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Hon Sonya Kilkenny MP
Minister for Planning
C/- Department of Transport and Planning

Submitted via online portal

Dear Minister,

| | |
|---|---|
| **ADDRESS** | **1005 Boundary Road, Tarneit**<br>**Lot A PS933061B (Part) Vol. 12425 Fol 891** |
| **PLANNING PERMIT** | **PA2604227** |
| **PROPOSAL** | **Section 72 Amendment** |

Mecone continues to act on behalf of the permit applicant Powercor Network Services (Powercor) in relation to Planning Permit PA2604227 (the Permit), recently granted, for the use and development of the land at 1005 Boundary Road, Tarneit. We now seek to amend the permit, in accordance with Section 72 of the *Planning and Environment Act 1987* (s72 Amendment).

This application should be read in conjunction with the following enclosed information to support the s72 Amendment:

- A completed s72 Amendment application form;
- A written response contained below;
- Concept plans prepared by Powercor, included below;
- Letter from Charter Hall as the landowner advising confirmation of awareness of the application; and
- A copy of the Certificates of Title.

## Approval History

The planning permit was issued under delegation from the Minister for Planning on 6 May 2026, and allowed for:

| | |
|---|---|
| **Clause 37.07-9** | *Use of the land for utility installation* |
| **Clause 37.07-11** | *Construct a building or construct or carry out works for a utility installation* |
| **Clause 37.01-1** | *Use of land for utility installation* |
| **Clause 37.01-4** | *Construct a building or construct or carry out works for a utility installation* |
| **Clause 33.03-1** | *Use of land for a utility installation* |
| **Clause 33.03-4** | *Construct a building or construct or carry out works for a utility installation* |
| **Clause 43.02-2** | *Construct a building or construct or carry out works, construct a fence* |
| **Clause 52.29-2** | *Create or alter access to a road in a Transport Zone 2* |

It is noted that plans are yet to be endorsed under Condition 2 of the approved planning permit.

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## Proposal

This amendment seeks to extend the land to which the approved planning permit applies to include the immediately adjoining property to the south of the Mount Cottrell Terminal Station (MCTS) site, being Lot B PS933061B. The permit currently applies only to Lot A PS933061B.

This amendment is required to facilitate the diversion of the existing AusNet transmission infrastructure, to enable the construction and operation of the MCTS.

The proposed works comprise the removal of two existing AusNet transmission towers (44), and the construction of four new towers (43A and 45A) and for landing poles (43B and 44A). Please refer to Figure 1.

## 'Generally in Accordance'

It is considered that the works associated with Towers 44 and 43A, and the landing poles 43B and 44A, are generally in accordance with the approved planning permit. The proposed works are consistent with the approved plans and the underlying intent of the permit, including the siting, scale, and functional outcomes of the infrastructure.

The changes do not result in any material alteration to the approved development in terms of environmental, visual, or operational impacts, nor do they modify the fundamental nature or extent of the use and development authorised. Importantly, the works can be undertaken within the scope of the existing permit conditions, with no requirement for condition amendments or additional approvals.

On this basis, the works are appropriately characterised as generally in accordance with the approved permit.

## Section 72 Amendment

The proposed works associated with Tower 45A are located on land immediately south of the MCTS site (Lot B), within the existing transmission easement. As Lot B is not currently included within the extent of the approved planning permit, the inclusion of these works constitutes a change to the endorsed development envelope and therefore triggers the need for an amendment pursuant to Section 72 of the *Planning and Environment Act 1987*.

Notwithstanding this, the proposed works (s72 works) remain consistent with the broader intent of the approved development, insofar as they facilitate the continuation of the authorised transmission infrastructure within an established easement corridor.

The amendment seeks to allow the installation of approximately two towers of up to 40 metres in height, each with a base width of approximately 3 metres. These structures are of a smaller scale and reduced bulk relative to the existing transmission towers in the surrounding area and will be contained within a landscape that is already characterised by similar infrastructure.

Importantly, the proposed works do not introduce a new land use or alter the fundamental nature of the approved development. The siting within an existing easement minimises additional impacts, and the scale and form of the structures ensure that visual, environmental, and operational effects remain consistent with, and not materially greater than, those previously assessed under the permit.

On this basis, while a s72 amendment is required to formally incorporate the additional land, the proposed changes are considered appropriate and represent a logical and orderly extension of the approved development.

The concept layout of the proposed works, including the two towers (45A) constructed outside of the original parcel (Lot B) is shown below in Figure 1 (identified in green).

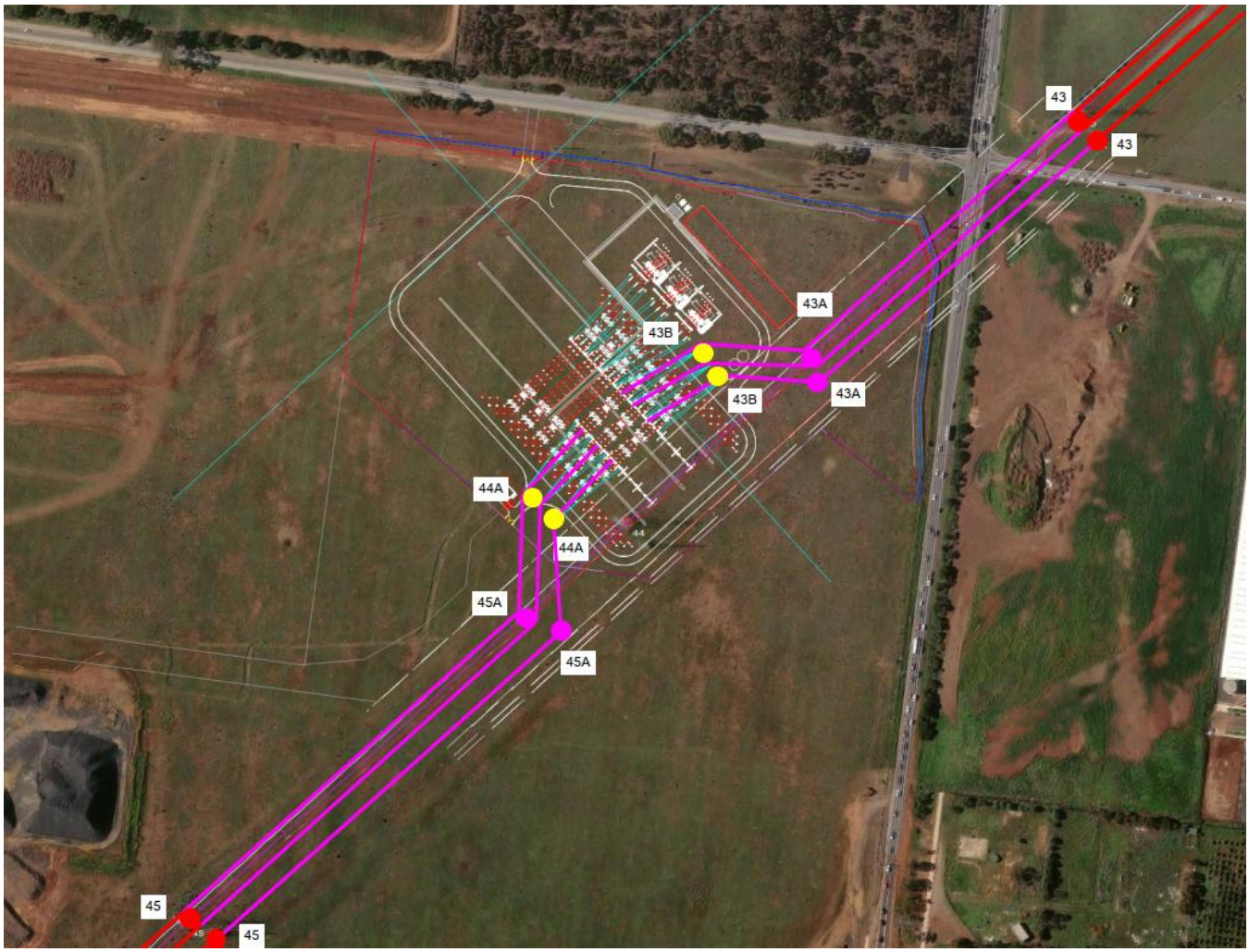



**Figure 1 Concept Temporary Diversion Alignment** ***(Source: Powercor)***

## Subject Site

The site is located at 1005 Boundary Road, Tarneit and has been subdivided into two lots under approved planning permit WYP15463/25.

The approved MCTS will be delivered entirely within Lot A PS933061B (Part). However, the works associated with towers 45A also necessitate works within Lot B PS933061B, being the balance lot at 1005 Boundary Road, Tarneit. Refer to Figure 2 below.

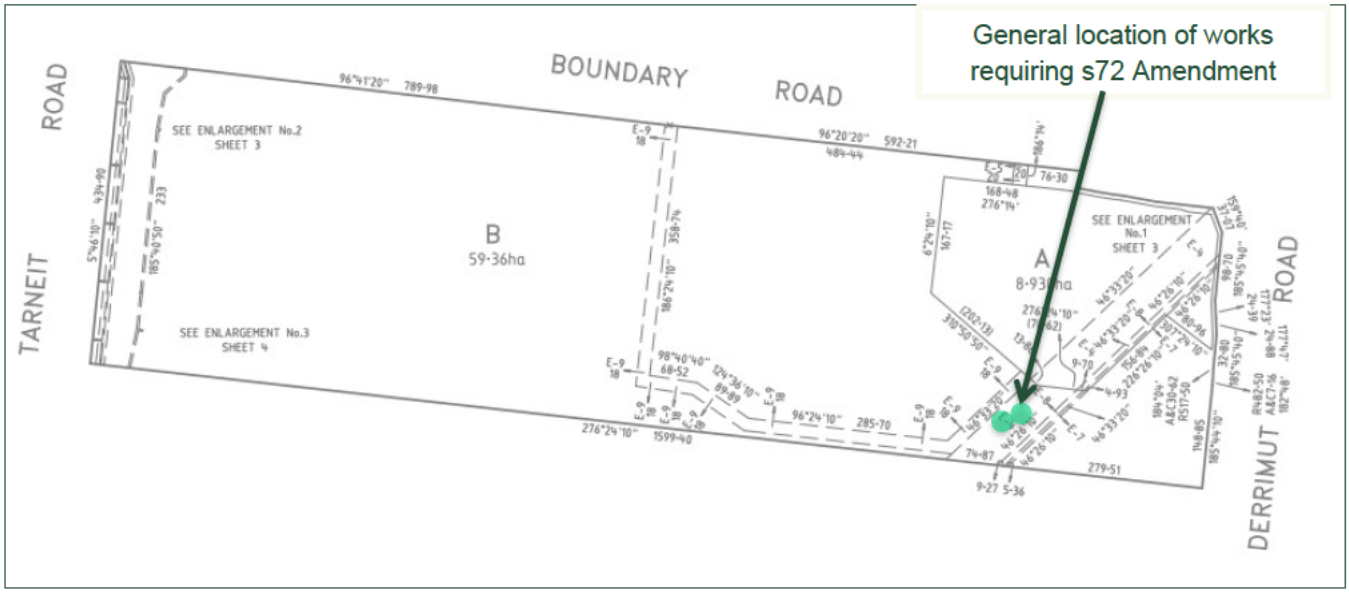



**Figure 2: Approved Plan of Subdivision**

Lot B\PS933061B, shown above, is also subject to a separate subdivision planning permit application, which is currently under assessment. Under this application, the land is proposed to be created as Lot 5 on PS909000K/S2. This application is not yet approved. Refer to Figure 3 below.

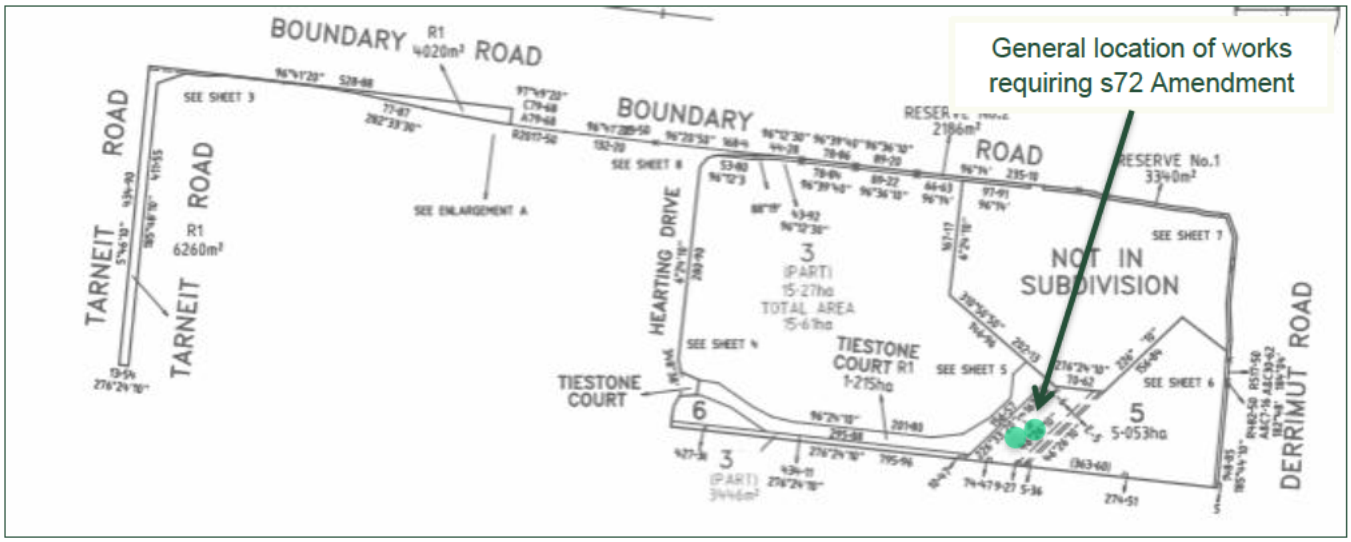



**Figure 3 Proposed Plan of Subdivision for the Balance Lot**

The subject land (being the proposed Lot 5) is irregular in shape, with a frontage to Derrimut Road of approximately 197 metres and an overall area of 5.053 hectares.

The surrounding area forms part of the Tarneit Logistics Hub and is characterised by generally flat, vacant, land within an industrial zoning. The site is located on the northern border of the Wyndham City Council municipality.

Surrounding land uses include:

- To the north: the approved Mount Cottrell Terminal Station, and further beyond, the proposed Western Intermodal Freight Terminal (WIFT);
- To the east and west of the site: land identified for office and light industrial purposes (in various stages of development); and
- To the south: land identified for future residential development.

Notwithstanding these future land designations, land in all directions is currently vacant. The site is shown below in Figure 4.




**Figure 4 Subject Site *(Source: Mecone Mosaic, 2026)***

## Planning Controls

The subject land, specifically the portion accommodating the proposed s72 works, is located within the **Special Use Zone – Schedule 7 (SUZ7)** which applies to land affected by the *Truganina Precinct Structure Plan – Electricity Easement*.

A portion of the broader landholding is also included within the Urban Growth Zone – Schedule 13 and has an applied zone within the *Tarneit North Precinct Structure Plan* of Industrial 3 Zone (IN3Z). No works are proposed within the land affected by UGZ13 or the applied IN3Z.

The site is also subject to the **Design and Development Overlay – Schedule 11 (DDO11)** and the **Development Contributions Plan Overlay – Schedule 13 (DCPO13).**

Special Use Zone

The purpose of the Special Use Zone (SUZ) is:

- *'to recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone'.*

Schedule 7 specifically relates to the *Truganina Precinct Structure Plan – Electricity Easement*. The purpose of the Schedule is:

- *'To manage the transition of non-urban land into urban land in accordance with a precinct structure plan.*
- *To provide for a range of uses and the development of land generally in accordance with a precinct structure plan'.*

Pursuant to Clause 37.01-1, a permit is required to use the land for a utility installation (Section 2 use). Notwithstanding this permit requirement, it is noted that an existing use right is established pursuant to Clause 63.01, whereby:

> *'The use is a lawful continuation by a utility service provider…'*

Pursuant to Clause 37.01-4, **a permit is required** to construct a building or construct or carry out works.

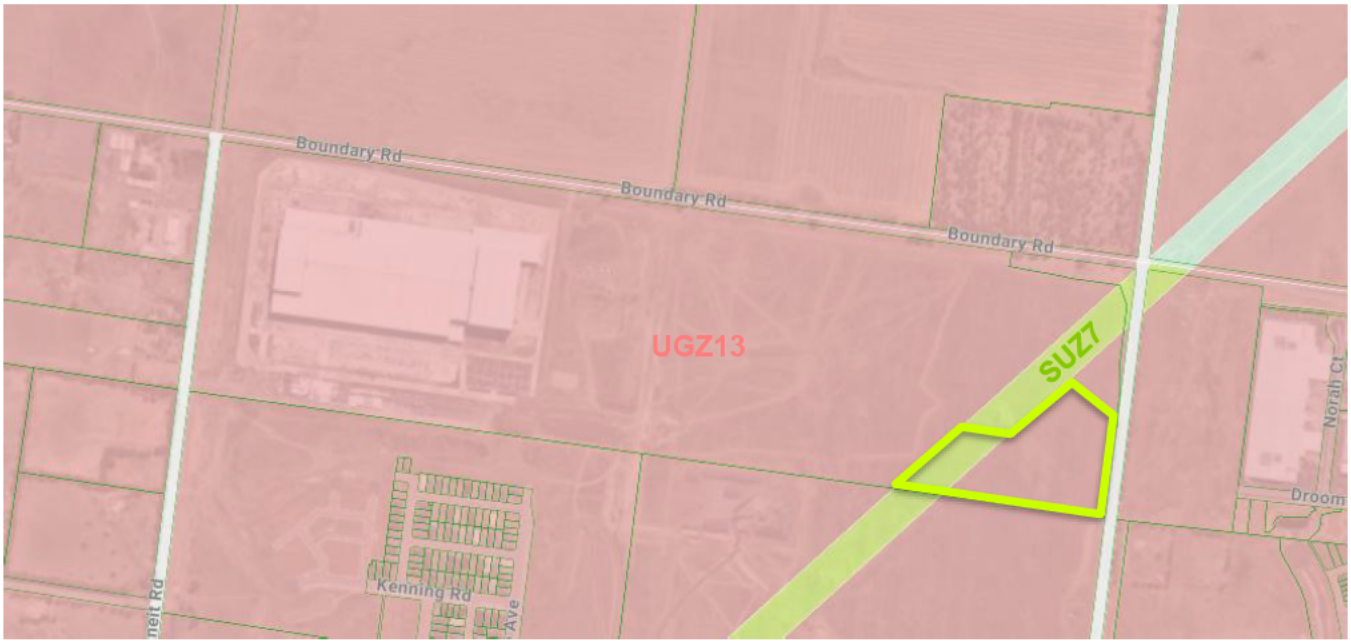



**Figure 5 Zone Plan *(Source: Mecone Mosaic)***

Design and Development Overlay – Schedule 11

Pursuant to Clause 43.02, the purpose of the DDO is:

- *'to identify areas which are affected by specific requirements relating to the design and built form of new development'.*

Schedule 11 to the overlay applies to the Boundary Road Office and Industrial Precinct, and sets out design objectives to be achieved, including:

- *'To ensure that the Boundary Road Office and Industrial Precinct will be a high-quality precinct with industries that share a desire to conduct business in a community with high functionality and urban design standards.*
- *To enhance the visual and landscaping image of industrial and business areas, gateways and transport routes.*
- *To ensure that the visual impact of car parking and loading facilities is minimised on main roads, prominent corner sites and lots facing residential areas and creeks.*
- *To minimise land use conflicts and protect amenity between commercial and industrial land, and sensitive creek and residential interfaces.*
- *To respect residential interfaces and ensure that development has regard to the amenity of nearby residential areas.'*

Pursuant to Clause 43.02-2, **a permit is required** to construct a building or construct or carry out works.

Pursuant to Clause 43.02-2, a permit is also required to construct a fence. However, a fence is not proposed to be constructed outside of what is already approved under the existing planning permit.

Development Contributions Plan Overlay – Schedule 13

Pursuant to Clause 45.06, the purpose of the DCPO13 includes:

- *'to identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.'*

Schedule 13 to the overlay relates to the *Wyndham North Development Contributions Plan*.

Development contributions (by way of levies) are required to be paid in accordance with the *Wyndham North Development Contributions Plan* to the collecting authority, the Wyndham City Council.

Levies payable will be dealt with as part of the subdivision of the land, rather than through this amendment.

## Particular Provisions

Clause 52.06 Car Parking

Clause 52.06 applies to the commencement of a new use and requires that the number of car parking spaces specified in the Planning Scheme be provided on the land to the satisfaction of the Responsible Authority.

In this instance, the use is already established, and the proposed works relate solely to the development of transmission infrastructure within the same easement. Accordingly, Clause 52.06 is **not** considered applicable to this amendment.

Clause 52.17 Native Vegetation

Pursuant to Clause 52.17-1, a permit is required to remove, destroy, or lop native vegetation, including dead native vegetation.

An ecological due diligence assessment was undertaken by EcoAerial (September 2025) to determine potential impacts to flora and fauna associated with the MCTS proposal. The assessment included Lot B.

Clause 52.17-7 provides an exemption from the requirement for a planning permit where native vegetation to be removed, destroyed or lopped, has naturally established or regenerated on land lawfully cleared of naturally established native vegetation, and is less than 10 years old.

The ecological due diligence assessment determined that the existing native vegetation is classified as regrowth. Historical evidence of cultivation and cropping up to 2022, followed by scattered regrowth. Aerial imagery supports that the vegetation is less than 10 years old.

As a result, the exemption under 52.17-7 applies, and this amendment **does not** seek approval to remove, destroy, or lop native vegetation.

Clause 52.29 Land Adjacent to the Principal Road Network

Clause 52.29 applies to land adjacent to a road within the Transport Zone 2 (TRZ2), or land in a Public Acquisition Overlay (PAO) if a transport manager (other than a municipal council) is the acquiring authority, and the purpose of the acquisition is a road.

This amendment **does not** propose the creation or alteration of access to Derrimut Road (TRZ2). Accordingly, Clause 52.29 is not triggered.

Clause 52.34 Bicycle Facilities

Clause 52.34 applies to the commencement of a new use and requires the provision of bicycle facilities and associated signage in accordance with the Planning Scheme.

As the use is established, and the works are limited to the development of transmission infrastructure within the same easement, Clause 52.34 is considered **not** applicable.

## Planning Assessment

Land Use Compatibility

The proposed works fall within the definition of a 'utility installation', which is already approved under the existing planning permit for Lot A. The additional works (s72 works) are integral to the delivery of the MCTS project, enabling both the construction and ongoing operation of the approved MCTS facility while maintaining the safe and reliable supply and distribution of electricity to western Melbourne and the broader network.

The proposal comprises the construction of transmission infrastructure within an established electricity easement. In this regard, the works benefit from existing use rights pursuant to Clause 63.01 of the Planning Scheme,

representing a lawful continuation of use by a utility service provider, being AusNet.

Within this context, the s72 amendment facilitates the continuation of an existing and compatible land use within the SUZ, which is specifically applied to accommodate electricity transmission infrastructure. The proposal therefore maintains consistency with the purpose and intent of the zone and does not introduce any new or incompatible land use outcomes.

Built Form

The DDO11 establishes built form expectations for conventional office and industrial development within the Boundary Road Office and Industrial Precinct.

By its nature, the proposal does not constitute the type of development anticipated by the DDO11, as it relates to essential transmission infrastructure rather than buildings or urban form outcomes typically guided by the overlay. Accordingly, the detailed built form and design objectives of the DDO11 are of limited relevance in the assessment of this s72 Amendment.

Notwithstanding this, the proposed works adopt a like-for-like approach, involving the modification of transmission infrastructure within the existing electricity easement (SUZ7) and the footprint of the approved MCTS site. This approach minimises additional land take, avoids unnecessary expansion of the easement footprint, and limits potential impacts on adjoining land.

The proposed works have been carefully considered to balance the functional, operational and safety requirements of critical infrastructure delivery. The proposal ensures the efficient and safe construction and operation of the MCTS, while maintaining the integrity and ongoing function of the electricity transmission network. Importantly, it also safeguards adjoining land form encroachment or sterilization that could otherwise arise from a more extensive diversion alignment.

Overall, the proposed s72 Amendment represents a proportionate and responsive design outcome that aligns with the operation needs of the project while maintaining appropriate built form outcomes in the broader precinct context.

### Conclusion

Having regard to the above assessment, the proposed s72 amendment is considered an appropriate, necessary, and well-justified outcome to facilitate the timely construction and operation of the MCTS project.

In summary:

- The proposed works are consistent with the existing lawful land use and benefits from existing use rights pursuant to Clause 63.01.
- The works are aligned with, and complementary to, the development already approved under the existing planning permit, maintaining the established form and function of the electricity transmission lines and easement.
- The amendment is essential to enable the construction and operation of the approved MCTS.
- The proposed works are low-impact in nature and will result in the construction of two towers on the land immediately adjoining the MCTS to the south.
- While the inclusion of additional land (Lot B) necessitates a s72 amendment, the scope of works does not introduce any new use or materially alter the approved development outcomes.
- There has been no material change in the relevant planning policy context or site conditions since the original permit was granted.
- An amendment to the approved Cultural Heritage Management Plan (CHMP) is required and is currently in preparation.

Accordingly, the proposed amendment represents a logical and orderly extension of the approved development, facilitating essential infrastructure while maintaining consistency with the planning framework and the intent of the original permit.

The proposal satisfies the intent of Section 72 of the *Planning and Environment Act 1987,* which allows for

amendments that do not result in a material change to the approved development or its impacts. In this instance, the amendment constitutes a minor and technical refinement to incorporate additional land required for a localized infrastructure diversion, without altering the overall planning outcome, intensity of development, or amenity impacts.

On this basis, the amendment is considered appropriate and should be supported.

Should you require any further information, please do not hesitate to contact the undersigned.

Yours sincerely,

[redacted]

**Senior Planner**