Planning and Environment
Interim Regulations 2026

Form 4 Regulation 22

# PLANNING PERMIT

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|---|---|
| **Permit No.:** | PA2504151 |
| **Planning scheme:** | Moyne |
| **Responsible authority:** | Minister for Planning |
| **Address of the land:** | “Stoney Point” 2977 Hamilton Highway, Darlington (Crown Allotment 1 Section 20 Parish of Darlington, Vol 10518 Fol 624 & Crown Allotment 2 Section 10 Parish of Darlington, Vol 10523 Fol 604) |

## THE PERMIT ALLOWS:

| Planning scheme clause | Matter for which the permit has been granted |
|---|---|
| 35.07-1 | Use of the land for a utility installation. |
| 35.07-4 | Construct a building or construct or carry out works associated with a use in section 2 of clause 35.07-1. |
| 52.05-14 | Display of business identification signage. |
| 52.17-1 | Remove, destroy or lop native vegetation, including dead native vegetation. |

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

**Development plans**

1. Before the use and development starts, amended development plans must be approved and endorsed by the responsible authority. The development plans must be fully dimensioned and drawn to scale. The plans must be generally in accordance with the application plans, prepared by Cogency and WSP, titled ‘Murchs Corner BESS’ and dated between 10/10/2025 and 17/03/2026, but modified to include:
   a. Detailed, fully dimensioned location / site layout, floor, elevation and other typical detail plans (including the specifications, model, dimensions and materials) of all proposed buildings and works, including:
      i. operations and maintenance facility, terminal station, car parking, substation, electrical cabling, including underground cabling, internal access tracks, site access points, including emergency / secondary site access points.
      ii. detailed, fully dimensioned layout of the Battery Energy Storage Systems (BESS), including internal separation setbacks and battery models, to demonstrate compliance with *CFA’s*

*Guidelines and Model Requirements for Renewable Energy Facilities CFA 2025* (the CFA Guidelines).

iii. The location, design, dimensions and elevations of the proposed business identification signage.

b. The location and areas of all native vegetation on-site within 30 metres of any buildings and works, including tree protection zones of native trees calculated in accordance with *Australian Standard 4970 Protection of Trees on Development Sites*.

c. Landscaping buffers to reduce the visual impact of the facility from Hamilton Highway and Darlington-Terang Road, in accordance with Figure 62 in the Landscape and Visual Impact and Visual Assessment Report, prepared by Peter Haack Consulting, and dated 15 December 2025.

d. The colours and finishes for all buildings and works. All buildings and works must be non-reflective and of natural/muted tones to minimise visual impact.

e. Any noise mitigation measures for the facility to be shown on the plans.

f. Any staging of the permitted use and development.

g. Any changes required to comply with:

i. CFA conditions 37 to 39.

ii. Any other condition of this permit.

**Compliance with documents associated with this permit**

2. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

**Commencement**

3. This permit will operate from the issued date of this permit.

**Written consent to modify endorsed plans**

4. The use and development as shown on the endorsed plans must not be altered or modified (unless the Moyne Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

**Staging**

5. The use and development may be completed in stages in accordance with the development plans endorsed under condition 1. The corresponding obligations under this permit may be completed in stages.

**Landscaping Plan**

6. Before the development starts, a landscaping plan must be submitted to, approved, and endorsed by the responsible authority. When endorsed, the on-site landscaping plan will form part of this permit.

The plan must include:

a. Landscaping treatments to reduce the visual impact of the facility from Hamilton Highway and Darlington-Terang Road, in accordance with Figure 62 in the Landscape and Visual Impact and Visual Assessment Report, prepared by Peter Haack Consulting, and dated 15 December 2025.

b. Details (including type, location, species and height at maturity) of all vegetation buffers.

c. A schedule for the implementation of landscaping works.

d. A maintenance and monitoring program to ensure the ongoing health of landscaping and the replacement of dead or diseased plants.

e. Any changes required to comply with any other condition of this permit.

**Advertising signage**

7. The signs must not be illuminated/animated or contain any flashing or intermittent light.
8. The signs, including the structure and content, must be constructed and maintained to the satisfaction of the responsible authority.
9. The signs must only contain an advertisement which provides or supplies information relating to the business conducted on the land as described in this permit or as shown on the endorsed plans.

**Construction Environmental Management Plan (CEMP)**

10. Before the development starts, including site preparation works and the removal of native vegetation, a Construction Environment Management Plan (CEMP) to the satisfaction of the responsible authority in consultation with DEECA Regions, must be submitted to and approved by the responsible authority. When approved, the CEMP will be endorsed and will form part of this permit.

    The CEMP must include (but not necessarily be limited to) the following:

    a. Specific details for the implementation of the recommendations and mitigation measures specified in the Murchs Corner Battery Energy Storage System (BESS) Flora and Fauna Assessment prepared by Biosis dated 24 February 2026.

    b. Details for the protection of native vegetation and other biodiversity and environmental values (including communities, threatened flora and threatened fauna habitat) being retained on site and on land directly adjoining the site including the DEECA mapped wetlands, during and post construction works.

       The works must ensure that:

       i. All landscape and buffer planting must be done using suitable indigenous species appropriate to the relevant Ecological Vegetation Class of the site/s being revegetated.

       ii. The central drainage line, required buffers and associated remnant vegetation being retained on site should be completely fenced out to provide appropriate protection from impacts for both the drainage line, native trees and patch vegetation to be retained, rather than each patch and tree/s being fenced individually, where works are within 100 metres.

    c. Identification of all stockpile, storage, laydown, parking and machinery storage locations on site and management requirements for these. These need to be located within identified impact areas/footprint.

    d. Appropriate sediment control, erosion and drainage management to be implemented on site, to ensure no sediment or sediment laden runoff enters any waterways, drainage lines, wetlands or moves off site.

    e. Weed control and management on site, including appropriate vehicle hygiene measures during construction phase, and post construction ongoing weed management.

    f. Measures to avoid and minimise amenity and environmental impacts during construction of the facility.

    g. Procedures to manage mud and debris on the surrounding road network and environment which may occur during construction.

    h. Procedures to remove temporary works, plant, equipment, buildings and staging areas, and reinstate the affected parts of the land, when construction is complete.

   i. Procedures to manage waste and spoil.
   j. Procedures to manage construction noise and vibration in accordance with the requirements of the Civil construction, building and demolition guide (EPA Publication 1834).
   k. A construction timetable, including typical daily start and end times.
   l. Details of the person(s) responsible for implementation and compliance of each of the CEMP requirements, including details of a site contact / site manager.

11. All persons undertaking works on-site must be fully briefed on all aspects and requirements of the endorsed CEMP. All works constructed or carried out must be in accordance with the endorsed CEMP, to the satisfaction of the responsible authority.

**Operational Environmental Management Plan**

12. Before the development starts, or as otherwise agreed to in writing by the responsible authority, an Operational Environmental Management Plan (OEMP) must be approved and endorsed by the responsible authority.

    The OEMP must:

    a. Include measures to avoid and minimise amenity and environmental impacts during the operation of the energy facility.
    b. Include design measures and / or procedures to manage dust, odour, light spill, mud, flood, surface water quality and stormwater run-off.
    c. Include response measures to environmental incidents, including a program for recording and reporting environmental incidents.
    d. Include organisational responsibilities, and procedures for staff training and communication.

**Light Spill Management**

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

**Predictive Noise Assessment**

14. Before the endorsement of development plans in accordance with condition 1 of this permit, a Predictive Noise Assessment must be submitted to the responsible authority and must:
    a. Model the final design layout and all electrical components of the facility and assess this against EPA Publication 1826.5.
    b. Demonstrate compliance of the proposal with EPA Publication 1826.5.
    c. Include details of any mitigation measures that will be implemented to achieve compliance with EPA Publication 1826.5.
15. All measures relied on to achieve compliance with EPA Publication 1826.5 must be shown on the development plans under condition 1 and implemented to the satisfaction of the responsible authority.
16. The Predictive Noise Assessment must be made available to the public upon request.

**Native Vegetation Removal**

17. Before any native vegetation is removed, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

18. Native vegetation removal must be generally in accordance the development plans endorsed under condition 1 of this permit.
19. The following activities are prohibited within the areas of native vegetation to be retained, except with the written consent of the responsible authority:
    a. Vehicular or pedestrian access
    b. Trenching or soil excavations
    c. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
    d. Entry and exit pits for the provision of underground services
    e. Any other actions or activities that may result in adverse impacts to retained native vegetation.
20. The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.245 hectares of native vegetation with a strategic biodiversity value score of 0.3520.
21. To offset the removal of 0.245 hectares of native vegetation, the permit holder must secure the following native vegetation offset in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DEECA, 2025):
    a. A general offset of 0.053 general habitat units:
        i. Located within the Glenelg Hopkins Catchment Management Authority boundary or Moyne Shire municipal area
        ii. With a minimum strategic biodiversity value of at least 0.3520.
22. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
    a. An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and / or
    b. Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
23. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to DEECA region at PEA.energyproject@deeca.vic.gov.au.
24. Where the offset includes a first party offset, the permit holder must provide an annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

**Complaint Investigation and Response Plan**

25. Before development starts, a Complaint Investigation and Response Plan (CIRP) must be submitted to, approved and endorsed by the responsible authority.

    The CIRP must:
    a. Respond to all aspects of the construction and operation of the facility, other than operational noise.
    b. Be prepared in accordance with Australian Standard 10002 Guidelines for complaint management in organisations.
    c. Include a process to investigate and resolve complaints (different processes may be required for different types of complaints).
26. The endorsed CIRP must:

a. Be implemented to the satisfaction of the responsible authority.

b. Not be altered or modified without the written consent of the responsible authority.

**Complaints Register**

27. Before the development starts, a Complaints Register must be established which records:

    a. The complainant's name and address (if provided).

    b. A receipt number for each complaint, which must be communicated to the complainant.

    c. The time and date of the incident, and operational conditions at the time of the incident.

    d. A description of the complainant's concerns.

    e. The process for investigating the complaint, and the outcome of the investigation, including the actions taken to resolve the complaint.

28. All complaints received must be recorded in the Complaints Register.

29. A complete copy of the Complaints Register must be provided, along with a reference map of complaint locations, to the responsible authority on each anniversary of the date of this permit and at other times upon request.

**Emergency services**

30. Before the development starts, the permit holder must provide spatial information data to Land Use Victoria via email vicmap@transport.vic.gov.au to be used to direct emergency services to and within the site. This information must be in the ESRI Shapefile or Geodatabase .gdb format, GDA94 or GDA2020 datum and include:

    a. The location and boundaries of the facility extents polygon(s)

    b. All access entry points onto private property.

    c. All internal roads.

    d. The locations of site compound, substations, maintenance facilities.

31. If there are any subsequent changes to infrastructure location, internal roads or access points during construction, or after completion of construction, updated data must be provided to Land Use Victoria via email vicmap@transport.vic.gov.au within 30 days of the change, to enable details of any changes to the facility to be known to emergency services dispatchers.

**Decommissioning**

32. Once the facility permanently ceases operation, the responsible authority and Moyne Shire Council must be notified within three months.

33. Once the facility permanently ceases operation, all buildings and works must be removed from the site, and the site or the relevant part of the site must be rehabilitated and reinstated to the general condition it was in prior to the commencement of development, unless otherwise agreed with the landowner, subject to the written consent of the responsible authority.

34. Within three months of the facility permanently ceasing operation, a Decommissioning Management Plan (DMP) prepared by a suitably qualified and experienced person must be submitted to, approved and endorsed by the responsible authority.

    The DMP must include, as a minimum:

a. Identification of infrastructure, equipment, buildings, structures and signs to be removed, and details of how these will be removed.

b. Details of how the site will be rehabilitated to meet the requirements of condition 33.

c. A requirement that a Decommissioning Traffic Management Plan (DTMP) be submitted to, approved and endorsed by the responsible authority prior to decommissioning works starting. The DTMP must be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority for endorsement. The DTMP must specify measures to manage traffic impacts associated with removing the infrastructure, equipment, buildings and structures from the site, to the satisfaction of the responsible authority.

d. A requirement that all decommissioning works identified in the DMP be completed to the satisfaction of the responsible authority as soon as practicable, but no later than 12 months after the DMP is endorsed, or such other period approved by the responsible authority.

35. The endorsed DMP must be implemented to the satisfaction of the responsible authority.

**Notification of works commencing**

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

**Country Fire Authority (CFA) Conditions (not a referral authority)**

37. Before plans are endorsed under condition 1, in consultation with CFA, a Risk Management Plan must be submitted to, approved and endorsed by the responsible authority. The Risk Management Plan must be prepared in accordance with the CFA Design Guidelines and Model Requirements for Renewable Energy Facilities (newest version at time of submitting plan for endorsement), and:

a. Describe the risks and hazards at the facility to and from the battery energy storage system and related infrastructure.

b. Describe the risk controls for the facility, including:

I. Dedicated fire water supplies for the battery energy storage system:

a) Of a quantity no less than 576kL effective capacity (40L/s for four hours), to the satisfaction of CFA.

b) Provided otherwise in accordance with the CFA Guidelines and AS 2419.1-2021: Fire hydrant installations.

c) Located reasonably adjacent to the battery energy storage system but in a position that is accessible without undue danger in an emergency, to the satisfaction of CFA.

d) Commissioned prior to the arrival of the battery energy storage system enclosures/containers at the facility.

II. A fire hydrant system provided in accordance with the CFA Guidelines and AS 2419.1-2021: Fire hydrant installations, to the satisfaction of CFA.

III. The separation distance:

a) Of no less than 3m between battery containers/enclosures to adjacent battery containers/enclosures, to the side with the battery module access doors.

b) Of battery containers/enclosures and related battery infrastructure, buildings/structures and vegetation based on radiant heat flux (output) as an ignition source.

IV. The management of on- and off-site hazards and risks at the facility, including:

a) All proposed battery energy storage system safety and protective systems.

b) For the storage of battery energy storage system enclosures/containers on-site, prior to their installation, for any length of time.

c) A copy or summary of the findings of WorkSafe and ESV's Arc Flash Self-Audit Tool (dated June 2022), including the proposed risk controls to manage arc flash risks for site personnel and emergency responders.

d) Where noise/acoustic barriers are proposed on three or more sides, include consequence modelling and assessment of toxic and flammable gas releases that takes into account the proposed position of acoustic barriers, to the satisfaction of CFA.

c. Provide an evidence-based determination of the effectiveness of the risk controls against the identified hazards, including justification for the omission of any safety and protective system/s.

d. Specify that planning for decommissioning of all or part of the facility will be in consultation with CFA.

e. Form the basis for the design of the facility.

38. Before plans are endorsed under condition 1, an Emergency Plan (EP) and Fire Management Plan (FMP) must be submitted to, approved and endorsed by the responsible authority. The EP and FMP must be prepared in consultation with CFA and be in accordance with the CFA Design Guidelines and Model Requirements for Renewable Energy Facilities (newest version at time of submitting plan for endorsement).

39. Before the use commences, all fire protection measures shown on the endorsed plans (including separation distances, emergency vehicle access, firefighting water supply and equipment, and fire breaks) must be implemented. Fire protection measures must be maintained on a continuing basis for the life of the permit, to the satisfaction of the responsible authority.

**AusNet Conditions (determining referral authority)**

40. Details of any proposed development or use of the AusNet easements, including access roads, installation of lighting, underground services and the use of construction equipment and explosives, must be submitted to and approved by AusNet before work is commenced on site.

41. Buildings and structures including any part of the Battery Energy Storage System are not permitted on the AusNet easements without prior written approval from AusNet.

42. Vehicle access by AusNet and its service providers must remain available along the easements at all times.

43. All trees and shrubs planted on the easement must not exceed 3 metres maximum mature growth height.

44. All future works within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.

**WorkSafe Conditions (determining referral authority)**

45. The Risk Management Plan and Emergency Management Plan must be developed in line with the CFA Guidelines, conducted by a suitably competent person and to the satisfaction of the CFA's Dangerous Goods Unit, prior to commissioning and operation.

46. A Fire Management Plan must be developed in line with the CFA Guidelines, conducted by a suitably competent person and to the satisfaction of the CFA's Dangerous Goods Unit, before development starts.

**Traffic Management Plan**

47. Before the development starts, a Traffic Management Plan (TMP) must be prepared in consultation with the relevant road authority (or authorities), and be submitted to, approved and endorsed by the responsible authority. The TMP must:
    a. Be prepared by a suitably qualified and experienced civil or traffic engineer.
    b. Specify updated estimates of heavy and light construction vehicle volumes throughout the relevant stages of construction.
    c. Specify measures to be taken to manage traffic impacts associated with the construction and operation of the facility.
    d. Specify designated transportation routes that will be used to access the site during construction of the facility, including the amount and type of vehicles required, including routes from quarries.
    e. Include details of any proposed modifications or upgrades to existing roads that will be required before, during and after construction.
    f. Include a program to inspect, maintain and (where required) repair public roads used by construction traffic.
    g. Be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority.
48. The endorsed TMP must be implemented to the satisfaction of the responsible authority and relevant road management authority (or authorities).
49. The endorsed TMP must not be altered or modified without the written consent of the responsible authority and relevant road management authority (or authorities). Any proposed alteration or modification to the endorsed TMP must be prepared to the satisfaction of the road management authorities before submission to the responsible authority for endorsement.

**Expiry**

50. This permit will expire if one of the following applies:
    a. The development is not started within 3 years of the date of this permit.
    b. The development is not completed within 6 years of the date of this permit.
    c. The use has not commenced within 3 years of the completion of the development.

    In accordance with Section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion of the development if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

**USEFUL INFORMATION:**
(the following information does not form part of this permit)

**Noise**

- The use of the land must at all times comply with *EPA Publication 1826.5: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues* (EPA Publication 1826.5).

**Roads**

- National Heavy Vehicle Register approval may be required.

**AusNet**

- There are restrictions on development of the AusNet easement, including buildings, structures, earthworks, roads, services and trees, and that vehicle access is required by AusNet at all times.
- Details of any proposed use of the easement must be submitted to and approved by AusNet before work is commenced on site. Further information is available from AusNet on request.

**Glenelg Hopkins Catchment Management Authority**

- A Designated Waterway passes through the property. Any future works in, on or around a designated waterway require a licence from the Glenelg Hopkins CMA. Please visit their website at www.ghcma.vic.gov.au for more information.

**Date of issue:** 14 July 2026 **Signature for the responsible authority:**

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# IMPORTANT INFORMATION ABOUT THIS PERMIT

**WHAT HAS BEEN DECIDED?**

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

**CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?**

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

**WHEN DOES A PERMIT BEGIN?**

A permit operates:

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

**WHEN DOES A PERMIT EXPIRE?**

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

**WHAT ABOUT REVIEWS?**

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

**Date of issue:** 14 July 2026 **Signature for the responsible authority:**