

Energy Assessment
PA2604215

North Yarragon BESS

 Officer Assessment



Department
of Transport
and Planning



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Executive Summary

Key Information		Details	
Application No:		PA2604215	
Received:		13 February 2026	
Statutory Days:		169	
Applicant:		North Yarragon I Project Pty Ltd as trustee for the North Yarragon I Project Trust/Aurecon	
Planning Scheme:		Baw Baw	
Land Address:		713 Yarragon-Shady Creek Road, Yarragon VIC 3823	
Proposal:		– Use and development of a 210-megawatt (MW) battery energy storage system (BESS) – Associated infrastructure and works including onsite substation, operational maintenance facility and control room – Powerline connection into the existing transmission network – Two lot subdivision – Creation of an easement – Display of a business identification sign – 0.04 hectares (ha) of native vegetation removal	
Development Value:		\$345 million	
Why is the Minister responsible?		Under Clause 72.01-1, the Minister for Planning is the responsible authority for a planning permit application for the use or development of land associated with a: – Utility installation used to: – Transmit or distribute electricity – Store electricity if the installed capacity is 1 megawatt or greater. – Application where clause 53.22 applies.	
Why is a permit required?	Clause	Control	Permit Trigger
Zone:	Clause 35.07	Farming Zone (FZ)	35.07-1: Use of land for a utility installation. 35.07-3: Subdivide land. 35.07-4: Buildings and works associated with a section 2 use and earthworks that change the rate of flow or the discharge point of water across a property boundary, or which increase the discharge of saline groundwater.

Key Information	Details		
Overlays:	Clause 44.06	Bushfire Management Overlay (BMO)	44.06-2: Subdivide land.
Particular Provisions:	Clause 52.02	Easements, restrictions and reserves	52.02: Create an easement under section 23 of the <i>Subdivision Act 1988</i> .
	Clause 52.05	Signs	52.05-14: Display of a business identification sign in a Category 4 area.
	Clause 52.17	Native vegetation	52.17-1: Remove, destroy or lop native vegetation.
	Clause 53.01	Public Open Space Contribution and Subdivision	N/A – Pursuant to section 18(1) of the <i>Subdivision Act</i>, a Council, acting as a responsible authority or a referral authority under the <i>Planning & Environment Act 1987</i> may require a contribution for public open space when the proposal creates an additional separately disposable parcel of land by a plan of subdivision. Clause 53.01 does not apply as the Minister for Planning is the responsible authority.
Cultural Heritage:	Cultural Heritage Management Plan (CHMP) 20508 approved on 29 January 2026		
Referral Authorities:	WorkSafe (s55 – determining) AusNet (s55 – determining) Country Fire Authority (s55 – recommending)		
Public Notice:	Notice of the application under section 52 of the Act was required. 27 submissions (including 25 objections) have been received as of 2 October 2026. Submissions were received from the following agencies: – Head, Transport for Victoria – West Gippsland Catchment Management Authority (CMA) – Baw Baw Shire Council		
Delegation:	Approval to determine under delegation received on 21 September 2026.		
Recommendation:	Issue a planning permit subject to conditions.		

Process and Documentation

Planning Process

1. The key milestones in the application process were as follows:

Milestone	Date
Application lodgement	13 February 2026
Further information requested	24 February 2026
Further information received	14 March 2026
Public notice (section 52)	10 May 2026 – 15 June 2026

Decision Documents

2. The subject of this report is the decision documents (as advertised with the application) and described below:

Decision Documents

- North Yarragon BESS – Planning Report, ZEN Energy Future Pty Ltd, Rev C, 6 February 2026.
- Application form, filled in by Aurecon and received 6 February 2026.
- Bushfire, Hazard and Risk Impact Assessment, ZEN Energy Future Pty Ltd, Rev D, 6 February 2026.
- Stakeholder and Community Engagement Summary, undated.
- Cover letter prepared by Aurecon and dated 5 February 2026.
- Development plans titled 'North Yarragon BESS Layout', Rev G, dated 16 March 2026.
- RFI response letter dated 14 April 2026.
- Ecological Impact Assessment, prepared by Aurecon, Rev C, dated 30 January 2026.
- Landscape and Visual Impact Assessment, prepared by Aurecon, Rev D, dated 3 March 2026.
- Operational Noise Impact Assessment, prepared by WSP, Rev 2, dated 20 January 2026.
- Title documents produced 29 January 2026.
- Traffic Impact Assessment, prepared by Aurecon, Rev D, dated 30 January 2026.

Proposal

3. The application proposed the use and development of a 210 MW / 1680MW/h BESS.
4. The project can be summarised as follows:
 - 210 MW BESS, including BESS modules, inverters and transformers
 - Associated infrastructure and works including onsite substation and transformers, operational maintenance facility and control room
 - Water storage, including firewater supply, firewater runoff containment and stormwater detention basin
 - Powerline connection into the existing transmission network
 - Perimeter fencing around the BESS
 - Nine car parking spaces
 - Two lot subdivision:
 - Lot 1: 18.31 ha – containing the BESS facility
 - Lot 2: 32.73 ha – containing the existing dwelling and agricultural land
 - Creation of an easement (E-2) containing an existing powerline on proposed Lot 2
 - Display of a business identification sign at the site entrance on Yarragon-Shady Creek Road
 - 0.04 ha of native vegetation removal
5. The applicant has provided the following concept plans and images of the proposal:

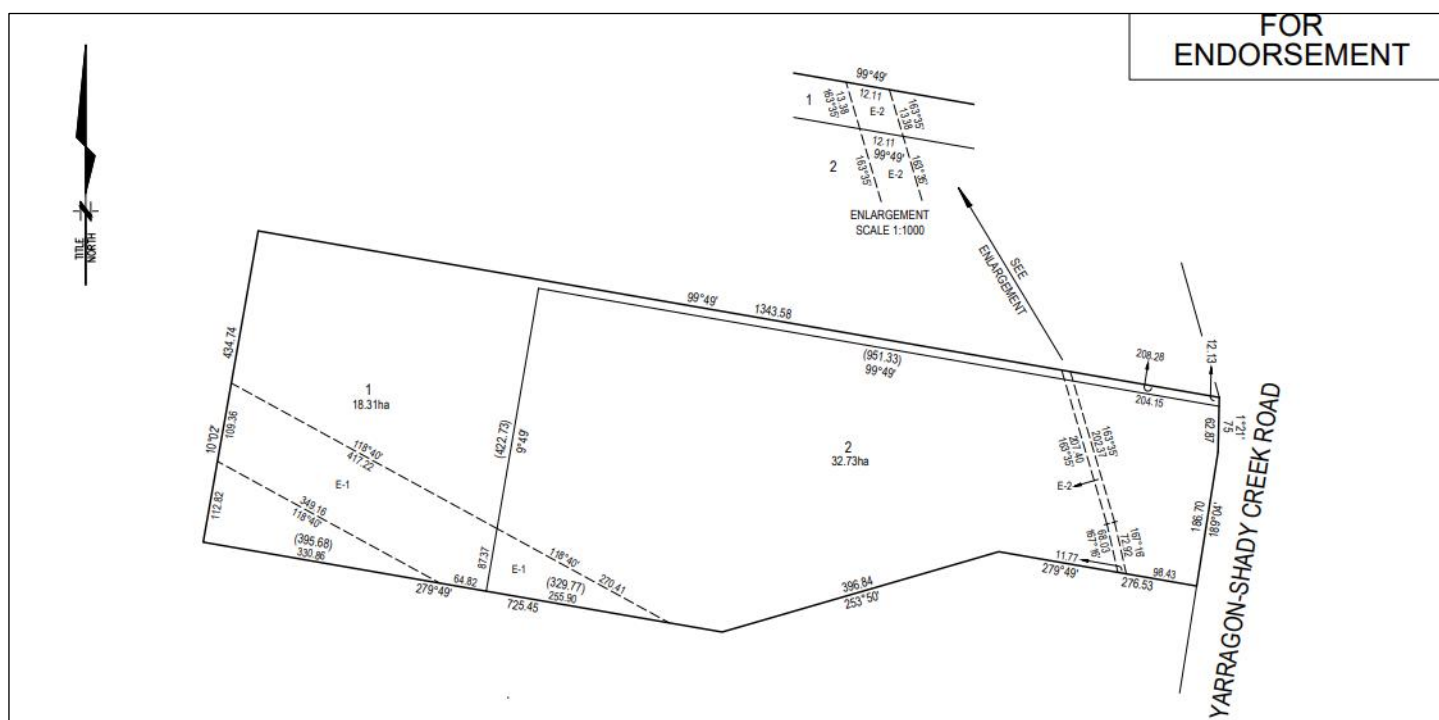


Figure 1: Proposed plan of subdivision. Source: advertised documents.

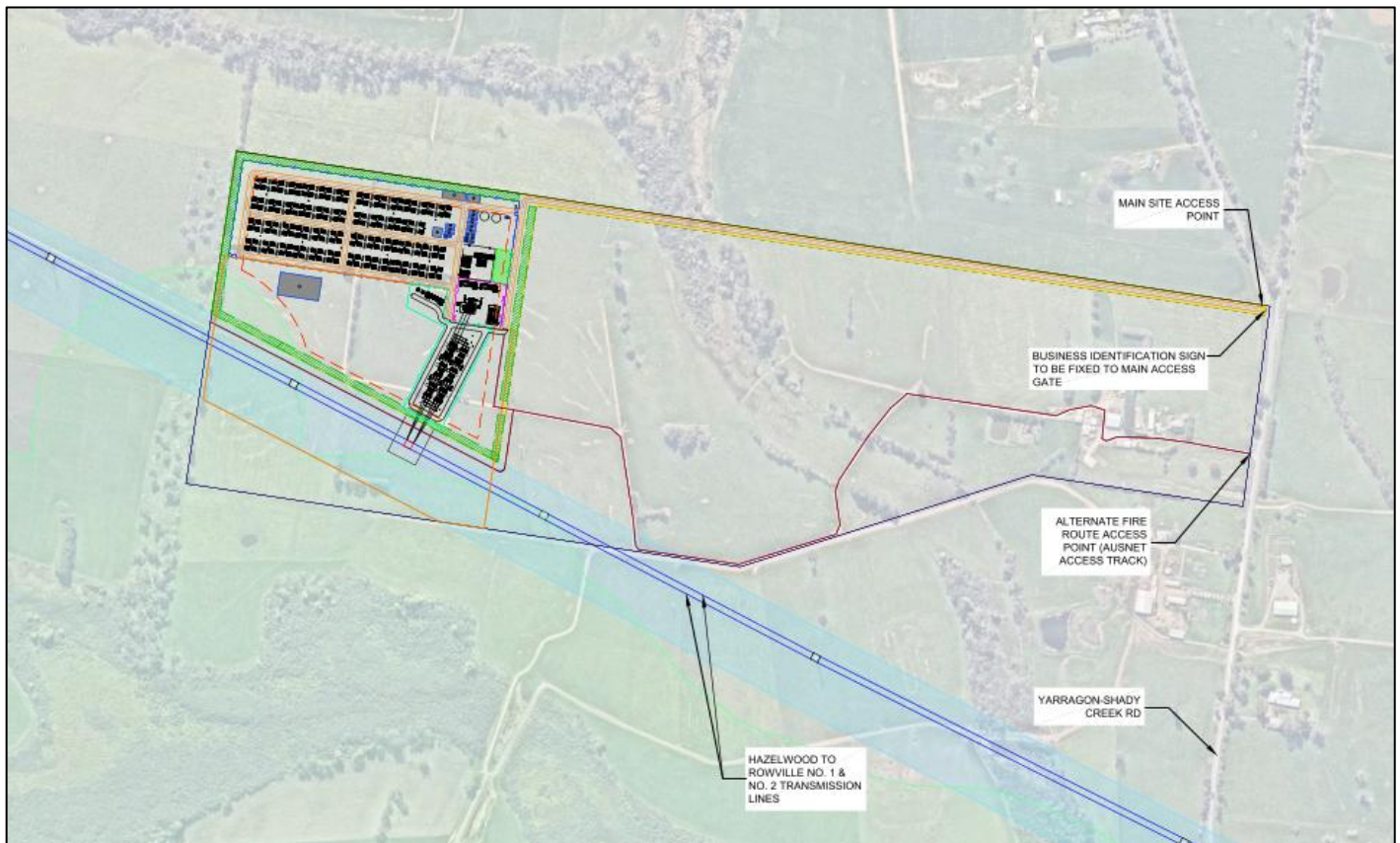


Figure 2: Proposed site plan. Source: advertised plans.

Subject Site and Surrounds

Site Description

6. The site comprises 51 ha of private agricultural land in Gippsland located approximately 6 kilometres (km) north of Yarragon township in Baw Baw Shire Council.
7. The site is located on the western side of Yarragon-Shady Road, a local government road.
8. The front portion of the site contains a dwelling and outbuildings. To the rear of the dwelling the land is used for agricultural purposes and contains various farm sheds, structures and access roads.
9. An existing 220 kilovolt (kV) transmission line passes diagonally through the site connecting the Hazelwood Terminal Station to Rowville Terminal Station.
10. The site has primarily been used for cattle grazing, and as such, is highly disturbed, modified agricultural land.
11. The site has been mostly cleared of native vegetation, however, contains rows of planted trees as well as some scattered Swamp Gum and Green Scentbark remnant trees.
12. The centre of the site is intersected by a tributary of Shady Creek. There are patches of Swamp Scrub (EVC 53) and Swampy Riparian Woodland (EVC 83) present along either side of the tributary.
13. The site topography of the site slopes upwards from east to west by approximately 20 m.
14. The site is located in the Farming Zone (FZ) and is affected by the Development Contributions Plan Overlay Schedule 1 (DCPO1) and partially by the Bushfire Management Overlay (BMO).
15. Part of the site affected by an area of Aboriginal Cultural Heritage Sensitivity (CHS).
16. The site located within a Bushfire Prone Area (BPA). The Country Fire Authority (CFA) are the fire authority for the area.
17. The site is formally known as Lot 1 on TP334745V, Volume 08108, Folio 274.

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18. There are no covenants or restrictions on the title that would prohibit the proposed use, development or subdivision of the land for a utility installation.
19. The site contains an easement (E-1) for electricity distribution.

Site Surrounds

20. Much like the subject site, the surrounding area has been historically cleared of vegetation and is used for agricultural purposes; primarily grazing on introduced pasture grasses.
21. Several farm dwellings, sheds and access roads are present in the surrounding area.
22. The site is located approximately 10 km east of Warragul, 7 km northeast of Darnum and 15 km northwest of Moe.
23. The surrounding area contains other energy projects that are either proposed or approved. The approved 60MW Shady Creek Solar Farm project (not yet constructed/operational) is located approximately 3.5km northeast of the site. In addition, planning applications for the proposed Giddi BESS (260 MW) and Darnum BESS (200 MW) projects located 3.3 km and 2.7 km from the site respectively have been received by the Minister for Planning and are under assessment.
24. A site inspection of the subject site and surrounds was undertaken on 5 May 2026. Images of the site and surrounds are shown in Figures 3 - 5.



Figure 3: View northwest towards the site from Yarragon-Shady Creek Road. Taken 5 May 2026.



Figure 4: View west towards the site's main accessway from Yarragon-Shady Creek Road. Taken 5 May 2026.



Figure 5: View east towards to the property across the road from the site. Photo taken from Yarragon-Shady Creek Road on 5 May 2026.

Referrals

25. The application was referred to the following authorities under section 55 of the *Planning and Environment Act 1987* (PE Act), as summarised below:

Organisation	Referral Type	Provision/ Clause	Response Date	Response	DTP Comment
AusNet Services	Determining	Clause 66.01- To subdivide land within 60 m of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement. Clause 66.02-4 – To construct a building or construct or carry out works on land within 60 m of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement.	10 March 2026	No objection subject to conditions requiring: - compliance with height restrictions for vehicles, equipment and vegetation within the easement; - no vehicle maintenance, washing, fuelling or charging within the easement; - restrictions on material storage within the easement; - no alteration of ground levels within the easement without approval; and - prior AusNet approval for any future works within the easement.	These conditions have been included in the recommendation.
WorkSafe Victoria	Determining	Clause 66.02-7 – To use land for an industry, utility installation or warehouse if a fire protection quantity is exceeded under the Dangerous	28 May 2026	No objection subject to conditions requiring: - Risk Management Plan to be prepared prior to the arrival of the BESS on site; and	These conditions have been included in the recommendation.

Organisation	Referral Type	Provision/ Clause	Response Date	Response	DTP Comment
		Goods (Storage and Handling) Regulations 2022.		- Fire Management Plan and Emergency Response Plan to be prepared prior to commissioning and operation.	
Country Fire Authority	Recommendation	Clause 66.03 – An application to subdivide land	24 March 2026	No objection subject to conditions requiring: - amended plans to reflect any changes necessary to comply with CFA requirements; - preparation of a Risk Management Plan, Emergency Plan and Fire Management Plan. - implementation of all fire protection measures shown on the endorsed plans prior to commencement of use, with those measures to be maintained for the life of the development.	These conditions have been included in the recommendation.

Public Notice

26. In accordance with section 52 of the PE Act, public notice of the application was given between 10 May 2026 and 15 June 2026.

27. Notice was given in the following manner:

Section of PE Act	Notice given to:	Given by:
52(1)(a)	The owners and occupiers of adjoining land.	Proponent
52(1)(b)	Baw Baw Shire Council	DTP
52(1)(d)	The owners and occupiers within 1 kilometre of the project site.	Proponent
	– The following agencies: – Head, Transport for Victoria – Gunaikurnai Land and Waters Aboriginal Council – EnergySafe Victoria – West Gippsland Catchment Management Authority – VicGrid	DTP

28. 27 submissions (including 25 objections) have been received at the time of writing this report, including a petition.

Objections

29. The following concerns were raised in the objections:

- Inadequate community consultation period
- Issues regarding site selection including locating the proposal outside of a designated Renewable Energy Zone (REZ)
- Impacts on rural and agricultural land, including concern that the project is not compatible with surrounding land uses and could effect livestock
- Impacts to amenity including visual impacts, landscape, rural character and lighting
- Noise impacts, including a peer review by L Huson & Associates Pty Ltd dated June 2026 which stated that the proponent's noise assessment is defective as:
 - Is used the wrong planning noise targets;
 - Is overly optimistic and uses example equipment in its assumptions; and,
 - Does not consider EPA Publications 1996 and 1997.
- Impacts on the local environment and biodiversity
- Stormwater and hydrology impacts
- Impacts to local infrastructure and the transport network
- Matters related to fire risk, emergency management and emergency access
- Contamination concerns and whether there will be sufficient control measures
- Community and social Impacts
- Matters related to the local economy, property values, and insurance risks to nearby landholders
- Matters related to decommissioning
- Concern with the adequacy of the technical assessments submitted with the application
- Ambiguity around the correct name of the proponent
- Emotional impact and mental health concerns related to living near a BESS
- Concerns with the ability of agencies to enforce the legislative requirements of the project
- Requests that the Minister for Planning should apply the precautionary approach/principal when considering the application.

30. These matters are discussed in more detail within the assessment section of the report.

Submissions

31. Three submissions were received from government agencies and authorities (who were not referral authorities under section 55 of the PE Act), as summarised below:

Submitter	Date received	Summary of submission	DTP Officer Response
Baw Baw Shire Council	10 June 2026	Objection, key concerns include: – Loss of agricultural land – Land use not compatible with farming activities – Native vegetation removal and biodiversity impacts not adequately considered – Insufficient assessment of stormwater, drainage and flood risk – Potential impacts on surrounding infrastructure and waterways – Traffic and access impacts not adequately considered – Noise impacts – Landscape and visual impacts – Subdivision would contribute to the fragmentation of productive agricultural land – Creation of an easement required for the secondary site access point. Baw Baw Shire Council requested that various conditions be imposed should a permit be issued. These conditions relate to: - Amended Plans - Section 173 Agreement requiring land to be consolidated after the facility is decommissioned - Noise testing at commissioning - Functional Layout Plan - Dilapidation Survey	A full discussion of agriculture, land use, flooding, noise, hydrology, biodiversity and transport impacts can be found below. DTP considers the application documentation provided and amended through the request for further information process is adequate to make an assessment. Concerns regarding native vegetation removal within the Yarragon-Shady Creek Road reserve are not directly relevant to the proposal. Should any native vegetation removal be identified through the preparation of a Traffic Management Plan, it would be subject to separate assessment and approval under the PE Act and the Baw Baw Planning Scheme (the scheme). While Council sought additional traffic-related requirements such as a road dilapidation survey and functional layout plans, DTP is satisfied that traffic and access impacts can be appropriately managed through standard Traffic Management Plan requirements. The request for a condition requiring a section 173 agreement to consolidate the land after the facility is decommissioned is not supported.



Submitter	Date received	Summary of submission	DTP Officer Response
		- Construction Management Plan	
Head, Transport for Victoria	6 August 2026	No objection and no recommended conditions.	The response is noted.
West Gippsland Catchment Management Authority	20 May 2006	No objection, subject to conditions which require: - Flood-safe vehicle and pedestrian access to be demonstrated. - Works on Waterways permit required for works within 50m of a designated waterway.	These conditions have been included on the permit.

Assessment

Key Considerations

32. The planning scheme contains policies and controls that guide the assessment of utility installations. These are found in the state and local planning policies, the relevant zone and overlays, and other relevant provisions. The assessment below addresses the relevant sections of the scheme while having regard to the matters which must be considered in accordance with Section 60 of the PE Act.

33. The following are deemed the key considerations in assessing the acceptability of the proposal:

- Strategic policy context and planning controls
- Whether the proposal responds to the vision and strategic directions of the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF)
- Suitability of the land use in the FZ, and impacts on agricultural land
- Suitability of the proposal against the relevant overlays and particular provisions
- Biodiversity and native vegetation impacts
- Flooding and hydrology impacts
- Bushfire risk and emergency management
- Vehicle access, road and traffic considerations
- Amenity impacts in terms of noise, light spill, visual impact and construction impacts
- Acceptability of the proposed business identification sign
- Where the proposed subdivision is acceptable

Permit Triggers

34. A planning permit for the project is triggered by the following clauses of the Baw Baw Planning Scheme (the scheme):

Clause	Permit Trigger
35.07-1	Use of land for a utility installation (Section 2).
35.07-3	Subdivide land.
35.07-4	Buildings and works associated with a section 2 use (utility installation) Earthworks which change the rate of flow or the discharge point of water across a property boundary, or which increase the discharge of saline groundwater.
44.06-2	Subdivide land.
52.02	Create an easement under section 23 of the <i>Subdivision Act 1988</i> .
52.05-14	Display of a business identification sign in a Category 4 area.
52.17-1	Remove, destroy or lop native vegetation.

Strategic Direction and Policy Context

35. Overall, the Purpose and Vision for Victoria (Clause 01), Municipal Planning Strategy (Clause 02) and the Planning Policy Framework (PPF) of the Baw Baw Planning Scheme encourage the facilitation of renewable



energy and storage projects, on balance with the protection of the environment and agricultural land. In particular, Clause 01.01 (Purposes of this Planning Scheme) identifies that a key purpose of the scheme is “to support responses to climate change”.

36. The project is supported by *Plan for Victoria* (2025), which seeks to ensure that ‘Regional Victorian communities will attract and benefit from investment in renewable energy – wind, solar and battery storage – projects’.
37. Additionally, *Victoria’s Renewable Energy Action Plan, 2018* and *Victoria’s Climate Change Strategy, 2021* both outline the importance of battery storage projects in Victoria’s renewable energy transition.
38. While the project is not located within a declared renewable energy zone (REZ), it has been sited adjacent to the existing transmission line, minimising the requirement for additional infrastructure to connect the project into the grid.

Municipal Planning Strategy (MPS)

39. An assessment against the relevant objectives and strategies of the Municipal Planning Strategy (MPS) of the scheme is provided in the table below:

Clause	Description	Assessment
02.01	Context	The MPS acknowledges the Baw Baw Shire is located in south-eastern Victoria and is characterised as a peri-urban municipality with high-value ecological features and agricultural resources.
02.02	Vision	
02.03	Strategic Directions	
		Council’s vision is to create vibrant communities, a thriving economy, and safe and sustainable environments through various means including sustainable management of agricultural land, providing local employment and diversifying the Baw Baw economy, and working with community and stakeholders to manage the Shire’s environment and biodiversity values while taking into account the impacts of climate change and extreme events.
		The application provides for a \$345M project within the municipality, creating local employment opportunities in both construction and operation stages.
		The proposal has generally been sited to protect the key biodiversity values on site, respond to fire risk, and ensure only a minor reduction in local agricultural production.
		The proposal responds appropriately to this policy context by providing a BESS in an appropriate location with minimal impacts on the valued elements and amenity of the area.

Planning Policy Framework (PPF)

40. An assessment of the project against the relevant objectives and strategies of the Planning Policy Framework (PPF) is provided in the table below:

Clause	Description	Assessment
Clause 12	Environment and Landscape Values	

Clause	Description	Assessment
12.01-1S	Protection of biodiversity	Clause 12 focuses on the protection of ecological systems, native vegetation, biodiversity, and identified environments or landscapes. Where possible, the project has avoided impacts to ecological values, including: - Strategic siting of the BESS adjacent to existing transmission infrastructure to minimise environmental impacts. - Avoidance of native vegetation concentrated along the unnamed tributary of Shady Creek where practicable. - Minimisation of impacts on surrounding biodiversity and landscape values through project design. - Limiting native vegetation removal to 0.04 hectares, representing the minimum extent necessary to facilitate the development. In addition, the project will have low visual impacts and is sited approximately 980m from Yarragon-Shady Creek Road, reducing visibility from major roads and supporting the maintenance of the area's rural character
12.01-1L	Protection of Baw Baw’s biodiversity	
12.03-1S	Rivers and riparian corridors, waterways, lakes, wetlands and billabongs	
12.05-1S	Environmentally sensitive areas	
12.05-2S	Landscapes	
Clause 13 Environmental Risks and Amenity		
13.02-1S	Bushfire	The facility has been developed in accordance with the CFA’s Guidelines and Model Requirements for Renewable Energy Facilities (the CFA Guidelines) to appropriately respond to bushfire risks. Refer to the fire section of the report for assessment. The project is predicted to achieve compliance with the relevant noise limits. Conditions of the recommendation will require the preparation of a final predictive noise assessment, measuring impacts of the final selected equipment and infrastructure for the facility. Refer to the noise section of the report below for assessment. As discussed further on in this assessment, the proposed use is considered acceptable with appropriate mitigations in place, on balance with the benefits of the provision of a storage facility.
13.02-1L	Bushfire planning in Baw Baw	
13.03-1S	Floodplain management	
13.05-1S	Noise management	
13.07-1S	Land use compatibility	
Clause 14 Natural resource management		
14.01-1S	Protection of agricultural land	The development will not impact agricultural activities on surrounding land or the remainder of the property. The subject site is highly modified agricultural land used for cattle
14.01-1R	Protection of agricultural land - Gippsland	

Clause	Description	Assessment
14.02-1S	Catchment planning and management	grazing and contains an existing dwelling, farm outbuildings and a 220kV transmission line. The proposed subdivision will create a separate lot for the BESS and associated infrastructure. The BESS will be located on proposed Lot 1 (18.31ha), while proposed Lot 2 (32.73ha) will retain the existing dwelling and agricultural land. As a result, the BESS will occupy only a portion of the overall site, with the majority of the land remaining available for ongoing agricultural use. Conditions have been included in the recommendation requiring the rehabilitation of the site back to its prior condition after the BESS ceases operations, to ensure that the land continues to remain suitable for agricultural uses into the future. Refer to the agricultural section of the report for assessment.
14.02-1L	Protecting Baw Baw's water catchments	
14.02-2S	Water quality	
14.02-3S	Protection of declared irrigation districts	
Clause 15	Built Environment and Heritage	
15.01-3S	Subdivision design	The subdivision will create a separate lot for the proposed Battery Energy Storage System (BESS) and associated infrastructure. Proposed Lot 1 (18.31ha) will contain the BESS, ancillary infrastructure and primary access road, while proposed Lot 2 (32.73ha) will contain the existing dwelling, agricultural land and the secondary/emergency access route. Separate vehicle access will be provided to each lot. Lot 1 will be accessed via a new access road along the northern site boundary, while the existing access will be retained for Lot 2. The existing access is currently used by AusNet for transmission line maintenance and will also serve as an alternate fire access route for the BESS.
Clause 17	Economic Development	
17.01-1S	Diversified economy	The proposed BESS meets the objectives of Clause 17 by creating 80-100 direct construction jobs and by supporting the rural economy to grow and diversify.
17.01-1R	Diversified economy – Gippsland	
17.01-1L	Baw Baw's Economy	
Clause 18	Transport	
18.01-1S	Land use and transport integration	Primary site access to the BESS is proposed via a new access road from Yarragon-Shady Creek Road extending along the site's northern boundary. This accessway will facilitate access in both construction and operational phases. A secondary

Clause	Description	Assessment
		access for fire emergency is proposed via the existing residential driveway. The construction traffic impacts can be suitably managed through the preparation of a TMP and operational impacts on the road network will be negligible. Refer to the transport section of the report for assessment.
Clause 19	Infrastructure	
19.01-1S	Energy supply	The proposal is consistent with clause 19 which support the renewable energy led transition to a low carbon economy with reduced greenhouse gas emissions. The proposed facility is expected to store approximately 210 MW of electricity. The proposed BESS will also assist the delivery of power during peak times to the network to meet community demands for energy needs.
19.01-1R	Energy Supply - Gippsland	
19.01-2S	Renewable energy	

41. Overall, the proposal is consistent with the relevant planning policies within the MPS and PPF.

Zoning and Overlays

Farming Zone (FZ)

42. The proposal is located entirely within the FZ.

43. The FZ seeks to (as relevant) provide for the use of land for agriculture, encourage the retention of productive agricultural land, ensure that non-agricultural uses do not adversely affect the use of land for agriculture, encourage the retention of employment and population to support rural communities, and encourage the use and development of land based on comprehensive sustainable land management practices and infrastructure provision.

44. Clause 35.07-3 of the FZ specifies a minimum lot requirement of 40 hectares for each lot within the FZ. However, clause 35.07-3 also states that a permit may be granted to create lots smaller than 40 hectares if:

- the subdivision is to create a lot for an existing dwelling. The subdivision must be for a two-lot subdivision and/or,
- the subdivision is to create a lot for a utility installation.

45. Therefore, the subdivision is allowable in the FZ.

46. The proposed lot sizes are:

- Lot 1 (18.31 hectares) – to accommodate the project and primary access road.
- Lot 2 (32.73 hectares) – to accommodate the existing dwelling.

47. Having regard to the relevant decision guidelines at clause 35.07-6, the proposed use and development and subdivision is an appropriate outcome in the FZ as follows:

- The proposal does not adversely affect the use of the land for ongoing farming activities (cropping and livestock grazing) on the remainder of the property, and it does not prevent or impede on the ability for surrounding properties in the FZ to continue to use their land for agricultural purposes.
- The built form will be sufficiently setback from adjoining properties, with the nearest non-stakeholder dwelling located approx. 782 metres from the site.

- The siting and low-profile design of the BESS infrastructure minimises visual and environmental impacts, while the use of appropriate materials and colours will reduce visual contrast with the surrounding landscape. Consistent with the recommendations of the LVIA, on-site screen planting can be secured through a permit condition.
- The site is transversed by an existing 220kV transmission line (east-west); the proposal will 'cut-in' to the existing transmission line via the proposed connection infrastructure on site, allowing a direct connection from the site into the existing electricity network.
- There will be a minor reduction (approx. 18ha) in the extent of land under agricultural production from the footprint of the BESS, terminal station and ancillary infrastructure. However, this is not a permanent loss given that conditions of the recommendation will require the facility to be decommissioned at the end of its operational life.
- The site contains Class 3 (Dermosol) soils, which are common within the Gippsland Basin bioregion. Accordingly, the proposal does not affect the region's most productive agricultural land, with any potential soil impacts to be managed through the implementation of a CEMP and EMP.
- With respect to changes to the flow or discharge point of water across a property boundary, or increases in the discharge of saline groundwater, no adverse impacts are anticipated, as stormwater will be managed via a stormwater detention basin.
- The traffic impacts of the construction and use of the facility are discussed further in the relevant section of this report and are considered acceptable subject to standard conditions.
- The proposal is expected to create employment opportunities during construction and operation, encouraging long-term regional employment opportunities.
- The proposal has considered potential fire hazards and incorporates safety design recommendations in accordance with CFA requirements, including fire breaks, site access and appropriate separation.
- The subject site has an area of 51.03 hectares. The proposal will be contained within a 18.31ha lot, with approximately 12.22ha occupied by the BESS and associated infrastructure. The balance of the land will remain available for ongoing agricultural use, and any temporary loss of agricultural land during construction will be minimal in the context of the broader agricultural area.
- The proposal will be wholly contained within Lot 1. Lot 2 will retain the existing dwelling and continue to be used for agricultural purposes. Accordingly, the proposed subdivision will not adversely affect ongoing agricultural activities on Lot 2.
- Primary access to the site will be provided via a new access road from Yarragon-Shady Creek Road along the northern boundary of the site. Under the proposed subdivision, separate access will be provided to each lot, with Lot 1 accessed via the new access road and Lot 2 retaining the existing residential driveway. The existing driveway will continue to service the dwelling and will also serve as a secondary emergency/fire access route for the BESS.

Bushfire Management Overlay (BMO)

48. Pursuant to clause 44.06-2, a permit is required to subdivide land within the BMO.

49. The application is supported by a Bushfire Hazard and Risk Impact Assessment.

50. The application was referred to the CFA in accordance with Clause 44.06-6.

51. The BMO affects only the south-west corner of the site, with no proposed use or development within the affected area. However, the proposed subdivision has been assessed against the relevant decision guidelines of the BMO as follows:

- The CFA has advised that it has no objection to the proposed subdivision and has not recommended any conditions in relation to the subdivision.
- The CFA has consented to the certification of the Plan of Subdivision and the issue of a Statement of Compliance under the *Subdivision Act 1988*.
- The CFA is satisfied that the mandatory subdivision condition under Clause 44.06-5 may be waived in this instance.

- While Clause 44.06-3 requires a bushfire hazard site assessment, bushfire hazard landscape assessment and Bushfire Management Statement, the CFA considers that permit conditions requiring a Risk Management Plan, Fire Management Plan and Emergency Plan will appropriately address the bushfire management objectives of the Scheme.
- Additionally, the BESS infrastructure (proposal envelope) will be secured by perimeter fencing, ensuring the development does not interfere with ongoing grazing activities on the balance of Lot 1.

52. For these reasons, the proposed subdivision in the BMO is considered acceptable. Further to the bushfire section of this report for further detailed assessment of fire risk.

Development Contributions Plan Overlay – Schedule 1 (DCPO1)

53. The project is located entirely within the DCPO1. The site is located within designated area 48 of the DCPO1. There is no requirement for payment of a levy for the project.

Particular and General Provisions

Clause 52.05 – Signs

54. Clause 52.05 seeks to regulate the development of land for signs and ensure they are compatible with the surrounding area.
55. Signage in the Farming Zone is in Category 4 – Sensitive areas.
56. The application proposes one non-illuminated business identification sign at the site entrance. The sign will measure approximately 1.5m wide by 1m high (1.5sqm display area) and will be mounted approximately 1m above ground level. The sign will be non-reflective and will not be illuminated, electric or animated.
57. Pursuant to clause 52.05-14, a permit is required to display business identification signage, noting the total display area must not exceed 3sqm.
58. The location, scale, general design and purpose of the sign is considered acceptable to the size of the facility and the character of the surrounding landscape. The sign will provide appropriate site identification without impacting on the amenity of the surrounds or road safety.
59. As such, the sign is considered to meet the objectives and decision guidelines of clause 52.05. The final details of the proposed signage can be confirmed via a permit condition.

Clause 52.06 – Car parking

60. Clause 52.06 (Car Parking) seeks to ensure that an appropriate number of car parking spaces is provided to meet the needs of a use and development.
61. Pursuant to Clause 52.06-6, car parking must be provided to the satisfaction of the Responsible Authority.
62. A car parking area accommodating up to nine spaces is proposed on-site to service both the construction and operational phases of the development. This is considered appropriate.
63. Final details of the location, layout and design of the car parking facilities can be secured through a sub-condition of Condition 3 (Development Plans), to the satisfaction of the Responsible Authority.
64. No changes are proposed to the existing car parking arrangements associated with the dwelling on Lot 2.
65. Accordingly, the proposed car parking provision is considered satisfactory and capable of meeting the operational requirements of the development, subject to detailed design being confirmed through permit conditions.

Clause 52.17 – Native Vegetation

66. Clause 52.17 (Native Vegetation) seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Energy, Environment and Climate Action, 2025) (*the Guidelines*).



67. The Clause seeks to avoid, minimise and offset the removal, destruction or lopping of native vegetation to minimise land and water degradation.
68. The Proposal will require the removal of 0.04 ha of native vegetation to facilitate the site access road.
69. The purpose of clause 52.17 is:
- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Energy, Environment and Climate Action, 2025) (the DEECA Guidelines):*
- 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.*
- To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.*
70. The location of the proposed native vegetation to be removed can be found at Figure 5 of the Ecological Impact Assessment.
71. As the site is located within location 2, and the application proposes the removal of 0.04ha of native vegetation, the application falls under the intermediate assessment pathway of the DEECA Guidelines.
72. The removal requires an offset of 0.022 General Habitat Units (GHUs) with a minimum Strategic Biodiversity Score of 0.6640, including no trees, which must be secured from the West Gippsland CMA or Baw Baw Shire Council area.
73. The Ecological Impact Assessment contains the avoid and minimise statement for the project. The design and development of the facility has avoided and minimised impacts to native vegetation by:
- Avoiding the removal of all trees and native vegetation, with the exception of 0.04ha of Swamp Scrub required for the site access road. The affected vegetation is of low quality, contains no threatened species or ecological communities, and has been previously degraded by historic clearing.
 - Locating the BESS primarily within existing grazed agricultural land comprising sown pasture grasses, which has limited ecological value.
74. DTP officers recommend that permit conditions are included requiring the following:
- Amended plans showing the location of retained and removed vegetation and protection measures.
 - Native vegetation fencing to protect retained vegetation.
 - Offset of removed vegetation.
 - Preparation of a construction environment management plan (CEMP).
75. With these conditions included on the permit, the application is considered to meet the decision guidelines of clause 52.17 and the DEECA Guidelines. Refer to additional discussion of biodiversity matters further on in this assessment.

Clause 53.22 (Significant Economic Development)

76. Clause 53.22 seeks:
- To prioritise and facilitate the planning, assessment and delivery of projects that will make a significant contribution to Victoria's economy and provide substantial public benefit, including jobs for Victorians.
 - To provide for the efficient and effective use of land and facilitate use and development with high quality urban design, architecture and landscape architecture.
77. This application is a Category 1 application at clause 53.22-1. As such it is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the PE Act.

Clause 65.02 (Approval of an Application to Subdivide Land)

78. The proposal seeks to subdivide the site into two lots, creating a separate lot for the BESS and associated infrastructure while retaining the existing dwelling and agricultural use on a second lot. The land is considered suitable for the proposed two-lot subdivision.
79. The proposed subdivision will not adversely affect the provision of utility services, existing native vegetation, the road network, or the orderly development of the land.
80. The proposed subdivision will not adversely affect the provision of utility services, existing native vegetation, the road network, or the orderly development of the land.
81. The proposal will provide a new primary access connection to Yarragon-Shady Creek Road for the BESS, while retaining existing access arrangements for the lot containing the dwelling, ensuring continued access to both lots.
82. Having regard to the decision guidelines of Clause 65.02, the proposed subdivision is considered appropriate for the following reasons:
- The site is located within the FZ, and the subdivision will retain the ongoing agricultural use of the balance of the land.
 - The surrounding area is characterised by agricultural land uses. The proposal is also located on land that is serviced by an existing 220kV transmission network.
 - The subdivision is limited to the lots necessary to facilitate the BESS and retain the existing dwelling and is not expected to create pressure for further subdivision.
 - Stormwater will be managed on-site through a suitably designed drainage system, with a Stormwater Management Plan required prior to commencement of works.
 - The subdivision has been designed having regard to the existing dwelling, the continuation of agricultural activities and the retention of ecological values, including all trees and native vegetation except for 0.04 ha required for the access road.
 - The proposed lots have appropriate dimensions to accommodate their intended use and development (refer Figure 1).
 - Separate access will be provided to each lot, with the existing driveway retained for the dwelling and a new access road provided to service the BESS.
 - Traffic generated during construction is not expected to adversely affect the operation of the surrounding road network.
 - Effluent generated on-site will be managed via a tank system.
 - The subdivision does not require staging.
 - Given the rural nature of the area, the proposal will not adversely affect pedestrian movement.
 - The proposal will not impact existing public spaces or community facilities and does not necessitate the provision of additional public infrastructure.

Other Matters

Agricultural Impact

83. Clause 14.01-1S (Protection of agricultural land) and 14.01-1R (Protection of agricultural land – Gippsland) seek to protect the state's agricultural base by preserving productive farmland.
84. Agricultural activity within the proposal area is currently limited to cattle grazing. As a result, the land comprises highly modified and disturbed agricultural land with relatively low agricultural productivity.
85. The proposal area covers approximately 18 hectares and is strategically located adjacent to existing transmission infrastructure, thereby minimising the fragmentation of agricultural land and reducing the need for additional infrastructure corridors.
86. The subject site at 713 Yarragon-Shady Creek Road has a total area of 51.03 hectares. Of this, approximately 18.31 hectares (36%) will be utilised for the proposal, with the balance of the land remaining



available for ongoing agricultural use by the landowner. The layout of the proposal has also been designed to enable grazing activities to continue within the southern portion of the proposal area.

87. Furthermore, the approximately 18 hectares of agricultural land required for the BESS represents only a negligible proportion (0.02%) of the agricultural land within the Baw Baw Shire.
88. Agricultural land loss was a commonly raised matter in the objections to the project and a primary concern of Baw Baw Shire Council.
89. Clause 14.01-1S aims to preserve the state's farmland through various strategies which seek to prevent permanent land use changes. DTP is satisfied that conditions requiring decommissioning which restores the land's full productive capacity adequately address these strategies.
90. Submissions also cited concerns that the proposed development will cause off-site impacts to neighbouring agricultural land uses. DTP is satisfied that conditions which seek to minimise off-site amenity and contamination impacts will adequately address concerns on neighbouring properties. These conditions include:
- Requiring a stormwater management plan to ensure there are no adverse stormwater effects on neighbouring sites and that any contaminated water does not impact neighbouring properties.
 - Requiring a predictive noise assessment to be undertaken to ensure noise levels are within EPA limits.
 - Requiring vegetated screening to be planted to minimise off-site visual impacts to neighbouring farms.
 - Requiring environmental management plans to avoid and minimise amenity and environmental impacts during the construction and operation of the energy facility.
91. The proposal's impact on agricultural land is considered acceptable. Conditions have been included in the recommendation requiring the rehabilitation of the site back to its prior condition after the facility ceases operation, to ensure that the land remains suitable for agricultural use into the future

Bushfire Risk

92. Clause 13.02-1S (Bushfire planning) requires all applications in a BMO and BPA to have consideration of bushfire risk, to strengthen the resilience of settlements and communities and prioritise the protection of human life.
93. The application is supported by a Bushfire, Hazard and Risk Impact Assessment, prepared by Aurecon, which has been prepared in accordance with the CFA's Design Guidelines and Model Requirements: Renewable Energy Facilities (the CFA Guidelines).
94. The assessment found that the potential risk the project presents to its surrounds can be managed to an acceptable level, if the risk mitigation measures specified are implemented.
95. The proposal has been designed so that no roads or ancillary infrastructure are located in the BMO. Only the proposed vegetation buffer is within the BMO.
96. The project has incorporated bushfire mitigation measures in its design, including:
- Secondary access to the site from Yarragon-Shady Creek Road
 - Static water supply
 - A minimum 20 metre wide fire break around the perimeter of the site
 - Compliant fire detection and suppression infrastructure
97. Notice of the application was given to CFA, which did not object to the application, subject to conditions that have been included in the recommendation requiring:
- Amended plans to be modified to show any changes required to comply with CFA conditions
 - Risk Management Plan
 - Emergency Plan & Fire Management Plan
 - All fire protection measures shown on the endorsed plans must be implemented before the use starts.
98. DTP submits that, with CFA's conditions, the application has appropriately responded to the bushfire risk.

Noise

99. Clause 13.05-1S (Noise Management) requires consideration of noise effects on sensitive land uses, including the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* and the *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (EPA Publication 1826.5) (Noise Protocol).
100. The application is supported by an Operational Noise Impact Assessment (ONIA) dated 20 January 2026. The assessment has been prepared in accordance with the Noise Protocol and the Environment Protection Regulations.
101. The ONIA adopts conservative assumptions and assesses the impacts of two different BESS configurations:
 - 8-hour BESS
 - 4-hour BESS
102. Both configuration options will operate with sound power covers and attenuation kits. The project is also anticipated to operate at lower charging and discharging rates than those assumed in the assessment, generating less heat and requiring less cooling. Combined with lower night-time ambient temperatures, this is predicted to result in lower noise emissions than those predicted in the assessment.
103. The ONIA identifies ten noise-sensitive receivers located within approximately 1 to 1.5 kilometres of the project area, as shown in Figures 6 and 7.

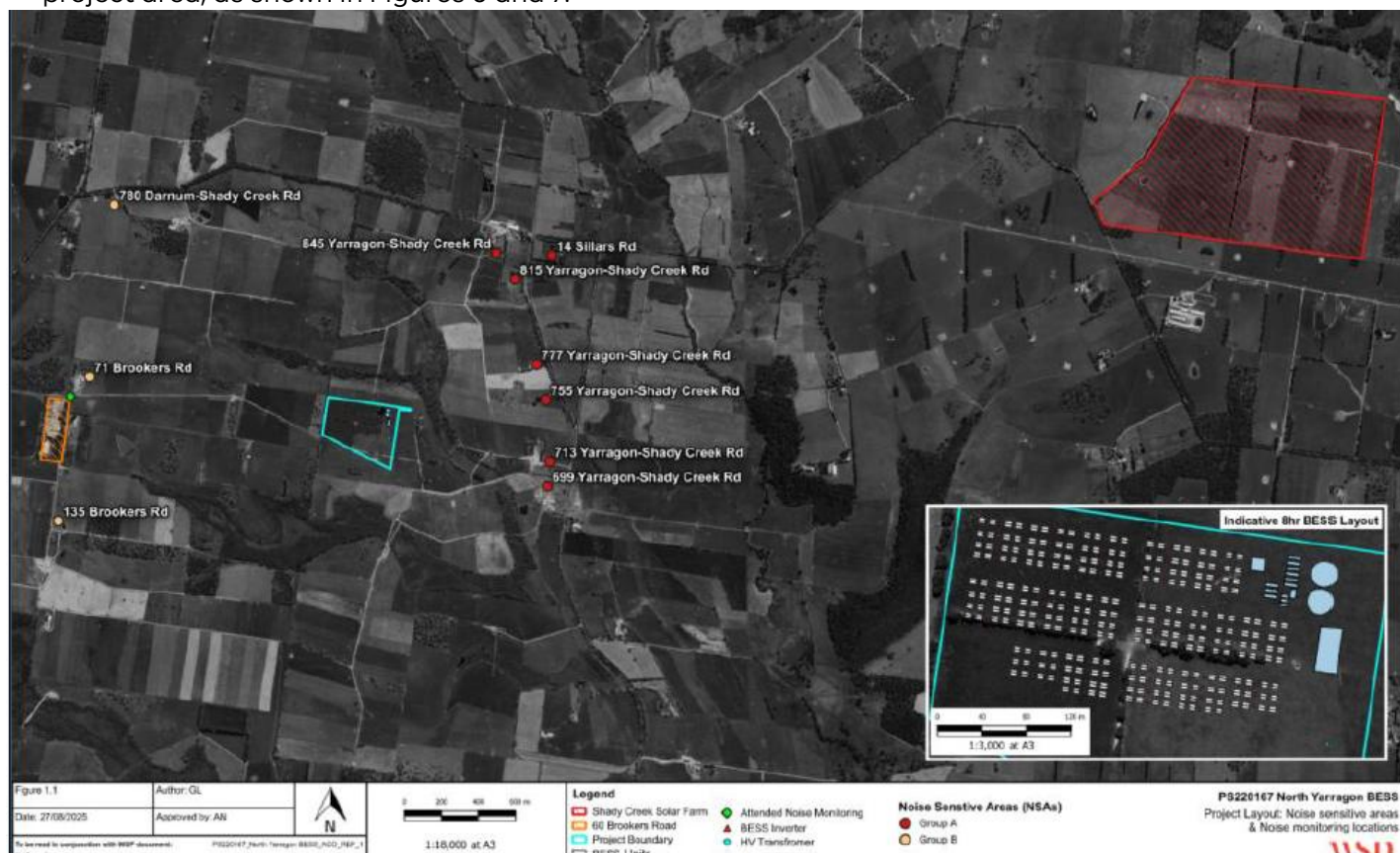


Figure 6: Project Area and nearest noise receivers (Figure 1.1 of Operational Impact Noise Assessment, WSP 2026).

NOISE SENSITIVE AREA (NSA) GROUP	RECEIVER TYPE	REPRESENTATIVE ADDRESS	APPROXIMATE DISTANCE TO PROJECT (m)
A	Residential	777 Yarragon-Shady Creek Road, Yarragon	782
A	Residential	755 Yarragon-Shady Creek Road, Yarragon	800
A	Residential	713 Yarragon-Shady Creek Road, Yarragon	800
A	Residential	699 Yarragon-Shady Creek Road, Yarragon	850
A	Residential	815 Yarragon-Shady Creek Road, Yarragon	945
A	Residential	845 Yarragon-Shady Creek Road, Yarragon	1000
A	Residential	14 Sillars Road, Yarragon	1170
B	Residential	71 Brookers Road, Darnum	1300
B	Residential	135 Brookers Rd, Darnum	1410
B	Residential	780 Darnum-Shady Creek Rd, Shady Creek	1551

Figure 7: Distance of receivers to the project area.

104. Predicted noise levels at the identified sensitive receivers have been assessed against the most stringent night-time noise criterion. Figures 8 and 9 demonstrate that the proposal complies with the applicable noise limits at night and, therefore, also complies with the less stringent daytime and evening noise limits.

NSA GROUP	ADDRESS	PROJECT SPECIFIC NOISE TARGET dBA L _{EQ} (30 MIN) ¹			PREDICTED PROJECT NOISE LEVEL dBA L _{EQ} (30MIN) ²		
		DAY	EVENING	NIGHT	DAY	EVENING	NIGHT
A	14 Sillars Rd, Yarragon	45	39	36	33	32	32
	699 Yarragon-Shady Creek Rd, Yarragon				37	31	35
	713 Yarragon-Shady Creek Rd, Yarragon				37	36	36
	755 Yarragon-Shady Creek Rd, Yarragon				38	36	36
	777 Yarragon-Shady Creek Rd, Yarragon				37	37	36
	815 Yarragon-Shady Creek Rd, Yarragon				35	35	35
	845 Yarragon-Shady Creek Rd, Yarragon				35	34	34
B	71 Brookers Rd, Darnum	42	36	34	37	33	34
	135 Brookers Rd, Darnum				35	31	32
	780 Darnum-Shady Creek Rd, Shady Creek				35	31	32

(1) Project noise limits are derived in Section 3.4.1.4.

(2) Results include +2 dBA correction for tonality.

Figure 8: Assessment of Project noise emissions – Configuration 1 (8 Hour BESS) (Table 5.2 of Operational Impact Noise Assessment, WSP 2026).

NSA ID	ADDRESS	PROJECT SPECIFIC NOISE TARGET dBA L _{EQ} (30 MIN) ¹			PREDICTED PROJECT NOISE LEVEL dBA L _{EQ} (30MIN) ²	
		DAY	EVENING	NIGHT	DAY AND EVENING	NIGHT
A	14 Sillars Rd, Yarragon	45	39	36	32	32
	699 Yarragon-Shady Creek Rd, Yarragon				35	35
	713 Yarragon-Shady Creek Rd, Yarragon				36	35
	755 Yarragon-Shady Creek Rd, Yarragon				36	36
	777 Yarragon-Shady Creek Rd, Yarragon				36	36
	815 Yarragon-Shady Creek Rd, Yarragon				34	34
	845 Yarragon-Shady Creek Rd, Yarragon				34	34
B	71 Brookers Rd, Darnum	42	36	34	35	32
	135 Brookers Rd, Darnum				33	30
	780 Darnum-Shady Creek Rd, Shady Creek				33	30

(1) Project noise limits are derived in Section 3.4.1.4.

(2) Results include +2 dBA correction for tonality.

Figure 9: Assessment of Project noise emissions – Configuration 2 (4 Hour BESS) (Table 5.2 of Operational Impact Noise Assessment, WSP 2026).

105. The ONIA concludes that the proposal will comply with the applicable noise limits and meet the General Environmental Duty (GED) obligations under the *Environment Protection Act 2017*. Accordingly, no additional operational noise mitigation measures are required.
106. Potential cumulative noise impacts from other nearby industrial and energy generation facilities, including the sawmill at 60 Brookers Road, Shady Creek and the proposed Shady Creek Solar Farm and BESS at 769 Willow Grove Road, Trafalgar, have been considered in the assessment.
107. Baw Baw Shire Council reviewed the ONIA and agreed with its findings that the proposed BESS can meet the relevant EPA noise criteria during operation, provided the manufacturer-recommended acoustic screening measures are installed. To ensure these measures are implemented, Council recommended a permit condition requiring the provision of acoustic screening.
108. While Council's recommended acoustic conditions have not been incorporated directly into the permit as written, conditions have been included requiring the submission of an updated predictive noise assessment based on the final facility design to ensure that the final design of the facility demonstrates compliance with EPA Publication 1826.5 and identify any mitigation measures necessary to achieve the required noise standards.
109. Compliance with EPA Publication 1826.5 will be regulated by the Victorian Environment Protection Authority (EPA) under the *Environment Protection Act 2017* and associated regulations. A permit note is recommended to advise that the facility must operate in accordance with EPA Publication 1826.5.

110. One of the objectors to the application provided an acoustic peer review prepared by L Huson & Associates Pty Ltd dated June 2026 which stated that the proponent's noise assessment is defective as:

- Used the wrong planning noise targets;
- Is overly optimistic and uses example equipment in its assumptions; and,
- Does not consider EPA Publications 1996 and 1997.

111. DTP does not agree with the findings of the L Huson & Associates peer review.

Landscape and Visual Impact

112. Clause 12.05-2S (Landscapes) and the decision guidelines of the FZ both require the consideration of the project's landscape and visual effects on the character and appearance of the surrounding area, landscapes, open spaces and natural environment.

113. The application is supported by a Landscape and Visual Impact Assessment Report (LVIA) prepared by Aurecon and dated 3 February 2026.

114. The site and surrounding area are predominantly used for agricultural purposes, including cattle and sheep grazing, with some paddocks utilised for cropping. Land cover across the site and surrounding area consists primarily of exotic pasture and grassland, with smaller areas of horticulture and irrigated pasture.

115. The project area is characterised by a modified agricultural landscape of relatively low scenic value, which includes existing high-voltage transmission lines traversing the site.

116. Six viewpoints were identified for visual assessment of the project based on the design, viewing distance, aspect and sensitivity of receptors. The viewpoints are located within a 2 km radius of the site, which include the nearest neighbouring rural residences. Beyond this distance, views of the project are likely to diminish, with intervening topography, vegetation and built form obscuring the site. Therefore, these viewpoints are considered worst-case scenarios for potential visual impacts of the project.

ID	Location	Receiver type	Distance/ direction from Site
VP1	678 Yarragon-Shady Creek Road	Local motorists	650m southeast
VP2	699 Yarragon-Shady Creek Road	Rural residential	640m southeast
VP3	755 Yarragon-Shady Creek Road	Rural residential	750m – east
VP4	771 Yarragon-Shady Creek Road	Rural residential	740m – northeast
VP5	815 Yarragon-Shady Creek Road	Rural residential	850m - northeast
VP6	Brookers Road	Rural residential	1,040m - west

Figure 10: Viewpoints representative of private receivers and public viewpoint – (Table 4-2 of Landscape and Visual Impact Assessment, Aurecon 2026).

117. The assessment predicted visual impacts of the project from the following private receptors and public viewpoints as shown in Figure 10 above.

118. The LVIA proposes mitigation measures to reduce the visual impact of the BESS on the surrounding landscape, including:

- Site lighting will be designed to minimise glare and light spill to surrounding properties in accordance with Australian Standard AS 4282.2023.

- Existing vegetation will be retained and protected where practicable, with disturbed areas not required for ongoing operation to be rehabilitated following construction.
 - Building materials, cladding and colours will be selected to reduce visual prominence, including the use of environmental green finishes to assist integration with the surrounding landscape.
 - Signage will be limited to the site entrance and positioned to avoid visual distraction to passing motorists.
 - Landscape screening, including tree and shrub planting along the southern and western boundaries, will assist in reducing views of the development from neighbouring properties.
119. The LVIA concludes that the proposal will have a very low impact on the Agricultural Hills Landscape Character Type (LCT 1). The site is located adjacent to existing transmission infrastructure within a landscape that has been substantially modified by agricultural activities, resulting in a relatively minor change to the existing landscape character.
120. Six representative viewpoints (VP1-VP6) were assessed, representing nearby rural dwellings and motorists travelling along Yarragon-Shady Creek Road.
121. During the construction phase, visual impacts are predicted to be negligible to very low and will be temporary in nature.
122. During operation, very low visual impacts are predicted at VP1, VP2 and VP6, representing motorists on Yarragon-Shady Creek Road and nearby rural dwellings. At these locations, the BESS infrastructure will be visible but will appear relatively small within the broader landscape and will be partially screened by existing vegetation.
123. Negligible visual impacts are predicted at VP3, VP4 and VP5, where views of the proposal are substantially screened by intervening vegetation and topography.
124. The approved Shady Creek Solar Farm was considered as part of the cumulative impact assessment. Given the separation distance between the projects and their limited visual prominence, cumulative visual impacts are not anticipated.
125. Overall, the LVIA concludes that the proposal will not result in moderate or high adverse landscape or visual impacts.
126. Overall, it is considered that the proposal will have an acceptable level of visual impact, on balance with the benefits of the provision of a BESS facility that is well located near the existing transmission line on site.
127. Conditions have been included in the recommendation require details of the landscape screening, non-reflective and muted finishes of BESS units and buildings, and an on-site landscape plan for the facility.

Traffic

128. Clauses 18.01-1S (Land Use and Transport Integration) and 18.02-4S (Roads), together with the FZ and the decision guidelines at Clause 65.02, require consideration of the access and traffic implications of the proposed use, development and subdivision.
129. The application is supported by a Traffic Impact Assessment (TIA) prepared by Aurecon.
130. Primary access to the proposed BESS is to be provided via a new access road from Yarragon-Shady Creek Road, extending along the northern boundary of the site. This access will accommodate vehicle movements during both the construction and operational phases of the development.
131. A secondary emergency access is also proposed via the existing residential driveway to facilitate emergency response and fire management requirements.
132. The TIA identifies that Yarragon-Shady Creek Road is approved for B-Double and Higher Mass Limit (HML) vehicles; however, it is not a declared Over-Size Over-Mass (OSOM) route. The assessment also notes that there is no dedicated active transport infrastructure, such as footpaths or bicycle lanes, along the road.
133. During operation, the BESS will require only periodic maintenance and inspection visits. As such, the proposal is expected to generate a low volume of ongoing traffic and is not anticipated to adversely affect the capacity, efficiency or safety of the surrounding road network.

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134. Consistent with the recommendations of the TIA, nine on-site car parking spaces are proposed to service the facility. The final configuration of the car parking area will be determined through detailed design. No changes are proposed to the existing car parking arrangements associated with the dwelling retained on the site.
135. During peak construction, the proposal is estimated to generate up to 152 two-way vehicle movements per day. The TIA concludes that the resulting increase in traffic volumes on the surrounding road network will be temporary in nature and is not expected to materially affect road operation or safety.
136. The Head, TfV advised that it has no objection to the proposal and provided no further comments.
137. Baw Baw Shire Council noted that any required National Heavy Vehicle Regulator (NHVR) permits must be obtained and that further consideration should be given to the capacity of Yarragon-Shady Creek Road to accommodate OSOM and other heavy vehicles without adversely affecting the road's condition or function.
138. Council also recommended permit conditions requiring the preparation of a Functional Layout Plan and a dilapidation survey to assess the condition of Yarragon-Shady Creek Road, and any other roads potentially affected by construction-related traffic.
139. DTP has considered Council's request and is satisfied that the traffic and access impacts associated with the proposal can be appropriately managed through permit conditions requiring the preparation and implementation of a Traffic Management Plan.
140. While Council's recommended conditions have not been incorporated directly into the permit as written, they have been incorporated into DTP's Traffic Management Plan condition. This condition requires the Traffic Management Plan to be prepared in consultation with, and approved by, the relevant road authorities, including Council and the Head, TfV. The Traffic Management Plan will address matters relating to construction traffic, vehicle access routes, road safety and the management of heavy vehicle movements.
141. Having regard to the findings of the Traffic Impact Assessment, the temporary nature of construction traffic, the limited traffic generation associated with the operational phase of the development, and the permit conditions requiring preparation of an approved Traffic Management Plan, it is considered that the proposal will not result in unacceptable impacts on the surrounding road network. Subject to the recommended permit conditions, the road network is capable of accommodating the proposed development in an acceptable manner.

Hydrology

142. Clause 12.03-1S (River, Waterway Corridors and Landscapes) seeks to protect and enhance waterway systems, including waterways and wetlands.
143. The application is supported by a stormwater assessment contained within the planning report prepared by Aurecon, which identifies that:
- Shady Creek is located approximately 1 kilometre east of the site, with a tributary traversing the site. A crossing of this waterway is required to facilitate vehicle access to the proposed development.
 - The proposed waterway crossing will be designed and constructed to avoid adverse impacts on the waterway and surrounding flood behaviour.
 - The application also proposes the implementation of stormwater management, sediment control and erosion mitigation measures to protect water quality and minimise impacts during construction.
 - As reticulated sewerage is not available to the site, the proposal incorporates an on-site wastewater treatment and effluent disposal system.
 - In relation to changes in the flow or discharge of water across property boundaries, it is not anticipated that the proposal will increase runoff rates or adversely affect downstream properties. A stormwater detention basin, to be designed in consultation with the WGCMA, is proposed to manage stormwater generated by the development.

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144. Notice was provided to the WGCMA, which did not object to the proposal subject to conditions relating to flood-safe access and a permit note requiring a Works on Waterways permit for relevant works within 50 metres of a designated waterway. These requirements have been incorporated into the permit.
145. Baw Baw Shire Council objected to the proposal, raising concerns regarding:
- The adequacy of stormwater and flood risk assessment.
 - The absence of key flood and drainage investigations.
 - Potential off-site flooding and drainage impacts.
 - Potential impacts on waterways and surrounding infrastructure.
 - The management of firefighting runoff.
146. DTP has considered Council's concerns and acknowledges that detailed design work is still required. However, it is satisfied that the hydrological and drainage impacts of the proposal can be appropriately addressed through permit conditions requiring the preparation and approval of a Drainage and Stormwater Management Plan (DSMP), together with the conditions recommended by the WGCMA.
147. DTP considers that these permit conditions provide an appropriate mechanism to address stormwater, drainage and flood risk matters associated with the proposal.
148. DTP notes that the standard DSMP permit condition requires the plan to be prepared to the satisfaction of the relevant council prior to approval by the Responsible Authority. Accordingly, Baw Baw Shire Council will have the opportunity to assess the detailed drainage, flooding and stormwater management.

Biodiversity

149. Clause 12.01-1S (Protection of biodiversity) seeks to protect and enhance Victoria's biodiversity.
150. The application is supported by an Ecological Impact Assessment (EIA) prepared by Aurecon, dated 30 January 2026.
151. The project has strategically located the BESS infrastructure adjacent to existing transmission infrastructure, reducing the need for additional disturbance and minimising impacts on the landscape and environmental values of the surrounding area.
152. The site has been extensively modified through historical agricultural activities and is largely devoid of native vegetation. Remnant native vegetation is primarily confined to areas associated with the unnamed tributary of Shady Creek that traverses the Site.
153. The Proposal has been designed to avoid and minimise impacts on native vegetation to the greatest extent practicable. Native vegetation removal has been limited to approximately 0.04 hectares required to facilitate site access.
154. Through an iterative design process, the final development footprint retains all native trees and all patches of native vegetation, with the exception of a small section of Swamp Scrub (0.04 hectares) required for the access road. This portion of vegetation does not contain threatened species or threatened ecological communities and is of relatively low ecological quality, having been previously disturbed by historical clearance associated with an existing farm track. The proposed BESS footprint is otherwise located within highly modified grazing land comprising sown pasture grasses and scattered planted vegetation of limited ecological value.
155. Further, the EIA concluded that:
- The nearest wetland of international importance identified through the Protected Matters Search Tool is the Gippsland Lakes Ramsar site, located approximately 50 to 100 kilometres downstream of the Site. Given this separation distance, the Proposal is unlikely to result in a significant impact on this wetland.
 - No EPBC Act-listed threatened ecological communities were identified as potentially occurring within the search area and are therefore not considered at risk from the proposal.
 - Four EPBC Act listed threatened or migratory species were assessed as having a moderate or greater likelihood of occurring within the disturbance area: Strzelecki Gum, Diamond Firetail, Swamp Skink and Growling Grass Frog.

- While these species may occasionally utilise the broader area, the EIA concluded that the proposal is unlikely to have a significant impact on them. In particular, no trees suitable for Strzelecki Gum are proposed to be removed or affected by the works.
156. Baw Baw Shire Council submitted that additional native vegetation removal may be required within the Yarragon-Shady Creek Road reserve to facilitate vehicle movements associated with the development. Any native vegetation removal identified through the preparation of a Traffic Management Plan would be subject to separate assessment and approval under the PE Act and the Baw Baw Planning Scheme.
157. Council also expressed concern that broader biodiversity impacts had not been adequately addressed, noting recent records of the Warragul Burrowing Crayfish (WBC) in Yarragon and Trafalgar, which place the site within the species' potential range. Council submitted that changes to site hydrology associated with the Proposal, including altered runoff patterns and increased impervious surfaces, may have the potential to impact suitable habitat for the species. The Warragul Burrowing Crayfish is listed as Critically Endangered under the *Flora and Fauna Guarantee Act 1988*, and any potential impacts to the species require appropriate assessment and management.
158. Notwithstanding Council's concerns, the site comprises highly modified agricultural land and the EIA did not identify the presence of the Warragul Burrowing Crayfish within the proposal area. Should the proposal result in impacts to threatened species or protected flora occurring on public land, it is the responsibility of the proponent to obtain any relevant approvals required under the *Flora and Fauna Guarantee Act 1988*.
159. Having regard to the limited extent of native vegetation removal, the highly modified nature of the site, and the findings of the EIA, the proposal is considered to appropriately avoid and minimise impacts on biodiversity values and is consistent with the objectives of Clause 12.01-1S.

Social and Economic Effects

160. Sections 60(1)(f) and 60(1B) of the PE Act require the responsible authority to consider any significant social effects the use or development may have, including having regard to the number of objectors in considering whether the use or development may have a significant social effect.
161. The project will contribute to the local economy by creating 80-100 direct construction jobs, meeting the objectives of clause 17.01-1S, 17.01-1R and 17.01-1L.
162. It is considered that, on balance, the proposal achieves a net community benefit when balanced with its other social, economic and environmental outcomes.

Decommissioning

163. Objectors raised concern that the future decommissioning of the project being completed inadequately (or not at all) causing environmental damage.
164. The future decommissioning of the proposed facility can be adequately addressed via permit conditions requiring a decommissioning management plan. These conditions will require the infrastructure to be removed from the site and the land to be rehabilitated and reinstated to its prior condition to ensure that there is no permanent loss of agricultural land.

Other matters raised in the objections

165. An officer assessment of matters relating to agricultural impacts, noise, landscape and visual impact, biodiversity, transport, fire risk and other relevant considerations is detailed in the assessment section of this report. A response to some of the other prominent matters raised in the objections is provided in the table below:

Objector Concern	DTP Officer Response
Property values	The consideration of property values and land devaluation is not included within the decision guidelines of the scheme

Objector Concern	DTP Officer Response
	and cannot be considered within the assessment and determination of the project.
Insurance costs	DTP is aware of concerns from landowners about the impact of energy projects on their public liability insurance. However, the consideration of insurance costs is not included within the decision guidelines of the Scheme and has not been considered as part of this assessment. It is noted that the Insurance Council of Australia issued a statement on 14 May 2024 saying: <i>Current information indicates that insurers generally do not have specific concerns related to a property hosting transmission lines or neighbouring energy infrastructure. At the time of writing, the Insurance Council is not aware of any instances where Insurance Council members have been unable to provide insurance or have increased premiums as a result of a farm (or a neighbouring property) hosting energy infrastructure.</i>
Site not located within a Renewable Energy Zone (REZ)	On 17 August 2025, VicGrid released the Victorian Transmission Plan (VTP), a 15-year strategic plan outlining the infrastructure required to transition Victoria's electricity system to renewable energy. The VTP identifies Renewable Energy Zones (REZs), which indicate preferred locations for new renewable energy generation and supporting transmission infrastructure. In 2026, five of these onshore REZs were declared; however, neither the Victoria Planning Provisions nor the VTP will require that all new projects be located exclusively within these areas. Planning permit applications are assessed on their individual merits against the relevant planning legislation and policy. Separate to this planning approval, the proponent would be required to seek access and connection into the grid which is a separate regulatory process.
Inadequate community consultation	Public notice was undertaken in accordance with section 52 of the <i>Planning and Environment Act 1987</i>. In addition to the statutory notice requirements, the proponent carried out broader community engagement activities, including the distribution of newsletters, participation in a proposal-related interview on 3BBR West Gippsland Community Radio, and the hosting of a Community Information Day.

Objector Concern	DTP Officer Response
Ambiguity around the correct name of the proponent	When the application was first received the name of the applicant was 'ZEN Energy Future Pty Ltd'. However, the proponent has since advised that ZEN Energy Future Pty Ltd was acquired by a holding company and is operating independently from ZEN Energy Group, which is now in liquidation. The activities of ZEN Energy Future Pty Ltd will now operate under the new business name of Southern Charge. Southern Charge remains a joint venture participant in ZEBRE which is the owner of the project. On 9 September 2026, the proponent requested that their name be changed to 'North Yarragon I Project Pty Ltd as trustee for the North Yarragon I Project Trust'.
Emotional impact of living near a BESS	DTP acknowledges that residents have expressed concern about the emotional impacts of living near a BESS. While these concerns are acknowledged, the Scheme does not give specific consideration to the emotional impacts of the development of land. Rather, consideration is given to the impacts of the proposed battery on affected properties. In relation to amenity impacts, noise and visual impacts have been assessed throughout this report.
Ability of agencies to enforce the legislative requirements of the project	Any future enforcement matters will be reviewed and managed by the relevant agency at the time.

166. Overall, DTP submits that the matters raised in the objections which are relevant to the planning assessment are suitably addressed by the application, subject to the recommended permit conditions.

Other Victorian and Commonwealth legislation

167. The subject of this report is the assessment of the project under the PE Act.

168. The table at Attachment 1 provides an overview of the project's key approval and assessment requirements under other Victorian and Commonwealth legislation.



Recommendation

169. The proposal has been considered against the matters at section 60 of the PE Act, is consistent with the relevant planning policies of the Baw Baw Planning Scheme and will contribute to the provision of energy storage in the region.
170. The proposal is supported by the referral authorities, subject to conditions which have been included in the recommendation.
171. It is recommended that planning permit PA2604215 for the use and development of a utility installation and associated buildings and works, native vegetation removal, two lot subdivision and display of a business identification sign be issued under delegation from the Minister for Planning, subject to conditions.
172. It is recommended that the following stakeholders be notified of the above decision in writing:
- Applicant
 - Baw Baw Shire Council
 - Objectors
 - All submitters, including the following agency submitters:
 - Head, Transport for Victoria
 - West Gippsland Catchment Management Authority (CMA)
 - Referral authorities:
 - Country Fire Authority (CFA)
 - WorkSafe
 - AusNet

Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- ☒ No Conflict
- ☐ Conflict and have therefore undertaken the following actions:
 - ☐ Completed the Statutory Planning Services declaration of Conflict/Interest form.
 - ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - ☐ Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Reviewed by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- ☒ No Conflict
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Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

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Attachment 1: Requirements under other legislation

Act	Discussion
Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)	Under the EPBC Act, an action that has, will have, or is likely to have, a significant impact on matters of national environmental significance (MNES), must be referred to the Commonwealth Minister for Environment and Water. The Ecological Impact Assessment outlines that the project is unlikely to have a significant effect on MNES.
Environment Effects Act 1978 (EE Act)	The EE Act requires the preparation of an Environmental Effects Statement (EES) for activities considered to have, or to be capable of having, a significant effect on the environment. <i>The Ministerial Guidelines for Assessment of Environmental Effects under the Environment Effects Act 1978</i> (DTP 2023) outlines the criteria for referring a project to the Victorian Minister for Planning who will determine if an EES is required. The Ecological Impact Assessment outlines that the project does not meet any of the referral criteria and as such the proponent did not refer the project under the EE Act.
Aboriginal Heritage Act 2006 (AH Act)	The AH Act seeks to avoid adverse effects to Aboriginal cultural heritage values as far as reasonably practicable. Where adverse effects cannot be avoided, measures must be implemented to minimise and mitigate adverse effects. Cultural Heritage Management Plan (CHMP) 20508 was approved on 29 January 2026. The application is consistent with the activity described in the CHMP.
Flora and Fauna Guarantee Act 1988 (FFG Act)	The delegate of the Minister for Planning is required to give proper consideration to the objectives of the FFG Act, so far as is consistent with the proper exercise of functions under the PE Act. Under the FFG Act a permit is required to take, kill, injure, disturb or collect threatened species or protected flora species from public land. There are permit exemptions under the FFG Act which apply to the non-commercial removal of protected flora from private land, unless there is 'critical habitat' that has been declared on the land. The Ecological Impact Assessment outlines that Strzelecki Gum, has the potential to be present on site, however, will not be impacted by the project footprint. Potential indirect impacts to these tree species will be managed by the implementation of tree protection fencing. DTP notes that native vegetation offsets are required to be secured prior to the removal of any native vegetation, which is consistent with FFG Act objectives that seek to protect, conserve, restore and enhance biodiversity. DTP also notes that the proposed development, by contributing to efforts to reduce emissions will not be likely to worsen climate change impacts and therefore will mitigate the impacts of potentially threatening processes to address important underlying causes of biodiversity decline.

Act	Discussion
Climate Action Act 2017 (CA Act)	The purpose of the CA Act includes (but is not limited to): – to facilitate the consideration of climate change issues in specified areas of decision making of the Government of Victoria; and, – to set policy objectives and guiding principles to inform decision-making under this Act and the development of government policy in the State. Section 20 of the CA Act states that: <i>The Government of Victoria will endeavour to ensure that any decision made by the Government and any policy, program or process developed or implemented by the Government appropriately takes account of climate change if it is relevant by having regard to the policy objectives and the guiding principles.</i> This assessment has had consideration of the policy objectives and the guiding principles of the CA Act. The proposed facility is estimated to store 210 MW of electricity, enough to meet evening peak demand for 72,000 households, which will help achieve the emissions reduction targets in Part 2 of the CA Act. It is noted that the community were invited to be involved in the decision-making process via public notice under s52 of the PE Act.
Charter of Human Rights and Responsibilities Act 2006 (the Charter)	The Charter gives legal recognition and protection in Victoria to many important human rights, particularly civil and political rights. DTP is committed to upholding its responsibilities under the Charter. This planning application has given proper consideration to all relevant human rights.
Transport Integration Act 2010 (TI Act)	The purpose of the TI Act is to create a new framework for the provision of an integrated and sustainable transport system in Victoria. The Minister for Planning must have regard to transport system objectives (sections 7-13 TI Act), decision making principles (section 14-21 TI Act) and any applicable statement of policy principles (section 22 TI Act) when making decisions likely to have a significant impact on the transport system. The Minister may determine the weight to give each transport system objective or decision-making principle. The assessment of this planning application has had regard to the transport system objectives and decision-making principals of the TI Act. The project is unlikely to have a significant impact on the transport system, however there may be some temporary impacts to local systems along the transport route to the subject site which has been considered above.



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