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21 November 2025

Hannah Scott
Acting Principal Planner
Energy Assessment
Department of Transport and Planning

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Dear Hannah,

SECTION 72 AMENDMENT APPLICATION – PERMIT NO. PA2402939 – MORTLAKE ENERGY HUB

1 Introduction

Urbis continues to act on behalf of Yanar Power formerly known as Bright Night Power (the permit applicant), in relation Planning Permit PA2402939 granted on 12 September 2024. This Planning Permit allows:

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



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	Construction of a building setback less than 50m from a Transport Zone 2.
Clause 52.05-14	Display of a business identification sign.
Clause 52.17-1	Remove, destroy or lop native vegetation including dead vegetation.
Clause 52.29-2	Create or alter access to a road in a Transport Zone 2.

Permission is sought for the following amendments to Permit PA2402939:

1. Correction of the 'address of the land' listed within the permit.
2. Changes to the submitted plans to:
 - o vary the approved 500 kV transmission line route connecting the project to the Mortlake Terminal Station; and
 - o relocate transmission line works underground.

In support of this application please find enclosed:

- Completed Section 72 amendment application form
- Certificate of title for all related parcels, (including the relevant attachments and encumbrances). Including Title Plan Mark up.
- Amended Site Plans, prepared by Urbis.

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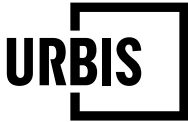
The requisite application fee will be paid post-lodgement, upon receipt of a Council issued invoice.

2 Proposed Amendments

2.1 Amendments to the Permit

The current permit specifies the address of the land and lists multiple parcels within the subject site to which Permit PA2402939 applies. In total, the site comprises thirty (30) parcels. This application seeks to amend the parcel list by removing two (2) duplicate entries and adding one (1) parcel that was previously omitted. Parcels which are to be removed due to duplication are shown in **red** whilst the additional parcel is shown in **blue**.

No.	Corrected Permit
1.	Lot 1 on TP11005R, Vol 10431 Fol 238
2.	Lot 2 on TP11005R, Vol 10431 Fol 239
3.	Lot 3 on TP11005R, Vol 10431 Fol 237



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4. Crown Allotment 2 Section 6 Parish of Hexham East, Vol 10415 Fol 616

5. Crown Allotment 3 Section 1 Parish of Hexham East, Vol 10415 Fol 617

6. Crown Allotment 4B Section 2 Parish of Hexham East, Vol 10415 Fol 597

7. Crown Allotment 8 Section 2 Parish of Connewarren, Vol 09531 Fol 763

8. Crown Allotment 9 Section 2 Parish of Connewarren, Vol 08941 Fol 340

9. Crown Allotment 10 Section 2 Parish of Connewarren, Vol 08650 Fol 978

10. Lot 1 on Plan of Subdivision 342923Q, Vol 10263 Fol 611

11. Lot 1 on Plan of Subdivision 636473H, Vol 11438 Fol 345

12. ~~Lot 1 on Title Plan 011005R, Vol 10431 Fol 238~~
Lot 1 on Title Plan 02056S, Vol 10415 Fol 615

13. Lot 2 on Plan of Subdivision 076419, Vol 08670 Fol 974

14. Lot 2 on Plan of Subdivision 121574, Vol 09516 Fol 9134

15. Crown Allotment 2 Section 2 Parish of Connewarren, Vol 05957 Fol 396

16. Lot 2 on Plan of Subdivision 342923Q, Vol 10263 Fol 612

17. Lot 2 on Plan of Subdivision 347828G, Vol 10273 Fol 498

18. Lot 2 on Plan of Subdivision 409088E, Vol 10333 Fol 572

19. Lot 2 on Plan of Subdivision 525429F Vol 10857 Fol 051

20. Lot 2 on Plan of Subdivision 636473H Vol 11438 Fol 346

21. Lot 3 on Plan of Subdivision 076419H Vol 08670 Fol 975

22. Lot 3 on Plan of Subdivision 342923Q Vol 10263 Fol 613

23. Lot 1 on Plan of Subdivision 347828G Vol 10273 Fol 497

24. ~~Lot 3 on Plan of Subdivision 342923Q Vol 10263 Fol 613~~
Crown Allotment 1 Section 10 Parish of Connewarren, Vol 10785 Fol 016

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- 25. Lot 1 on Title Plan 012057Q, Vol 10415 Fol 595

- 26. Lot 2 on Title Plan 012057Q, Vol 10415 Fol 596

- 27. Lot 1 on Plan of Subdivision 620663R, Vol 11230 Fol 337

- 28. Lot 2 on Plan of Subdivision 620663R, Vol 11230 Fol 338

- 29. [Lot 3 on Plan of Subdivision 409088E, Vol 10333 Fol 573](#)

Please refer to submitted title plan for reference.

2.2 Amendments to Plans

We have been instructed to lodge an application to amend planning permit PA2402939 pursuant to Section 72 of the *Planning and Environment Act 1987* to seek changes to the submitted plans.

The proposed changes broadly seek to alter the transmission line route connecting the Mortlake Energy Hub to the Mortlake Terminal Station at the request of the service provider (Ausnet).

The proposed changes to the approved 500kv transmission line reflect recent discussions with AusNet regarding connection rearrangements associated with the Mortlake Terminal Station. Under the revised configuration, the connection works will be located within a different easement (E12) in the southern portion of the facility and constructed as an underground installation, replacing the previously approved overhead alignment.

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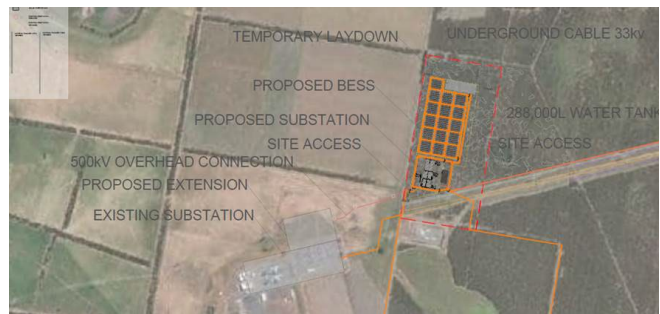
The changes sought are minor in nature and will not have any significant impact on the delivery of the overall development, while maintaining consistency with the Planning Permit. Importantly, as the works generally align with the original approval and will be located underground, the changes to the line would have no material consequence to any person and would be considered a reduction in overall scale of works when compared with the approved. overhead line.

The proposed changes listed above have been captured within the provided site Plans. Excerpt below:

Proposed



Superseded



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Material Detriment

Under Section 52(1)(a) of the Planning and Environment Act 1987, the Responsible Authority may waive the requirement for public notice where it is satisfied that granting the permit would not result in material detriment to any person, as cited below:

s. 52(1)(a)

1. *Unless the responsible authority requires the applicant to give notice, the responsible authority must give notice of an application in a prescribed form—*
 - (a) *to the owners (except persons entitled to be registered under the Transfer of Land Act 1958 as proprietor of an estate in fee simple) and occupiers of allotments or lots adjoining the land to which the application applies unless the responsible authority is satisfied that the grant of the permit would not cause material detriment to any person; and— council has discretion to give notice to any person.*

SunnyCove Management Ltd v Stonnington CC [2006] VCAT 1705, and the remarks made by Deputy President Gibson regarding material detriment, should be considered when determining whether material detriment would occur.

“... the Council must establish how the grant of the permit may cause material detriment to other persons. It is not enough for the responsible authority to speculate that there might be some potential for unspecified material detriment. The Council must be able to identify what material detriment may be caused to other people.”

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The proposed realignment and undergrounding of the transmission line works will reduce the extent of the approved works and lessen the visual scale of the infrastructure in relation to its surroundings.

We consider that the variation to the location and underground nature of this infrastructure will not result in any material detriment; rather, it will deliver a material benefit to adjoining and surrounding properties. For these reasons, it is our view that the alteration in route and underground installation method cannot constitute material detriment, nor can it be seen to adversely affect the visual amenity of person.

Accordingly, it is our opinion that the amendments to the plans do not require notice given that there is no objective basis to suggest they will cause material detriment to any person.

In the department consideration of this matter of material consequence, we example Liston’s critique of the Westpoint criteria and in *Oz Property Group Flemington Pty Ltd vs. Moonee Valley City Council (2014) VCAT 397 (8 April 2014) (paragraph 21.)* and reliance on the commentary form *Zuzek v Boroondara CC (Red Dot) [2007] VCAT 2174 para 11*, sited below.

‘the physical scale of the change is not necessarily conclusive of what is or is not ‘of consequence’, nor is the fact that there may have been an earlier objector who may simply not like the change. A proper consideration or judgement may involve an objective consideration of possible impact or detriment arising from the change, or the extent to which the change will be perceived, or other relevant factors. Moreover, in considering possible



impact or detriment, the change must be considered vis-à-vis the permission already granted and the existing plans, rather than by comparison to the 'no permit' scenario.'

Accordingly, we respectfully request that the Department exercise its discretion to waive the requirement for public notice.

CONCLUSION

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

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

Kind regards,

A handwritten signature in black ink, appearing to read "HR", written over a horizontal line.

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