Energy Assessment
PA2604197

Cobden BESS

Officer Assessment

VICTORIA State Government | Department of Transport and Planning

Contents

Executive Summary _____ 2

Process and Documentation _____ 4

Proposal _____ 5

Subject Site and Surrounds _____ 6

Referrals _____ 8

Public Notice _____ 10

Assessment _____ 17

Recommendation _____ 33

Attachment 1: Other Legislative Requirements _____ 35

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Executive Summary

Key Information	Details
Application No:	PA2604197
Received:	30 January 2026
Statutory Days:	94
Applicant:	Cobden BESS Pty Ltd C/- SLR Consulting Australia Pty Ltd
Planning Scheme:	Corangamite
Land Address:	89 Cobden-Scotts Creek Road, Cobden VIC 3266 (Lot 2 of TP863659)
Proposal:	Use and development of land for a utility installation (battery energy storage system (BESS)), associated buildings and works and to create or alter access to a Transport Zone 2.
Project Description:	The proposed Cobden BESS has a storage capacity of up to 75 MW / 300 MWh and includes the following elements: - Up to 66 battery containers and transformers - 66/33 kV on-site substation and switchroom - Operations and maintenance building/storage warehouse - Water tanks and associated fire protection infrastructure - Security fencing, internal access roads, car parking, laydown area - New vehicle access from Cobden-Port Campbell Road (Transport Zone 2 – Principal Road Network). - Vegetation screening - 4 m noise wall to two sides of the substation transformer The BESS is proposed to connect to the existing 66 kV sub-transmission line which runs from Cobden Zone Substation to Camperdown Zone Substation transmission network via the proposed on-site substation and associated grid connection infrastructure. Noting, the grid connection infrastructure does not form part of this application.
Development Value:	$120 million
Why is the Minister responsible?	Under Clause 72.01-1, the Minister for Planning is the responsible authority for a planning permit application for the use or development of land associated with a utility installation used to: – Transmit or distribute electricity; and/or, – Store electricity if the installed capacity is 1 megawatt or greater; and for an application where clause 53.22 applies.

Planning Controls:	Clause	Control	Permit Trigger
Zone:	Clause 35.07-1 Clause 35.07-4	Farming Zone (FZ)	Use of land for utility installation. Construct a building or carry out works associated with a use in section 2 of clause 35.07-1.
Overlay:	N/A	N/A	N/A
Particular Provisions:	Clause 52.06	Car Parking	N/A
	Clause 52.17	Native Vegetation	N/A
	Clause 52.29-2	Land adjacent to the principal road network	To create or alter access to a road in a Transport Zone 2.
	Clause 53.22	Significant Economic Development	N/A The proponent has submitted written confirmation that the application is an application to which this clause applies.

Cultural Heritage:	The proposed BESS and associated works are located well outside the area of cultural heritage sensitivity. A CHMP is not required.
Referral Authorities:	Head, Transport for Victoria (section 55 determining) WorkSafe (section 55 determining)
Public Notice:	Notice was given between 28 August 2026 and 25 September 2026. Seven submissions have been received at the time of writing this assessment. Submissions were received from the following organisations: – Country Fire Authority (CFA) – AusNet – First Peoples – State Relations Group – Corangamite Shire Council – Powercor Two submissions were received from the community, one was an objection and one was a letter of support.
Renewable Energy Zone:	N/A
Delegation:	Approval to determine under delegation received on 19 October 2026.
Recommendation:	Issue a planning permit subject to conditions.

Process and Documentation

Planning Process

The key milestones in the application process were as follows:

Milestone	Date
Application lodgement	30 January 2026
Further information requested	16 February 2026
Further information received	24 July 2026
Public notice	28 August 2026 – 25 September 2026

Decision Documents

The subject of this report is the decision documents (as advertised with the application and described below):

Decision Documents

- Planning Report, prepared by SLR Consulting Australia Pty Ltd, Revision 3 and dated 24 July 2026.
- Development Plans, prepared by SLR Consulting Australia Pty Ltd including:
  - Regional Context Plan and dated 24 July 2026.
  - Layout and Setbacks Plan, Revision 00 and dated 17 July 2026.
  - Distance to Noise Receivers Plan, Revision 00 and dated 10 July 2026.
  - Layout (Detail) Plan, Revision 06 and dated 17 July 2026.
  - Floorplans Plan, Revision 00 and dated 17 July 2026.
  - Elevation – BESS Container Plan, Revision 00 and dated 17 July 2026.
  - Elevation – Power Conversion Units Plan, Revision 00 and dated 17 July 2026.
  - Elevation – Substation Plan, Revision 00 and dated 17 July 2026.
  - Elevation – Buildings, Revision 00 and dated 17 July 2026.
- Certificate of Title produced 9 January 2026.
- Noise Impact Assessment, prepared by SLR Consulting Australia Pty Ltd, Revision 1.1 and dated 23 July 2026.
- Bushfire Risk Assessment, prepared by SLR Consulting Australia Pty Ltd, Revision R12-v2.0 and dated 1 May 2026.
- Traffic Impact Assessment, prepared by SLR Consulting Australia Pty Ltd, Revision V3.1 and dated 4 June 2026.
- Native Vegetation Assessment, prepared by SLR Consulting Australia Pty Ltd, Revision 3 and dated 3 June 2026.
- Landscape Character and Visual Impact Assessment, prepared by SLR Consulting Australia Pty Ltd, Revision 2 and dated 10 June 2026.
- Geotechnical Desktop Study, prepared by SLR Consulting Australia Pty Ltd, Revision 3 and dated 25 March 2025.
- Flood Assessment Gap Analysis, prepared by SLR Consulting Australia Pty Ltd and dated 16 December 2024.
- Preliminary Site Investigation – Contamination, prepared by SLR Consulting Australia Pty Ltd, Revision: v0.2 and dated 16 January 2025.

Decision Documents

- Stormwater Management Plan, prepared by SLR Consulting Australia Pty Ltd, Revision 3 and dated 14 May 2026.
- Hazards & Risk Assessment, prepared by SLR Consulting Australia Pty Ltd, R01-v3.0

Proposal

1. The application proposes the use and development of a 75 MW / 300 MWh battery energy storage system (BESS).
2. The project can be summarised as follows:
   - Up to 66 battery containers and transformers
   - 22 inverters located externally to the modular enclosures.
   - Associated infrastructure and works including onsite substation and transformers, operational maintenance facility and control room.
   - Water tanks and associated fire protection infrastructure
   - Security fencing, internal access roads, car parking, laydown area
   - New vehicle access from Cobden-Port Cambell Road (Transport Zone 2 – Principal Road Network).
   - Vegetation screening
   - 4 m noise wall around the substation transformer
3. The BESS is proposed to connect to the existing 66 kV sub-transmission line which runs from Cobden Zone Substation to Camperdown Zone Substation transmission network via the proposed on-site substation and associated grid connection infrastructure. Noting, the grid connection infrastructure does not form part of this application.
4. The application does not proposed the removal of native vegetation.
5. The applicant has provided the following concept plans and images of the proposal:



Figure 1: Proposed Cobden BESS indicative site layout. Source: Decision Plans

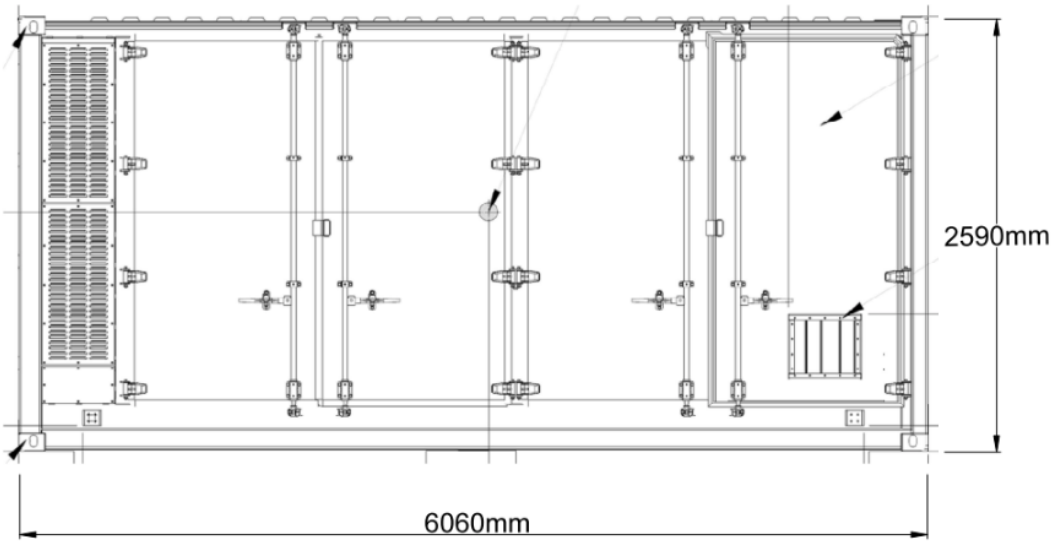


Figure 2: Elevation of the proposed battery energy storage units. Source: Decision Plans

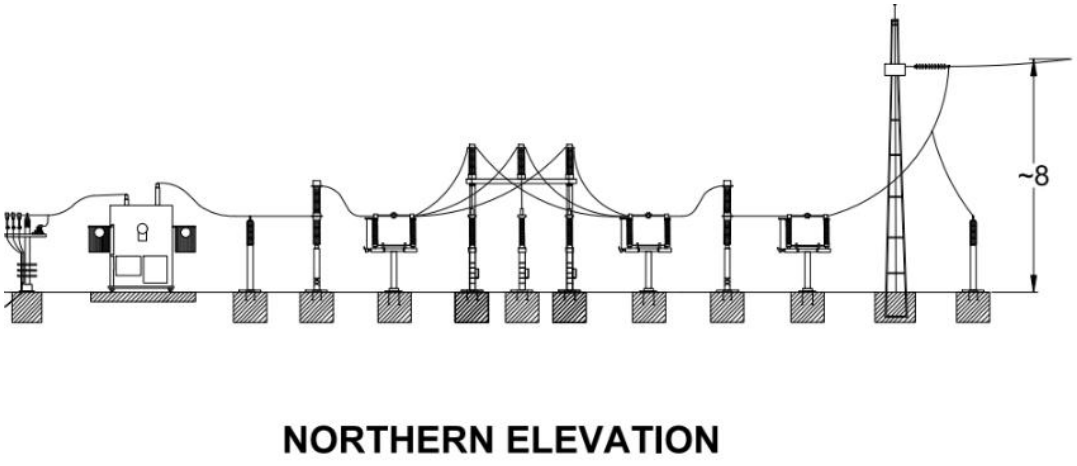


Figure 3: Elevation of the proposed substation. Source: Decision Plans.

Subject Site and Surrounds

Site Description

6. The site is located within the township of Cobden, situated in the Corangamite Shire Council in south-west Victoria. Cobden is situated approximately 200 km south-west of Melbourne with its town centre is approximately 2.5 km northeast of the site (see figure 4 and 5 below).

7. The proposed development is confined to a project area of approximately 2.4 ha within a broader landholding of 49.3 ha that is used for agriculture and is predominantly covered by modified pasture species and agricultural weeds.
8. The broader landholding has an address of 89 Cobden-Scotts Creek Road, Cobden, and is formally described as Lot 1 on TP863659 (eastern lot) and Lot 2 on TP863659 (western lot). A government road traverses the land in a north-south direction, separating the two lots. The proposed buildings and works are wholly contained within Lot 2 on TP863659.
9. Planted vegetation associated with the on-site homestead, access driveway and cattle yards includes introduced *Pinus radiata* and non-endemic *Eucalyptus globulus*, and are not considered native vegetation under clause 52.17 of the Planning Scheme.
10. Three patches of native vegetation comprising Herb-rich Foothill Forest (EVC 23) occur on the subject land but are located outside the project area and will not be impacted by the proposed development.
11. The subject land is generally gently undulating, with a gradual fall from west to east towards the Curdies River catchment. The land is relatively elevated compared to the surrounding drainage features and does not contain any significant topographic constraints.
12. The site is located in the Farming Zone (FZ) and is not affected by any overlays.
13. The site is also not within an area of Aboriginal Cultural Heritage Sensitivity (CHS).
14. The site located within a Bushfire Prone Area (BPA). The Country Fire Authority (CFA) is the fire authority for the area.
15. There are no covenants or restrictions on the title that would prohibit the proposed use, development the land for a utility installation.
16. An electricity easement (E-1) is located on the western boundary of Lot 2 and measures 15 m long and 3 m wide.

Site Surrounds

17. The surrounding area is characterised by large agricultural landholdings with scattered rural residential dwellings.
18. Cobden Zone Substation is located approximately 950 m to the northwest.
19. Two animal feed processing facilities are situated approximately 1 to 1.2 km to the north.
20. The Cobden Lime Quarry is located approximately 3 km to the southeast.
21. The Cobden town centre is located approximately 2.5 km to the northeast.



Figure 4: Cobden BESS subject site. Source: Landscape Character and Visual Impact Assessment, SLR Consulting.



Figure 5: Cobden – Port Campbell Road Context – Adjacent Host Address. Source Landscape and Visual Impact Assessment, SLR Consulting.

Referrals

22. The application was referred to the following authorities under section 55 of the *Planning and Environment Act 1987* (PE Act), as summarised below:

Organisation and referral type	Clause	Response Date	Response	DTP Officer Comment
WorkSafe Victoria (Determining)	66.02-7	15/10/26	No objection subject to conditions requiring: - Preparation and implementation of an Emergency Management Plan (EMP), to the satisfaction of the relevant fire authority's Dangerous Goods Unit, addressing bushfire risk mitigation, emergency communication protocols and neighbour notification requirements. - Implementation, where reasonably practicable, of the recommendations outlined in the Hazard & Risk Assessment (12 May 2026), including any subsequent updated reports.	These conditions have been included on the permit.
Head, Transport for Victoria (Determining)	66.03	14/09/26	No objection, subject to conditions requiring: - Vehicle crossovers to be constructed to DTP standards before works commence and maintained to ensure safe site access and road safety. - Requirement for a Traffic Management to be prepared. - Site access and associated road upgrades to be completed to Head, TfV approved standards before works commence. - Head, TfV Works Agreement before undertaking works within the arterial road reserve. A permit note requiring the following: - National Heavy Vehicle Regulator (NHVR) approval for oversize and over mass vehicle movements.	These conditions and permit note have been included on the permit.

Public Notice

23. In accordance with section 52 of the PE Act, public notice of the application was given between 28 August 2026 and 25 September 2026. Notice was given in the following manner:

Section of PE Act:	Notice was given to:	Given by:
52(1)(a)	Owners and occupiers of adjoining land	Permit applicant
52(1)(b)	Corangamite Shire Council	DTP
52(1)(c)	N/A – The scheme does not prescribe any notice	

52(1)(d)	In accordance with section 52(2) of the PE Act, notice under 52(1)(d) was given in the following ways:	Given by:
52(2)(a)(ii)	Notice was given in the Camperdown Chronicle for one issue.	Permit applicant
52(2)(a)(iii)	Owners and occupiers of all land within 1 km of the project boundary	Permit applicant
52(2)(b)	– Country Fire Authority (CFA) – Energy Safe Victoria – VicGrid – First Peoples, State Relations – Eastern Maar Aboriginal Corporation – AusNet Transmission Group – Emergency Management Victoria – Powercor	DTP

24. Seven submissions (including one objection) have been received at the time of writing this report (as of 30/10/2026).

Objection

25. The following concerns were raised in the objection:
    - Inadequate community consultation
    - Noise impacts
    - Visual amenity
    - Land value
26. The concerns raised by the objector are assessed in the relevant thematic sections of the report below, including matters of noise and landscape and visual impact.
27. A response of the other prominent matters raised in the objection is provided in the table below:

Objector Concern	DTP Officer Response
Land value	The consideration of property values and land devaluation is not included within the decision guidelines of the scheme and cannot be considered within the assessment and determination of the project.
Inadequate community consultation	Public notice of the application was given in one newspaper and to all properties within 1 km of the site for 28 days, in accordance with the requirements of section 52 of the Act. Additionally, it is understood that applicant undertook consultation with the community prior to the lodgement of the application, including via information session, newspaper advertisement, phone calls, and meetings. The proponent reported multiple meetings have occurred with council.

28. Overall, DTP submits that the matters raised in the objection, which are relevant to the planning assessment, are suitably addressed by the application as detailed in the assessment section of this report.

Submissions

29. Four submissions were received from government agencies and authorities (who were not referral authorities under section 55 of the PE Act), as summarised below:

Submitter	Summary of submission	DTP Officer Response
Country Fire Authority (CFA)	No objection, and recommended conditions requiring the preparation of: - Amended plans to prepared to show any changes required to comply with CFA conditions. - A Risk Management Plan (RMP) - Emergency Plan (EP) - Fire Management Plan (FMP) Recommended conditions also require: - Before the use commences, all fire protection measures shown on the endorsed plans must be implemented.	These conditions should be included on any permit to issue.
AusNet	No objection, no recommended conditions.	N/A
First Peoples – State Relations Group	No objection, no recommended conditions.	N/A
Powercor	No objection, and recommended conditions requiring: - Any existing and proposed buildings and electrical installations must comply with the Victorian Service and Installation Rules (VSIR). - Buildings must comply with the required clearances under the Electricity Safety (Installations) Regulations. - If vehicles are required to operate near power lines, a High Load Assessment may be required.	These conditions should be included on any permit to issue.

Submitter	Summary of submission	DTP Officer Response
	- All construction works must comply with Energy Safe Victoria's "No Go Zone" requirements when working near electrical infrastructure.	
Corangamite Shire Council	Submission, matters raised include: - Local road infrastructure impacts associated with construction traffic and oversized vehicle movements. - Traffic management, haulage routes, and road condition monitoring. - Stormwater management and drainage design. - Emergency management, fire response planning and emergency service capability. - Landscape and visual amenity impacts, including landscaping establishment and maintenance. - Operational noise impacts and verification following commissioning. - Construction management and impacts on nearby residents and agricultural operations. - Community engagement, complaints management and notification processes. - Decommissioning, site rehabilitation and restoration of agricultural land. - Consideration of a financial assurance mechanism to secure future decommissioning and rehabilitation obligations. Corangamite Shire Council requested that various conditions be imposed should a permit be issued, including requirements relating to:	DTP considers the application material, including information submitted in response to the request for further information, sufficient to enable a comprehensive assessment of the proposal. The council's concerns regarding local road infrastructure and traffic management are addressed through the conditions recommended by the Head, Transport for Victoria. These conditions require the preparation of a Traffic Management Plan (TMP), approval of transport routes, road condition surveys, and measures to manage impacts on affected roads. DTP recommends that any permit to issue include a condition requiring the TMP to be prepared in consultation with Corangamite Shire Council. Matters relating to emergency management and fire response are addressed through conditions recommended by the CFA and WorkSafe Victoria. These conditions require the preparation of risk, emergency and fire management plans, provision of firefighting water supply, emergency access arrangements, fire breaks, and other emergency management measures prior to operation.

Submitter	Summary of submission	DTP Officer Response
	- The preparation of a Construction Traffic Management Plan - Heavy vehicle route approval and road dilapidation surveys - Stormwater and drainage infrastructure design and maintenance - Bushfire, fire management and emergency response plans - Landscaping implementation and ongoing maintenance - Noise compliance and post-commissioning noise verification - The preparation of a Construction Environmental Management Plan - Community consultation and complaints management procedures - The preparation of a Decommissioning and Rehabilitation Plan - Removal of infrastructure and rehabilitation of the site following cessation of operations. - The request for a financial assurance mechanism to support future decommissioning and site rehabilitation is noted.	The council's request for ongoing consultation with affected landowners regarding farm access, stock movements and agricultural operations is addressed through a condition requiring the preparation of a Construction Environmental Management Plan (CEMP). In addition, a Complaints Investigation and Response Plan (CIRP) will require the maintenance of a dedicated project email address and telephone contact for community enquiries, complaints and ongoing communication throughout the project. In relation to the council's request for a financial assurance mechanism, such as a bond or bank guarantee, permit conditions requiring the preparation of a Decommissioning Management Plan are considered to provide an appropriate mechanism to secure satisfactory decommissioning and site rehabilitation outcomes. Further, DTP has recommended permit conditions addressing stormwater management, noise, landscaping, construction management, complaints management, decommissioning and site rehabilitation, including: - Landscaping Plan - Operational Environmental Management Plan (OEMP) - Construction Environmental Management Plan (CEMP)

Submitter	Summary of submission	DTP Officer Response
		- Drainage Management Plan, prepared in consultation with Corangamite Shire Council. - Predictive Noise Assessment. - Complaints Investigation and Response Plan - Decommissioning Management Plan The assessment section of this report provides further details in how the application and recommended permit conditions respond to the council's concerns.

30. One submission in support of the proposal was received from a community member. The submitter considered the proposal would support the utilisation and storage of locally generated renewable energy, reduce reliance on the broader electricity network during peak demand periods, and provide benefits to the local industry.

Assessment

Key Considerations

31. The Corangamite Planning Scheme (the scheme) contains policies and controls that guide the assessment of utility installations. These are found in the Municipal Planning Strategy, the Planning Policy Framework, the relevant zone and overlays, and other relevant provisions. The assessment below addresses the relevant sections of the planning scheme while having regard to the matters which must be considered in accordance with section 60 of the PE Act.
32. The following are deemed the key considerations in assessing the acceptability of the proposal:

- Strategic policy context and planning controls
- Whether the proposal responds to the vision and strategic directions of the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF)
- Suitability of the land use in the FZ and impacts on agricultural land
- Suitability of the proposal against the relevant particular provisions
- Biodiversity and native vegetation impacts
- Fire risk, emergency management and dangerous goods
- Vehicle access, road and traffic considerations
- Amenity impacts in terms of noise, light spill, visual impact and construction impacts
- Hydrology impacts

Mandatory considerations under section 60 of the PE Act

s60 Mandatory consideration	How this is addressed in this report
(a) Relevant planning scheme	Addressed through the sections that identify and discuss permit triggers, the MPS and PPF, zones, overlays, particular provisions and relevant decision guidelines.
(b) Objectives of planning in Victoria	The most relevant objectives include those relating to the fair, orderly, economic and sustainable use and development of land; protection of natural and man-made resources and ecological processes; securing a pleasant, efficient and safe working, living and recreational environment; balancing present and future community interests; facilitating development that supports community wellbeing and economic growth; and integrating environmental, social and economic considerations in decision-making. These matters have been addressed through integrated assessment of the application, as discussed throughout the report in sections that outline strategic policy considerations, land use compatibility and orderly planning, renewable energy and climate action objectives, agricultural, environmental, social, landscape and amenity considerations.
(c) Objections and submissions	Summarised in the Public Notice section and considered through the relevant assessment sections.

s60 Mandatory consideration	How this is addressed in this report
(d) Any decision and comments of a referral authority	Summarised in the Referrals section, with determining referral authority requirements identified for inclusion where appropriate.
(e) Any significant environmental effects	Addressed through biodiversity, native vegetation, hydrology, fire, construction, landscape, amenity and environmental management considerations throughout the report.
(f) Any significant social and economic effects	Social effects are addressed through discussion on community concerns, amenity, consultation, safety, traffic, landscape and cumulative impact considerations throughout the report. Economic effects are addressed through storage energy benefits, regional investment, employment, agricultural land use, local economic impacts and decommissioning considerations throughout the report. The proposal is appropriately located in an area where there is existing energy generation and utility infrastructure. The project will contribute to the local economy by creating up to 91 jobs during the construction phase and up to seven jobs during operational phase, meeting the objectives of clause 17.01-1S. The use will also contribute to the enhancement of the electricity network by ensuring grid reliability during peak demand periods.
1A(f) Any other relevant matter	Addressed within the assessment of the relevant zones, overlays and particular provisions. Clause 65 decision guidelines have also been considered. The assessment has had regard to the matters relevant to the decision, including the MPS, PPF, purpose and decision guidelines of relevant zones, overlays and particular provisions, orderly planning, the effect on amenity, the suitability of the land for the proposed use and development, environmental, social and economic effects, traffic and access, infrastructure, native vegetation, referral authority responses, objections and submissions, and proposed permit conditions.

Permit Triggers

33. A planning permit for the project is required under the following planning controls:

Clause	Permit Trigger
35.07-1	Use of the land for the purpose of a utility installation.
35.07-4	Construct a building or construct of carry out works for any use in section 2 of clause 35.07-1.
52.29-2	Create or alter access to a road in a Transport Zone 2 (Land Adjacent to the Principal Road Network).

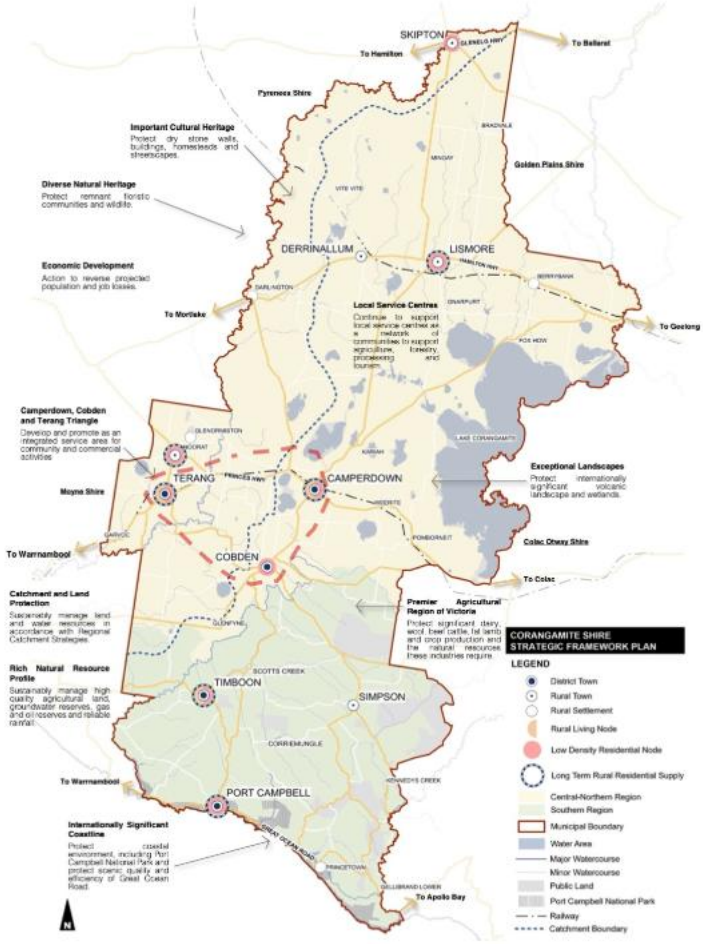
Strategic Direction and Policy Context

34. Overall, the Purpose and Vision for Victoria (clause 01), Municipal Planning Strategy (clause 02) and the Planning Policy Framework (PPF) of the scheme encourage the development of energy storage projects to support responses to climate change, on balance with the protection of the environment, communities and agricultural land. In particular, clause 01.01 (Purposes of this Planning Scheme) identifies that a key purpose of the scheme is "to support responses to climate change".
35. The project is supported by Plan for Victoria (2025), which seeks to ensure that "Regional Victorian communities will attract and benefit from investment in renewable energy – wind, solar and battery storage – projects".
36. Additionally, Victoria's Renewable Energy Action Plan, 2018 and Victoria's Climate Change Strategy, 2021 and the 2025 Victorian Transmission Plan all outline the importance of renewable energy generation and battery storage projects in Victoria's renewable energy transition and the role they play in stabilising the electricity grid.

Municipal Planning Strategy (MPS)

37. An assessment against the MPS of the scheme is provided in the table below:

Clause	Description	Assessment
02.01	Context	The MPS recognises the municipality's predominantly rural character, which is defined by its environmental context, including its agricultural land base, settlements and valued landscapes. The MPS also acknowledges the significant contribution of agriculture to the local economy. Council's vision is to achieve the sustainable development of the Shire through orderly urban growth, protection of natural and rural resources, support for productive agricultural activities, conservation of environmental and cultural values, sustainable economic and tourism development, and the provision of efficient and environmentally responsible infrastructure. It is noted that the subject land is located outside the area identified as the **Premier Agricultural Region of Victoria** in the Corangamite Strategic Framework Plan at Clause 02.04, as shown below. As such, the proposal would not directly affect the agricultural land identified by the Planning Scheme as having strategic significance for the protection of the Shire's premier agricultural industries.
02.02	Vision	
02.03	Strategic Directions	
02.04	Strategic Framework Plans	

Clause	Description	Assessment
		 The application provides for a $120M project within the municipality, creating local employment opportunities in both construction and operation stages. The proposal has generally been sited to protect the key biodiversity values on site, respond to fire risk, and ensure only a minor reduction in local agricultural production. The proposal responds appropriately to this policy context by providing a BESS in an appropriate location with minimal impacts on the valued elements and amenity of the area.

Planning Policy Framework

38. An assessment of the project against the relevant objectives and strategies of the PPF is provided in the table below:

Clause	Description	Assessment
Clause 12	**Environment and Landscape Values**	

Clause	Description	Assessment
12.01-1S	Protection of biodiversity	Clause 12 focuses on the protection of ecological systems, native vegetation, biodiversity, and identified environments or landscapes. Where possible, the project has avoided impacts to ecological values, including: - Siting the development to avoid the removal of native vegetation. - Locating the project within an existing agricultural landscape predominantly used for cropping, where vegetation consists largely of modified pasture, agricultural weeds and fodder species. - Confirming that no flora or fauna species listed under the *Environment Protection and Biodiversity Conservation Act 1999* or the *Flora and Fauna Guarantee Act 1988* were identified within the project area.
12.01-2S	Native vegetation management	
12.05-2S	Landscapes	The visual impacts of the project are anticipated to be low and are considered acceptable having regard to the site context and surrounding rural landscape character. Proposed vegetation screening along sections of the site perimeter will assist in integrating the development into the landscape and mitigating potential visual effects. Landscape and visual impacts are assessed in further detail below.
Clause 13	**Environmental Risks and Amenity**	
13.02-1S	Bushfire planning	The facility has been developed in accordance with the *CFA's Guidelines and Model Requirements for Renewable Energy Facilities* (the CFA Guidelines) to appropriately respond to bushfire risks. Refer to the fire section of the report for assessment.
13.05-1S	Noise management	The project is predicted to achieve compliance with the relevant noise limits. Should a permit issue, it is recommended a permit condition require the preparation of a final predictive noise assessment, measuring impacts of the final selected equipment and infrastructure for the facility. Refer to the noise section of the report below for assessment.
13.07-1S	Land use compatibility	As discussed further on in this assessment, the proposed use is considered acceptable with appropriate mitigations in place, on balance with the benefits of the provision of a storage facility.
Clause 14	**Natural resource management**	
14.01-1S; 14.01-1L	Protection of agricultural land	The Subject Site is predominantly utilised for cropping, with existing vegetation largely comprising modified pastures and a mixture of agricultural weeds and fodder species. The BESS will occupy only a limited portion of the overall site and the majority of the land will remain available for ongoing agricultural use, ensuring that the development does not significantly constrain the site's existing rural function. Should a permit issue, conditions are recommended, which would require the rehabilitation of the site back to its prior condition after the BESS

Clause	Description	Assessment
		ceases operations, to ensure that the land continues to remain suitable for agricultural uses into the future. Refer to the agricultural section of the report for assessment.
14.02-1S	Catchment planning and management	The subject site is situated on elevated land that drains towards the Curdies River and its tributaries to the east. Overland flows naturally follow this drainage pattern, and while some sheet flow may occur within the local catchment, it is not expected to significantly affect the site. Refer to the hydrology section of the report for further assessment.
14.02-2S	Water Quality	
Clause 15	**Built Environment and Heritage**	
15.01-6S	Design for rural areas	The proposal is considered to respect the valued areas of rural character, and is appropriately sited, given the existing transmission line adjacent to the site and its proximity to proposed, approved, and operational energy facilities. The BESS units are low-profile, with an approx. height of approximately 2.6 metres above natural ground level, and visual impacts will be further reduced through implementation of a landscaped vegetation buffer around the perimeter of the project infrastructure area.
Clause 17	**Economic Development**	
17.01-1S	Diversified economy	The proposed BESS meets the objectives of Clause 17 by creating jobs during the construction and operation of the facility and by supporting the rural economy to grow and diversify.
17.01-1R	Diversified economy – Great South Coast	
Clause 18	**Transport**	
18.01-1S	Land use and transport integration	The construction traffic impacts can be suitably managed through the preparation of a TMP and operational impacts on the road network will be negligible. A condition requires the preparation of a Traffic Management Plan (TMP) to address access arrangements from Cobden-Port Campbell Road and any necessary intersection upgrades. Subject to these requirements, the development is not expected to generate significant long-term traffic impacts.
18.02-4S	Roads	
Clause 19	**Infrastructure**	
19.01-1S	Energy supply	The proposal is consistent with clause 19 which supports the renewable energy led transition to a low-carbon economy with reduced greenhouse gas emissions. The proposed facility is estimated to store approximately 75 MW / 300 MWh of electricity. The proposed BESS will also assist the delivery of power during peak times to the network to meet community demand for energy needs. The
19.01-2S	Renewable energy	

Clause	Description	Assessment
		project is not located within a declared renewable energy zone. However, neither the Planning Policy Framework (PPF) nor the Victorian Transmission Plan (VTP) require new renewable energy projects to be located exclusively within a REZ. Planning permit applications for energy projects are assessed on their individual merits, having regard to the relevant legislation and planning policy. The proposed BESS is co-located with existing distribution network.

39. Overall, the proposal is consistent with the relevant planning policies within the MPS and PPF.

Zoning and Overlays

Farming Zone (FZ)

40. The project is entirely located within the FZ.
41. The FZ seeks to (as relevant) provide for the use of land for agriculture, encourage the retention of productive agricultural land, ensure that non-agricultural uses do not adversely affect the use of land for agriculture, encourage the retention of employment and population to support rural communities, and encourage the use and development of land based on comprehensive sustainable land management practices and infrastructure provision.
42. Having regard to the relevant decision guidelines at clause 35.07-6, the proposed use and development is appropriate outcome in the FZ as follows:

- The proposal does not adversely affect the use of the land for ongoing farming activities (cropping) on the remainder of the property, and it does not prevent or impede on the ability for surrounding properties in the FZ to continue to use their land for agricultural purposes.
- The built form will be sufficiently setback from adjoining properties, with the nearest non-stakeholder dwelling located approx. 290m from the site.
- The siting and low-profile design of the BESS site infrastructure minimises visual and environmental impacts and materials and colours will be selected to reduce visual contrast with the landscape. On-site screen planting will be incorporated, via permit condition, where existing vegetation is limited.
- The BESS will connect to the existing electricity network via the 66 kV sub-transmission line located along Cobden-Port Campbell Road, which runs between the Cobden Zone Substation and Camperdown Zone Substation. The connection will be established in a line-in-line-out configuration, enabling direct integration with the existing network.
- There will be a minor reduction (approx. 2.4 ha) in the extent of land under agricultural production from the footprint of the BESS and ancillary infrastructure. However, this is not a permanent loss given that conditions of the recommendation will require the facility to be decommissioned at the end of its operational life.
- The project will not affect soil quality, and the site can be returned to its existing condition when the BESS ceases use.
- The proposal is located approximately 500 metres from the Curdies River and the estimated flood extent. As a result, the development is not anticipated to adversely impact flood behaviour either within the site or in the surrounding area.
- The traffic impacts of the construction and use of the facility are discussed further in the relevant section of this report and are acceptable subject to standard conditions.
- The proposal will create short-term construction employment and generate long-term operational roles, contributing to sustained local job opportunities.

– The proposal has considered potential fire hazards and incorporates safety design recommendations in accordance with CFA requirements, including fire breaks, site access and appropriate separation.

Transport Zone 2 (TRZ2)

43. The relevant purpose of the TRZ is to:
    - *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
    - *To provide for an integrated and sustainable transport system.*
    - *To identify transport land use and land required for transport services and facilities.*
    - *To provide for the use and development of land that complements, or is consistent with, the transport system or public land reservation.*
    - *To ensure the efficient and safe use of transport infrastructure and land comprising the transport system.*
44. Having regard to the relevant decision guidelines at Clause 36.04-5, the proposed use and development is appropriate outcome in the TRZ2 as follows:
    - Cobden-Port Campbell Road forms the western boundary of the subject site and is zoned TRZ2. The proposal includes a new access point from Cobden-Port Campbell Road and a temporary 20-metre construction access during the construction phase.
    - The proposal does not introduce sensitive or incompatible land uses, nor does it adversely affect the operation of the transport network.
    - Accordingly, the proposal is consistent with the purpose of the TRZ2, supporting the delivery of essential infrastructure while maintaining the safe and efficient functioning of the declared road network.

Particular and General Provisions

Clause 52.06 - Car parking

45. Clause 52.06 (Car parking) seeks to ensure that an appropriate number of car parking spaces is provided for new uses.
46. Pursuant to clause 52.06-6, car parking must be provided to the satisfaction of the responsible authority.
47. All construction vehicles and equipment will be accommodated within a designated area on the site, marked as 'Laydown Area' on the advertised plans. A recommended permit condition requires a construction environmental management plan that will provide further details on the function of the laydown area during the construction phase.
48. Once constructed, a small parking area is proposed for site staff. A condition on the permit will require detailed, fully dimensions plans to confirm the provision and layout of on-site car parking.
49. It is considered adequate parking is provided at both the construction and operation stages.

Clause 52.29 – Land adjacent to the principal road network

50. Pursuant to clause 52.29-2, a permit is required to create or alter access to a road in a Transport Zone 2.
51. The application proposes a new 20-metre-wide construction vehicle access from Cobden-Port Campbell Road to facilitate the construction and ongoing operation of the facility.
52. The application was referred to Head, TfV who did not object to the proposal subject to conditions requiring:
    - Vehicle crossovers to be constructed to DTP standards before works commence and maintained to ensure safe site access and road safety.
    - Requirement for a Traffic Management to be prepared.
    - Site access and associated road upgrades to be completed to Head, TfV approved standards before works commence.
    - Head, TfV Works Agreement before undertaking works within the arterial road reserve.

53. The required conditions by Head, TfV have been included on the permit. Refer to additional discussion of traffic and transport matters further on in this assessment.

Clause 53.22 - Significant Economic Development

54. Clause 53.22 seeks:

- *To prioritise and facilitate the planning, assessment and delivery of projects that will make a significant contribution to Victoria's economy and provide substantial public benefit, including jobs for Victorians.*
- *To provide for the efficient and effective use of land and facilitate use and development with high quality urban design, architecture and landscape architecture.*

55. This application is a Category 1 application at clause 53.22-1. As such it is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the PE Act.

Other Matters

Agricultural Impact

56. Clauses 14.01-1S and 14.01-1L (both titled 'Protection of agricultural land') seek to protect the state's agricultural base by preserving productive farmland.
57. It is acknowledged that the site is identified as 'High Productive Agricultural Land' and 'Farmland of state and regional significance' in Grow Corangamite: Sustaining our Agricultural Future (August 2024). However, as the project has a relatively small development footprint and requires only limited ground disturbance, excavation and landform alteration, it is considered that the proposed land use is acceptable.
58. The application is supported by an agricultural assessment contained within the planning report prepared by SLR Consulting Australia Pty Ltd, which identifies that:
    - The site is currently used primarily for cropping activities and consists of highly modified agricultural land, including improved pastures, agricultural weeds and fodder species.
    - Although the land is within the Farming Zone, the proposal is considered an appropriate use because it can coexist with agricultural activities and will not prejudice the long-term productive capacity of the land.
    - The BESS will provide a productive and economically beneficial use of the site, including an alternative revenue stream for the landowner, while supporting broader energy infrastructure objectives.
    - The proposal will not remove high-value agricultural infrastructure, fragment agricultural landholdings, or adversely affect surrounding farming operations.
    - The development is not expected to reduce agricultural productivity on the subject land or neighbouring properties, nor create land-use conflicts with existing agricultural activities.
    - The project will not sterilise the land from future agricultural production and will retain the site's long-term agricultural capability and productive capacity.
59. Overall, due to its limited footprint, lack of impacts on surrounding agriculture, retention of future agricultural use potential, and reversibility, the proposal is considered to result in no material agricultural impacts.
60. The proposal's impact on agricultural land is considered acceptable. Conditions are recommended to be included on any permit to issue, requiring the rehabilitation of the site back to its prior condition after the facility ceases operation, to ensure that the land remains suitable for agricultural use into the future.

Fire Risk

61. The subject site is located within a Bushfire Prone Area (BPA).

62. Clause 13.02-1S (Bushfire planning) requires all applications in a BPA to have consideration of bushfire risk, to strengthen the resilience of settlements and communities and prioritise the protection of human life.
63. The application is supported by a Hazards & Risk Assessment prepared by SLR Consulting Australia Pty Ltd, which has been prepared in accordance with the CFA's Design Guidelines and Model Requirements: Renewable Energy Facilities (the CFA Guidelines).
64. The assessment found that the potential risk the project presents to its surrounds can be managed to an acceptable level, if the risk mitigation measures specified are implemented.
65. The project has incorporated bushfire mitigation measures in its design, including:

    - All-weather access road and access point from Cobden-Port Campbell Road;
    - Static water supply tanks;
    - Fire breaks around the perimeter of the site; and
    - Compliant fire detection and suppression infrastructure.

66. Notice of the application was given to CFA, which did not object to the application. CFA has recommended permit conditions that have been included in the recommendation, requiring:

    - Amended plans to show any changes required to comply with CFA conditions;
    - A Risk Management Plan;
    - An Emergency Management Plan & Fire Management Plan; and
    - All fire protection measures shown on the endorsed plans must be implemented before the use starts.

67. It is considered that, subject to CFA's conditions being included on any permit to issue, the application has appropriately responded to the bushfire risk.
68. Further, the council's concerns regarding emergency management, fire response and hazard management are considered to be appropriately addressed through conditions recommended by the CFA and WorkSafe Victoria, which require the preparation and implementation of risk, emergency and fire management plans, firefighting water supply, and emergency access arrangements.

Dangerous Goods

69. The proposal includes the presence of dangerous goods on site in the form of lithium iron phosphate cells.
70. A referral to WorkSafe Victoria (determining referral authority) was required for the proposed use of land for a utility installation where the estimated dangerous goods exceed the fire protection quantity under the *Dangerous Goods (Storage and Handling) Regulations 2022*.
71. WorkSafe Victoria did not object to the grant of a permit, subject to conditions requiring the preparation of an Emergency Management Plan, consistent with the CFA's recommendations. WorkSafe Victoria also recommended the implementation, where reasonably practicable, of the recommendations contained within the Hazard & Risk Assessment dated 12 May 2026, including any subsequent updated reports. These requirements have been incorporated into the recommended permit conditions.

Noise

72. Clause 13.05-1S (Noise management) requires the consideration of noise effects on sensitive land uses, including the consideration of the noise requirements of the Environment Protection Regulations (EP Regulations) under the *Environment Protection Act 2017 (EP Act)* and the *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (Publication 1826.5, Environment Protection Authority) (the Noise Protocol).
73. The application is supported by a Noise Assessment (NA) prepared by SLR Consulting Australia Pty Ltd and dated 23 July 2026. The NA has been prepared in line with the Noise Protocol and the EP Regulations.

74. It is considered that the NA adopts a conservative operational assumption by modelling all noise-generating equipment operating continuously throughout the assessment period. On this basis, the assessment predicts compliance with the applicable EPA noise criteria.
75. The NA identified eight noise sensitive receivers located within 1km of the project area as shown in Table 1 and Figure 6 below. This includes one host dwelling (R2) located on the site.

Receiver ID	Approximate Distance to BESS Centroid
R1	280 m
R2	290 m
R3	450 m
R4	860 m
R5	910 m
R6	900 m
R7	920 m
R8	930 m

Table 1: Noise Sensitive Receivers. Source: Table 1 of NA.



Figure 6: Noise receivers within 1 of the Cobden BESS. Source: Figure 1 of NA, SLR Consulting

76. The NA also identifies a 4-metre-high acoustic barrier adjacent to the substation area as a key mitigation measure to manage operational noise emissions from the BESS. As shown in figure 7, the noise wall is positioned to provide acoustic shielding for the high-voltage transformer and reduce noise propagation towards surrounding sensitive receivers.



Figure 7: Noise wall indicative location. Source: Figure 2 of NA, SLR Consulting

71. Table 2 presents the predicted noise levels at the identified representative sensitive receivers and demonstrates compliance with the relevant night-time noise limits (34 dB). The NA predicts noise levels below the applicable night-time criterion at all receivers, providing a margin of compliance. As the proposal complies with the most stringent night-time criterion, it also complies with the daytime and evening noise limits.

Receiver	D/E/N Noise Limits (dBA)	D/E/N Adjusted Project Specific Noise Target (dBA)	All Periods	
			Predicted Noise Level (dBA)	Compliance at Day, Evening
R1	45/39/34	45/39/34	33	Yes
R2	45/39/34	45/39/34	32	Yes
R3	45/39/34	45/39/34	22	Yes
R4	45/39/34	45/39/34	22	Yes
R5	45/39/34	45/39/34	23	Yes
R6	45/39/34	45/39/34	24	Yes
R7	45/39/34	40/39/34	23	Yes
R8	45/39/34	40/39/34	21	Yes

Table 2: Predicted Noise Levels from BESS Operations. *Source: Table 6 of NA, SLR Consulting.*

72. A condition is recommended to be included on any permit to issue, requiring the proponent to prepare an updated predictive noise assessment which models the final design and components of the facility

against the Noise Protocol, prior to the endorsement of plans. This will ensure that any noise mitigation measures required to achieve the noise limits are shown on the endorsed development plans.

73. The NA considered cumulative noise impacts from existing industrial noise sources, including the CopRice Cobden facility, Reid Stockfeeds Cobden and the existing substation. As a result of these cumulative considerations, more stringent project-specific daytime noise targets were applied at Receivers R7 and R8, reducing the allowable daytime noise level from 45 dBA to 40 dBA. The assessment concluded that the proposal complies with the applicable project-specific noise targets at all assessed receivers.
74. Corangamite Shire Council reviewed the NA and identified the potential for operational noise impacts at nearby dwellings. Council recommended conditions requiring compliance with EPA noise standards, post-commissioning noise monitoring, investigation of substantiated complaints, and ongoing maintenance measures to minimise noise emissions.
75. In response, conditions are recommended to be included on any permit to issue, requiring an updated predictive noise assessment based on the final facility design. The assessment must demonstrate compliance with EPA Publication 1826.5 and identify any mitigation measures required to achieve the applicable noise standards. A Complaints Investigation and Response Plan is also recommended to be required to ensure noise complaints relating to the construction and operation of the facility are appropriately managed.
76. Environment Protection Authority Victoria (EPA) will be responsible for regulating compliance with the Noise Protocol in accordance with the Environment Protection Regulations. A permit note will also be included advising that the facility must comply with EPA Publication 1826.5.
77. It is noted that the one objection received raised concerns regarding operational noise impacts. The NA submits that a conservative assessment scenario has been adopted and concluded that compliance with the applicable EPA noise limits can be achieved at all nearby sensitive receivers through appropriate mitigation measures, including a 4-metre-high acoustic wall around the high voltage transformer. The assessment also found that low-frequency noise is unlikely to result in adverse impacts.
78. As mentioned above, the concerns raised in the objection are further addressed through the requirement for an updated predictive noise assessment.

Landscape and Visual Impact

79. Clause 12.05-2S (Landscapes) and the decision guidelines of the FZ both require the consideration of the project's landscape and visual effects on the character and appearance of the surrounding area, landscapes, open spaces and natural environment.
80. The application is supported by a Landscape Character Visual Impact Assessment (LCVIA) prepared by SLR Consulting Australia Pty Ltd.
81. The site and surrounding area comprise a relatively flat, modified pastoral landscape characterised by open agricultural land, scattered vegetation and existing utility infrastructure, including overhead powerlines. The landscape is largely influenced by agricultural land use and is considered to be of relatively low scenic quality. While the Project would introduce additional utility infrastructure, it would remain consistent with the existing landscape character and would not fundamentally alter the wider landscape setting.
82. The assessment predicted visual impacts of the project from the following private receptors and public viewpoints:

ID	Viewing Locations	Coordinates	Orientation	Distance
VP1	Cobden-Port Campbell Road (NE. Orient.)	-38.347960, 143.055010	Northeast	132m
VP2	Cobden-Port Campbell Road (E. Orient.)	-38.346230, 143.055160	East	145m
VP3	Cobden-Port Campbell Road (S. Orient.)	-38.344440, 143.055700	Southeast	267m
VP4	89 Cobden-Port Campbell Road	-38.344950, 143.057370	South-southeast	171m

Table 3: Viewpoints representative of private receivers and public viewpoints – Source: Table 11 of LCVIA, SLR Consulting.

83. The assessment predicts visual impacts to the following private receptors and public viewpoints as shown in Table 3 above.
84. The LCVIA proposes mitigation measures to reduce the visual impact of the BESS on the surrounding landscape including:
    - Locating the BESS and associated infrastructure within the southern portion of the site, approximately 100 metres from Cobden-Port Campbell Road.
    - Retaining agricultural land use across the remainder of the site.
    - Utilising low-profile infrastructure, where practicable.
    - Maintaining setbacks from surrounding roads and nearby receptors.
    - Establishment of vegetation screening around the perimeter of the project infrastructure to assist in integrating the development within the surrounding rural landscape.
    - Consolidating project infrastructure within a contained development area.
85. The LCVIA concludes that the Project can be accommodated within the existing rural landscape without materially altering the established landscape character. The site is located within a modified pastoral landscape characterised by agricultural land uses, scattered vegetation and existing utility infrastructure, including overhead transmission lines.
86. Four representative viewpoints (VP1-VP4) were assessed, representing sensitive views from Cobden-Port Campbell Road and nearby rural residential receptors.
87. During construction, visual effects are anticipated to be temporary in nature and associated with the presence of construction activities, machinery and equipment within the project area.
88. During operation, visual effects are assessed as ranging from minor to minor-moderate at VP1, VP2 and VP4. At these locations, the Project infrastructure will be visible; however, the development will be viewed within the context of an existing agricultural landscape containing utility infrastructure and will not become a dominant visual feature.
89. Minor visual effects are predicted at VP3, where views of the Project are more limited due to viewing distance, existing vegetation and the intervening landscape.
90. The LCVIA identifies several measures that assist in reducing visual impacts, including the consolidation of infrastructure within a contained project area, setbacks from surrounding roads and receptors, and the establishment of perimeter vegetation screening around the infrastructure compound.
91. Following establishment of the proposed vegetation screening, visual effects are predicted to reduce to minor or minor-negligible levels, with the screening assisting to integrate the development within the surrounding rural landscape and reduce visibility from nearby roads and receptors.
92. Overall, the LCVIA concludes that the proposal will not result in high adverse landscape or visual impacts.
93. It is considered that the proposal will not become a dominant or defining element within the broader landscape and that visual impacts will be localised and generally minor in nature.
94. Conditions have been included in the recommendation require details of the landscape screening, non-reflective and muted finishes of BESS units and buildings, and an on-site landscape plan for the facility.
95. The council reviewed the LCVIA and noted that the facility would introduce substantial built infrastructure into a predominantly rural landscape, with visibility from sections of Cobden-Scotts Creek Road. The council's concerns regarding visual impacts, the effectiveness of proposed landscaping, ongoing vegetation maintenance, and night-time lighting are considered to be appropriately addressed through permit conditions requiring a Landscape Plan, including vegetation screening, implementation, maintenance and monitoring measures. A further condition will require all site lighting to comply with Australian/New Zealand Standard 4282 *Control of the Obtrusive Effects of Outdoor Lighting*.
96. It is noted that the one objection received raised concerns regarding the visual impact of the proposal. The submitted LCVIA concluded that visual effects would be minor and would diminish as proposed landscaping matures. While some elements of the facility may remain visible, the assessment found that the proposed setbacks, perimeter landscaping and muted finishes would appropriately minimise visual

impacts. In addition, the recommended Landscape Plan condition will ensure landscaping is implemented, maintained and monitored to provide ongoing screening and mitigate visual impacts over time.

Traffic and Transport

97. Clause 18.01-1S (Land use and transport integration), 18.02-4S (Roads), the FZ and clause 65.02 all require consideration of access and traffic impacts relating to the proposed use and development.
98. The application is supported by a Traffic Impact Assessment (TIA) prepared by SLR Consulting Australia Pty Ltd.
99. The site is proposed to be accessed via a new vehicle access from Cobden-Port Campbell Road, a Transport Zone 2 (TRZ2) arterial road. The access is located approximately 590 metres south of Joe Blakes Road. During construction, a temporary widened access arrangement will be provided to accommodate over-size over-mass vehicle deliveries associated with the BESS infrastructure. Following construction, the access will be reconstructed to its operational configuration in accordance with the relevant design standards.
100. The construction phase is expected to occur over approximately 12 months and is anticipated to require a peak workforce of up to 96 workers on-site. Construction traffic will primarily be associated with workforce travel, the delivery of materials and equipment, and the transport of BESS infrastructure.
101. The TIA estimates that construction activities will generate approximately 30 inbound and 30 outbound vehicle trips per day. Heavy vehicle movements are expected to average around 12 trips per day and would generally access the site from the east via Princes Highway, Cobden-Stonyford Road, Camperdown-Cobden Road, Cobden-Warrnambool Road and Cobden-Port Campbell Road.
102. The TIA concludes that the existing Cobden-Warrnambool Road/Cobden-Port Campbell Road intersection and the proposed site access would operate satisfactorily during both construction and operation of the facility. The assessment also finds that available sight distances comply with Austroads and Australian Standard requirements and that no intersection upgrades are required from a traffic capacity perspective.
103. The Assessment recommends the preparation of a Construction Traffic Management Plan (CTMP), an OSOM Material Route Study and pre- and post-construction dilapidation surveys. The CTMP is recommended to address workforce transport arrangements, heavy vehicle management, temporary traffic controls, notification procedures and traffic mitigation measures during construction.
104. The application was referred to Head, Transport for Victoria (TfV), who did not object to the proposal subject to the following conditions, including:
    - Vehicle crossovers being constructed to DTP standards prior to the commencement of works and maintained to ensure safe site access and road safety.
    - Preparation and implementation of a Traffic Management Plan.
    - Completion of site access works and any associated road upgrades to standards approved by the Head, TfV prior to the commencement of works.
    - Entry into a Head, TfV Works Agreement prior to undertaking works within the arterial road reserve.
    - A permit note requiring approval from the National Heavy Vehicle Regulator (NHVR) for oversize and over-mass vehicle movements.
105. Notice was also given to Corangamite Shire Council who did not object to the proposal and suggested traffic and transport conditions, including:
    - Preparation of a Construction Traffic Management Plan (CTMP) in consultation with Corangamite Shire Council.
    - Approval of heavy vehicle and oversized load routes prior to construction.
    - Pre- and post-construction dilapidation surveys of affected Council roads, including Neylon Street.
    - Rectification of construction-related damage to roads and drainage infrastructure.
    - Traffic management measures for oversized and over-mass vehicle movements.

- Maintenance of approved haulage routes during construction.

106. Council's recommended conditions have not been directly included in the permit. Instead, the conditions recommended by the Head, Transport for Victoria have been adopted, as they address the matters raised by Council. In relation to local road infrastructure and traffic management, these conditions require the preparation and implementation of a Traffic Management Plan (TMP), approval of haulage routes, condition surveys of affected public roads (including local government roads such as Neylon Street), and measures to manage and rectify impacts associated with construction traffic.
107. In addition, a permit condition is recommended to be included on any permit to issue, requiring that the TMP be prepared in consultation with Corangamite Shire Council, ensuring Council has input into the management of construction traffic and impacts on the local road network.

Biodiversity

108. Clause 12.01-1S (Protection of biodiversity) and Clause 12.01-2S (Native vegetation management), seek to protect and enhance Victoria's biodiversity.
109. The application was supported by a Native Vegetation Assessment (NVA) prepared by SLR Consulting Pty LTD.
110. Ecological investigations were undertaken by SLR Consulting PTY Ltd to assess the potential impacts of the proposed BESS on native vegetation, flora, fauna and biodiversity values. The NVA included a desktop review and field surveys of the project area, including the proposed crossover.
111. The project area comprises approximately 49.3 hectares of predominantly modified pasture used for agricultural purposes. Vegetation within the project area largely consists of pasture grasses, agricultural weeds and planted vegetation associated with the existing dwelling on site, access tracks and cattle yards.
112. Three isolated patches of remnant native vegetation, identified as Vulnerable Herb-rich Foothill Forest (EVC 23), were recorded within the broader project area.
113. The NVA found that the project area itself is located entirely within modified pasture and outside all identified native vegetation. The project has been designed to avoid impacts to native vegetation, protected flora and fauna habitat.
114. No threatened flora species listed under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) or the *Flora and Fauna Guarantee Act 1988* (FFG Act) were identified within the project area, and no listed flora species were recorded during field surveys.
115. Two EPBC Act-listed ecological communities were identified as potentially occurring within the locality. However, field investigations confirmed that neither the Grassy Eucalypt Woodland of the Victorian Volcanic Plain nor the natural Temperate Grassland of the Victorian Volcanic Plain occur within the project area.
116. Furthermore. The project footprint is mapped as Location Category 1 and a total of 0 hectares of native vegetation would be removed. Accordingly, no native vegetation removal is required under Clause 52.17 of the Corangamite Planning Scheme.

Hydrology

117. Clauses 12.03-1S seeks to protect and enhance waterway systems, including waterways and wetlands.
118. The application is supported by a Flood Assessment Gap Analysis prepared by SLR Consulting Australia Pty Ltd, which outlines that:

- The site is located approximately 500 metres from a tributary of the Curdies River and approximately 2.5 kilometres south-west of Cobden.
- Site levels range between approximately 134.2 metres and 136.8 metres AHD and are elevated relative to surrounding waterways and drainage features.

- The topography between the site and the nearest tributary is relatively steep, and it is considered highly unlikely that the site would be affected by riverine flooding from the Curdies River or its tributaries.
- Some localised sheet flow may occur from higher ground to the north-west of the site; however, this flow is expected to drain towards the Curdies River and is not likely to significantly affect the proposed development.
- The site is not affected by a Floodway Overlay (FO) or Land Subject to Inundation Overlay (LSIO).

119. The assessment concludes that the site is subject to a low risk of flooding due to its elevated position relative to surrounding land and waterways. On this basis, no further flood assessment, including baseline flood modelling or flood impact assessment, was considered necessary.
120. The matters raised by the council regarding stormwater management are considered to be appropriately addressed through a permit condition requiring the preparation of a Drainage and Stormwater Management Plan (DSWMP). It is recommended that the DSWMP be required to be prepared in consultation with the council and include detailed drainage design, consideration of overland flow paths and flood behaviour, and an assessment of impacts on surface water quality, adjoining land and waterways.
121. In addition, a Construction Environmental Management Plan (CEMP) is recommended to be required to detail measures to manage waste and soil on site and the avoidance of impacts to the waterway during construction.
122. Subject to these recommended conditions, it is considered that the application has appropriately responded to the hydrology impacts.

Social and Economic Effects

123. Sections 60(1)(f) and 60(1B) of the PE Act require the responsible authority to consider any significant social effects the use or development may have, including having regard to the number of objectors in considering whether the use or development may have a significant social effect.
124. A total of seven submissions were received, including **one** objection. Key issues raised in the objection have been carefully considered through this assessment process and mitigations have been proposed.
125. The proposal is also expected to bring economic benefits representing a $120M investment The project will contribute to the local economy by creating approximately 91 construction jobs and 7 ongoing operational roles, resulting in both immediate and long-term employment benefits , meeting the objectives of clause 17.01-1S.
126. The use will also contribute to the enhancement of the electricity network by ensuring grid reliability during peak demand periods.
127. It is considered that, the proposal responds appropriately to the MPS and PPF of the Corangamite Planning Scheme, achieves a net community benefit when balanced with its other social, economic and environmental outcomes.

Decommissioning

128. The future decommissioning of the proposed facility can be adequately addressed via permit conditions requiring a decommissioning management plan (DMP). These conditions will require the infrastructure to be removed from the site and the land to be rehabilitated and reinstated to its prior condition to ensure that there is no permanent loss of agricultural land.

Other Victorian and Commonwealth legislation

129. The subject of this report is the assessment of the project under the PE Act.
130. The table at Attachment 1 of this report provides an overview of the project's key approval and assessment requirements under other Victorian and Commonwealth legislation.

Recommendation

131. The proposal is consistent with the relevant planning policies of the Corangamite Planning Scheme and will contribute to the provision of energy storage within the Corangamite local government area.
132. The proposal is supported by the various referral agencies, subject to conditions which have been included in the recommendation.
133. It is recommended that Planning Permit No. PA2604197 for the use and development of the Cobden BESS project (as described in this report) be issued under delegation from the Minister for Planning, subject to conditions.
134. It is recommended that the following stakeholders be notified of the above decision in writing:

    - Applicant
    - Corangamite Shire Council
    - Objector
    - All submitters, including the following agency submitters:
        - CFA
        - AusNet
        - First Peoples – State Relations Group
        - Powercor
    - Referral authorities:
        - Head, TfV
        - WorkSafe

[redacted]

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

☒ No Conflict

☐ Conflict and have therefore undertaken the following actions:

☐ Completed the Statutory Planning Services declaration of Conflict/Interest form.

☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

[redacted]

[redacted]

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[redacted]

Attachment 1: Other Legislative Requirements

Act	Discussion
***Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)**	Under the EPBC Act, an action that has, will have, or is likely to have, a significant impact on matters of national environmental significance (MNES), must be referred to the Commonwealth Minister for Environment and Water. The Native Vegetation Assessment (NVA), prepared by SLR Australia Pty Ltd concludes that the project is unlikely to have a significant impact on Matters of National Environmental Significance (MNES) protected under the EPBC Act.
***Environment Effects Act 1978* (EE Act)**	The EE Act requires the preparation of an Environmental Effects Statement (EES) for activities considered to have, or to be capable of having, a significant effect on the environment. *The Ministerial Guidelines for Assessment of Environmental Effects under the Environment Effects Act 1978* (DTP 2023) outlines the criteria for referring a project to the Victorian Minister for Planning who will determine if an EES is required. The NVA determined that no flora or fauna species listed as threatened under the FFG were present within the study site that need to be considered under the EE Act. The proponent has not referred the project under the EE Act.
***Aboriginal Heritage Act 2006* (AH Act)**	The AH Act seeks to avoid adverse effects to Aboriginal cultural heritage values as far as reasonably practicable. Where adverse effects cannot be avoided, measures must be implemented to minimise and mitigate adverse effects. Whilst the activity is considered to be 'high impact', the proposed BESS and associated works are located well outside the area of cultural heritage sensitivity. A mandatory CHMP is not required.
***Flora and Fauna Guarantee Act 1988* (FFG Act)**	Under the FFG Act a permit is required to take, kill, injure, disturb or collect threatened species or protected flora species from public land. There are permit exemptions under the FFG Act which apply to the non-commercial removal of protected flora from private land, unless there is 'critical habitat' that has been declared on the land. The NVA considered the potential occurrence of species listed under the Flora and Fauna Guarantee Act 1988. While a number of listed species were identified as having potential habitat within the broader area, no FFG Act-listed species were recorded during surveys. As the site is privately owned and does not contain any declared critical habitat, the assessment concludes that a permit under the FFG Act is not required. The FFG Act seeks to promote the conservation of Victoria's native flora and fauna. The responsible authority (in their assessment of the project's environmental impacts) has considered impacts on FFG threatened species.

Act	Discussion

	Under section 4B of the FFG Act, the Minister is required to give proper consideration to the objectives of the FFG Act, so far as is consistent with the proper exercise of her functions under the PE Act.
	
	The objectives set out in section 4 of the FFG Act are:
	
	- to guarantee that all taxa of Victoria's flora and fauna, other than taxa specified in the Excluded List, can persist and improve in the wild and retain their capacity to adapt to environmental change; and
	- to prevent taxa and communities of flora and fauna from becoming threatened and to recover threatened taxa and communities so their conservation status improves; and
	- to protect, conserve, restore and enhance biodiversity, including:
	  o *flora and fauna and their habitats; and*
	  o *genetic diversity; and*
	  o *ecological communities; and*
	  o *ecological processes; and*
	- to identify and mitigate the impacts of potentially threatening processes to address the important underlying causes of biodiversity decline; and
	- to ensure the use of biodiversity as a natural resource is ecologically sustainable; and
	- to identify and conserve areas of Victoria in respect of which critical habitat determinations are made.
	
	In addition, section 4B(2) of FFG Act states that a Minister and a public authority, so far as is consistent with the proper exercising of their functions, must consider any instrument made under the FFG Act, including:
	
	- Biodiversity Strategy; and
	- action statements; and
	- critical habitat determinations; and
	- management plans.
	
	Section 4B(4) of FFG Act further states that consideration must also be given to the potential impacts on biodiversity, including:
	
	- long and short-term impacts; and
	- beneficial and detrimental impacts; and
	- direct and indirect impacts; and
	- cumulative impacts; and
	- the impacts of potentially threatening processes.
	
	DTP has undertaken an assessment of the project's impacts on FFG-listed species. The project does not impact upon any native vegetation or habitat for threatened species. DTP notes that the proposed development, by contributing to efforts to reduce emissions will not be likely to worsen climate change impacts and therefore will mitigate the impacts of potentially threatening processes to address important underlying causes of biodiversity decline.

***Climate Action Act 2017* (CA Act)**	The purpose of the CA Act includes (but is not limited to):

Act	Discussion
	– to facilitate the consideration of climate change issues in specified areas of decision making of the Government of Victoria; and, – to set policy objectives and guiding principles to inform decision-making under this Act and the development of government policy in the State. Section 20 of the CA Act states that: *The Government of Victoria will endeavour to ensure that any decision made by the Government and any policy, program or process developed or implemented by the Government appropriately takes account of climate change if it is relevant by having regard to the policy objectives and the guiding principles.* This assessment has had consideration of the policy objectives and the guiding principles of the CA Act. The project is anticipated to meet evening peak demand needs for approx. 25,862 households. It is noted that the community were invited to be involved in the decision-making process via public notice under s52 of the PE Act. Under the CA Act, six principles are to inform decision-making: *Informed decision making (section 23)* The application has been informed by assessments relating to flooding, and bushfire as relevant. The permit applications consider potential reduction in greenhouse gas emissions. It is considered that positive climate impacts will result from the proposal and support reductions in Victoria's greenhouse gas emissions. *Integrated decision making (section 24)* The assessment of the permit application included consideration of climate change risks outlined in the VPP, including fire and, flooding, amongst others. *Risk management (section 25)* The assessment included consideration (as noted above) relating to fire, and flooding) and increasing resilience to climate change risks. *Equity (section 26)* The permit application seeks approval for energy storage. Impacts on the community and neighbouring landowners has been considered and was found to be acceptable due to appropriate siting of the proposed facilities ensuring that adjacent properties could continue to use their land unimpeded. *Community engagement (section 27)* The community has been engaged with and provided feedback as outlined in this officer report. *Compatibility (section 28)* The proposal responds to other relevant State policy and objectives as discussed throughout this report.

Act	Discussion
	Overall, application is consistent with the CA Act as it aims to help stabilise Victoria's grid and support Victoria's renewable energy transition. The project is estimated to generate approximately store 75MW/ 300MWh of electricity, reducing emissions which will help achieve the emissions reduction targets in Part 2 of the CA Act.
***Charter of Human Rights and Responsibilities Act 2006* (the Charter)**	The charter gives legal recognition and protection in Victoria to many important human rights, particularly civil and political rights. DTP is committed to upholding its responsibilities under the Charter, As a public authority under the *Charter of Human Rights and Responsibilities Act 2006* (the Charter), the Minister must give proper consideration to relevant human rights when making decisions (the procedural obligation), and act compatibly with those rights (the substantive obligation) pursuant to section 38(1) of the Charter. The purpose of this section is to record the matters that must be considered in deciding to approve this planning permit application. In order to satisfy the procedural obligation and give proper consideration to relevant human rights, there is a requirement to: - understand the relevant human rights of a person or class of persons that may be impacted by a decision; - consider the possible impact of a decision on the human rights of a person or persons; - identify any countervailing interests or obligations; and - balance competing private and public interests to assess whether any impact on a relevant human right by the decision is justified, in the sense that it is appropriate in all the circumstances. The following rights may be relevant in deciding on the planning permit application: - right to privacy (section 13); - the right to take part in public life (section 18); - cultural rights (section 19); and - property rights (section 20). *Right to Privacy (s 13)* Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home, or correspondence, unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law that is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought. 'Privacy' is a right of considerable breadth. Relevantly, privacy protects a person's place of residence, regardless of whether they have a legal interest in that residence. What constitutes an interference with this aspect of the right to privacy has been approached in a practical manner and may cover actions that prevent a person from continuing to live in and enjoy their home.

Act	Discussion
	The area that is the subject of the decision does include private land, and the decision may impact the capacity owners of land within the application site. In the event that any landowners are in impacted in their ability to use or develop their property, to the extent that this would tend to interfere with their privacy rights, such rights would only be limited under the Charter where the interference is unlawful or arbitrary. Given the decision would be pursuant to a precise and appropriately circumscribed law that is predictable and proportionate to the legitimate aim of increasing renewable energy supply in the State of Victoria, it is open for the Minister to conclude that any interference is not unlawful or arbitrary, and therefore the decision is compatible with the right to privacy under s 13 of the Charter. *Right to take part in public life (s 18)* Section 18 of the Charter provides that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives. The right extends to a person's entitlement to attend a public forum to help make decisions on local issues. Engagement with community, council, agencies, and surrounding landowners was undertaken through notice of the application. The details of the notice, feedback received, and assessment, are outlined in this report. Considering all of these factors, it is open to the Minister to be satisfied that the consultation is sufficient to satisfy the requirements of the PE Act, and that the process leading to the Minister's approval is compatible with the right to take part in public life. *Aboriginal Cultural Rights (s 19)* Section 19(2) of the Charter recognises that Aboriginal persons hold distinct cultural rights and provides that they must not be denied the right, with other members of their community to (among other things) maintain their distinctive spiritual, material, and economic relationship with the land and waters, and other resources, with which they have a connection under traditional laws and customs (section 19(2)(d)). Consultation was undertaken by giving notice of the planning permit application to First Peoples - State Relations and Eastern Maar Aboriginal Corporation. First Peoples - State Relations advised that it did not object to the proposal and did not recommend any permit conditions. No response was received from Eastern Maar Aboriginal Corporation. The subject site is not located within an area of Aboriginal cultural heritage sensitivity and, accordingly, a Cultural Heritage Management Plan is not required.

Act	Discussion
	It is therefore open to the Minister to be satisfied that the decision does not limit cultural rights. *Property rights (s 20)* Under section 20 of the Charter, a person must not be deprived of their property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely. Case law recognises that Acts like the PE Act, and planning schemes made under it, remove and regulate the right an owner in fee simple would otherwise have to develop land. The regulation of the right to develop land is not considered an acquisition of property rights. Case law also recognises that owners of land have no specific right to immunity from this class of regulation. Nonetheless, the permit application may impact or limit a change in use or development of property (even though it does not deprive landowners of possession or ownership). To the extent the decision impacts private landowners' ability to use, develop or enjoy their property, any such interference with property rights of landowners will be in accordance with the law, namely the PE Act. Accordingly, the decision will not limit the right to property under s 20 of the Charter. In conclusion, this planning application has been assessed in a manner that is compatible with the human rights identified in the Charter.
***Transport Integration Act 2010* (TI Act)**	The purpose of the TI Act is to create a new framework for the provision of an integrated and sustainable transport system in Victoria. As an interface body under the TI Act 2010 (as the Minister administering the PE Act, which is interface legislation for the purposes of the TI Act), the Minister must have regard to transport system objectives (sections 7-13), decision making principles (section 14-21) and any applicable statement of policy principles (section 22) when making decisions likely to have a significant impact on the transport system. The Minister may determine the weight to give each transport system objective or decision-making principle. The assessment of this planning application has had regard to the transport system objectives and decision-making principles of the TI Act and it is determined that: - The proposal will not create unreasonable barriers to persons using the transport system. - The proposal will contribute to facilitating economic prosperity to the Region and the state of Victoria through investment to develop the facility. - The proposal will result in increased traffic during construction. However, the environmental impacts from this are considered to be acceptable, given the environmental benefits of the project, once operation commences.

Act	Discussion
	- The proposed land use, impacts, and efficiency of the transport system have been considered, and were found to be acceptable, subject to conditions of the planning permit. The impacts of the proposal on safety and wellbeing have been considered and were determined to be acceptable, subject to conditions of the permit.


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