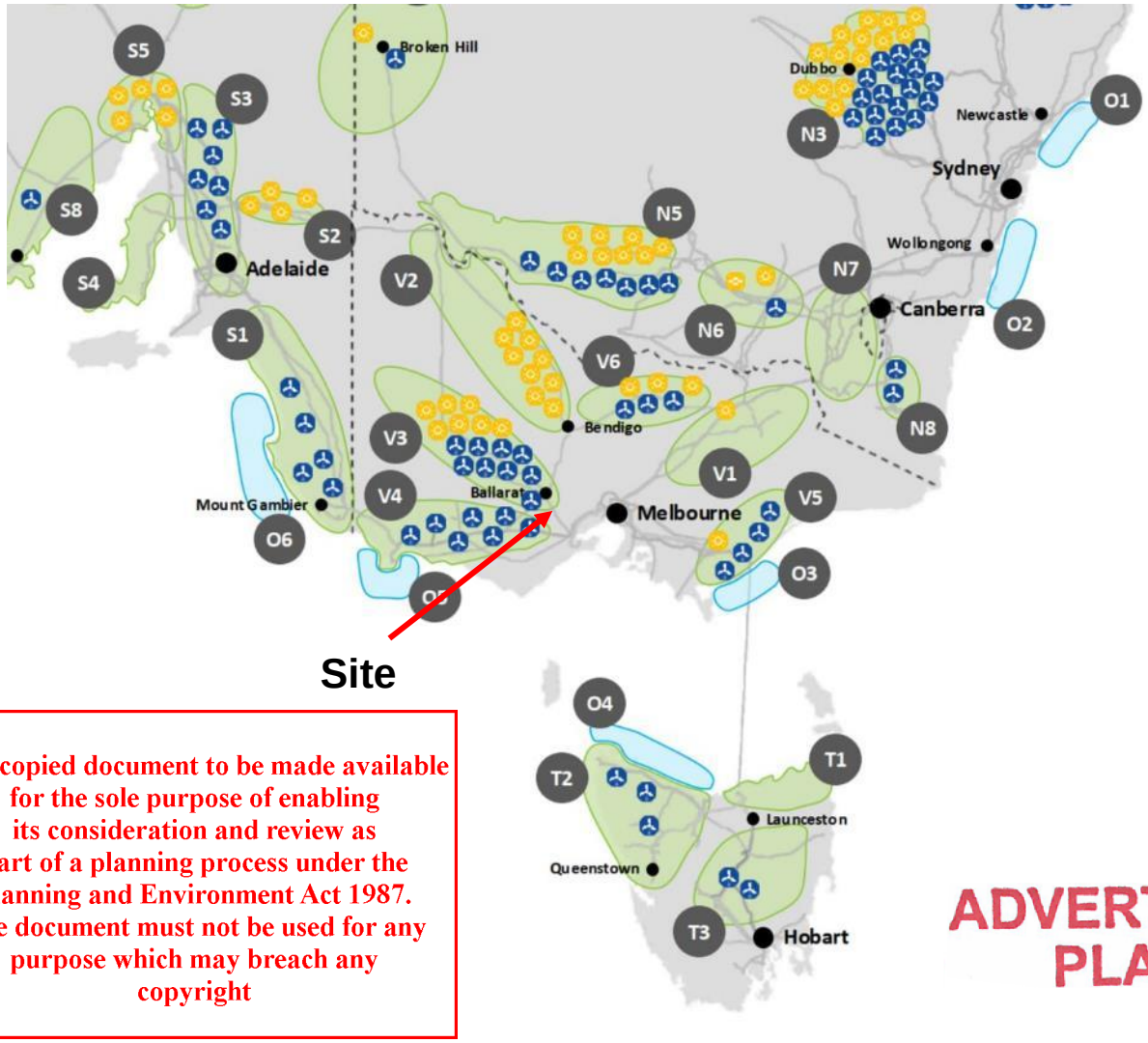


Figure 14 – Renewable Energy Zones (AEMO ISP, 2022)

3.7.2 Why Battery Energy Storage?

There are a number of reasons for developing a BESS in Victoria.

Battery energy storage is essential to ensuring Australia's electricity grid is prepared for the phase out of traditional coal fired power stations in the coming decades. The variability of renewable energy sources mean that there is a need for storage within the grid to supply power during periods of low generation.

Further, the continued popularity of domestic rooftop solar is leading to an oversupply of generation in the middle of the day during sunny periods, offering the opportunity to store power during this time, and release it in the early evening when solar is not generating. BESS can also complement wind power, such as nearby Lal Lal Wind Farm, by storing energy during windy periods and discharging during still periods.

Battery storage technology has advanced to a point where it is cheaper and more efficient compared to other energy storage solutions such as pumped hydro.

Another important aspect of the Elaine BESS is its role in grid stabilisation. Battery energy storage systems are able to stabilise the grid through the ability to rapidly increase or decrease output, by providing 'ancillary services' such as frequency and voltage support.

In supporting the introduction of more renewable energy generation, the Elaine BESS will assist with Victoria's renewable energy transition, and support the legislated Victorian Renewable Energy Target for 50% of electricity to be sourced from renewables by 2030, which is soon to be legislated to 65% by 2030 and 95% by 2035.

Importantly, the Proposal is crucial to achieving the soon to be legislated Victorian energy storage targets of at least 2.6 GW by 2030 and 6.3 GW by 2035.

4. Stakeholder and Community Engagement

This chapter outlines the engagement principles, details of the engagement activities and the materials provided to the stakeholders and community.

4.1 Objectives

The community and stakeholder engagement strategy developed for the Proposal is in accordance with DTP's *Community Engagement and Benefit Sharing in Renewable Energy Development: A Guide for Renewable Energy Developers (updated 2021*), *the Solar Energy Facilities Design and Development Guideline (2019)*, and the *International Association for Public Participation's (IAP2) Public Participation Spectrum (2018)*.

The proponent acknowledges that active and early engagement with the community and other relevant stakeholders is a crucial part of the planning process, as it helps to foster greater understanding of and support for the Proposal, and to improve the design and development outcomes through the exchange of knowledge and information.

The proponent is committed to delivering best practice engagement, with the overarching objective of ensuring that the identified community and stakeholder groups are proactively and meaningfully informed, consulted and involved, and that the benefits of the project are genuinely felt by the local community.

The communication and stakeholder engagement objectives are to:

- Deliver an inclusive and robust engagement process that informs, consults, or involves stakeholders (as appropriate) throughout the project's lifecycle.
- Engage early and proactively during the preliminary planning and concept design stage.
- Develop a thorough understanding of the local aspirations and concerns which relate to the Proposal and work with them to achieve mutually beneficial outcomes.
- Develop relationships with targeted stakeholders by raising early awareness and actively engaging with these groups.
- Ensure stakeholders understand how to access information about the project, provide feedback and stay informed.
- Provide a range of mechanisms for the community to ask questions, provide feedback and lodge complaints.
- Promote the project's benefits by establishing clear and consistent messaging to manage misinformation.
- Encourage stakeholder and community input to the key aspects of the Proposal and to the community benefit sharing mechanisms.
- Garner support for the project from the local community and other key stakeholders.
- Keep an up-to-date record providing evidence of all engagement activities undertaken throughout the process.
- Establish a comprehensive database of stakeholders for the life of the project.

4.1.1 Principles

The following principles have guided the preparation of this engagement strategy and the implementation of activities for the proposed Elaine BESS.

Mutual benefit and respect

Deliver shared outcomes of mutual benefit in an equitable way for the local host community, landowners and developer. Provide a space for genuine dialogue where people can participate in respectful discussions that help to identify mutually agreeable solutions. Proactive, well-planned, and regular engagement is effective in achieving mutual understanding and openness.

Relationship-building

Build genuine local relationships, networks and links to key local leaders or organisations, by enabling many avenues for interaction and involvement, and allowing key stakeholders to become project advocates and feedback loops. Help the local community to identify positively with the project and integrate it into their sense of community and place.

Authenticity

Have a strong, authentic and local presence in the local community by providing dedicated staff who are reliably and readily available as the community's trusted 'translator' of technical knowledge, to explain information to the community and stakeholders in a simple yet effective way and to address any misinformation

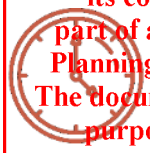
Transparency, trust, and accountability

Commit to an ongoing process of monitoring, evaluating and disclosing information about the project's activities and impacts. Adhere to promises and commitments, to help develop legitimacy and credibility – and ultimately trust – within the community. Provide transparency about the process and how decisions are made.

Ongoing engagement

Provide diverse and ongoing opportunities for engagement throughout the lifecycle of the project. Monitor and evaluate the community engagement, benefit sharing and social impact management programs to identify areas for improvement and/or modification.

Responsiveness



Listen and respond to community needs and concerns in a comprehensive and timely manner. Maintain a record of the key issues raised and/or complaints received to date and how they were resolved.

Social feasibility

Understand, minimise and offset the risk of negative social impacts across a project's lifecycle by taking into consideration the many social factors through the use of appropriate social analysis tools and integrating them, alongside the technical and economic factors, into the proposed development.

Fairness

Ensure that consultation is two-way and that opportunities exist for local community members and other stakeholders to participate, with access to balanced information, and having their ideas justly considered, responded to, and incorporated where possible.

Appropriateness

Consider how the project is scaled appropriately for the local environment. Tailor and adapt engagement and community benefit sharing schemes in line with the local history, context, priorities and needs.

Inclusiveness

Identify a wide range of different stakeholders across the local and regional communities, and ensure that the channels and methods of engagement are tailored to the needs of each stakeholder group so that they are engaged with appropriately and effectively

4.2 Engagement Activities for Original Application

As part of the early design and planning phase of the project, and to support the original application, the project team undertook several engagement activities prior to and during the planning submission in accordance with the engagement strategy. These activities are described below.

4.2.1 Neighbouring Properties Door Knock

As part of the Community Engagement Strategy, a door knock was held on 13 January 2023. The purpose of the door knock was to reach out to those living closest to the Proposal, explain the Proposal and offer to answer any questions they may have had. The Cogency engagement team attempted to door knock all 41 dwellings within a 2.5 km radius of the proposed BESS. Please refer to Figure 15 for the location of the nearby dwellings.

Several topics were raised by residents, including:

- Questions about what is battery storage is and why is it needed,
- Feedback on the current lighting at the substation at night and if there will be more lighting required, and
- Request for landscaping around the site.

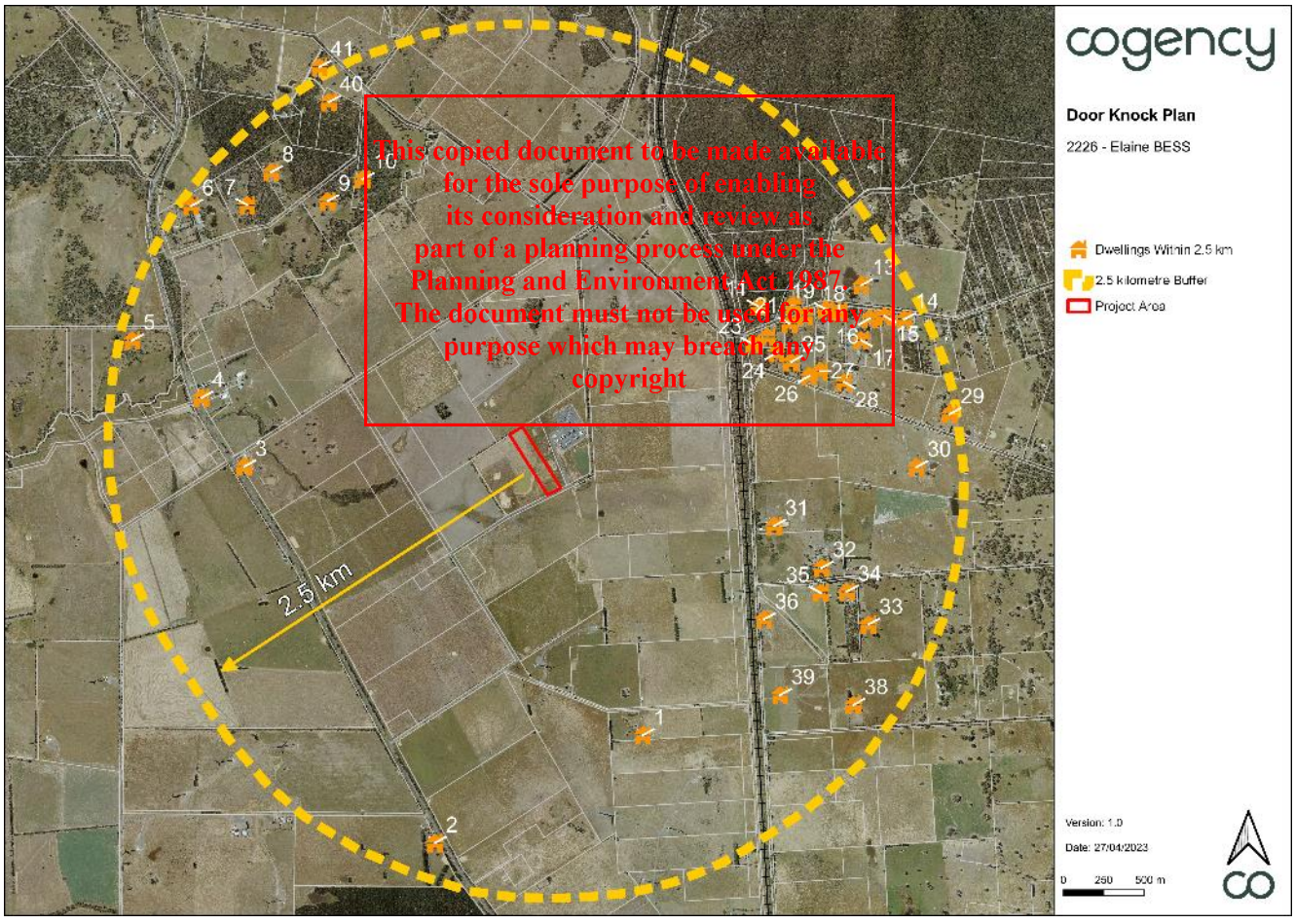


Figure 15 - Door Knock Plan

4.2.2 First Community Information Day

A community information day was held on 4 February 2023 at the Elaine Mechanics Institute (Figure 16). The purpose of the information day was to give the local community an opportunity to meet the project team, learn more about the project and to ask questions in person. The information day was hosted by Cogency and included members of the project team. Within the hall there were fact sheets, the Concept Layout Plan (Figure 12) and a context map.

The community information day was advertised in the local newspaper (Moorabool News) on 18th January, 25th January and 1st February. Email invitations, including the project fact sheet, were also sent to the following people/organisations:

- Moorabool Shire Council, planning team, and Councillor Tom Sullivan (current Mayor and Councillor for the West Moorabool Ward (Elaine).
- Elaine Rec Reserve Committee.
- Elaine Mechanics Institute Committee.
- Local Federal member, Catherine King (ALP).
- Local State member, Michaela Settle (ALP Victorian branch).

The above organisation were invited to distribute the community information day email around their networks. Copies of the project fact sheet were distributed through the Elaine Farm Supplies post office as well as fact sheets being left with the Elaine Farmacy (general store).

Some of the topics raised by the community and discussed with the project team were:

- Current noise emissions from the terminal station,
- Fire management questions,
- Location of the BESS,
- Details of the brand and type of battery,
- Construction timetable,
- Landscape screening, and
- Current terminal station lighting.

Figure 16 – First Community Information Day at the Elaine Mechanics' Institute

4.2.3 Second Community Information Day

A Second Community Information Day was held at the Elaine Mechanics institute Hall, 20 Pearsons Road, Elaine VIC on 16 September 2023. The information day was held to coincide with the public notification of the planning application. The information day was hosted by Cogency and included members of the project team. Within the hall there were fact sheets, the Concept Layout Plan, photo montages and printed technical impact assessments and planning reports.

Email invitations were sent to the following stakeholders with the Project Details fact sheet attached:

- Moorabool Shire Council – All Councilors, including Mayor – Rod Ward, and Councillor for West Moorabool Ward (Elaine) – Tom Sullivan
- Moorabool Shire Council CEO
- Moorabool Council Planning Team
- Elaine Rec Reserve Committee
- Elaine Mechanics Institute Committee
- Local Federal member, Catherine King (ALP)
- Local State member, Michaela Settle (ALP Victorian branch)
- Department of Transport and Planning, Michael Juttner
- Department of Transport and Planning, Jeff Neville

Key issues raised at the information day included:

- BESS and EMF radiation.
- Concerns surrounding power reliability.
- Body in charge of the buying and selling of power.
- Mobile Phone reception impacts.
- Fire risks associated and mitigation.
- The Elaine Solar Farm.
- Landscaping and success of previous landscaping
- Connection with Lal Lal Wind Farm.

There was a generally positive response to the BESS and how it will benefit to the township of Elaine, and no overt objections raised by the attendees.

Figure 17 - Second Community Information Day at the Elaine Mechanics Institute

4.2.4 Pre-Application Meeting with DELWP (now DTP)

A pre-application meeting was held on 10 October 2022 with the DELWP Renewables Team, headed by Michael Juttner, and the Elaine BESS project team. Broadly the meeting discussed the following aspects of the Proposal:

- Removal of native vegetation,
- Location of the BESS,
- Transport network impacts,
- Bushfire mitigation,
- Community and stakeholder engagement,
- The Lal Lal wind farm, and
- Planning application lodgement.

4.2.5 Pre-Application Meeting with Moorabool Shire Council

A pre-application meeting was held on 3 October 2022 with Moorabool Shire Council Planning Team and the project team. Broadly the meeting discussed the following aspects of the Proposal:

- Size and scale of the development,
- Fire management,
- Noise,
- Community engagement, and
- The design and development overlay.

4.2.6 Pre-Application Meeting with the Wadawurrung Traditional Owners Aboriginal Corporation

A pre-application meeting was held with the Wadawurrung Traditional Owners Aboriginal Corporation on 11 April 2023. The Wadawurrung are the Registered Aboriginal Party (RAP) for the Elaine area. The aim of the meeting was to inform the Wadawurrung representatives of the project and the potential impacts as well as to give the RAP an opportunity to ask questions and provide feedback.

Broadly, the following was discussed in the meeting:

- The project and approaches taken by JEM Archaeology
- The benefits of the Proposal
- Previous Cultural Heritage Management Plans on the site and surrounding area
- Opportunities for involvement in landscaping and naming
- Details on the voluntary Cultural Heritage Management Plan process

4.2.7 Pre-Application Meeting with Fire Rescue Victoria

A pre-application meeting was held with Fire Rescue Victoria on 28 April 2023. The meeting was hosted by NJM Design with the aim of informing the Fire Rescue Victoria representative of the work done to date in relation to the Fire Hazard and Risk Assessment as well as to receive some early feedback on the report.

Broadly, the following was discussed in the meeting:

- Proposed strategies in the event of a battery fire
- Provision of water for the use of firefighting
- Risk of fire from neighbouring properties
- Further consultation with local CFA brigade in future

4.3 Engagement Activities for the Proposed Amendment

4.3.1 Pre-Application Meeting with DTP

A pre-application meeting was held with the DTP renewables team on 9 May 2024. The purpose of the meeting was to re-introduce the project to the Department, outline the proposed amendment and to allow for initial feedback.

Broadly, the following was discussed in the meeting:

- Changes to the traffic conditions.
- Noise changes and implications for the EPA noise condition.

4.3.2 Project Update Meeting with Moorabool Shire Council

A meeting was held with Moorabool Shire Council representatives on 23 May 2024. The purpose of the meeting was to re-introduce the project to the Council, outline the proposed amendment, discuss community engagement and potential community benefits sharing, and to allow for feedback.

Broadly, the following was discussed in the meeting:

- The original permit approval.
- The proposed amendment details.
- Ongoing community engagement plans.
- Potential benefit sharing options.
- Cumulative impacts from surrounding renewable energy developments.
- VicGrid and the role of benefit sharing across Victoria's REZs.
- Community sentiment towards energy developments in Moorabool.

4.3.3 Future Planned Engagement

As a part of the amendment process, additional community engagement activities are planned to be undertaken. This includes a third community information day to align with the public notification of the amendment, door knocking and letter drops for neighbouring properties, and further engagement with Moorabool Shire Council and local representatives.

The goal of this next stage of community engagement is to ensure the community is informed about the changes proposed, as well as to allow for initial feedback to Akaysha's community benefits scheme that will be implemented throughout the construction and operation phases of the project.

5. Planning Assessment

The Moorabool Planning Scheme outlines a range of State, Regional and Local policies, along with detailed planning provisions, that direct future use and development of the site. As this application is for an amendment to the approved planning permit, and the changes affect only some aspects of the Proposal, not all policies and clauses will be relevant to the amendment. For completeness, however, the full range are discussed in this chapter.

Having regard to the Moorabool Planning Scheme, the following permit triggers apply to the Proposal:

- Clause 35.07.1 – Use of land for a utility installation (BESS).
- Clause 35.07.4 – Buildings and Works for a section 2 use and within 5 metres of a boundary.
- Clause 35.07-s-1.0 – Earthworks which change the rate of flow or the discharge point of water across a property boundary.
- Clause 52.03-15 – Signage
- Clause 52.17-1 – Removal of 0.028 hectares of native vegetation

5.1 Commonwealth Legislation and Policy

5.1.1 Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is Australia's federal environmental law that provides environmental protection in relation to Matters of National Environmental Significance (MNES). The EPBC Act ensures that nationally significant animals, plants, habitats and places are identified, and any potential negative impacts on them are carefully considered before changes in land use or new developments are approved.

There are nine MNES that are covered by the EPBC Act:

1. World heritage properties
2. National heritage places
3. Wetlands of international importance (listed under the Ramsar Convention)
4. Listed threatened species and ecological communities
5. Migratory species protected under international agreements
6. Commonwealth marine areas
7. Great Barrier Reef Marine Park
8. Nuclear Actions (including uranium mines)
9. A water resource, in relation to coal seam gas development and large coal mining development

Assessment

A Flora and Fauna Impact Assessment was completed by Nature Advisory (refer to Chapter 6.1). In relation to MNES, it concludes that the likelihood of occurrence of species listed under the EPBC Act in the study area indicates that two listed flora and one fauna species have the potential to occur and are susceptible to impacts by the proposed works, if they were found to occur:

- Spiny Rice-flower (Critically Endangered under EPBC Act and FFG Act)
- Matted Flax-lily (Critically Endangered under EPBC Act and FFG Act)
- Growling Grass Frog (Vulnerable under the EPBC Act)

A detailed survey of the site was undertaken on 16 February 2023 to identify an area suitable for removal for a roadway. It was assessed that the area was very unlikely to support Spiny Rice Flower or Matted Flax Lily due to its history and low quality. During the initial site investigations, it was found that Growling Grass Frog may potentially utilise the nearby dam. In response to the potential presence, a spring survey was undertaken in November 2023, and the survey found no presence of Growling Grass Frog.

In addition to the Flora and Fauna Impact Assessment, a referral under the EPBC act was submitted in December 2023. DCCEWW found on 20 May 2024 that the Proposal was not a controlled action, meaning no additional assessment or decisions are required under the EPBC Act.

5.1.2 Paris Climate Agreement 2016

Australia is a party to the Paris Agreement, which came into force in 2016 and aims to strengthen the global response to the threat of climate change by "holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit temperature increase to 1.5°C".

Under the Paris Agreement, Australia must submit emissions reduction commitments known as Nationally Determined Contributions (NDCs). In 2021, Australia's NDCs were updated as follows: "committed to net zero emissions by 2050, inscribed low emissions technology stretch goals, affirmed the 2030 target, and reported 2021 projections results showing Australia is on track to exceed this target by up to 9 percentage points." Australia will submit its second NDC to the UNFCCC in 2025.

Assessment

The proposed Elaine BESS will contribute to Australia's commitment to the Paris Climate Agreement by allowing more renewable energy projects to connect to the National Energy Market and is in line with recent Federal announcements regarding a long-term emissions reduction strategy.

The additional capacity proposed in this amendment will further contribute to Australia's Paris targets.

5.2 State Legislation

5.2.1 Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* (AH Act) and associated regulations provides protection of Aboriginal cultural heritage and links the protection of Aboriginal cultural heritage more directly with planning and land development processes. It is an offence under the AH Act to harm Aboriginal cultural heritage. Development that potentially harms Aboriginal cultural heritage may require a Cultural Heritage Management Plan (CHMP).

The Aboriginal Heritage Regulations 2018 set out circumstances that trigger the requirement for a CHMP. A CHMP is required for a proposed activity,

- if:
  a) all or part of the activity area for the activity is an area of cultural heritage sensitivity; and,
  b) all or part of the activity is a high impact activity.

Assessment

A Preliminary Aboriginal Heritage Test (PAHT) has been completed by JEM Archaeology (Chapter 6.3). This found that a mandatory CHMP was not required because the site is not defined as an area of cultural heritage sensitivity.

Regardless of the mandatory CHMP requirement, Akaysha undertook a voluntary CHMP process alongside the planning application. The CHMP was approved by the Wadawurrung Traditional Owners Aboriginal Corporation

(the RAP) on 9 October 2023 after extensive consultation and heritage study undertaken by JEM Archaeology on behalf of Akaysha.

5.2.2 Climate Change Act 2017

The Climate Change Act 2017 establishes the legislative foundation to manage climate change risks, maximise the opportunities from decisive action and drive Victoria's transition to a climate resilient community and economy. The Act establishes the long-term emissions reduction target of net-zero by 2050. The Act requires the government to develop a Climate Change Strategy which sets out how the state will meet its 5 yearly targets. The Act sits alongside other key climate change initiatives including Victoria's Climate Change Framework and Victoria's Renewable Energy Action Plan.

The current interim target for the period of 2021-2025 is for emissions to reduce 28-33% below 2005 levels by the end of 2025. This will be followed by the interim target for the period of 2026-2030 for emissions to reduce 45-50% below 2005 levels.

Assessment

The proposed BESS will contribute to Victoria's target by allowing more renewable energy projects to connect to the grid. The Elaine BESS will play a crucial role in transitioning the grid from traditional fossil fuel generators to variable renewable energy generators.

The increased BESS capacity as a part of the proposed amendment will further contribute to Victoria's renewable energy targets.

5.2.3 Environment Effects Act 1978

The potential environmental effects of a proposed development may need to be assessed under the *Environment Effects Act* 1978 (EE Act).

Not all projects need to be assessed under the EE Act. The proponent needs to determine initially whether the project is likely to have a 'significant effect on the environment' and whether it needs to be referred to the Minister for Planning. Once a project has been referred, the Minister for Planning determines whether an environmental assessment is required under the EE Act. The Minister can decide that:

- An Environmental Effects Statement (EES) is required;
- An EES is not required; or
- Subject to conditions, an EES is not required.

The *Ministerial Guidelines for Assessment of Environmental Effects* (eighth edition, 2023) (Ministerial Guidelines) supplement the EE Act by provide detail about the administration of the environmental assessment process. The Ministerial Guidelines include a referral criteria and state that a 'significant effect on the environment' will reflect the following factors:

- significance of the environmental assets affected, in relation to:
  - character of the potentially affected environmental assets
  - geographic occurrence of the environmental assets
  - values or importance of the environmental assets, based on expert knowledge, relevant policy and evidence of social values
- potential magnitude, extent and duration of adverse effects on environmental assets in the short, medium and longer term, as a result of the development, operation and where relevant, decommissioning of a project

- potential for more extended adverse effects in space and time, as a result of interactions of different effects and environmental processes affecting environmental assets.

Assessment

Based on the findings of the Flora and Fauna Impact Assessment and discussions with DTP, the proposed BESS will not meet the criteria that warrants an EES referral. This is because of the small flora and fauna removal area (0.028 ha) and the lack of environmental values present on the site. None of the referral criteria from the Ministerial Guidelines for Assessment of Environmental Effects are met. This means that an EES referral to the Minister is not necessary.

The proposed amendment will not result in additional Flora and Fauna impacts.

5.2.4 Environment Protection Act 2017

The Environment Protection Act 2017 (EP Act) came into effect on 1 July 2021, and includes environmental obligations and protections for the environment and human health, using a prevention-based approach. It includes the General Environmental Duty (GED).

The Act gives EPA powers and tools to prevent and minimise the risks of harm to human health and the environment from pollution and waste. It also provides EPA with the ability to pursue stronger sanctions and penalties to hold environmental polluters to account.

The main functions of the Act include:

- setting out 11 principles of environment protection.
- setting out the legislative framework for the protection of human health and the environment from pollution and waste.
- providing for a GED to minimise risks of harm to human health and the environment from pollution or waste.
- establishing a permissions scheme that enables EPA to issue or grant development licences, operating licences, pilot project licences, permits (including in relation to tunnel boring machine spoil) and registrations.
- providing a framework for the management of waste.

Assessment

The Proposal is consistent with the purposes of the EP Act. Provisions for the protection of the natural environment and health of the surrounding community have been described in the Flora and Fauna Impact Assessment (Chapter 6.1), as well as in the Landscape and Visual Impact Assessment (Chapter 6.5). A Development License under this Act is not required.

The proposed amendment will have no impact on requirements under the EP Act.

5.2.5 Flora and Fauna Guarantee Act 1988

The *Flora and Fauna Guarantee Act 1988* (FFG Act) is a key piece of legislation for the conservation of threatened species and communities and for the management of potentially threatening processes. The FFG Act places an emphasis on prevention to ensure that more species do not become threatened in the future.

The FFG Act was amended in 2020 to introduce a national approach to the assessment and listing of threatened species, the Common Assessment Method (CAM).

Assessment

The Proposal is consistent with the purposes of the FFG Act in that it does not impact on threatened species or communities. The planning application is accompanied by a Flora and Fauna Impact Assessment (Chapter 6.1) which addresses the requirements of the FFG Act.

The proposed amendment will not result in additional Flora and Fauna impacts.

5.2.6 Heritage Act 2017

The *Heritage Act 2017* includes provisions to protect and conserve the cultural heritage of the state, to establish a Victorian Heritage Register, a Heritage Inventory, a Heritage Council and a Heritage Fund, to provide for the management of World heritage Listed places, and to create offences and other enforcement measures to protect and conserve cultural heritage.

Section 3 of the act defines cultural heritage as *places and objects of* –

a) cultural heritage significance; or

b) State-level cultural heritage significance.

Assessment

The proposed BESS is generally consistent with the Act as it will not disturb any defined places of cultural heritage significance.

The proposed amendment will not result in any increased impacts to places of cultural heritage significance.

5.2.7 Planning and Environment Act 1987

The purpose of the Planning and Environment Act 1987 (PE Act) is "to establish a framework for planning the use, development and protection of land in Victoria".

The PE Act sets out procedures for preparing and amending the Victoria Planning Provisions and planning schemes, as well as the process for obtaining permits under schemes, enforcing compliance with planning schemes and permits, and other administrative procedures.

The Act is the 'enabling' legislation that provides legal weight to instruments under the Act, including the Victoria Planning Provisions, planning schemes (such as the Moorabool Shire Planning Scheme), regulations and Ministerial directions.

Assessment

The proposed BESS is consistent with the key objectives of the PE Act, as the Proposal seeks to:

- Provide for the fair, orderly, economic and sustainable use, and development of land;
- Protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and
- Balance the present and future interests of all Victorians.

Planning approval is required for an amendment to the planning permit under the Moorabool Shire Planning Scheme (Planning Scheme).

Notably, in accordance with Clause 72.01, the Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act which includes both the original permit application and the proposed amendment under section 73 of the Act. Further assessment under the Moorabool Planning Scheme is found at Chapter 5.4 – 5.8.

5.2.8 Renewable Energy (Jobs and Investment) Act 2017

The Renewable Energy (Jobs and Investment) Act 2017 legislates Victoria's renewable energy targets, supports schemes to achieve these targets and encourages investment and employment in Victoria.

Victoria's current renewable energy targets are:

- 25% by 2020 (achieved)
- 40% by 2025
- 50% by 2030.

Meeting these targets will create investment in new renewable energy projects in Victoria, support the reliability of Victoria's electricity supply, create thousands of jobs, put downward pressure on electricity prices, and reduce emissions from electricity generation.

The Victorian Government has recently announced the intention to legislate updated targets of 65% by 2030 and 95% by 2035.

In addition, the Victorian Government has announced the intention to legislate energy storage targets of at least 2.6 GW of energy storage capacity by 2030 and at least 6.3 GW by 2035. The energy storage targets will include short, medium and deep duration energy storage systems, allowing energy to be moved around during the day and also to be supplied through longer duration imbalances.

Assessment

The proposed BESS will be key to achieving Victoria's ambitious energy storage targets of at least 2.6 GW by 2030. The 311 MW of battery storage capacity at the Elaine BESS supports the Victorian Government's goals of providing reliable, affordable and clean energy.

The Proposal will also contribute to Victoria's renewable energy targets by allowing more renewable energy generators to connect to the grid.

The additional capacity proposed in this amendment will further contribute to Victoria's energy storage targets.

5.2.9 Road Management Act 2004

The *Road Management Act 2004* establishes a statutory framework for the management of the road network which facilitates the coordination of various road users. The Act establishes the principles of road management, provides the functions and powers of a road authority (VicRoads), and sets out the road management functions of the road authority.

The Act defines *arterial roads* as a road which is declared by to be an arterial under section 14.

Assessment

The planning application is accompanied by a Transport Assessment (Chapter 6.4), which outlines the proposed strategies for road management. The Proposal is consistent with the road management principles outlined in the *Road Management Act 2004*. The site has no direct access to a defined arterial road.

The proposed amendment will not result in any increased impacts to the road network.

5.3 State and Local Strategies and Guidelines

5.3.1 Design Guidelines and Model Requirements for Renewable Energy Facilities (Country Fire Authority, 2022)

The *Design Guidelines and Model Requirements for Renewable Energy Facilities* provide standard considerations and measures in relation to fire safety, risk and emergency management to be considered when designing and operating new renewable energy facilities and upgrading existing facilities.

The guidelines apply to battery energy storage facilities in bushfire prone areas.

The guidelines are informed by 11 principles:

1. Effective identification and management of hazards and risks specific to the siting, infrastructure, layout, and operations at the facility.
2. Siting of renewable energy infrastructure so as to eliminate or reduce hazards to emergency responders.
3. Safe access for emergency responders in and around the facility, including to renewable energy and firefighting infrastructure.
4. Provision of adequate water supply and firefighting infrastructure to allow safe and effective emergency response.
5. Vegetation sited and managed so as to avoid increased bushfire and grassfire risk.
6. Prevention of fire ignition on-site.
7. Prevention of fire spread between site infrastructure (solar panel banks, wind turbines, battery containers/enclosures).
8. Prevention of external fire impacting and igniting site infrastructure.
9. Provision of accurate and current information for emergency responders during emergencies.
10. Effective emergency planning and management, specific to the site, infrastructure and operations.
11. Effective bushfire emergency planning and response, that prioritises absence of personnel on days of Severe and above Fire Danger Rating.

The guidelines outline the specific requirements for renewable energy facilities including;

- the CFA's roles and legislation,
- consulting with the CFA, planning applications,
- fire risk management,
- facility location and design,
- facility construction and commissioning,
- facility operations, fire management planning,
- emergency management planning, and
- bushfire emergency planning.

Assessment

A Fire Risk Assessment and Management Strategy has been prepared by NJM Design (Chapter 6.7). In relation to the CFA guidelines, it found that the Proposal complies with the various requirements from the standards and guidelines with respect to location, layout, bushfire protection, materials of construction and monitoring systems.

The proposed amendment has considered the CFA design guidelines and implemented them into the updated concept layout. In addition, the updated Fire Risk Assessment and Management Strategy found no greater fire impact from the proposed amendment.

5.3.2 Renewable Energy Action Plan

Victoria's *Renewable Energy Action Plan 2017* outlines the steps the Victorian Government will take to transition the energy sector away from fossil fuel generation.

The action plan outlines three ways in which the Victorian Government will promote renewable energy. They will empower and engage households, businesses and communities, support sector growth through creating new jobs and investing in renewable energy, and they will modernise the energy system through advanced energy storage, smart grids and microgrids.

Assessment

The proposed BESS supports the goals of the *Renewable Energy Action Plan 2017*, by complementing additional renewable energy generation and aligning with the plan's aim of modernising the power grid through advanced energy storage.

The additional capacity proposed in this amendment will further support the goals of the *Renewable Energy Action Plan 2017.*

5.3.3 Victoria's Climate Change Strategy

Victoria's Climate Change Strategy has been made in accordance with the *Climate Change Act 2017.* The strategy is a roadmap to net-zero emissions and a climate resilient Victoria by 2050.

The Government has set targets to reduce the state's greenhouse gas emissions from 2005 levels by 28–33% by 2025 and 45–50% by 2030. These targets maintain Victoria's position as a climate leader in Australia and confirms its position among leading jurisdictions around the world, such as the United States and the European Union.

To achieve these emissions reduction targets, the strategy includes actions to:

- transition Victoria to a clean energy future that will create jobs, cut costs for households and businesses and strengthen the energy system
- invest in innovative technologies such as zero emissions vehicles and hydrogen, and partner with businesses and communities to set Victoria up for their adoption
- recognise and safeguard the role of the natural environment in reducing emissions, and ensure farmers are well placed to embrace new technologies and practices that reduce emissions
- support Victorian businesses and communities to cut emissions and thrive in a net-zero emissions future.

Part 4 of the strategy describes how the Victorian Government will work to transition the electricity sector, away from coal-fired electricity generation.

Assessment

The proposed BESS strongly aligns with Victoria's Climate Change Strategy, particularly in assisting in transitioning the energy sector away from fossil fuels. The Proposal will create jobs and grow the local economy, while allowing additional clean power to be generated for the local and wider community.

The additional capacity proposed in this amendment will further contribute to *Victoria's Climate Change Strategy.*

5.3.4 Moorabool High Voltage Transmission Line Setback Policy – 2022

The purpose of the High Voltage Transmission Line Setback Policy (Moorabool Shire Council, 7 September 2022) is to define the acceptable setback distance from high voltage transmission lines to dwellings and other sensitive receptors. The policy provides guidance and information for energy infrastructure proponents, operators, community members and other relevant stakeholders.

The policy states that a transmission line that is 220kV or greater and less than 500kV should have a setback distance of 200 metres to dwellings or other sensitive receptors.

Transmission lines should also be set back from public roads, with the suggested setback distance measured as the tower height plus 20 metres.

Assessment

The proposed 220 kV Transmission line connecting the Elaine BESS to the Elaine Terminal Station is setback approximately 1.4 km from the nearest sensitive receptor. In addition, the proposed transmission line will be set back 400 metres from the nearest public road, which greater than 41 metres (tower height plus 20 metres).

The proposed amendment will not change the transmission connection to the Elaine Terminal Station.

5.4 Planning Policy

The provisions in the Moorabool Planning Scheme, including the Victorian and local planning provisions, contain guidance on the future use and development of the site.

5.4.1 Clause 02 Municipal Planning Strategy (MPS)

This clause provides the context, vision and strategic directions of Moorabool Shire Council. Relevant clauses include:

- Clause 02.01 – Context – This clause provides an overview of the current social, economic and environmental conditions of Moorabool Shire Council.
- Clause 02.02 – Vision – The vision clause details the 2017-2021 Council Plan which outlines the objectives relating to providing good governance and leadership, minimising environmental impact, stimulating economic development, and improving social outcomes.
- Clause 02.03 – Strategic Directions – This clause provides objectives, strategies and future directions relating to the settlement, environment, economic, and infrastructure of Moorabool Shire. The clause includes the following provisions that are relevant for this Proposal:

  02.03-2 Environmental and landscape values

  - Facilitate land use and development that is compatible with the Shire's natural environment, native vegetation and places of environmental significance.

  02.03-3 Environmental risks and amenity

  Bushfire and flood management

  - Significant areas of the Shire are at risk of bushfire, particularly forested areas. Council seeks to minimise risk of bushfire damage.

The MPS contains a Strategic Framework Plan that, suggests the site is not recognised as within a special water supply catchment or irrigation district and outside of any national and state parks or state forests.

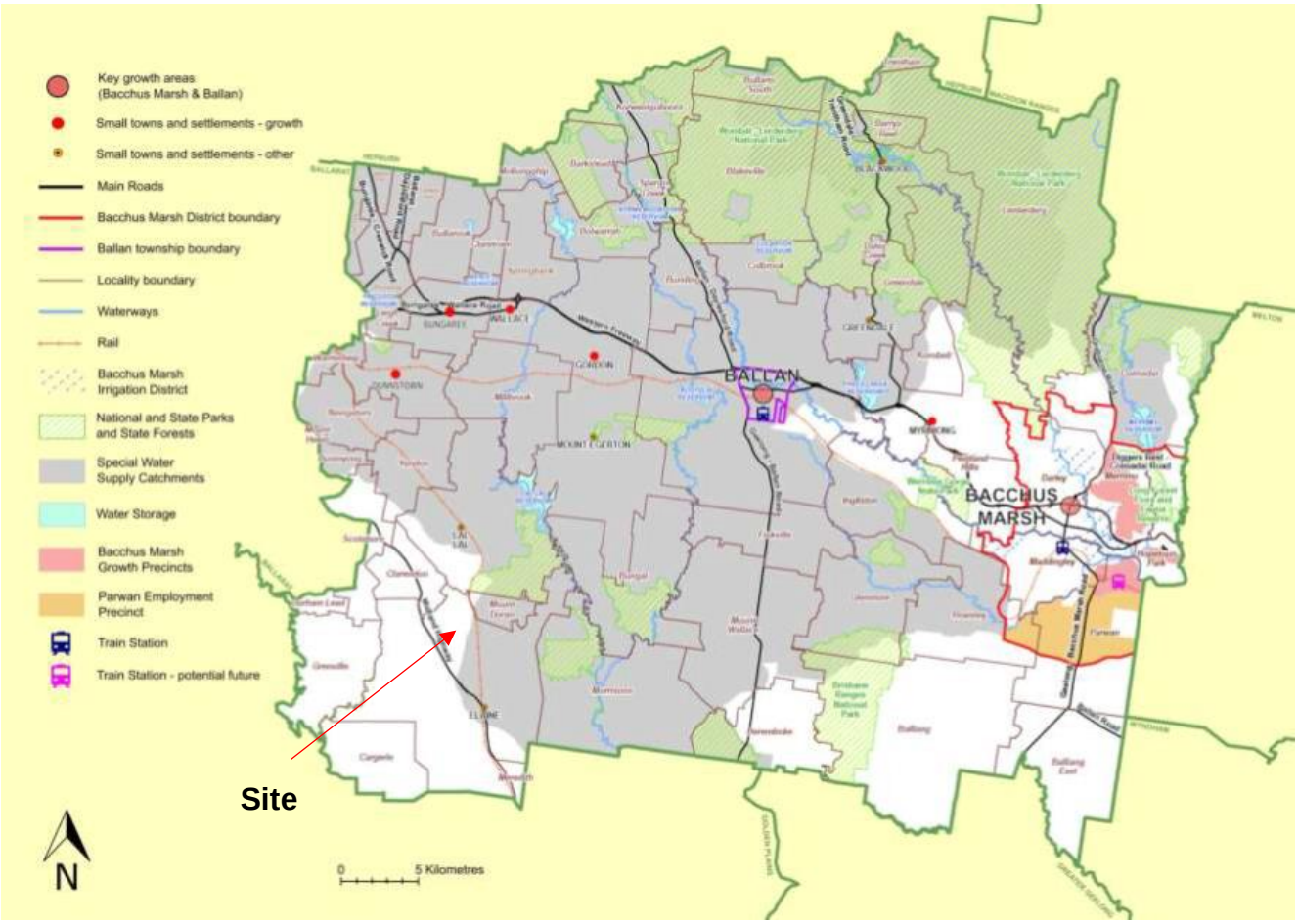


Figure 18 – Moorabool Shire Strategic Framework Plan

Assessment

The proposed BESS will align with the MPS, including the vision of Moorabool Shire, by minimising environmental impact and stimulating economic development.

The Proposal will also contribute to protecting and enhancing the natural environment, preparing Moorabool Shire for the impacts of climate change, growing the municipality's economy through renewable energy, and developing industry within Moorabool.

The proposed amendment will further align with the MPS by offering greater climate change mitigation..

5.4.2 Clause 12 Environment and Landscape Values

The objective of this clause is to protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.

Table 2 – Clause 12 Environment and Landscape Values

Clause	Relevant Provisions	Assessment
12.01-1s Protection of Biodiversity	Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of: - Cumulative impacts. - Fragmentation of habitat. - The spread of pest plants, animals and pathogens into natural ecosystems.	The design and siting of the proposed BESS and associated works avoids impacts on environmental features, such as vegetation and waterways. The flora and fauna assessment found that the site does not contain significant areas of biodiversity value. In addition, the Proposal will include vegetative screening along the southern and western boundaries, increasing habitat within the immediate area. There are no existing natural waterways located within the site. A small manmade drainage line exists through the south of the site, which is not a recognised waterway. In addition, a manmade farm dam exists directly to the west of the site, but no works are proposed that affect this dam. Drainage and stormwater plans can be required as conditions on any permit. As there are no waterways within the site and no works proposed affecting the western dam, the Proposal will have minimal impact to environmental, cultural, and landscape values of Victoria's waterway systems. The proposed amendment will not change the projects alignment with clause 12.
12.01-1L Protection of biodiversity	- Maintain, protect and enhance the biodiversity values of roadsides, particularly those surrounding state and national parks or forests. - Maintain, protect and enhance the River Red Gum (Eucalyptus Camaldulensis) population within the Bacchus Marsh Valley. - Minimise the impacts of land use and development by retaining native vegetation and minimising topsoil disturbance.	
12.01-2S Native vegetation management	**Objective** To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. **Strategies** Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017): - Avoid the removal, destruction or lopping of native vegetation. - Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided. - Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.	
12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs	**Objective** To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs. **Strategies** - Protect the environmental, cultural, landscape values of all waterway systems as significant economic, environmental and cultural assets. - Conserve waterway systems and the landscapes and environmental values	

	surrounding them by protecting ecological values, indigenous vegetation, terrestrial and aquatic habitats and encouraging biodiversity. - Sensitively design and site development to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems.	

5.4.3 Clause 13 Environmental Risk and Amenity

The objective of this clause is to strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.

Table 3 - Clause 13 Environmental Risk and Amenity

Clause	Relevant Provisions	Assessment
13.01-1S Natural hazards and climate change	**Objective** To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning. **Strategies** - Consider the risks associated with climate change in planning and management decision making processes. - Identify at risk areas using the best available data and climate change science. - Integrate strategic land use planning with emergency management decision making. - Direct population growth and development to low risk locations. - Develop adaptation response strategies for existing settlements in risk areas to accommodate change over time. - Ensure planning controls allow for risk mitigation or risk adaptation strategies to be implemented. - Site and design development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards.	By providing energy storage, the Proposal will assist in increasing renewable energy capacity, thereby reducing emissions and the risks of climate change, and helping to improve air quality in the long term. The Proposal is appropriately sited to minimise risk to life, property, the natural environment and community infrastructure. There are no identified areas of flood hazard on the site. The planning, siting and design of the proposed BESS identifies bushfire hazards, undertakes appropriate risk assessment, and incorporates bushfire protection measures. The Municipal Fire Management Plan 2017-2020 – Moorabool Shire (Moorabool Shire Council, 2017) has been considered through the siting and design of the Proposal. The proposed amendment will not change the projects alignment with clause 13.
13.02-1S Bushfire planning	**Objective** To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.	
13.02-1L Bushfire planning	Consider as relevant: The Municipal Fire Management Plan 2017-2020 – Moorabool Shire (Moorabool Shire Council, 2017).	
13.07-1S Land use compatibility	**Objective** To protect community amenity, human health and safety while facilitating appropriate	

	commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. **Strategies** - Ensure that use or development of land is compatible with adjoining and nearby land uses. - Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses. - Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.	

5.4.4 Clause 14 Natural Resource Management

The objective of this clause is to ensure agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production.

Table 4 - Clause 14 Natural Resource Management

Clause	Relevant Provisions	Assessment
14.01-1S Protection of agricultural land	**Objective** To protect the state's agricultural base by preserving productive farmland. **Strategies** - Identify areas of productive agricultural land, including land for primary production and intensive agriculture. - Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity. - Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors. - Protect productive farmland that is of strategic significance in the local or regional context. - Protect productive agricultural land from unplanned loss due to permanent changes in land use. - Prevent inappropriately dispersed urban activities in rural areas. - Protect strategically important agricultural and primary production land from incompatible uses. - Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.	The site is not within an identified area of productive farmland or within any irrigation districts. The relatively small footprint of the development (approximately 4 ha of agricultural land affected) will not result in a diminished supply of agricultural land. It is considered that the Proposal supports the objectives and strategies relating to agriculture resource protection. The proposed amendment will not change the projects alignment with clause 14.

	- In considering a proposal to use, subdivide or develop agricultural land, consider the: ▪ Desirability and impacts of removing the land from primary production, given its agricultural productivity. ▪ Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production. ▪ Compatibility between the proposed or likely development and the existing use of the surrounding land. ▪ The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas. ▪ Land capability. - Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land. - Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land. - Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.	
14.01-1L Agriculture, rural dwellings and subdivision	- Ensure that incompatible land use and development does not encroach upon productive agricultural land, particularly the Bacchus Marsh Irrigation District.	

5.4.5 Clause 15 Built Environment and Heritage

The objective of this clause is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

Table 5 - Clause 15 Built Environment and Heritage

Clause	Relevant Provisions	Assessment
15.01-6S Design for rural areas	**Objective** To ensure development respects valued areas of rural character. **Strategies** - Ensure that the siting, scale and appearance of development protects and enhances rural character. - Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located. - Site and design development to minimise visual impacts on surrounding natural	The design and layout of the proposed BESS protects the visual amenity of the rural landscape, is located away from public viewpoints, and minimises glint and glare. It does this by using non reflective materials, and the heavy use of native vegetation screening around the site. It is also noted that the site is located next to an existing terminal station and very close to an existing wind farm, which already represent significant non natural elements in the landscape. The site is not located on any major roads or tourist routes, nor on township approaches. The Landscape and Visual Impact Assessment by Orbit found that the proposed Elaine BESS is

	scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.	within the acceptable Magnitude of Change and the Visual Compatibility rating of the project is satisfied. Furthermore, the Proposal will protect and conserve sites of Aboriginal cultural heritage sensitivity, noting that the site is not identified as having cultural heritage sensitivity. More information regarding Aboriginal cultural heritage can be found in the Preliminary Aboriginal Heritage Test (Chapter 6.3). A voluntary CHMP process was undertaken by the proponent in conjunction with the original planning application. The CHMP was approved by the Wadawurrung Traditional Owners Aboriginal Corporation (the RAP) on 9 October 2023 The proposed amendment will not change the projects alignment with clause 15.
15.03-2S Aboriginal cultural heritage	**Objective** To ensure the protection and conservation of places of Aboriginal cultural heritage significance. **Strategies** - Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme. - Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places. - Ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006.*	

5.4.6 Clause 17 Economic Development

The objective of this clause is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.

Table 6 - Clause 17 Economic Development

Clause	Relevant Provisions	Assessment
17.01-1S Diversified economy	**Objective** To strengthen and diversify the economy. **Strategies** - Protect and strengthen existing and planned employment areas and plan for new employment areas. - Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities. - Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region. - Improve access to jobs closer to where people live. - Support rural economies to grow and diversify.	The Proposal helps to facilitate growth in a new and innovative employment sector, thereby improving access to jobs closer to, and supporting rural economies to grow and diversify, in line with Clause 17. The proposed amendment will not change the projects alignment with clause 17.

5.4.7 Clause 19 Infrastructure

19.01-1S Energy Supply

The objective of this clause is to facilitate appropriate development of energy supply infrastructure.

Relevant strategies for this Proposal include:

- Support the development of energy generation, storage, transmission, and distribution infrastructure to transition to a low-carbon economy.
- Develop appropriate infrastructure to meet community demand for energy services.
- Ensure energy generation, storage, transmission and distribution infrastructure and projects are resilient to the impacts of climate change.
- Support energy infrastructure projects in locations that minimise land use conflicts and that take advantage of existing resources and infrastructure networks.
- Facilitate energy infrastructure projects that help diversify local economies and improve sustainability and social outcomes.

Table 7 - Clause 19.01-1S Energy supply

Clause	Relevant Provisions	Assessment
19.01-1S Energy supply	**Objective** To facilitate appropriate development of energy supply infrastructure. **Strategies** - Support the development of energy facilities in appropriate locations where they take advantage of existing infrastructure and provide benefits to industry and the community. - Support transition to a low-carbon economy with renewable energy and greenhouse emission reductions including geothermal, clean coal processing and carbon capture and storage. - Facilitate local energy generation to help diversify the local economy and improve sustainability outcomes.	In direct support of Clause 19, the Proposal features energy storage to assist in the transition to a low carbon economy. It also facilitates energy infrastructure development in an appropriate location, adjacent to an existing terminal station It also takes advantage of existing infrastructure, provides benefits to industry and the community, supports the transition to a low-carbon economy with renewable energy and greenhouse emission reductions, helps diversify the local economy and improves sustainability outcomes. The proposed amendment will further support clause 19.
19.01-2S Renewable Energy	**Objective** To promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met. **Strategies** - Facilitate renewable energy development in appropriate locations. - Protect energy infrastructure against competing and incompatible uses. - Develop appropriate infrastructure to meet community demand for energy services. - Set aside suitable land for future energy infrastructure. - Consider the economic and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.	

5.5 Zones and Overlays

5.5.1 Clause 35.07 Farming Zone (FZ1)

The site is located within a Farming Zone (FZ) under the Moorabool Planning Scheme.

The purpose of the Farming Zone is:

- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

Clause 73.03 defines 'utility installation' as 'land used to transmit, distribute or store power'. As a result, the most appropriate definition of the proposed BESS is a 'utility installation'.

The Farming Zone tables 'utility installation' as a section 2 use, meaning a permit is required for the use of BESS.

Under Clause 35.07-4 a permit is required for building and works associated with a section 2 use.

A permit trigger under clause 35.07-4 also applies to buildings and works within 5 metres of any boundary. The proposed battery and associated infrastructure is located at least 10 metres from any boundary, however fencing and access tracks will be located along property boundaries. Therefore, a permit is required.

An additional permit trigger applies to earthworks which change the rate of flow or the discharge point of water across a property boundary under the Schedule to Clause 35.07.

The proposed amendment does not change any permit triggers or alignment with the decision guidelines under the Farming Zone.

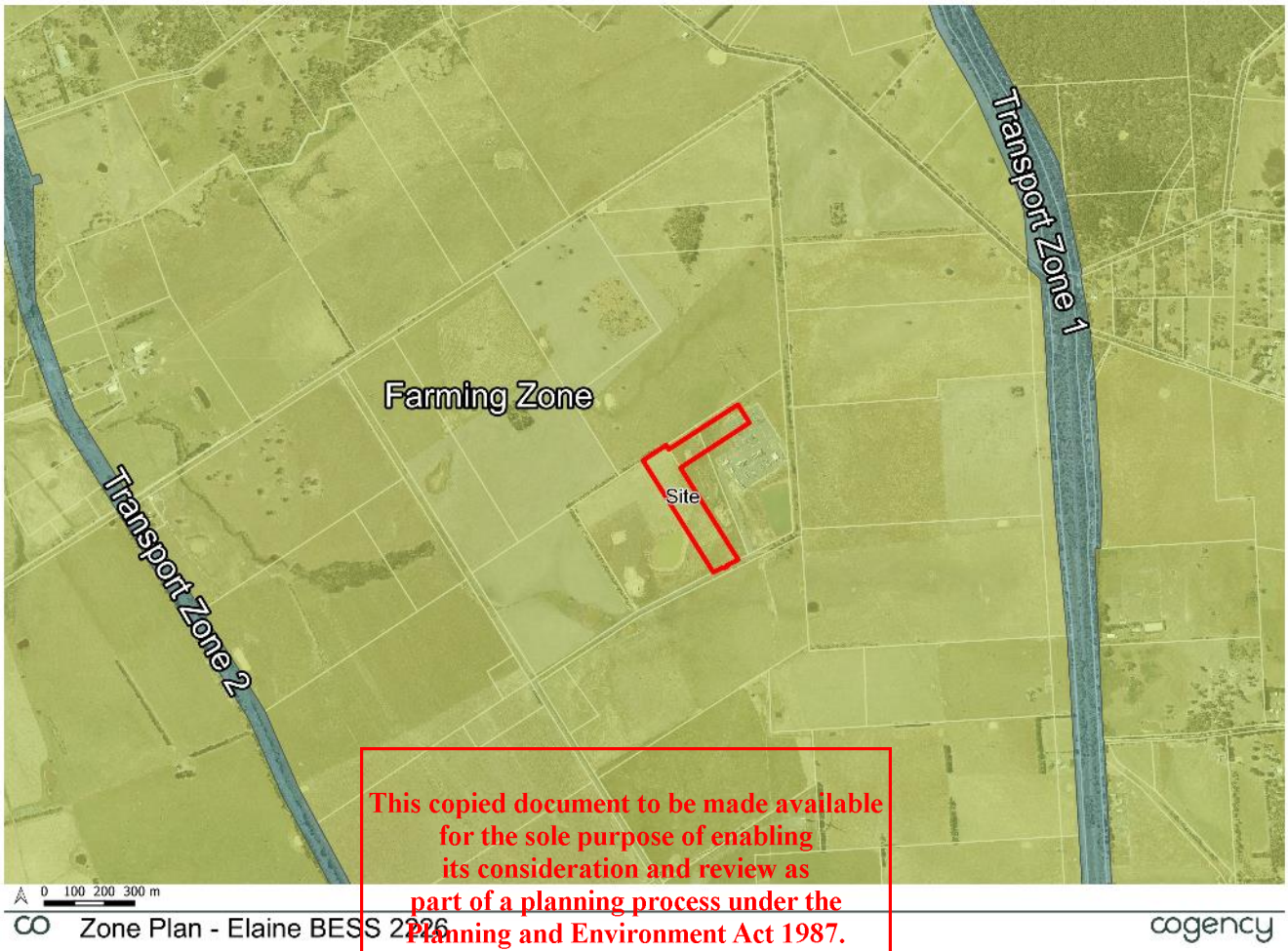


Figure 19 – Zone Plan

The relevant decision guidelines under the Farming Zone are the following.

Decision Guidelines	~~Assessment~~
General issues - The Municipal Planning Strategy and the Planning Policy Framework. - Any Regional Catchment Strategy and associated plan applying to the land. - The capability of the land to accommodate the proposed use or development, including the disposal of effluent. - How the use or development relates to sustainable land management. - Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses. - How the use and development makes use of existing infrastructure and services.	The Proposal is appropriately located on land that is capable of accommodating the proposed use of a utility installation. The site is particularly suitable for the proposed use given the proximity to existing infrastructure, lack of sensitive receptors, and lack of significant native vegetation.
Agricultural issues and the impacts from non-agricultural uses - Whether the use or development will support and enhance agricultural production.	The proposed development will result in the net loss of approximately 4 ha of agricultural land. Given the low agricultural potential of the land and the relatively small footprint of development, this loss of agricultural land is considered to be acceptable.

- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.
- Whether Rural worker accommodation is necessary having regard to:
  ▪ The nature and scale of the agricultural use.
  ▪ The accessibility to residential areas and existing accommodation, and the remoteness of the location.
- The duration of the use of the land for Rural worker accommodation.
	The Proposal will not limit the operations of adjoining and nearby properties.

Environmental issues - The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality. - The impact of the use or development on the flora and fauna on the site and its surrounds. - The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area. - The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	Accompanying this application is a Flora and Fauna Impact Assessment (Chapter 6.1). This assessment considers the impact of the Proposal on the natural environment, and has concluded that the site does not contain significant biodiversity values. The Proposal is not anticipated to cause significant detriment to the onsite or nearby natural environment.
Design and siting issues - The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land. - The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts. - The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance. - The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities. - Whether the use and development will require traffic management measures. - The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow	The Proposal has been designed and sited to occupy the smallest footprint, minimising the loss of agricultural land, and located adjacent to an existing terminal station. The materials and finishes of the proposed BESS will not present a significant additional visual impact to the existing landscape. In addition, proposed screening vegetation will reduce the visual impact. More details can be found in the Landscape and Visual Impact Assessment (Chapter 6.5). The Proposal takes advantage of existing infrastructure, being adjacent to the Elaine Terminal Station and existing road infrastructure. The Proposal is located within 1 km of land subject to an existing wind energy facility. It is considered that the proposed BESS is complementary to the nearby Lal Lal Wind Farm.

flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to: ▪ A permit for a wind energy facility; or ▪ An application for a permit for a wind energy facility; or ▪ An incorporated document approving a wind energy facility; or ▪ A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978. - The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.	

5.5.2 Clause 43.02 Design and Development Overlay– Schedule 2 (DDO2)

The site is affected by the Design and Development Overlay – Schedule 2 Visual amenity and building design (DDO2) under the Moorabool Planning Scheme.

The design objectives of the DDO2 include:

- To enhance visual amenity in rural, township and vegetated areas of the Moorabool Shire.
- To encourage the use of external cladding, such as non-reflective materials for building construction.
- To discourage the use of materials, such as reflective cladding for building construction, which could have a detrimental effect on amenity.

A permit is not required to construct a building or carry out works where all external wall and roof areas are clad with non-reflective materials.

The proposed BESS and associated infrastructure will be clad in non-reflective materials; therefore, no permit is required under the DDO2. The screening vegetation will assist in further reducing the visual impact of the Proposal.

The proposed amendment will not change the materiality of the proposed buildings.

Figure 20 – Design and Development Overlay Schedule 2 "Visual amenity and building design" (DDO2)

5.6 Particular Provisions

Depending on the specific land uses and development selected for the future redevelopment of the site, the following Particular Provisions of the Moorabool Planning Scheme may apply, among others. These clauses set out the purpose, permit triggers, application requirements, referrals, and decision guidelines for the particular use/development, including those outlined below.

5.6.1 Clause 52.05 Signs

In relation to signage provisions, the site is located within Category 4 "sensitive areas", where maximum limitations provide for "unobtrusive signs in areas requiring strong amenity control".

A business identification sign is a section 2 use, and therefore its placement on the site requires a permit. The total display area of the sign on the entire premises must not exceed 3 sqm.

Assessment

A small business identification sign is proposed to be placed at the entrance to the site. The sign will be no more than 3 sqm and will provide for appropriate identification of the facility and direction for workers and visitors. The site will not be illuminated.

The details of the sign will be finalised in detailed design.

The proposed amendment will not change the location or size of the signage.

5.6.2 Clause 52.17 Native Vegetation

The purpose of Clause 52.17 is:

- *"To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):*

    1. *Avoid the removal, destruction or lopping of native vegetation.*
    2. *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
    3. *Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*

- *To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation."*

A permit is required to remove, destroy or lop native vegetation including dead native vegetation.

Assessment

The site is predominantly cleared and is currently used for agricultural grazing and therefore features minimal native vegetation.

The Proposal includes the removal of small areas of vegetation to construct the vehicle crossover at the south of the site. The vegetation proposed to be removed is native so a permit will be required under Clause 52.17. The impact of this vegetation removal is considered in the Flora and Fauna Impact Assessment.

The amount of vegetation removal proposed as part of the amendment application has not changed since the original scheme.

The Flora and Fauna Assessment determined that the total extent of removal will be 0.009 hectares of native vegetation. This will trigger offset requirements of 0.002 general habitat units, to be of a minimum strategic biodiversity value (SBV) of 0.240 and occur within the Corangamite CMA boundary or the Moorabool Shire municipal district.

The crossover point has been inspected in detail through the Flora and Fauna Impact Assessment and sited to minimise impacts to remnant native vegetation. A detailed survey of the impacted roadside was also undertaken to determine the presence of protected species, with no protected species being found to occur.

The removal of native vegetation for the construction of the vehicle crossover is considered to be acceptable for the following reasons:

- The vehicle crossover in this location is critical to the safe and efficient construction, operation and maintenance of the proposed BESS,
- The crossover has been sited by a qualified ecologist to minimise the impact to remnant native vegetation, and
- The proponent is committed to providing the required habitat offsets.

The proposed amendment will not change the amount of native vegetation proposed to be removed.

5.6.3 Clause 53.02 Bushfire Planning

The purpose of Clause 53.02 is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level."*

The provisions of Clause 53.02-4 relating to Bushfire Protection Objectives apply to the Proposal. The bushfire assessment and management statement to be prepared and submitted as part of the planning application will need to meet the objectives and approved measures contained within the following provisions:

- Clause 53.02-4.1 Landscape, siting and design objectives
- Clause 53.02-4.2 Defendable space and construction objective
- Clause 53.02-4.3 Water supply and access objectives
- Clause 53.02-4.4 Subdivision objectives

Furthermore, the Decision Guidelines outlined in Clause 53.02-4.5 should be considered:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.*
- *The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.*
- *Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort.*
- *Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.*
- *Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.*
- *If one or more of the objectives in Clause 53.02-4 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding.*
- *Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.*

Assessment

This application is accompanied by a Fire Risk Assessment and Management Strategy (Chapter 6.7). This report outlines the bushfire mitigation strategies and how the Proposal aligns with the *Design guidelines and model requirements for renewable energy facilities* (CFA, 2022). The report concludes that the design of the BESS units is acceptable and addresses all fire initiation and fire spread risks to an acceptable level.

The proposed amendment has considered the CFA design guidelines and implemented them into the updated concept layout. In addition, the updated Fire Risk Assessment and Management Strategy found no greater fire impact from the proposed amendment.

5.7 General Provisions, Clause 66.02-7 Industry, Utility Installation or Warehouse

The Proposal will trigger a referral to The Victorian WorkCover Authority as a determining referral authority in accordance with Clause 66.02-7 Industry, Utility Installation or Warehouse.

While the exact quantity of lithium to be housed within the BESS has not been determined, it is estimated to be greater than the fire protection quantity under the *Dangerous Goods (Storage and Handling) Regulations 2012*. Appropriate conditions on any amended permit can address these concerns.

The proposed amendment would include marginally more lithium to be housed within the BESS, this will not change the referral requirements under Clause 66.02-7.

5.8 Planning Scheme Amendments

No current planning scheme amendments are expected to affect the site or the development.

6. Technical Impact Assessments and Mitigation Measures

As a part of this application, assessments have been undertaken in relation to Flora and Fauna, Aboriginal Heritage, Transport, Landscape and Visual, Noise, and Fire. Details of these impact assessments and proposed impact mitigation measures are described in this chapter.

6.1 Amendment Application Impacts

The following table summaries the impacts of the proposed amendment compared to the original scheme and permit plans.

Table 8 – Impacts of Proposed Amendment

Issue	Impact as a result of amendment
Flora and Fauna	No change. Footprint of development and area of native vegetation removal remains the same
Aboriginal Cultural Heritage	No change. Footprint of development remains the same.
Transport	More detailed traffic modelling concluded that the upgrade to the Midland Highway – Murphy's Road intersection in no longer required. This is a result of more refined construction vehicle estimates which reduced the anticipated transport impact of the Proposal despite the larger BESS capacity. The amendment therefore proposes to remove condition 13 of the planning permit which required the intersection upgrade.
Landscape and Visual	The updated Landscape and Visual Impact Assessment determined that the proposed changes to the design have not increased the visual impact of the Proposal.
Noise	Due to the increased density of the BESS layout the anticipated noise generated by the proposed amendment is higher than originally modelled. The noise modelling showed that the BESS is within the EPA day and evening noise limits for all receptors operating at 100% in a worst case scenario. To achieve compliance for all receptors for the nighttime criteria the BESS was modelled at 80% battery fan load and 30% inverter fan load. The reduced nighttime fan loads are anticipated to be the maximum the BESS fans will operate during this period due to market conditions and lower ambient temperatures.
Fire	The updated Fire Hazard and Risk Assessment determined that the proposed changes to the design have not increased the fire risk of the Proposal. The proposed amendment has considered the CFA design guidelines and implemented them into the updated concept layout.
Stormwater Management Strategy	The updated Stormwater Management Strategy (SWMS) determined that the proposed changes to the design have not increased the hydrological impacts of the Proposal. More details of the updated assessment are located within the report.

6.2 Flora and Fauna

A Flora and Fauna Assessment was completed by Nature Advisory in May 2023. The assessment investigated the existing native vegetation within and surrounding the subject site. The study area of this assessment comprised all areas that will be affected by the proposed development, including the road reserve at the front of the site and the minor widening of the Midland Highway.

Broadly, the assessment found that vegetation within the site consisted largely of introduced pasture grasses. The only areas of native vegetation found within the site are planted screening vegetation along the northern boundary and a small strip of *EVC 55: Plains Grassy Woodland* along the southern boundary within the road reserve. The area adjacent to the Midland Highway also comprised primarily of introduced grasses.

The Flora and Fauna has concluded that the development of the proposed BESS will result in the loss of a total of 0.009 hectares (90 sqm) of native vegetation, located just outside the site in the road reserve (Figure 21). Based on the extent of native vegetation, the lack of large trees and the location category, the Proposal must be assessed under the intermediate pathway and will not trigger an EES referral.

Figure 21 – Native vegetation to be removed (Nature Advisory)

The offsets required to compensate for the proposed removal of native vegetation are 0.002 general habitat units and must include a minimum strategic biodiversity value of 0.240 and occur within the Corangamite CMA boundary or the Moorabool Shire.

A detailed survey of the site was undertaken on 16 February 2023 to identify the most appropriate area for vegetation removal at the southern boundary of the site within the road reserve to allow for site access. Based on the flora and fauna advice and the micro siting, a small area was chosen to locate the access road. It was assessed that the area identified is unlikely to support Spiny Rice Flower or Matted Flax Lily (both critically endangered under the EPBC Act and FFG Act).

Apart from the thin strip of *EVC 55: Plains Grassy Woodland* along the road reserve, no other native vegetation was found or habitat for significant species.

The assessment posited that Growling Grass Frog may utilise the nearby dam, located just outside the site. In response to the potential presence, a spring survey was undertaken in November 2023. This survey found no presence of Growling Grass Frog.

6.2.1 Impact Mitigation

The Flora and Fauna report listed the following design recommendations to avoid/minimise impacts to native vegetation, and flora and fauna habitats:

- Avoid, where possible, creating new (beyond the single proposed driveway) driveways across the road reserve, where the native vegetation occurs. If unavoidable, a qualified botanist will microsite the area and indicate the lowest value sections.

Additional recommendations to mitigate impacts to vegetation during construction also include:

- Establish appropriate vegetation protection zones around areas of native vegetation to be retained prior to works.
- Establish appropriate Tree Protection Zones (TPZs) around scattered native trees to be retained prior to works.
- Ensure that water quality to surrounds is not compromised during or after construction.
- Ensure all construction personnel are appropriately briefed prior to works, and that no construction personnel, machinery or equipment are placed inside vegetation zones/TPZs.

Due to the potential impact to the adjacent dam, the Flora and Fauna report recommends targeted surveys for Growling Grass Frogs. These are recommended to be undertaken in spring (October – December).

These measures will be carried out at the appropriate time in accordance with these recommendations.

6.3 Aboriginal Heritage

A Preliminary Aboriginal Heritage Test (PAHT) was completed by JEM Archaeology on 28 February 2023 and certified by the First Peoples – State Relations within the Department of Premier and Cabinet 6 March 2023.

The PAHT includes a description of the activity and activity area, a background assessment and a description of the history of ground disturbance at the site.

The PAHT concludes that the site has featured significant ground disturbance across large portions of the proposed activity area. The proposed activity is considered to be a high impact activity, however the proposed activity in not located within a mapped area of cultural heritage sensitivity (Figure 22). Consequently, a mandatory CHMP is not required to be prepared and approved prior to the commencement of the proposed activity.

Regardless of the mandatory CHMP requirement, Akaysha undertook a voluntary CHMP process alongside the planning application.

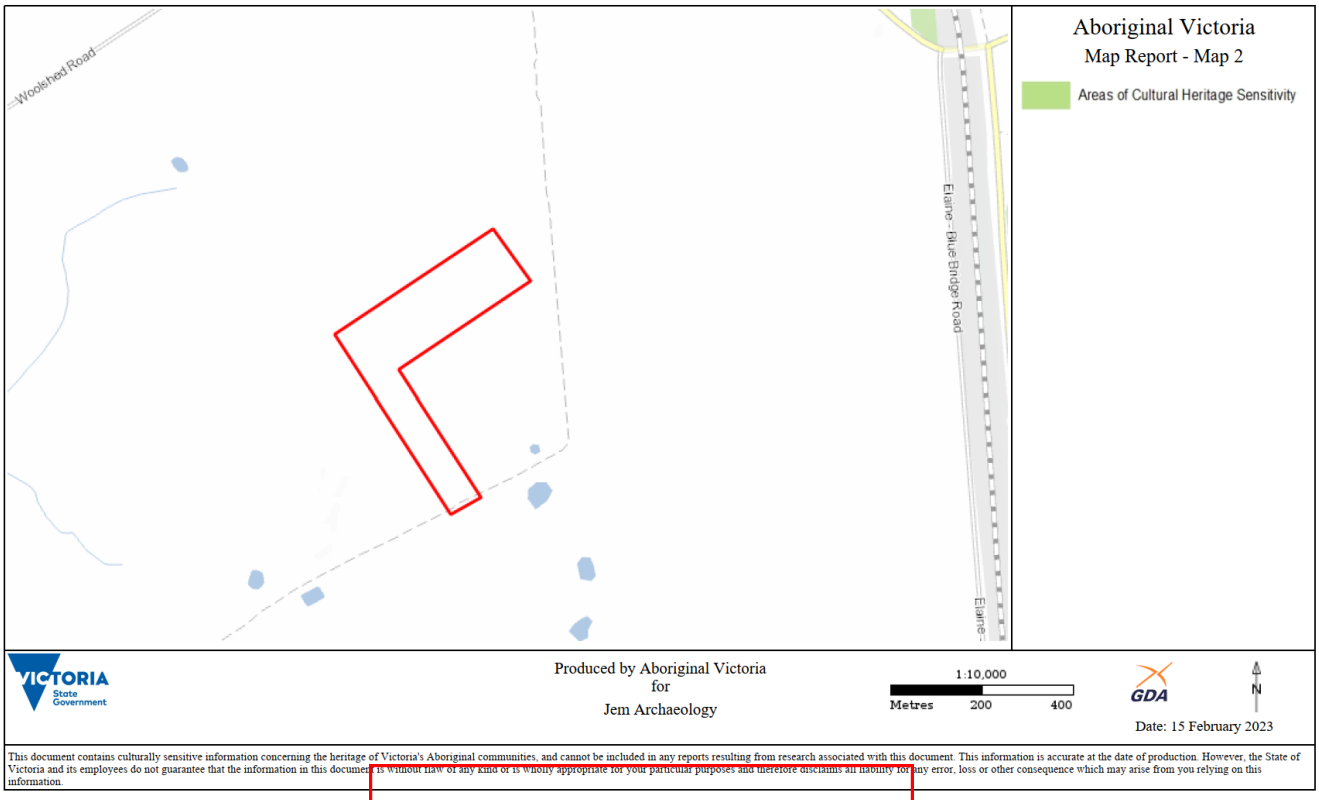


Figure 22 – Areas of Cultural Heritage Sensitivity Map

6.3.1 Impact Mitigation

Within the PAHT, JEM Archaeology recommends that if Aboriginal cultural heritage is identified during the proposed activity, all works within the activity area must immediately cease, the activity area fenced to prevent further disturbance and a Heritage Advisor and a registered Aboriginal party compliance officer must be contacted within one working day.

The voluntary CHMP was approved by the Wadawurrung Traditional Owners Aboriginal Corporation (the RAP) on 9 October 2023 after extensive consultation and heritage study undertaken by JEM Archaeology on behalf of Akaysha.

6.4 Transport

An updated Transport Impact Assessment was completed by onemilegrid on 12 March 2024. The impact assessment outlines the existing traffic conditions, the proposed traffic generation as well as the impact on the road network.

The site is accessed primarily from the Midland Highway which is classified as a Major Arterial Road (Named Highway). From the Midland Highway, Murphys Road and an unnamed access road provide access to the site, and both are 7 m wide gravel roads.

Existing traffic volumes are low along Murphys Road, with only 1 car recorded entering during peak hours from the Midland Highway (Figure 23).

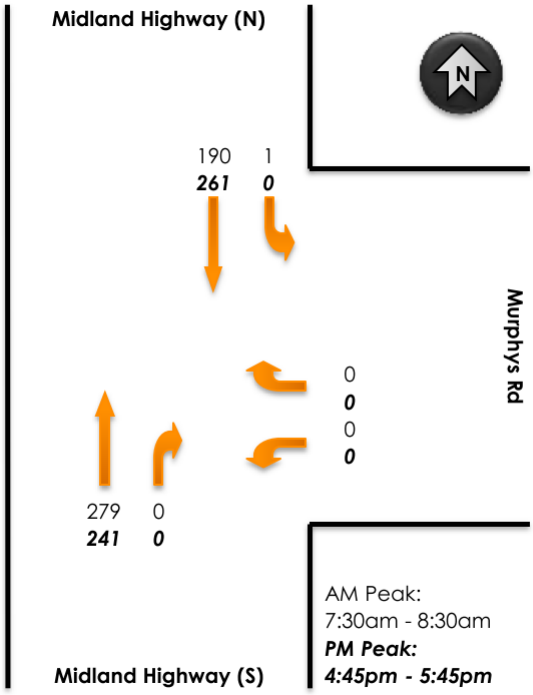


Figure 23–- Existing Traffic Volumes (onemilegrid)

The traffic impact assessment concludes that during the construction phase, the level of traffic generated is not expected to have an impact on the operation of the road network. In addition, during operation the proposed BESS is not expected to generate any traffic impacts on the surrounding road network.

6.4.1 Impact Mitigation

The original Transport Impact Assessment recommended a minor widening of the Midland Highway to accommodate larger B-Doubles turning into Murphys Lane, required for construction purposes. Through more refined construction vehicle estimates, the updated Transport Impact Assessment has concluded that, having regard to the modest volume of traffic generated during construction (a maximum of 4 right-turn movements in the peak hour), and the short construction period, it is not considered necessary for any significant road works at the site access.

Onemilegrid recommend that advanced warning signage is implemented at the proposed site access as part of the construction traffic management strategy during the construction period.

As a result of this change, the proposed amendment proposes to remove condition 13 from the planning permit which required the construction of the intersection upgrade to the Midland Highway.

Further discussions will be undertaken with the Department of Transport to resolve any road upgrades needed to facilitate the project.

6.5 Landscape and Visual Impact

An updated Landscape Visual Impact Assessment (LVIA) was completed by Orbit Solutions on 21 February 2024.

The assessment was based on an existing framework for Landscape and Visual Assessments, summarised in the flow chart below (Figure 24).

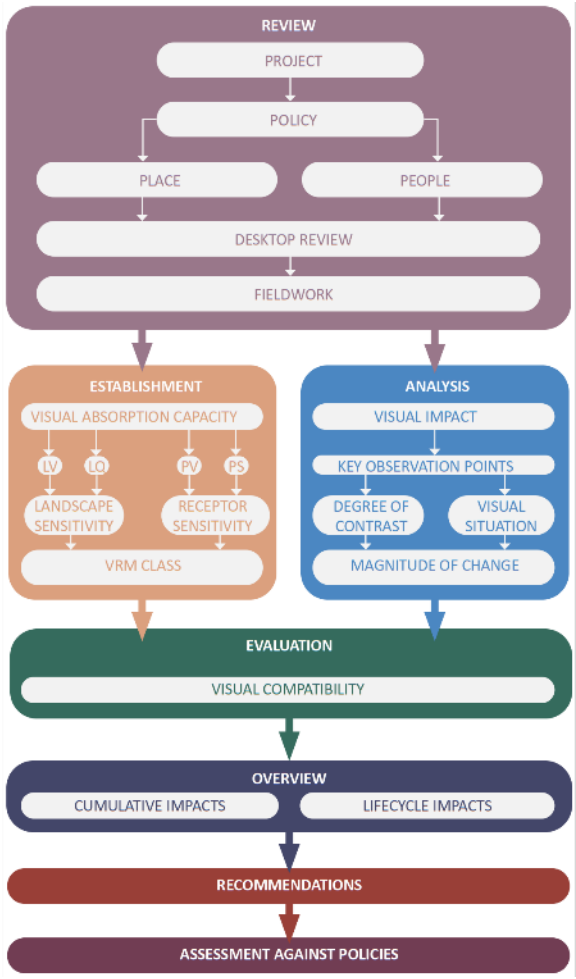


Figure 24 – LVIA Process Flowchart

The report establishes the Landscape Sensitivity of the location as 1.6 (low), and the Receptor Sensitivity as 1.8 (low). The potential visual impact of the proposed BESS was assessed against both established sensitivity ratings.

The visual impact of the project was measured by the Magnitude of Change, which is an average of the Visual Situation and the Degree of Contrast. The Visual Situation was assessed as 2.4 (low) and the Degree of Contrast was assessed as 1.2 (very low). The Magnitude of Change was therefore determined to be a rating of 1.8 (low). This can be seen through the proposed built form montages (Figure 25)

Figure 25 – Elaine BESS from Position 01 – permit plans proposed built form (top), proposed amendment built form (middle) and with native vegetation screening (bottom)

Figure 26 – Elaine BESS from Position 03 - permit plans proposed built form (top), proposed amendment built form (middle) and with native vegetation screening (bottom)

The LVIA concludes that the proposed Elaine BESS is within the acceptable Magnitude of Change and the Visual Compatibility rating of the project is satisfied.

6.5.1 Impact Mitigation

The Landscape and Visual Assessment sets out 64 recommendations across the categories of mitigation planning, siting and design, materials surface treatments, vegetation management, and reclamation. The key recommendations are listed below:

- MP1–- Ensure that qualified individuals conduct and review impact analyses and mitigation.
- MP8 – Develop a decommissioning and site reclamation plan.
- MST5 – Use non-reflective materials, coating and/or paint.
- SM1 – Implement dust and wind erosion control measures.
- SM2 – Implement erosion and sediment control measures.
- SM4 – Strip, stockpile, and stabilise topsoil for respreading.
- SM5 – Segregate topsoil and reapply to disturbed areas.
- VG11 – Monitor and maintain vegetated areas until vegetation is self-sustaining.

- R1 – Review predevelopment visual conditions after construction.
- R2 – Begin site reclamation during construction and operation, immediately after disturbances.
- R0 – Close and remediate unused access roads.
- R9 – Remove above-ground and near-ground structures.
- R10 – Remove or bury gravel and other surface treatments.

These recommendations will be implemented through the detailed design, construction, operation and decommissioning phases of the project.

As illustrated in the updated LVIA, the proposed amendment would not result in any additional visual impacts.

6.6 Noise Impact

An updated Noise Impact Assessment was completed by SLR Consulting on 13 May 2024. The assessment involved determining the existing noise environment of the project area through background noise monitoring, modelling the expected noise emissions from the construction and operation of the proposed BESS, and assessing the expected noise impacts against the various requirements of the EPA.

The key project impacts highlighted in the assessment are:

- Noise from construction activities
    - Construction of the BESS facility may be audible from several receptors from time to time, however, it is unlikely to be intrusive. Noise impacts are further minimised due to the distance to receptors and works being temporary and conducted during EPA normal working hours (day period) only.
    - Scheduling construction activities to the EPA normal working hours (e.g. day period 7.00 am to 6.00 pm), community engagement and best practice noise management controls, regular maintenance, broadband reversing beepers etc. will minimise residual risk of impact or harm to nearby receptors.
- Noise from operational activities
    - Compliance with the Noise Protocol is expected at all sensitive receptors for all time periods, under an assumed maximum operating load, provided that any special audible character is adequately controlled.
    - Noise modelling with a conservative 'worst case' assumption of 100% operating load during conditions favourable to noise propagation results in compliance with the Noise Protocol at the closest sensitive receivers for the day and evening periods.
    - Compliance with the night-time criteria is predicted to be achieved with the BESS operating at 80% battery fan duty and 30% power electronics (inverter) fan duty, with no further mitigation. This reduced fan load is considered to be the maximum night-time operating conditions for the BESS. This is due to market conditions meaning the BESS will rarely discharge at night and that ambient temperatures are generally lower meaning reduced cooling requirements.

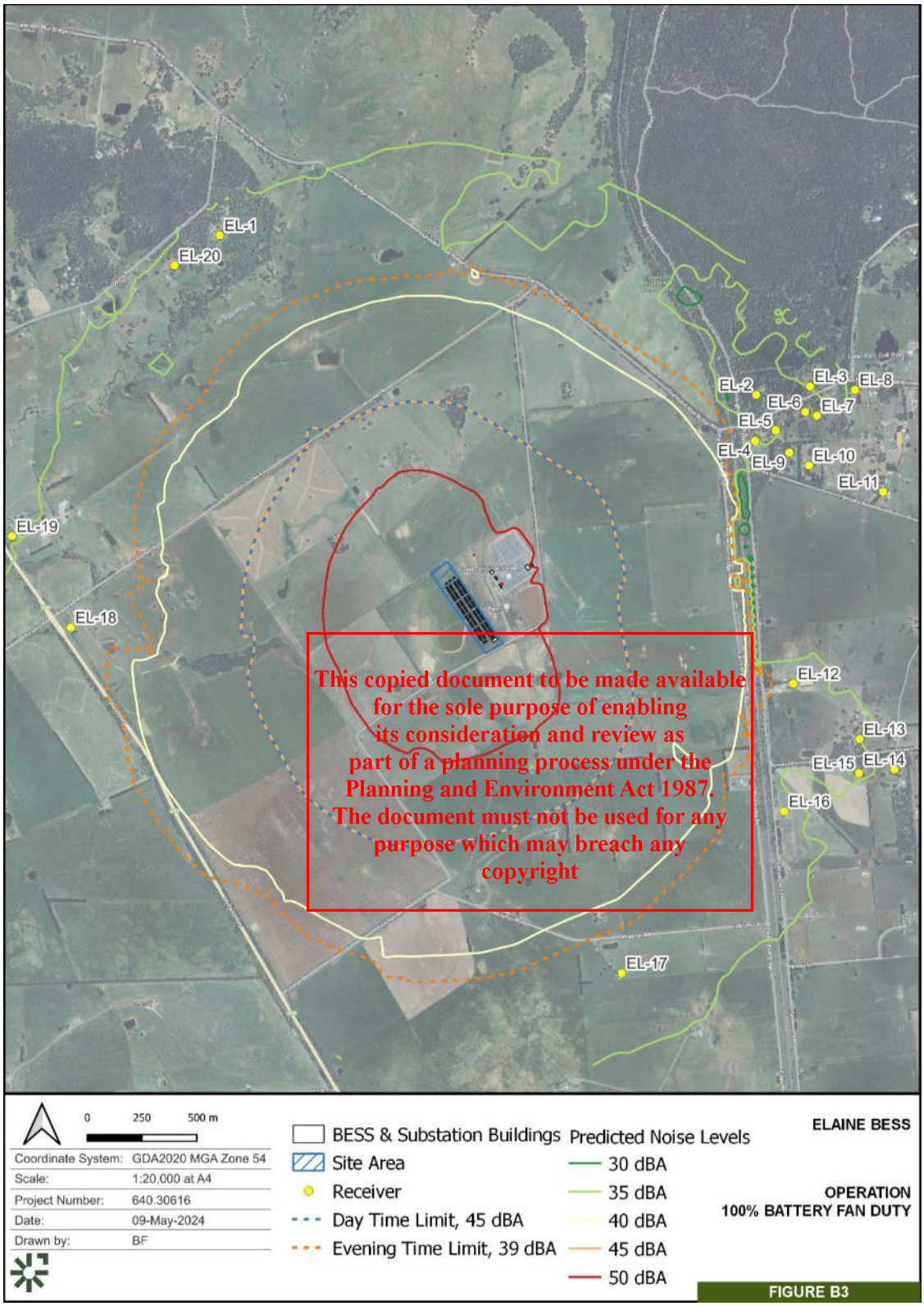


Figure 27 – Operational Noise Contours (SLR Consulting)

The report recommends confirming compliance by post-commissioning noise measurements.

6.6.1 Impact Mitigation

The Noise Impact Assessment outlines several mitigation measures that could be implemented to reduce the noise impact on sensitive receptors. These mitigation measures will only be required if the non-compliance is still present in future updated noise modelling to be completed in the detailed design phase.

- Alternative equipment and layout
    - The BESS facility evaluated in this assessment is at this early stage considered as indicative only. Selecting alternative and quieter BESS equipment, battery unit technology or modifying and optimising the BESS layout will result in reduced noise emissions to receptors. Similarly, a reduction in the amount of plant and therefore BESS capacity will also reduce noise levels.
- Silencers
    - The dominant noise source from the battery and inverter units is from cooling fans and the modelled battery enclosures and inverters did not include any additional fan silencing treatment. Some manufacturers can provide silencer equipment to the fan discharges of their units which can reduce the overall noise emission.
- Noise barrier
    - Noise barriers can assist in reducing the noise being propagated to the receptor.
    - Due to the footprint size of the BESS, noise barriers are less effective to the south. A preliminary calculation which included a 5 m wall around the southern and eastern parts of the BESS, offset 1 m from the outer most battery units, achieved only a 0.5 dBA reduction at receptor EL-12.

The noise impact mitigation measures will be considered following further noise modelling in the detailed design phase.

The updated Noise Impact Assessment illustrated that despite the increased noise from the BESS, the proposed amendment will still achieve EPA compliance under the maximum predicted operating conditions. The proposed amendment will not require a change to the EPA noise compliance conditions on the permit.

6.7 Fire Hazard and Risk

An updated Fire Hazard and Risk Assessment was completed by NJM Design on 22 May 2024. The objective of the report was to identify primary fire risks associated with the implementation and function, location, proposed fire systems and fire brigade intervention of the BESS units.

In particular, the scope of work was to:

a) Provide a risk review consistent with fire risk assessment techniques for hazardous industry planning.

b) Quantify severity of fires including heat radiation level at various distances from BESS and transformer fires and durations of the fire.

c) Put the risks into context via comparison with other accepted risks such as those from existing power infrastructure and surrounding buildings in the community.

d) Recommend mitigation measures if required.

Based on the results of the assessment, the report concluded that the design of the BESS units is acceptable and covers all fire initiation and fire spread risks to an acceptable level. The report outlines several fire engineering requirements, as described below in Chapter 6.7.1.

The report concludes that the Proposal complies with the various requirements from the standards and guidelines of the *Design Guidelines and Model Requirements for Renewable Energy Facilities (Country Fire Authority, 2022)* with respect to location, layout bushfire protection, materials of construction, and monitoring systems.

6.7.1 Impact Mitigation

As part of the Fire Risk and Hazard Assessment, NJM recommend that the following requirements be implemented to satisfy the objectives of the relevant authorities.

1. A firebreak of at least 10m wide must be designed and maintained.
2. A four (4) metre perimeter road within the perimeter fire break must be designed and must comply with the requirements of the CFA Guidelines for Renewable Energy Facilities.
3. A fire hydrant system must be provided in accordance with AS 2419.1-2005: Fire hydrant installations, Section 3.3: Open Yard Protection and any additional requirements of the Fire Brigade.
4. Develop a Fire Management Plan as required by the CFA Guidelines for Renewable Energy Facilities
5. Where transformers are oil-insulated, transformers must use an FR3 (or similar) Ester oil in lieu of the normal mineral oil.
6. The transformer at the 220KV HV Substation must be located at more than 15m from any of the adjoining buildings which have combustible façades.
7. Smaller transformers (i.e., switch gear and transformers) located in accordance with the proposed layout, must not have an oil capacity of more than 3,800 litres (3.8 m3).
8. Energy segments units must be provided with at least a smoke detection system.

Several of these requirements, namely the fire break and perimeter road are already provided in the concept layout (Chapter 3).

All other requirements will be achieved through the detailed design of the BESS units, post planning approval and as conditions on permit.

As illustrated in the updated Fire Risk and Hazard Assessment, the proposed amendment will not result in any increase in fire or bushfire risk as a result of the increased capacity of the BESS.

6.8 Stormwater Management Strategy

An updated Stormwater Management Strategy (SWMS) was completed by Dalton Consulting Engineers (DCE) in March 2024. The SWMS analysed the existing site conditions including the catchment areas and flow of water across the site (Figure 28), outlines the impact of the proposed development, and sets out the recommended mitigation measures.

The SWMS demonstrates that stormwater can be managed at the subject site as part of the Proposal. The SWMS also demonstrates that the development of the Proposal can be undertaken in a way that causes no direct impact on the water quality or the hydrology of the western dam.

The preliminary hydraulic investigation indicates that the subject site can be protected from 1% AEP external flows by raising the subject site. The preliminary hydraulic investigation also highlights the need for additional downstream works to provide an outlet via a continuation of the open drain to avoid increased ponding in neighbouring properties. Mitigation measures have been developed to avoid these impacts and are outlined in chapter 6.8.1 below.

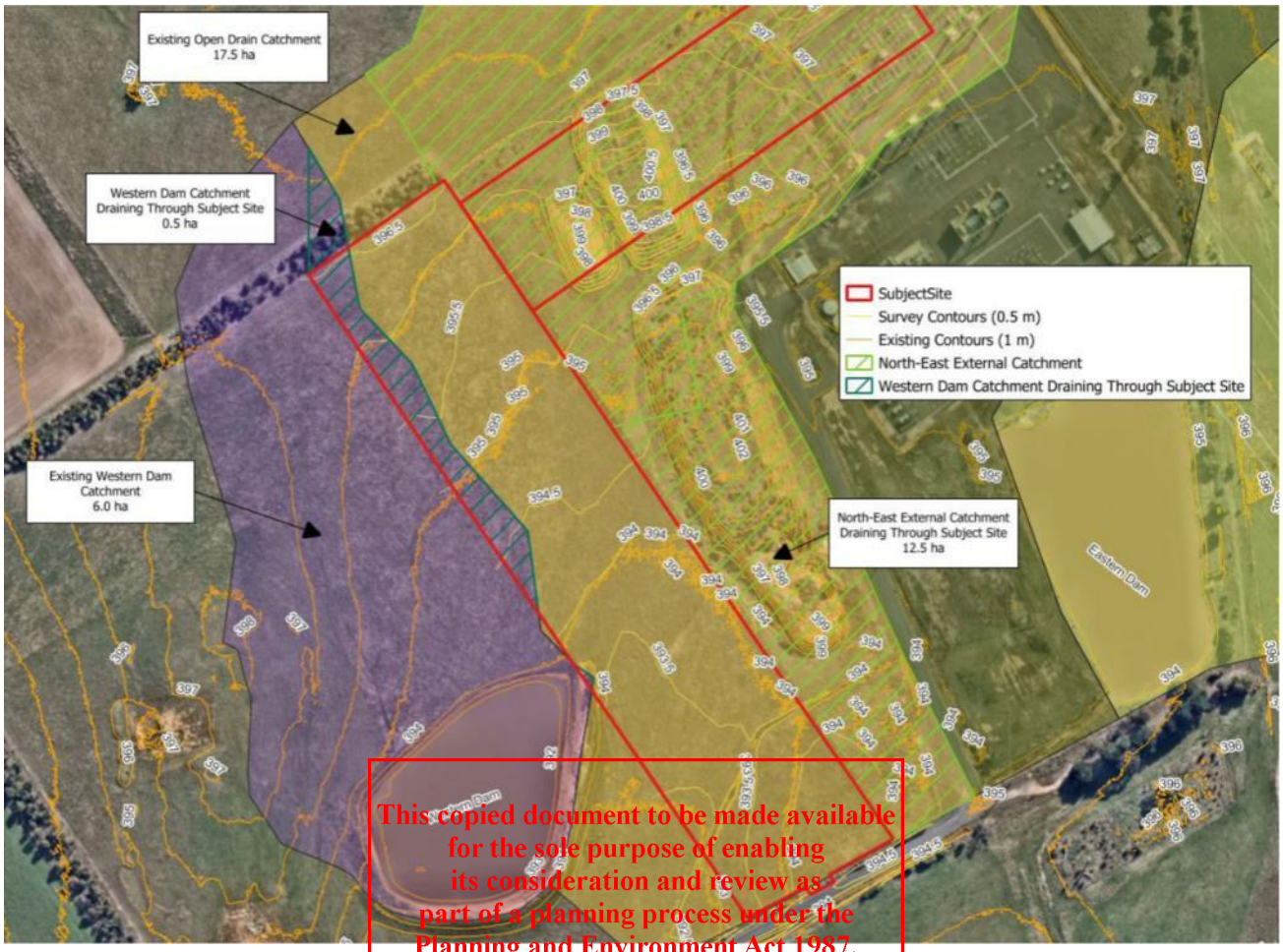


Figure 28 - External Catchment Details (DCE)

6.8.1 Impact Mitigation

The SWMS sets out the recommended mitigation measures which will manage both stormwater across the site and the protection of the western dam. The mitigation measures are as follows and shown in Figure 29:

- The subject site will be graded to slope down toward the west.
- Developed flows from the subject site will be conveyed by a swale with 1% annual exceedance probability (AEP) capacity.
- Stormwater from the proposed project will be directed to the existing discharge point in the informal waterway at the south-west of the subject site.
- During development, the subject site will be re-graded, and the catchment draining to the western dam will change. However, the total catchment area will remain nearly the same size as in the existing condition.
- No change in water quality to the western dam will occur as a result of the proposed development.
- Measures to help mitigate increased local ponding from the development of the site will include the provision of a viable flow path, by extending the existing open drain along the access road to the downstream waterway.

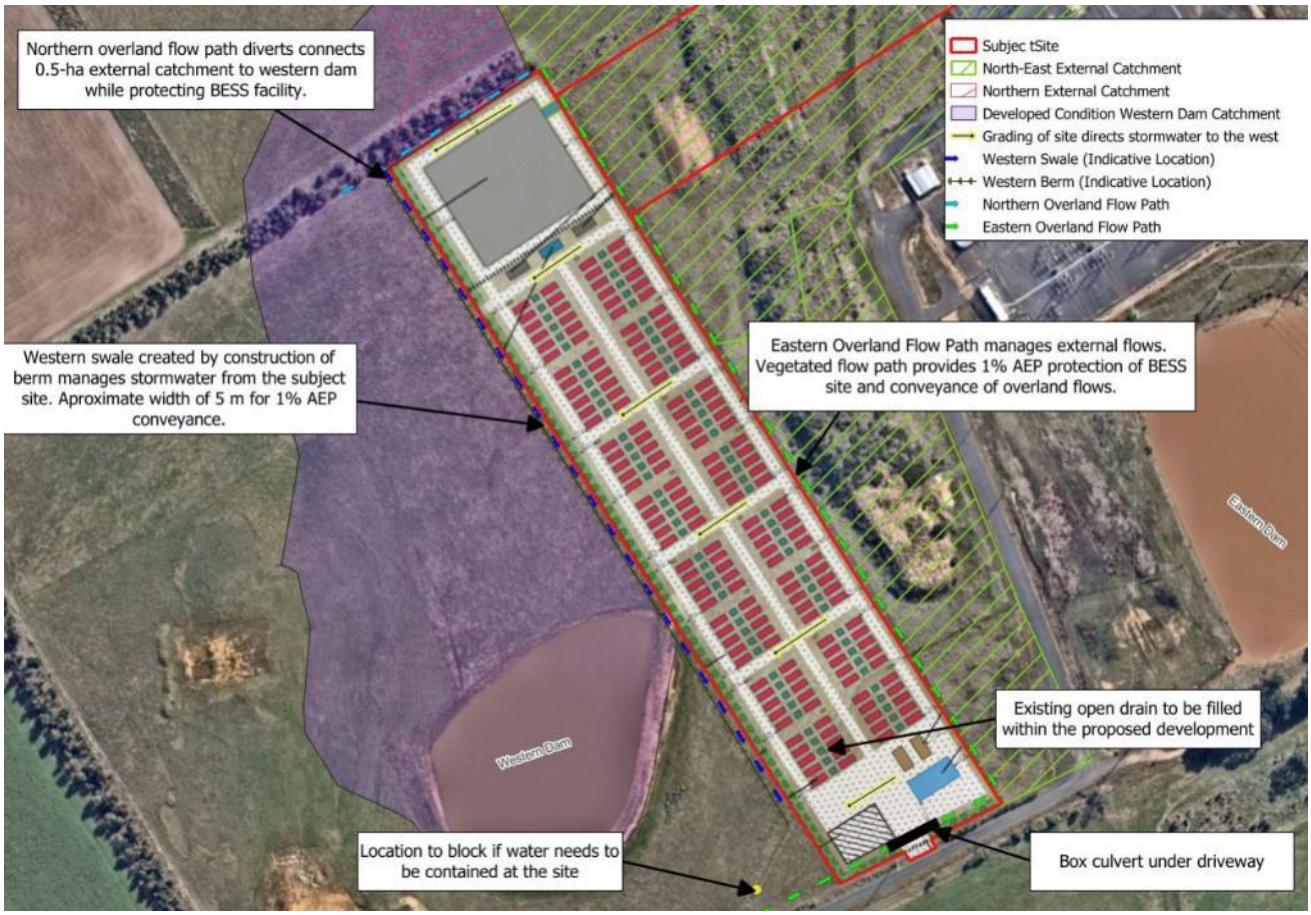


Figure 29 - Proposed Stormwater Management Layout (DCE)

The updated Stormwater Management Strategy illustrates that there will be no additional hydrological impacts as a result of the proposed amendment.

7. Conclusion

The report has detailed the proposed amendment to the planning permit at 225 Elaine Blue-Bridge Road for a 311 MW / 1244 MWh Battery Energy Storage System, including battery units, associated electrical infrastructure, grid connection at the Elaine Terminal Station, access roads, security fencing and native vegetation screening.

In general, for the majority of issues, there is no additional impacts arising from the amendment as the footprint of the Proposal remains the same. This includes flora and fauna, Aboriginal cultural heritage, landscape and visual impact, fire hazard and risk and stormwater. The updated transport impact assessment concluded that the traffic volumes during construction are in actuality lower than previously modelled. Therefore, the only additional impact of the proposed amendment is noise, which despite the larger capacity, is still expected to reach EPA noise limit compliance for all time periods at maximum anticipated operations.

Having regard to the Moorabool Planning Scheme and in particular the Farming Zone and the DDO2, the Proposal is considered to represent a net community benefit for the local area and the state as a whole. The Proposal strongly supports relevant state and local policy in relation to energy storage and generation, emission reductions, economic development and environmental and landscape values.

The Proposal will further assist with Victoria's renewable energy transition, supporting the Victorian Energy Target plan for 65% of electricity to be sourced from renewables by 2030, and the energy storage targets of at least 2.6 GW by 2030 and at least 6.3 GW by 2035.

The Proposal is ideally located on farmland without significant flora and fauna values, between three large wind farms, and distant from population centres. Owing to its location next to an existing terminal station, and the Proposal for native vegetation screening, the project will sit comfortably within the landscape and the broader rural environment.

Further, the wider area has a very low population density, with the closest dwelling approximately 1.3km away. The Proposal is considered to be of relatively low impact to both the local environment and nearby residents.

The proponent has undertaken a comprehensive community and stakeholder engagement programme, both for the original and amended scheme. Consistent and clear information has been provided to stakeholders and community outlining the details of the project and any potential impacts. Further engagement to support the amendment will occur post lodgement.

The potential impacts of the Proposal have been assessed in relation to flora and fauna, visual, noise, traffic, cultural heritage and fire. All impact assessments have shown an acceptable level of impact and compliance with the relevant standards, further reduced by the recommended mitigation measures.

The Proposal is an appropriate development of the site, will not result in unacceptable off-site amenity impacts and is consistent with the relevant local, state and federal policy. It is therefore considered that the proposed amendment warrants planning approval.

Appendix 1 – Certificates of Title

The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 11378 FOLIO 931

Security no : 124115308737U
Produced 27/05/2024 02:16 PM

LAND DESCRIPTION

Crown Allotment 19C Parish of Narmbool.
PARENT TITLE Volume 07663 Folio 127
Created by instrument AJ908861J 13/09/2012

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
BRIAN EDWARD DUNNE of 225 ELAINE-BLUEBRIDGE ROAD ELAINE VIC 3334
AE600403B 12/09/2006

ENCUMBRANCES, CAVEATS AND NOTICES

CAVEAT AV849138F 13/07/2022
Caveator
AKAYSHA ENERGY PTY LTD ACN: 648223987
Grounds of Claim
CHARGE CONTAINED IN AN AGREEMENT DATED PARTIES AND DATE.
Parties
THE REGISTERED PROPRIETOR(S)
Date
17/05/2022
Estate or Interest
INTEREST AS CHARGEE
Prohibition
ABSOLUTELY
Lodged by
ASHURST AUSTRALIA
Notices to
ASHURST AUSTRALIA of "SOUTH TOWER" LEVEL 16 80 COLLINS STREET MELBOURNE VIC 3000

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP488271E FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

Title 11378/931

Page 1 of 1

Figure 30 - 19/CPP3271 RSS

TITLE PLAN	EDITION 3	TP 488271E

Location of Land

Parish : NARMBOOL

Crown Allotment : 19C

Section : A
Crown Allotment : 51

Last Plan Reference : -
Derived From : VOL. 7663 FOL. 127

Depth Limitation : NIL

Notations

ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN

EASEMENT INFORMATION

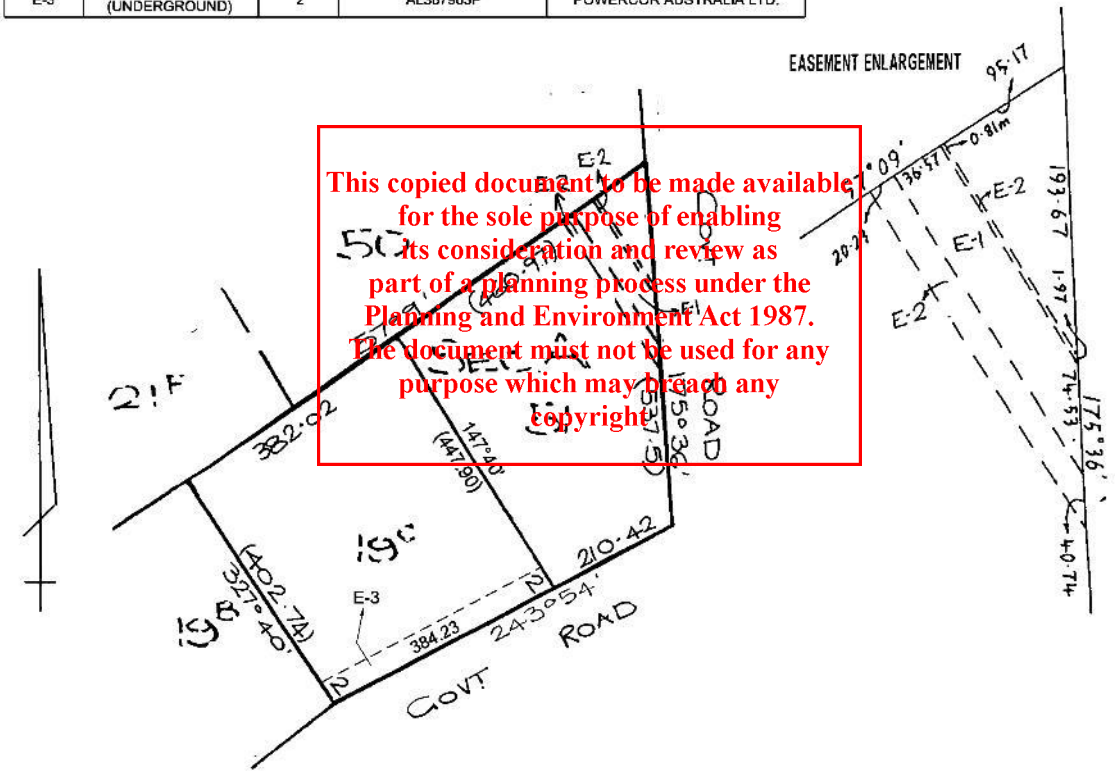
Legend: A - Appurtenant Easement E - Encumbering Easement R- Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefitted / In Favour Of
E-1 & E-2	TRANSMISSION OF ELECTRICITY	36.57	Inst. A874096	S.E.C.V.
E-2	TRANSMISSION OF ELECTRICITY	57.61	Inst. K843571	S.E.C.V.
E-3	POWER SUPPLY (UNDERGROUND)	2	AL367903P	POWERCOR AUSTRALIA LTD.

THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES

COMPILED. Date 12/10/07

VERIFIED: A. DALLAS
Assistant Registrar of Titles



TOTAL AREA=31·82ha

LENGTHS ARE IN METRES	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 Sheets

MODIFICATION TABLE

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

PLAN NUMBER
TP488271E

WARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED.
NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL DOCUMENT OF THE REGISTER.

AFFECTED LAND/PARCEL	LAND/PARCEL IDENTIFIER CREATED	MODIFICATION	DEALING NUMBER	DATE	EDITION NUMBER	ASSISTANT REGISTRAR OF TITLES
THIS PLAN		SEPARATE DIMENSIONS	AJ908861J	13/9/12	2	L.M.A
19C	E-3	CREATION OF EASEMENT	AL367903P	18/09/14	3	D.R.

Figure 31 - 19/CPP3271 Title Plan

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 11504 FOLIO 705

Security no : 124106267040C
Produced 22/05/2023 01:37 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 630660R.
PARENT TITLE Volume 11378 Folio 930
Created by instrument PS630660R 01/07/2014

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
TRANSMISSION OPERATIONS AUSTRALIA PTY LTD of 40 MARKET STREET MELBOURNE VIC 3000
PS630660R 01/07/2014

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AK516938A 09/08/2013
WESTPAC BANKING CORPORATION

Any encumbrances created under Section 88 of the Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS630660R FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

----------END OF REGISTER SEARCH STATEMENT----------

Additional information: (not part of the Register Search Statement)

Street Address: ELAINE-BLUE BRIDGE ROAD ELAINE VIC 3334

ADMINISTRATIVE NOTICES

NIL

eCT Control 16320Q WESTPAC BANKING CORPORATION
Effective from 23/10/2016

DOCUMENT END

Figure 32 - 1/PS630660 RSS

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 11504 FOLIO 706

Security no : 124106287090H
Produced 23/05/2023 09:11 AM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 630660R.
PARENT TITLE Volume 11378 Folio 930
Created by instrument PS630660R 01/07/2014

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
TRANSMISSION OPERATIONS AUSTRALIA PTY LTD of 40 MARKET STREET MELBOURNE VIC 3000
PS630660R 01/07/2014

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AK516938A 09/08/2013
WESTPAC BANKING CORPORATION

CAVEAT AJ912941M 14/09/2012
Caveator
AUSTRALIAN ENERGY MARKET OPERATOR LTD
Grounds of Claim
AGREEMENT WITH THE FOLLOWING PARTIES AND DATE.
Parties
THE REGISTERED PROPRIETOR(S)
Date
31/08/2012
Estate or Interest
FREEHOLD ESTATE
Prohibition
ABSOLUTELY
Lodged by
LANDER & ROGERS, LAWYERS
Notices to
LANDER & ROGERS of LEVEL 12 600 BOURKE STREET MELBOURNE VIC 3000

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS630660R FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

----------END OF REGISTER SEARCH STATEMENT----------

Additional information: (not part of the Register Search Statement)

Street Address: ELAINE-BLUE BRIDGE ROAD ELAINE VIC 3334

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

ADMINISTRATIVE NOTICES

NIL

eCT Control 16320Q WESTPAC BANKING CORPORATION
Effective from 23/10/2016

DOCUMENT END

Figure 33 - 2/PS630660 RSS

Signed by Council: Moorabool Shire Council, Council Ref: CA2010200, Original Certification: 24/04/2013, S.O.C.: 04/02/2014

PLAN OF SUBDIVISION

STAGE No. /

LR USE ONLY
EDITION 1

PLAN NUMBER
PS 630660R

LOCATION OF LAND

PARISH: NARMBOOL

TOWNSHIP: -

SECTION: A

CROWN ALLOTMENT: 51

CROWN PORTION: -

TITLE REFERENCES: VOL 11378 FOL 930

LAST PLAN REFERENCE/S: PARISH PLAN TP 488271E CA51

POSTAL ADDRESS: 225 ELAINE - BLUE BRIDGE ROAD (At time of subdivision) ELAINE VIC 3334

MGA Co-ordinates (of approx centre of land in plan) **E** 236650 **N** 5819750 **ZONE** 55

COUNCIL CERTIFICATION AND ENDORSEMENT

COUNCIL NAME: MOORABOOL SHIRE COUNCIL REF:

1. This plan is certified under Section 6 of the Subdivision Act 1988.
2. This plan is certified under Section 11(7) of the Subdivision Act 1988. Date of original certification under Section 6.
3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988.

OPEN SPACE

(i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has/has not been made.

(ii) The requirement has been satisfied.

(iii) The requirement is to be satisfied in Stage _____

Council Delegate
Council Seal
Date

Re-certified under Section 11(7) of the Subdivision Act 1988.

Council Delegate
Council Seal
Date

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
NIL	NIL

NOTATIONS

STAGING This is/is not a staged subdivision.
Planning permit No. - PA2010200

DEPTH LIMITATION DOES NOT APPLY

THIS IS A SPEAR PLAN

LAND BEING SUBDIVIDED IS ENCLOSED WITHIN THICK CONTINUOUS LINES

THIS PLAN IS CONNECTED TO PERMANENT MARKS No PM6 (NARMBOOL)

SURVEY. THIS PLAN IS/~~IS NOT~~ BASED ON SURVEY.

EASEMENT INFORMATION

LEGEND A-Appurtenant Easement E-Encumbering Easement R-Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	TRANSMISSION OF ELECTRICITY	SEE PLAN	INSTRUMENT A874096	S E C OF VICTORIA
E-2	TRANSMISSION OF ELECTRICITY	SEE PLAN	NOTIFICATION K843571	S E C OF VICTORIA

LR USE ONLY
STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT
RECEIVED ☑
DATE 20/06/2014

LR USE ONLY
PLAN REGISTERED
TIME 10.38AM
DATE 01/07/2014

GARY M ROBERTSON
Assistant Registrar of Titles

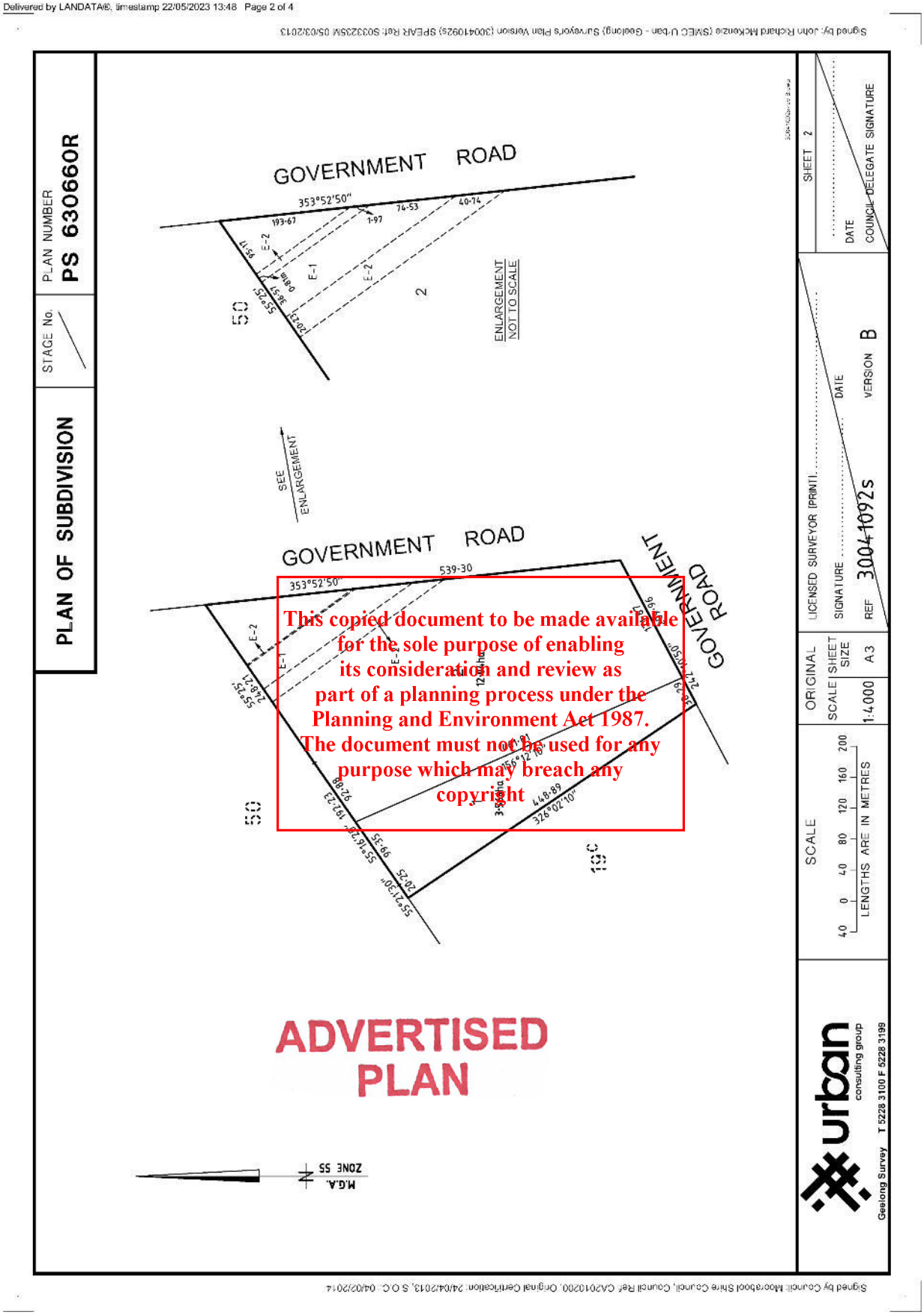
SHEET 1 OF 2 SHEETS

urban consulting group
Geelong Survey T 5228 3100 F 5228 3199

LICENSED SURVEYOR (PRINT). JOHN RICHARD McKENZIE
SIGNATURE DIGITALLY SIGNED DATE
REF 30041092s VERSION B

DATE
COUNCIL DELEGATE SIGNATURE
ORIGINAL SHEET SIZE A3

Signed by: John Richard McKenzie (SMEC Urban - Geelong) Surveyor's Plan Version (30041092s) SPEAR Ref: S033235M 05/03/2013



MOORABOOL SHIRE COUNCIL

Plan of Subdivision PS630660R

Certification of plan by Council (Form 2)

SUBDIVISION (PROCEDURES) REGULATIONS 2011

SPEAR Reference Number: S033235M
Plan Number: PS630660R
Responsible Authority Name: Moorabool Shire Council
Responsible Authority Reference Number 1: CA2010200
Surveyor's Plan Version: 30041092s

Certification

This plan is certified under section 6 of the Subdivision Act 1988

Public Open Space

A requirement for public open space under section 18 of the Subdivision Act 1988

Has not been made at Certification

Digitally signed by Council Delegate:	Robert Fillisch
Organisation:	Moorabool Shire Council
Date:	24/04/2013

Signed by: Robert Fillisch (Moorabool Shire Council) 24/04/2013

Plan of Subdivision PS630660R

Statement of Compliance
(Form 15)

MOORABOOL SHIRE COUNCIL

Regulation 32(6) Subdivision (Procedures) Regulations 2011

Section 21

Subdivision Act 1988

To TRANSMISSION OPERATIONS AUSTRALIA PTY LTD, 40 MARKET SQUARE Street, MELBOURNE, VIC, 3000

Statement of Compliance

SPEAR Reference Number:	S033235M
Council Ref. No.:	CA2010200
Office of Titles Plan No.:	PS630660R
Surveyor's Plan Version:	30041092s
Original Date certified by Council:	24/04/2013 03:26:26 pm

This is a Statement of Compliance issued under section 21 of the **Subdivision Act 1988** for the whole of the above plan.

Requirements under Parts 2 and 3 of the **Subdivision Act 1988** have now been satisfied.

You should now lodge the certified plan for registration together with this statement at the Office of Titles in accordance with section 5 (3)(c) of the **Subdivision Act 1988**.

This document issued by Robert Fillisch of Moorabool Shire Council and signed on 04/02/2014 at 09:01 am

Signed by: Robert Fillisch (Moorabool Shire Council) 04/02/2014

Figure 34 - PS630660 Title Plan