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24 April 2026
Belinda Casic
Energy Assessment
Department of Transport and Planning

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PLAN

Dear Belinda,

Section 72 amendment application for planning permit PA2402939-1 – Mortlake Energy Hub

1 Introduction

Urbis continues to act on behalf of Yanara Australia, formerly known as Brightnight Australia (the permit holder), in relation to Planning Permit PA2402939-1 granted on 12 September 2024. The Planning Permit allows:

Planning Scheme Clause No.	Description of what is allowed:
	Use and development of the land for a solar energy facility and utility installation, associated buildings and works, alteration of access to a road in a Transport Zone 2, removal of native vegetation and display of a business identification sign.
Clause 35.07-1	Use of the land for the purpose of a solar energy facility. Use of the land for the purpose of Utility installation (other than Minor utility installation and Telecommunications facility).
Clause 35.07-4	Construct a building or construct or carry out works associated with a use in Section 2 of Clause 35.07-1. Earthworks which change the rate of flow or the discharge point of water across a property boundary. Construction of a building setback less than 50m from a Transport Zone 2.
Clause 52.05-14	Display of a business identification sign.
Clause 52.17-1	Remove, destroy or lop native vegetation including dead vegetation.

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Clause 52.29-2

Create or alter access to a road in a Transport Zone 2.

We write to seek an amendment to the aforementioned permit under Section 72 of the Planning and Environment Act 1987 to facilitate approval for the removal of native vegetation required under Clause 52.17 of the Moyne Planning Scheme

We acknowledge that Planning Permit PA2402939-1 currently allows for the removal of 1.436 hectares of native vegetation, as assessed and approved under the original planning approval. Following detailed design and preparation of a Transport Management Plan (TMP) in accordance with Condition 16, a series of road upgrade works are required.

Based on our review of the proposed upgrade works, these works will impact a small amount of mapped native vegetation located along Boonerah Estate Road, as well as at the substation and BESS access point off Connewarren Lane (Government Road).

Accordingly, this Section 72 amendment seeks approval to include a permit condition allowing for the removal of native vegetation associated with the road upgrade works.

We note that this amendment does not modify the permit triggers approved under the existing permit.

In support of this application, please find enclosed Appendix B - Ecology Constraints Assessment prepared by Ecology Systems and dated April 2026.

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2 Background

As discussed at the meeting with the Department (attended by Katherine Morton, Hannah Scott and Belinda Casic) on 27 March 2026, we understand that the Department of Transport and Planning (DTP) considers the aforementioned road upgrades proposed under the TMP to meet the definition of site preparation works, including the creation or alteration of access to a road within a Transport Zone 2.

On this basis, the works can be assessed and endorsed under the TMP, enabling early works to proceed. However, native vegetation removal associated with these works cannot occur until all relevant approvals have been obtained and offsets secured in accordance with Condition 14.

Accordingly, this amendment application is limited to native vegetation removal under Clause 52.17, enabling the permit holder to secure the necessary approvals and offsets in advance of road works approval and subsequent endorsement of plans under Condition 4.

We note that Government Road upgrade works are not currently included in the TMP due to uncertainty regarding approval timeframes. Prior to commencing any works on Government Road, an addendum to the TMP must be submitted and endorsed to address these works, with Condition 4 plans to be updated accordingly.

3 Assessment

Based on two separate assessments undertaken by Ecology Systems and Habitat Management Systems to determine the presence and extent of native vegetation within the impact area, the following removal is required to accommodate the proposed road upgrade works:

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- 0.024 hectares of Plains Grassy Woodland (primarily regenerating Blackwood) from four patches from within Boonerah Estate Road reserve
- 0.006 hectares of Plains Grassy Woodland (primarily regenerating Blackwood) from a single patch (Zone 1) within the Connewarren Lane road reserve
- 0.205 hectares of Plains Grassy Wetland (modified) from a single patch (Zone 3) and a single scattered small tree (Black Wattle, Tree A) from within the Mortlake Terminal station unused road reserve.

3.1 Native vegetation removal

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

The purpose of Clause 52.17 is to ensure there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved through the application of a three-step approach, in accordance with the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation*:

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

As decision guidelines require consideration of the above criteria by the Responsible Authority, the Guidelines remain the relevant assessment framework for this proposal.

The applicant has sought to minimise native vegetation removal associated with the road works to the greatest extent practicable, while maintaining suitable and safe access to and from the site. The accompanying report prepared by Ecology Systems (April 2025) responds to the key application requirements under Clause 52.17.

As outlined in the Ecological Memo Report, widening of Boonerah Estate Road has been designed to avoid the small patch of *Acacia melanoxylon* (Blackwood) within the road verge to the east of the proposed additional clearing.

Given the location and context of vegetation within Connewarren Lane and unused road reserve, further avoidance is not considered practical or feasible while maintaining compliant road construction standards.

At this stage, detailed road design has not been finalised; however, it is anticipated that most of the road reserve will be required to facilitate construction of a two-lane sealed road. While some avoidance may be achieved through detailed design and construction methodology, a precautionary approach has been adopted and approval is sought for the full extent of vegetation removal within the reserve to accommodate construction and machinery access.

Where impacts are unavoidable, they will be offset in accordance with the Guidelines.

The Native Vegetation Removal assessment falls under the intermediate pathway and requires the provision of an offset of 0.079 General Habitat Units, with a minimum Strategic Biodiversity Value of 0.161, located within the Glenelg Hopkins CMA or Moyne Shire LGA. Please refer to the consolidated native vegetation removal report included at Appendix B of the Ecology Systems report.

4 Proposed Amendment

Rather than amending Condition 14 to vary the amount of native vegetation removal and offset already approved (1.436 ha) under the Planning Permit, we propose adding an additional condition to the permit to address vegetation removal associated with the road works. This reflects that the works arise as a direct outcome of post-approval detailed design.

We are of the view that, given the limited additional removal (less than 0.5 hectares) and the intermediate assessment pathway, consideration of cumulative impacts between the previously approved and newly proposed vegetation removal is not necessary. Accordingly, the vegetation removal associated with the road works can be assessed independently under Clause 52.17.

Consequently, a separate condition would allow the permit holder to secure offsets for vegetation removal associated with pre-commencement works independently of those required under Condition 14, to the satisfaction of the Responsible Authority.

We have provided the following example permit wording for consideration:

To offset the removal of native vegetation associated with the road upgrade works, the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the Removal, Destruction or Lopping of Native Vegetation (DELWP 2017), as specified below:

- a. *A general offset of 0.079 General Habitat Units; and*
- b. *Located within the Glenelg Hopkins Catchment Management Authority boundary or the Moyne Shire municipal area:*
 - i. *With a minimum strategic biodiversity value of at least 0.161*

The offset must be secured prior to the removal, destruction or lopping of any native vegetation associated with the road works, to the satisfaction of the Responsible Authority.

5 Conclusion

Based on the above assessment, we consider this Section 72 Amendment an appropriate and acceptable outcome. We trust the above information is sufficient to allow the Department's favourable consideration of this application.

If you have any questions or require any additional information, please do not hesitate to contact me on the below details.

Kind regards,

A handwritten signature in black ink, appearing to read "Callum Goldby".

Callum Goldby
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