

Mortlake Terminal Station Section 72 Application

1154 Connewarren Lane, Mortlake

Prepared for AusNet Services

Prepared by Beca Pty Ltd

ABN: 85 004 974 341

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Revision History

Revision N°	Prepared By	Description	Date
1	Adi Ananda	Draft for internal review	11/09/2023
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3	Adi Ananda	Final for Submission to DTP	24/09/2024

Document Acceptance

Action	Name	Signed	Date
Prepared by	Adi Ananda		24/09/2024
Reviewed by	Melody Valentine		24/09/2024
Approved by	Melody Valentine		24/09/2024
on behalf of	Beca Pty Ltd		

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1 Introduction

1.1 Overview

This Planning Report has been prepared by Beca Pty Ltd (Beca) in support of an application for a Section 72 Amendment to planning permit PA2302199 (the Permit), which relates to upgrade of the existing Mortlake Terminal Station (MTS) at 1154 Connewarren Lane, Mortlake (the Site).

This amendment to the Permit is required to allow development of a temporary access road to facilitate access to, and thus development of, the works that are allowed under the Permit. As these works will be on land that is not currently included on the permit, an amendment of the Permit is required.

It is noted that this amendment is subsequent to an earlier secondary consent which was approved by the Department of Transport of Planning (DTP) in July 2024.

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2 Amendment Proposal

2.1 Scope

The scope of this amendment is to develop temporary access between the private road (which provides access to the Blue Gums Switching Station) and the Mortlake Terminal Station (MTS). The temporary access will:

- Include a crossover which connects to the private road on Lot 2\PS828696;
- Traverse the undeveloped road reserve between Lot 2\PS828696 and Lot 1\PS620663;
- Traverse Lot 1\PS620663, the Origin-owned land on which the Mortlake Power Station is located on; and
- Connect to existing access tracks associated with the MTS (on Lot 2\PS620663, the Site)

2.2 Purpose

The Mortlake Battery Energy Storage System and its substation (Mortlake BESS Project) are to be located on Lot 1\PS620663, immediately south of the MTS, in accordance with the approved *Mortlake Power Station Development Plan*.

The Permit subject of this application currently allows for access to the Site via an existing access that connects with Connewarren Lane. The approved works to the MTS are commencing later than initially planned, causing an access conflict with the Mortlake BESS Project.

The proposed temporary access will facilitate access to the works area during times that the original access is not available. The crossover for the proposed temporary access will be shared with the access approved under the Mortlake BESS Development Plan.

The proposed temporary access is illustrated in Figure 1 below.

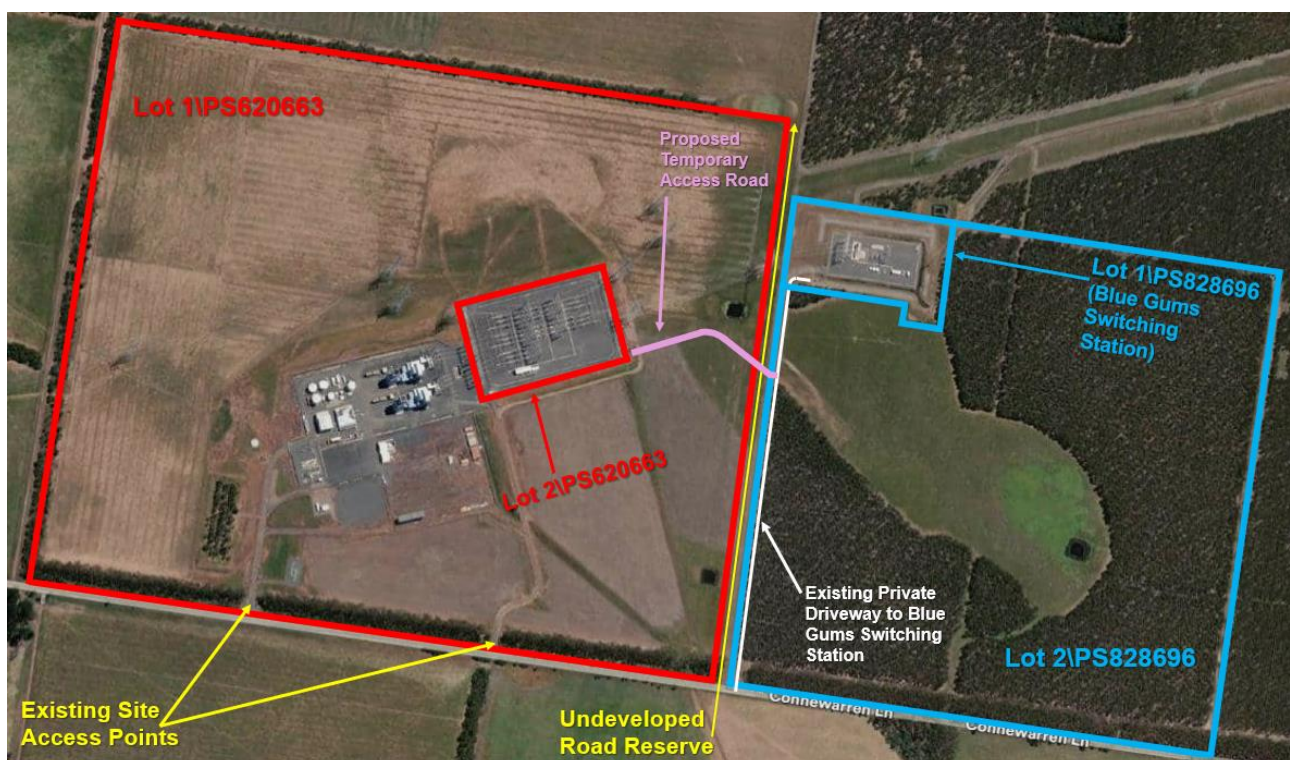


Figure 1: Location of the proposed temporary access road (Source: NearMap)

3 Planning Assessment

3.1 Planning Context

The Project Area is situated within the municipal boundaries of Moyne Shire Council, subject to the provisions of the Moyne Planning Scheme (MPS).

3.2 Land Use Definition

The proposed works are considered ancillary to the use of a **Utility Installation**.

3.3 Zoning

The zoning that applies to the land is:

- Lot 1\PS620663 and Lot 2\PS828696 – Special Use Zone 1 (SUZ1)
- Road Reserve – Special Use Zone 1 (SUZ1) and Farming Zone (FZ)
- Lot 1\PS828696 and Lot 2\PS828696 – Farming Zone (FZ)



Figure 2: Zoning of the Site and surrounds (Source: VicPlan)

The Permit currently allows for buildings and works on Lots 1 and 2 on PS620663. A Section 72 Amendment to the Permit is required to include works within the road reserve (zoned SUZ1 and FZ) and Lot 2\PS828696 (zoned FZ).

In addition to the original permit trigger, FZ states that a permit is required for earthworks which change the rate of flow or the discharge point of water across a property boundary. As the temporary access road will require earthworks across the boundary, this permit requirement will be triggered.

3.4 Overlays

As seen in Figure 3 below, the following overlays apply to the site:

- Bushfire Management Overlay (BMO) – the BMO applies to Lot 1\PS620663, undeveloped road reserve, and Lot 2\PS828696.
- Environmental Significance Overlay – Schedule 3 (ESO3) – ESO1 applies to Lot 2\PS828696, and the undeveloped road reserve.



Figure 3: Overlays applicable to the Site and surrounds (Source: VicPlan)

3.4.1 Bushfire Management Overlay

Under Clause 33.06-5, there is no permit requirement specified for the proposed works.

3.4.2 Environmental Significance Overlay

Clause 42.01-2 states that a permit is required to construct a building or construct or carry out works on land subject to the ESO; although this does not apply if a schedule to this overlay specifically states that a permit is not required.

Schedule 3 to the ESO states that a permit is not required to carry out works, except if the buildings or works are to be used for accommodation including a dwelling. As the proposed roadworks are not associated with accommodation, a permit is not required for works under ESO3.

Pursuant to Clause 42.01-2, a permit is required to remove, destroy or lop any vegetation. However, there is an exemption for planted vegetation for the purpose of grazing. Therefore, a permit is not triggered in this regard.

3.5 Victorian Planning Policy Framework

The following clauses of the Victorian Planning Policy Framework (VPPF) are considered relevant to this application. The works associated with the proposed amendment are considered to comply with the relevant objectives of the VPPF.

Table 1: VPPF Assessment

Clause	Objective	Response
12.01 Biodiversity	<i>To protect and enhance Victoria's biodiversity.</i>	<p>The footprint of the temporary road does not intersect with any native vegetation identified in <i>Ecological Assessment - Mortlake Terminal Station (May 2023)</i> (which assessed Lots 1 and 2 on PS620663).</p> <p>The endorsed <i>Mortlake Power Station BESS Project Development Plan (October 2023)</i> assessed native vegetation impacts of the BESS development, including the cross over which traverses the road reserve and connects to the private road on Lot 2\PS828696. The assessment included in the development plan concluded that there were not any permit triggers in regard to the works subject of the development plan.</p> <p>Recommendations made by NGH with respect to protecting biodiversity will be adopted by all works to be undertake as part of the permit, including the development of the temporary road.</p>
12.03 Water bodies and wetlands	<i>To protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands, and billabongs.</i>	<p>The Project Area occurs within the Glenelg Hopkins CMA. The Hopkins River is the closest major waterway. It is located to the southwest of the Project Area and will not be impacted by the proposed works.</p> <p>The proposed roadworks will be in proximity to, but will not intersect with an area of modelled wetland. The current wetland is situated in the centre of Lot 2\PS828696, away from the Project Area.</p> <p>Sediment control measures will be employed to avoid run off of silt-laden water to any drainage lines and therefore, the works are not expected to impact the waterways or waterbodies in and around the site.</p>
13.01 Climate Change Impacts	<i>To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.</i>	<p>The proposed roadworks will aid in the facilitation of approved upgrade works to Mortlake Terminal Station (MTS). These upgrade works will contribute to the increase in renewable energy sources being added to the electricity network and therefore is supportive of the overall response to climate change.</p>
13.02-1S Bushfire Planning	<i>To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.</i>	<p>The proposed works will occur within the Bushfire Management Overlay (BMO), in a bushfire prone area.</p> <p>Where relevant, fire risk management measures will be incorporated to the design and construction of the proposed roadworks, minimising the risk of bushfire.</p> <p>Additionally, there are no settlements or dwellings located within or in proximity to the Project Area, therefore minimising risk to human life.</p>

Clause	Objective	Response
13.03 Floodplains	<i>To assist the protection of: Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows. The natural flood carrying capacity of rivers, streams and floodways. The flood storage function of floodplains and waterways. Floodplain areas of environmental significance or of importance to river, wetland or coastal health.</i>	The Project Area is not situated within the 1-100-year flood extents and therefore not anticipated to impact on flood hazard.
19.01 Energy	<i>To facilitate appropriate development of energy supply infrastructure.</i>	The proposed roadworks seek to facilitate upgrade works at the MTS, as part of a wider purpose of securing the Victorian transmission network; and is therefore consistent with the objectives of this clause.

3.6 Municipal Strategic Statement

The following clauses of the Municipal Strategic Statement (MSS) are considered relevant to this application. The proposal is considered to comply with the relevant objectives of the MSS.

Table 2: MSS Assessment

Clause	Objective	Response
21.04 Municipal Vision	<ul style="list-style-type: none"> To support and protect the agricultural base of the Shire, recognising the potential of improving primary production, adding value to primary products, and diversifying into other industries, in an effort to start new business, employment and increase economic wealth. To strive to have the cleanest environment in Victoria and to protect the natural environment. To have a balance between development and the protection of the natural environment. 	This application will facilitate upgrade works at the MTS, which contributes towards the Victorian State Governments renewable energy goals and will contribute to the reliable supply of electricity to the Shire of Moyne and beyond. The MTS will protect the natural environment through following the mitigation measures provided in the ecological assessment prior to construction to avoid impacts to biodiversity. The land used for the upgrade is already used for the purpose of a Utility Installation and will not limit agricultural land in the Shire and will have a balance between development and protection of the natural environment.
21.06 Environment	<ul style="list-style-type: none"> To develop and implement sensible fire management solutions that reduce risks to the community and recognise the balance between fire safety and healthy natural environments. To apply principles of ecologically sustainable development within the Municipality wherever feasible. 	The design and construction of the proposed roadworks will incorporate fire risk management measures where relevant to minimise any potential threat of bushfire. The CEMP that has been endorsed under the Permit will be updated to reflect this alternative access and include management measures related to vehicles utilising this access.
21.07 Economic Development	<ul style="list-style-type: none"> To support and facilitate the development of local employment opportunities. 	This application will facilitate upgrade works at the MTS, which will result in a number of community benefits, including the capacity to

Clause	Objective	Response
		provide energy to households, and create jobs on site during the construction phase.

3.7 Decision Guidelines

The following table assesses the decision-making criteria relevant to this amendment. Note criteria deemed not to be applicable to this application have been excluded from the table.

Table 3. Decision Guidelines Assessment

Decision Guideline	Assessment
GENERAL ISSUES	
The Municipal Planning Strategy and the Planning Policy Framework.	As above.
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	The additional works relate to a temporary access only. This will allow access to the works approved under the Permit. The proposed temporary access will utilise an adjacent existing access, in agreement with the landowner, and is therefore considered compatible with adjoining and nearby land uses.
How the use and development makes use of existing infrastructure and services.	The proposed temporary access road will connect the existing private road of Blue Gums Substation (on Lot 2\PS828696) to the Mortlake Terminal Station. This existing private road will provide an alternative access to those from Connewarren Lane.
AGRICULTURAL ISSUES AND THE IMPACTS FROM NON-AGRICULTURAL USES	
Whether the use or development will support and enhance agricultural production.	As the proposed access is temporary, it is not anticipated to have a long-term impact on the agricultural production capacity of the land. The access will temporarily occupy a small portion of the adjacent road reserve and will connect to an existing road on Lot 2\PS828696, following that the land will be rehabilitated.
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	
The capacity of the site to sustain the agricultural use.	
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	
ENVIRONMENTAL ISSUES	
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	As the proposal is limited to roadworks, there will be no impacts on soil and water quality.
The impact of the use or development on the flora and fauna on the site and its surrounds.	The footprint of the temporary road does not intersect with any native vegetation identified in Ecological Assessment - Mortlake Terminal Station (May 2023) (which assessed Lot 1\PS620663 and 2\PS620663).
The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.	The endorsed Mortlake Power Station BESS Project Development Plan (October 2023) assessed native vegetation impacts of the BESS development, including the cross over which traverses the road reserve and

	<p>connects to the private road on Lot 2\PS828696. The assessment included in the development plan concluded that there were not any permit triggers in regard to the works subject of the development plan.</p> <p>Recommendations made by NGH with respect to protecting biodiversity will be adopted by all works to be undertake as part of the permit, including the development of the temporary road.</p> <p>The earthworks across lot boundaries may result in a minor and temporary change to the discharge of stormwater across boundaries. The temporary access will be designed in accordance with Australian Standards and therefore appropriately manage stormwater expected to be captured by the temporary access.</p>
<p>DESIGN AND SITING ISSUES</p>	
<p>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</p>	<p>As the proposed access is temporary, it is not anticipated to have any enduring adverse impacts on the agricultural production capacity of the land.</p>
<p>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</p>	<p>The proposed temporary access road will not cause additional impacts to amenity value from the existing infrastructure on site and surrounds.</p>
<p>Whether the use and development will require traffic management measures.</p>	<p>An existing Traffic Management Plan prepared for the works will be updated to reflect this additional access and submitted to Council prior to the commencement of the use of the temporary access.</p>

3.8 Other Provisions

3.8.1 52.17 – Native Vegetation

The footprint of the temporary road does not intersect with any native vegetation identified in Ecological Assessment - Mortlake Terminal Station (May 2023) (which assessed Lots 1 and 2 on PS620663).

The endorsed Mortlake Power Station BESS Project Development Plan (October 2023) assessed native vegetation impacts of the BESS development, including the cross over which traverses the road reserve and connects to the private road on Lot 2\PS828696. The assessment included in the development plan concluded that there were not any permit triggers in regard to the works subject of the development plan.

Recommendations made by NGH with respect to protecting biodiversity will be adopted by all works to be undertake as part of the permit, including the development of the temporary road.

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3.9 Other Legislation

Legislation	Relevance	Implications
Aboriginal Heritage Act 2006 / Aboriginal Heritage Regulations 2018	The <i>Aboriginal Heritage Act 2006</i> is the primary legislation providing for the protection of Aboriginal cultural heritage and Aboriginal intangible heritage in Victoria. The purpose of the <i>Aboriginal Heritage Regulations 2018</i> is to prescribe the circumstances in which a cultural heritage management plan is required for an activity.	The Project Area is not within any areas of known Aboriginal Cultural Heritage Sensitivity and has also been subject to significant disturbance; therefore, no approval requirements are anticipated under the <i>Aboriginal Heritage Act/Regulations</i> .
Heritage Act 2017	The purpose of the <i>Heritage Act 2017</i> is to provide for the protection and conservation of the cultural heritage of Victoria. The <i>Heritage Act 2017</i> creates a framework to identify the most important non-aboriginal heritage in Victoria.	The Project Area does not contain any items listed on the Victorian Heritage Register, and therefore, no approval has been sought under <i>Heritage Act 2017</i> .
Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)	The EPBC Act is the Australian Government's key piece of environmental legislation providing for the protection of the environment, especially matters of national environmental significance and conservation of heritage. Any actions that will or are likely to have 'significant impacts' on matters of national environmental significance require referral and approval from the Australian Government Environment Minister.	No Matters of National Significance listed under the EPBC Act occur within the Project Area or are considered likely to be impacted by the proposed roadworks. Therefore, referral and approval from the Australian Government Environment Minister is not required for this proposal.
Flora and Fauna Guarantee Act 1988 (FFG Act)	The FFG Act seeks to promote the conservation of Victoria's native flora and fauna. Pursuant to section 4B of the Act, a proponent is required to give proper consideration to the objectives of the Act, insofar as is consistent with the proper exercise of its functions. In addition to the public authority duty, a permit is required to 'take' (including remove or destroy) any FFG Act listed protected flora from public land.	No threatened communities or species listed under the FFG Act occur within the Project Area.
Environment Protection Act 2017 (EP Act)	The EP Act ensures that Victoria's focus for environment protection and human health are from a prevention-based approach. The EP Act focuses on the general environmental duty which requires all Victorians to take reasonable and practical steps to reduce the human and environmental health risks of their activities.	A development license, operating license, permit, or registration is not required under the EP Act. AusNet has an obligation to discharge its General Environmental Duty to minimise the risk of harm to human health and the environment as a result of pollution and waste relating to this proposal. AusNet has measures in place to discharge its Environmental Duty.

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3.10 Landowner Consent

The creation of the proposed temporary access road to the Mortlake Terminal Station (MTS) involves roadworks within Lot 1\PS620663, Lot 2\PS620663, the undeveloped road reserve, and Lot 2\PS828696. As some of this land is owned by parties other than the applicant, the following landowner consents are required:

1. Origin: For works within Lot 1\PS620663.
2. Moyne Shire Council: For works within the undeveloped road reserve.
3. Tilt Renewables Pty Ltd: For works withing Lot 2\PS828696.

AusNet is currently in the process of obtaining the above required landowner consents; which will be provided to DTP as they are received.

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4 Summary

The proposed amendment application is to facilitate access to construct the approved upgrade of the Mortlake Terminal Station. This additional access is required due to scheduling conflicts with the development of the Mortlake BESS and associated infrastructure.

The location of the cross-over has been coordinated with the Mortlake BESS project so that the same cross over will be utilised for this temporary access and the eastern access approved under the Mortlake BESS Development Plan.

This application has found the proposed amendment is in keeping with the intentions of the Shire's VPPF and MSS and will contribute to the implementation of the strategic directives of the Moyne Planning Scheme. The proposal complies with the objectives of the applicable zoning, overlays, and associated schedules.

In summary, the proposed amendment is considered appropriate, and consistent with the statutory planning framework as well as the energy goals of the Victorian Government. Therefore, it is submitted that it is appropriate that approval be granted for this Section 72 Amendment to the Permit.

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Appendix A – Development Plans

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Appendix B – Planning Permit PA2302199

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C

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