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Our Reference 322524
Your Reference PA2201507

23 August 2024

Hannah Scott
Senior Planner (Renewables)
Development Approvals and Design
Department of Transport and Planning
8/8 Nicholson Street
East Melbourne, VIC 3002

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Dear Hannah,

Permit: PA2201507

**Address: 910 Side Bottoms Road, Pine Lodge & 490 Cosgrove-Lemnos Road, Pine Lodge
Section 72 Amendment Application**

1. INTRODUCTION

Spiire Australia acts on behalf of ACEnergy and ACLE Services in relation to land at 910 Side Bottoms Road, Pine Lodge & 490 Cosgrove-Lemnos Road, Pine Lodge. The use and development of the land for the purpose of a Battery Energy Storage System (BESS) is authorised by planning permit PA2201507 (the permit). More specifically, the permit allows for the following:

Use and development of the land for the purpose of a Utility Installation (Battery Energy Storage System), creation of an easement and removal of native vegetation.

Pursuant to Section 72 of the Planning & Environment Act, the purpose of this letter is to request the following amendments to the permit:

- ▶ Amend the wording of Condition 4 and 5 to refer to the updated quantity of required native vegetation removal.
- ▶ Amend the permit to remove the conditions pertaining to operational noise (Condition 15 and 17).
- ▶ Amend the wording of the conditions pertaining to decommissioning (Condition 46 and 47).

Additionally, Development Plans are being submitted in respect of Condition 1 of the permit. The following amendments have been made to the plans that were originally submitted as part of the planning application:

- ▶ Re-alignment of the powerline connecting the BESS to the existing 22kv transmission line.
- ▶ Removal of additional native vegetation.
- ▶ Removal of the noise attenuation walls.
- ▶ The addition of on-site car parking.
- ▶ The addition of changes required to comply with CFA conditions.

Updated Landscape Plans are also submitted in respect of Condition 8. The purpose of these is to restrict planting within the powerline easement.

Please find enclosed the following supporting documentation:

- ▶ Appendix A – A completed ‘Application to Amend a Planning Permit’ form;
- ▶ Appendix B – Updated Ecology Assessment prepared by Cumbre Consulting;
- ▶ Appendix C – Updated Noise Assessment prepared by Assured Environmental;
- ▶ Appendix D – Updated Development Plans prepared by ACEnergy; and
- ▶ Appendix E – Updated Landscape Plans prepared by Ground Control Landscape Architecture.

2. PROPOSED CHANGES TO THE PERMIT

Pursuant to Section 72 of the *Planning and Environment Act 1987*, this request seeks to amend the existing permit. The specific amendments are explained in more detail below.

2.1 Amend Native Vegetation Condition Wording

Currently:

Condition 4 - *The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.070 ha of native vegetation, comprising one scattered tree.*

Condition 5 - *To offset the permitted 0.070 ha of removal, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure the following native vegetation offset:*

a. *A general offset of 0.014 general habitat units:*

i. *Located within the Goulburn Broken Catchment Management Authority boundary or Greater Shepparton municipal area*

ii. *With a minimum strategic biodiversity score of at least 0.080.*

b. *The offset(s) secured must include 1 large tree.*

The proposed changes are provided in red below:

Condition 4 - *The native vegetation permitted to be removed, destroyed or lopped under this permit is **0.347** ha of native vegetation, comprising one scattered tree.*

Condition 5 - *To offset the permitted **0.347** ha of removal, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure the following native vegetation offset:*

a. *A general offset of **0.08** general habitat units:*

i. *Located within the Goulburn Broken Catchment Management Authority boundary or Greater Shepparton municipal area*

ii. *With a minimum strategic biodiversity score of at least **0.1630**.*

b. *The offset(s) secured must include **23** large trees.*

2.2 Remove the Conditions Pertaining to Noise

Condition 15 and 17 of the Permit are proposed to be removed.

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2.3 Amend Decommissioning Condition Wording

Currently:

Condition 46 - Subject to condition 45, once the BESS facility permanently ceases operation, all infrastructure, equipment, buildings, structures and works must be removed, and the site or the relevant part of the site must be rehabilitated and reinstated to the condition it was in prior to the commencement of development to allow it to be used for agricultural purposes (or any proposed alternative use). This includes, but is not limited to, all battery storage containers, inverters/transformer containers, control building, substation, switchyard, and above and below ground electrical infrastructure and equipment.

Condition 47 - If the landowner requests, items of infrastructure or other works (such as access tracks or the control building) that are suitable for the ongoing agricultural use of the land (or proposed alternative use) may be retained, subject to the written consent of responsible authority.

The proposed changes are provided in red below:

Condition 46 - Subject to condition 45, once the BESS facility permanently ceases operation, all infrastructure, equipment, buildings, structures and works must be removed, and the site or the relevant part of the site must be rehabilitated and reinstated to the condition it was in prior to the commencement of development to allow it to be used for agricultural purposes (or any proposed alternative use). This includes, but is not limited to, all battery storage containers, inverters/transformer containers, control building, substation, switchyard, and above and below ground electrical infrastructure and equipment.

This does not include infrastructure, equipment, buildings and structures, and access tracks required for the ongoing operation of the 220kV switchyard and 220kV transmission lines owned and operated by AusNet Services (or the Transmission Network Services Provider).

Condition 47 - If the landowner requests, items of infrastructure or other works (such as access tracks or the control building) that are suitable for the ongoing agricultural use of the land (or proposed alternative use) may be retained, subject to the written consent of responsible authority. This does not include infrastructure or other works (such as access track) associated with the ongoing operation of the 220kV switchyard and 220kV transmission lines.

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3. SECTION 72 AMENDMENT ASSESSMENT AND JUSTIFICATION

Additional native vegetation is required to be removed as a result of the re-alignment of the connection from the BESS facility to the existing transmission line. The BESS facility has also shifted to the south. Previously, 0.07ha of native vegetation was required. Now, 0.347ha is required. The additional native vegetation required to be removed is located along the southern boundary of the BESS. Two remnant large trees are directly impacted as a result of the layout changes. Although not proposed to be removed, several additional trees are impacted and therefore assumed lost. Consequently, the quantity of native vegetation and offset requirement specified in Condition 4 and 5 are required to be updated. The Development Plans accompanying this letter being submitted in respect of Condition 1 have also been updated to reflect the revised native vegetation removal. An updated Ecology Assessment is also provided at Appendix B of this letter.

Condition 15 and 17 pertaining to operational noise are proposed to be removed as a result of proposed removal of the approved noise attenuation walls. This is as a result of advancing BESS technology that does not require as much noise mitigation measures. To support the removal of the Conditions and the noise attenuation walls, an updated noise impact assessment has been prepared that confirms the exclusion of the attenuation walls. More specifically, the assessment concludes that provided the impacts to the surrounding sensitive receptors are considered low noting the soundproofed inverters and the containerized BESS equipment. As a result of this proposed change, it is also proposed to remove the conditions pertaining to noise mitigation (Condition 15 and 17) noting that none is required.

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Lastly, the proposed updates to the decommissioning conditions are as a result of AusNet demands. AusNet require access to the switchroom and the ongoing operation of the switch room and transmission line once the operation of the BESS ceases.

The proposed changes outlined in this amendment do not present any additional permit triggers. The proposed changes remain consistent with all relevant planning considerations contained within the Greater Shepparton Planning Scheme and are considered appropriate for approval. The proposed amendments are supported by the updated material accompanying this letter as discussed in Section 4 below.

4. SUBMISSION OF PLANS

Development Plans and Landscape Plans are being submitted for endorsement in respect of Condition 1 and Condition 8.

The updated set of Development Plans include the following:

- ▶ Switching Station Elevation, prepared by AusNet Services (Drawing no. PLTS-0355417-001)
- ▶ Site Plan 1 of 2, prepared by ACEnergy (Drawing no. G-1.1_000904_FA-A)
- ▶ Site Plan 2 of 2, prepared by ACEnergy (Drawing no. G-1.2_000904_FA-A)
- ▶ Locality Diagram 1 of 2, prepared by ACEnergy (Drawing no. G-2.1_000904_FA-G)
- ▶ Locality Diagram 2 of 2, prepared by ACEnergy (Drawing no. G-2.2_000904_FA-G)
- ▶ MVPS Elevation, prepared by ACEnergy (Drawing no. G-3.0_000904_FFA-C)
- ▶ Energy Storage Container Elevations, prepared by ACEnergy (Drawing no. G-4.0_000904_FA-B)

The updated Landscape Plan set has been prepared by Ground Control Landscape Architecture and include the following:

- ▶ Overview/Context Plan
- ▶ Landscape Screening Plan
- ▶ Landscape Screening
- ▶ Landscape Specification notes

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4.1 Development Plans

As illustrated on the updated development plans, it is proposed to re-align the connection from the BESS to the existing transmission line following discussions with AusNet. It is also proposed to shift the proposal towards the southern boundary of the site. As a result, additional native vegetation is required to be removed as demonstrated on the enclosed development plans.

The updated development plans also demonstrate the removal of the noise attenuation walls. It is proposed to remove the noise attenuation walls as they are no longer required due to advancing BESS technology. Their removal is supported by an updated noise impact assessment enclosed with this amendment application. A further discussion on this is provided in Section 4 of this amendment application.

In line with Condition 1, the enclosed development plans also include the location of on site car parking and changes to comply with the CFA conditions (Condition 30-32) inclusive of separation distances, emergency vehicle access, firefighting water supply and fire breaks.

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4.2 Landscape Plans

As a result of the re-alignment of the connection to the existing transmissions lines, updated landscape plans are submitted as part of this amendment application. The landscape plans outline that vegetation should be no more than 3m high within the easement for the connection line. The easement is 50m wide and includes a 5m buffer on either side of the connection.

5. CONCLUSION

Should you have any further questions please do not hesitate to contact me directly on 03 9993 7840 or alternatively via email at sally.o'sullivan@spiire.com.au

Yours sincerely,



Sally O'Sullivan
Senior Professional – Planning

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