

Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

PLANNING PERMIT

Permit No.:	PA2403103
Planning scheme:	Moorabool Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	Elaine-Blue Bridge Road, Elaine, VIC, 3334 (Lots 1 and 2 on Plan of Subdivision 630660R, Volume 11504, Folio 705)

THE PERMIT ALLOWS:

Planning scheme clause	Matter for which the permit has been granted
35.07-1	Use of the land for a utility installation.
35.07-4	Construct or carry out works associated with a use in section 2 of Clause 35.07-1. Earthworks which change the rate of flow or the discharge point of water across a property boundary.
52.17-1	Remove, destroy or lop native vegetation.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Development Plans

1. Before the use and development commences, amended plans and elevations must be submitted to and approved by the Responsible Authority. The plans and elevations must be generally in accordance with the advertised site plans and elevations prepared by WSP, titled 'Mt Doran BESS', and dated 13 December 2024, but modified to show:
 - a) The final size, location, elevation, and materials of all buildings and works.
 - b) The final details of all earthworks, including details of any cut and fill on the site.
 - c) The final location of the transmission connection into Elaine Terminal Station.
 - d) The colours and finishes of all buildings and works. All buildings and works must be non-reflective and of natural/muted tones to minimise visual impact.
 - e) The location of the native vegetation approved for removal at condition 8.
 - f) The noise mitigation measures outlined in the predictive noise assessment required by condition 4.
 - g) Any other changes to comply with:
 - i. CFA conditions 15 to 17.
 - ii. Corangamite Catchment Management Authority condition 14.
 - iii. Traffic management conditions 18 - 20.

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Compliance with documents approved under this permit

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

Predictive Noise Assessment

4. Before the use and development commences, an updated Predictive Noise Assessment must be submitted to and approved by the responsible authority and must:
 - a) Model the final design layout and all electrical components of the facility and assess this against EPA Publication 1826.4: *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*, including the consideration of cumulative noise in accordance with regulation 119 of the *Environment Protection Regulations 2021*.
 - b) Demonstrate compliance of the proposal with EPA Publication 1826.4.
 - c) Include details of any mitigation measures that will be implemented to achieve compliance with EPA Publication 1826.4 to the satisfaction of the responsible authority.
5. All measures relied on to achieve compliance with EPA Publication 1826.4 must be shown on the development plans endorsed under Condition 1 and implemented to the satisfaction of the Responsible Authority.
6. The Predictive Noise Assessment must be made available to the Minister for Planning, Moorabool Shire Council or the public upon request.

Native Vegetation Removal Conditions

7. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
8. To offset the removal of 0.059 hectares of native vegetation, as identified in Native Vegetation Removal Report 350_20241002_A3G the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as specified below:
 - a) A general offset of 0.009 general habitat units:
 - i. located within the Corangamite Catchment Management Authority boundary or Moorabool Shire local government area.
 - ii. with a minimum strategic biodiversity score of at least 0.2246.
9. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:
 - a) Credit extract(s) allocated to the permit from the Native Vegetation Credit Register; and/or
 - b) An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site.

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A copy of the offset evidence must be endorsed by the responsible authority and will form part of this permit.

10. In the event that a security agreement is entered into as per Condition 9 the applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

WorkSafe Conditions – Determining referral authority

11. The applicant must submit a fire management plan that includes review of impact to and from neighbouring BESS facilities, conducted by a suitably competent person, prior to BESS arrival onsite.
12. An emergency response plan must be developed in collaboration with neighbouring BESS facilities, prior to BESS arrival onsite.
13. The fire management plan and emergency response plan required by Conditions 11 and 12 must be submitted to, approved and endorsed by the responsible authority in consultation with the CFA, in accordance with condition 16 below.

Corangamite Catchment Management Authority (CMA) Conditions – Not a referral authority

14. Before the commencement of development, an amended Flood Assessment Report to the satisfaction of the responsible authority and in consultation with the floodplain management authority must be submitted to and approved by the responsible authority. The report must be generally in accordance with the report submitted with the application but modified to:
- a) Be in accordance with *Australian Rainfall and Runoff*, 4.2 methodology, including the relevant future climate change scenario's currently use as part of best practice (i.e., the use of the Shared Socioeconomic Pathway Scenarios of SSP3 – 7.0 and SSP5 – 8.5).
 - b) Provide detail of flood protection for the proposed development to provide safe conveyance of flows from upstream catchments, including sufficient protection for buildings and infrastructure within the 1% AEP flood extent and any other necessary mitigation measures, works or infrastructure.
 - c) Include the following required model outputs:
 - i. Pre and post development 1% AEP extent, depth, velocity, and hazard (depth-velocity product in m/s²) for the site and an appropriate distance up/downstream to show any impacts caused by the development.
 - ii. Afflux mapping (i.e., difference in flood level) between the pre-developed and developed scenarios.
 - iii. Difference in flood hazard (depth-velocity product) between the pre-developed and developed scenarios.
 - iv. Demonstrate how the development (including earthworks) will not:
 - Divert floodwaters to the detriment of any adjoining properties.
 - Increase flood velocity on any adjoining property.
 - Increase flood levels on any adjoining property.
 - Result in a detrimental loss of flood storage.

Country Fire Authority (CFA) Conditions – Not a referral authority

In CFA conditions 15 to 17:

'The CFA Guidelines' means CFA's Design Guidelines and Model Requirements for Renewable Energy Facilities (newest version at time of submitting plan for endorsement).

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15. Before plans are endorsed under Condition 1, in consultation with CFA, a Risk Management Plan must be submitted to, approved and endorsed by the responsible authority. The Risk Management Plan must be prepared in accordance with the CFA Guidelines, and:
- a) Describe the risks and hazards at the facility to and from the battery energy storage system and related infrastructure.
 - b) Include firefighting infrastructure, including fire hydrants and dedicated fire water supplies:
 - i. Of a quantity no less than 432kL (30L/s for four hours) effective capacity.
 - ii. Provided otherwise in accordance with the CFA Guidelines and AS 2419.1-2021: Fire hydrant installations.
 - iii. Located reasonably adjacent to the battery energy storage system but in a position that is accessible without undue danger in an emergency, to the satisfaction of CFA.
 - iv. Commissioned prior to the arrival of the battery energy storage system enclosures/containers at the facility.
 - c) Specify the separation distance, based on radiant heat flux (output) as an ignition source, between:
 - i. Adjacent battery containers/enclosures.
 - ii. Battery containers/enclosures and related battery infrastructure, buildings/structures, solar panel infrastructure, and vegetation.
 - d) Include a copy and summary of the findings of WorkSafe and ESV's Arc Flash Self-Audit Tool (dated June 2022), including the proposed risk controls to manage arc flash risks for site personnel and emergency responders.
 - e) Where acoustic barriers are proposed for battery energy storage systems, include consequence modelling of toxic gas releases which accounts for the proposed position of acoustic barriers.
 - f) List and describe all other controls for the management of on and off-site hazards and risks at the facility (including all proposed battery energy storage system safety and protective systems).
 - g) Provide an evidence-based determination of the effectiveness of the risk controls against the identified hazards, including justification for the omission of any battery safety and protective system/s.
 - h) Form the basis for the design of the facility.
16. Before plans are endorsed under Condition 1, an Emergency Plan (EP) and Fire Management Plan (FMP) must be submitted to, approved and endorsed by the responsible authority. The EP and FMP must be prepared in consultation with CFA and be in accordance with the CFA Guidelines. The EP and FMP must include a review of impacts to and from neighbouring BESS facilities, in accordance with Condition 12.
17. Before the use commences, all fire protection measures shown on the endorsed plans (including separation distances, emergency vehicle access, firefighting water supply (location and quantity) and equipment (hydrants), and fire breaks) must be implemented. The fire protection measures must be maintained on a continuing basis for the life of the permit, to the satisfaction of the responsible authority.

Traffic Management Plan (TMP)

18. Before the use and development starts, a Traffic Management Plan (TMP) must be prepared in consultation with Moorabool Shire Council and Head, Transport for Victoria, and submitted to, approved and endorsed by the responsible authority. The TMP must:
- a) Be prepared by a suitably qualified and experienced civil or traffic engineer.

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- b) Specify measures to be taken to manage traffic impacts associated with the construction and operation of the facility.
 - c) Specify designated transportation routes that will be used to access the site during construction of the facility, including the amount and type of vehicles required.
 - d) Include details of any proposed modifications or upgrades to existing roads that will be required before, during and after construction (where required).
 - e) Include a program to inspect, maintain and (where required) repair public roads used by construction traffic.
 - f) Be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority.
19. The endorsed TMP must be implemented to the satisfaction of, and at no cost to, the responsible authority, Head, Transport for Victoria and the Moorabool Shire Council.
20. Any proposed alteration or modification to the endorsed TMP must be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority for endorsement.

Construction Environment Management Plan (CEMP)

21. Before the use and development starts, a Construction Environmental Management Plan (CEMP) must be submitted to and approved by the responsible authority. The CEMP must be prepared to the satisfaction of the responsible authority and must include:
- a) Measures to avoid and minimise amenity and environmental impacts during construction of the facility.
 - b) Procedures to manage construction noise and vibration in accordance with the requirements of the Civil construction, building and demolition guide (EPA Publication 1834).
 - c) Procedures to manage mud and debris on the surrounding road network which may occur during construction.
 - d) Procedures to remove temporary works, plant, equipment, buildings and staging areas, and reinstate the affected parts of the land, when construction is complete.
 - e) A construction timetable, including typical daily start and end times.
 - f) The person(s) responsible for implementation and compliance of each of the CEMP requirements, including details of a site contact / site manager.
 - g) Measures to protect native vegetation proposed to be retained during construction works. These measures must:
 - i. Include the erection of native vegetation protection fencing around all native vegetation to be retained (including tree protection zones), to the satisfaction of the responsible authority.
 - ii. Comply with Australian Standard 4970 *Protection of Trees on Development Sites*.

Light Spill Management

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

Emergency Services

23. Before development starts, the permit holder must provide spatial information data to the Department of Transport and Planning (DTP) via email to Vicmap@transport.vic.gov.au and development.assessment@transport.vic.gov.au. This will enable Emergency Services to navigate to and access renewable sites. The following information must be included:

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- The main address of the site and the addresses of any other entry points to the site. The developer must obtain the addresses from the Local Government Authority (LGA) and pass this information onto the Department of Transport and Planning.
- The spatial polygon extent of the site, which is the location and boundaries of the site/facility.
- The locations of all site compounds, depots, substations, batteries and maintenance facilities (if any).
- The location and name of all gates as the access entry points onto the property. E.g. Gate ID is an example of an entry point name.
- The location of all internal roads within the site, represented as lines rather than polygons, also including any road names if applicable.
- All planning documents and plans relating to the site.

Notes about spatial information:

- Spatial information should be supplied in a GIS spatial format such as an ESRI shapefile; Mapinfo tab; KML/KMZ; or, in a Geodatabase.gdb. Please specify the datum used (e.g., GDA94 or GDA2020).
- For a smaller facility, for example a biomass facility, a screen grab showing the aerial imagery with the internal infrastructure marked on an image file will suffice.

Note on addressing:

- The requirement is that the entry point and the extent of the facility must have a main address allocated to it. Additionally, all access gates to the site must have associated secondary addresses. The developer must approach the respective Local Government Authority (LGA) to allocate site addresses. The address information must be supplied to the Department of Transport and Planning by the developer in an Excel table as per the M1 Form used by LGAs.
24. If there are any further changes to infrastructure location, internal roads, access points, or any other internal infrastructure during or after construction, including additional stages, the updated data must be provided to Department of Transport and Planning via email to Vicmap@transport.vic.gov.au within 30 days of the change. This will enable the details of any changes to be available for critical Emergency Services purposes.

Decommissioning

25. Once the facility permanently ceases operation, the responsible authority and Moorabool Council must be notified within three months.
26. Once the facility permanently ceases operation, all buildings and works must be removed from the site, and the site or the relevant part of the site must be rehabilitated and reinstated to the condition it was in prior to the commencement of development, unless otherwise agreed with the landowner, subject to the written consent of the responsible authority.
27. Within three months of the facility permanently ceasing operation, a Decommissioning Management Plan (DMP) prepared by a suitably qualified and experienced person must be submitted to, approved and endorsed by the responsible authority.

The DMP must include, as a minimum:

- a) Identification of infrastructure, equipment, buildings, and structures to be removed, and details of how these will be removed.
- b) Details of how the site will be rehabilitated to meet the requirements of condition 26.

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- c) A requirement that a Decommissioning Traffic Management Plan (DTMP) be submitted to, approved and endorsed by the responsible authority prior to decommissioning works starting. The DTMP must be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority for endorsement. The DTMP must specify measures to manage traffic impacts associated with removing the infrastructure, equipment, buildings and structures from the site to the satisfaction of the responsible authority.
- d) A requirement that all decommissioning works identified in the DMP be completed to the satisfaction of the responsible authority as soon as practicable, but no later than 12 months after the DMP is endorsed, or such other period approved by the responsible authority.

Notification of works Commencing

28. The Department of Transport and Planning (DTP) must be notified when works commence on site, via email to development.assessment@transport.vic.gov.au.

Permit Expiry

29. This permit will expire if:

- a) The development is not commenced within four years of the date of this permit;
- b) The development is not completed within eight years of the date of this permit; or
- c) The use is not commenced within eight years of the date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six months afterwards.
- The completion date referred to if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

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USEFUL INFORMATION:

(the following information does not form part of this permit)

- The Environment Protection Act 2017 came into effect on 1 July 2021. The general environmental duty (GED) is a centrepiece of the laws and applies to all Victorians. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to reduce risk of harm and demonstrate good practices, by using best available techniques and technologies so far as reasonably practicable.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
 - i. the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - ii. the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

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

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

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