

PLANNING PERMIT

Permit No.:	PA2403305
Planning scheme:	Moyne Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	574 Tarrone North Road, Tarrone <ul style="list-style-type: none">• Lot 1 on Plan of Subdivision 918386G• Lot 2 on Plan of Subdivision 918386G• Lot 2 on Plan of Subdivision 218923A

THE PERMIT ALLOWS:

Planning scheme clause	Matter for which the permit has been granted
35.07-1	Use the land for a utility installation (battery and ancillary infrastructure)
35.07-4	Construct a building or construct or carry out works associated with a Section 2 use of Clause 35.07-1
37.01-4	Construct a building or construct or carry out works
52.17	To remove, destroy or lop native vegetation, including dead native vegetation

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with documents approved under this permit

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

Commencement

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

Development Plans

3. Before the use and development as approved under this permit starts, amended development plans must be approved and endorsed by the responsible authority. The development plans

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must be prepared to the satisfaction of the responsible authority and be fully dimensioned and drawn to scale. The development plans must be generally in accordance with the application plans prepared by Umwelt, Figure 3A (Locality Plan), Figure 3B (Amended Site Plan), Site Survey dated 8 May 2024 and General Arrangement (Sheet 1 and 2) dated 14 October 2024, but modified to include:

- a. Car parking layout in accordance with the requirements of Clause 52.06 and Australian Standard AS2890.1.
- b. Fire hydrant installation and fire water supply in accordance with Australian Standard AS2419.1-2021.
- c. All fire protection measures in accordance with CFA Conditions 32 – 34.

Layout not altered

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

Staging

5. The use and development may be completed in stages in accordance with the development plans endorsed under condition 3. The corresponding obligations under this permit may be completed in stages.

Construction Environmental Management Plan

6. Before the use and development starts, a Construction Environmental Management Plan (CEMP) must be approved and endorsed by the responsible authority. The CEMP must include:
 - a. Measures to avoid and minimise amenity and environmental impacts during construction of the facility
 - b. Procedures to manage construction noise and vibration in accordance with the requirements of the Civil construction, building and demolition guide (EPA Publication 1834).
 - c. Procedures to manage mud and debris on the surrounding road network, which may occur during construction.
 - d. Procedures to remove temporary works, plant, equipment, buildings and staging areas and reinstate the affected parts of the land when construction is complete.
 - e. A construction timetable, including typical daily start and end times.
 - f. The person(s) responsible for implementation and compliance of CEMP requirements, including details of a site contact / site manager.
 - i. Measures to protect native vegetation proposed to be retained during construction works. These measures must:
 - ii. Include the erection of native vegetation protection fencing around all native vegetation to be retained (including tree protection zones) to the satisfaction of the responsible authority.
 - iii. Comply with Australian Standard 4970 Protection of Trees on Development Sites.

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

Light Spill Management

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

Noise

9. Before the endorsement of development plans in accordance with condition 3 of this permit, a Predictive Noise Assessment must be submitted to the responsible authority and must:
 - a. Model the final design layout and all electrical components of the facility and assess this against EPA Publication 1826.4, including the consideration of cumulative noise.
 - b. Demonstrate compliance of the proposal with EPA Publication 1826.4.
 - c. Include details of any mitigation measures that will be implemented to achieve compliance with EPA Publication 1826.4 to the satisfaction of the responsible authority.
10. All measures relied on to achieve compliance with EPA Publication 1826.4 must be shown on the development plans under condition 3 and implemented to the satisfaction of the responsible authority.
11. The Predictive Noise Assessment must be made available to the public.

Native Vegetation Offset

12. To offset the removal of 0.313 hectares of native vegetation, the permit holder must secure the following native vegetation offset in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017):
 - a. A general offset of 0.095 general habitat units:
 - i. A minimum strategic biodiversity value (SBV) of 0.302
 - ii. Located within the Glenelg Hopkins CMA boundary or the Moyne Shire municipal district.
13. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
 - a. An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and / or
 - b. Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
14. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to pea.energyproject@deeca.vic.gov.au.

Drainage and Stormwater Management Plan

15. Before the development starts, a Drainage and Stormwater Management Plan (DSWMP) must be approved and endorsed by the responsible authority. The DSWMP must:
- Include a Water Surface Assessment to determine flood depths and assess the potential flood behaviour on the site, and recommending any minimum elevations for the BESS and associated infrastructure as required.
 - Include details (and computations) of how the works on the land are to be drained including drains conveying stormwater to the legal point of discharge.
 - Include details of how the drainage design affects the continuation of existing overland flow paths and flood patterns across the land.
 - Assess impacts on on-site infiltration and surface water quality, including adjacent land and waterways, specifically the site's south-eastern designated waterway.
 - Include details about how polluted or contaminated runoff is to be managed.
 - Be approved by the Moyne Shire Council prior to submission to the responsible authority.

Traffic Management Plan

16. Before the development starts, a Traffic Management Plan (TMP) must be prepared in consultation with the relevant road authority (or authorities), and submitted to, approved and endorsed by the responsible authority. The TMP must:
- Be prepared by a suitably qualified and experienced civil or traffic engineer.
 - Specify measures to be taken to manage traffic impacts associated with the construction and operation of the facility.
 - Specify designated transportation routes that will be used to access the site during construction of the facility, including the amount and type of vehicles required.
 - Include details of any proposed modifications or upgrades to existing roads that will be required before, during and after construction.
 - Include a program to inspect, maintain and (where required) repair public roads used by construction traffic.
 - Be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority.
 - The timing of when the works are to be undertaken.
 - A program of regular inspections during the construction of the BESS facility to identify any maintenance works necessary as a result of construction traffic.
 - Works required by the TMP must be completed promptly, to the satisfaction of and at no cost to the relevant road authority.
17. The endorsed TMP must be implemented to the satisfaction of the responsible authority and relevant road management authority (or authorities).
18. Any proposed alteration or modification to the endorsed TMP must be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority for endorsement.

Ausnet Conditions – Section 55



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19. Parking, loading, unloading and load adjustment of large commercial vehicles is not permitted on the easement.
20. Vehicles and equipment exceeding 3 metres maximum operating height are not permitted on the easement without prior written approval from AusNet Transmission Group. The cleaning, washing down, or maintenance of large vehicles is not to be carried out on the easement.
21. Fuelling or recharging of any vehicles, equipment or plant is not permitted on the easement.
22. All trees and shrubs planted on the easement must not exceed 3 metres maximum mature growth height.
23. The storage of flammable materials, including that within waste bins, is not permitted on the easement.
24. Materials proposed to must be stored on the easement must be approved in writing by AusNet Transmission Group.
25. Natural ground surface levels on the easement must not be altered by the stockpiling of excavated material or by landscaping without prior written approval from AusNet Transmission Group.
26. All services traversing the easement must be installed underground.
27. The proposed UG HV cable traversing through the easement must be a minimum of 30m from the closest 500kV transmission tower centre. AusNet Transmission Group must be consulted on the final position of the cable for approval.
28. All future works within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.

WorkSafe Conditions – Section 55

29. The applicant must submit a risk management plan, fire management plan, and emergency response plan in line with CFA Guidelines, conducted by a suitably competent person, prior to BESS arrival onsite.
30. The applicant must comply with risk controls outlined in the preliminary hazard analysis and bushfire risk assessment, and undertake / implement any other required risk control assessments / measures prior to BESS arrival onsite.
31. The requirements of the WorkSafe conditions (29 and 30) can be included in the FMP and EP required by condition 33.

CFA Conditions – Section 52

32. Before plans are endorsed under condition 3, in consultation with CFA, a Risk Management Plan must be submitted to, approved and endorsed by the responsible authority. The Risk Management Plan must be prepared in accordance with the CFA Guidelines, and:

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- a. Describe the risks and hazards at the facility to and from the battery energy storage system and related infrastructure.
 - b. Include dedicated fire water supplies:
 - i. For the battery energy storage system:
 - a) Of a quantity no less than 576kL (40L/s for four hours) effective capacity.
 - b) Provided otherwise in accordance with the CFA Guidelines and AS 2419.1-2021: Fire hydrant installations.
 - c) Located reasonably adjacent to the battery energy storage system but in a position that is accessible without undue danger in an emergency, to the satisfaction of CFA.
 - d) Commissioned prior to the arrival of the battery energy storage system enclosures/containers at the facility.
 - ii. Battery containers/enclosures and related battery infrastructure, other electrical infrastructure, buildings/structures, and vegetation.
 - c. Specify the separation distance, based on radiant heat flux (output) as an ignition source, between:
 - i. Adjacent battery containers/enclosures.
 - ii. Battery containers/enclosures and related battery infrastructure, other electrical infrastructure, buildings/structures, and vegetation.
 - d. Include a copy and summary of the findings of WorkSafe and ESV's Arc Flash Self-Audit Tool (dated June 2022), including the proposed risk controls to manage arc flash risks for site personnel and emergency responders.
 - e. Where acoustic barriers are proposed for battery energy storage systems, include consequence modelling of toxic gas releases from BESS container(s) fully involved in fire that takes into account the proposed position of acoustic barriers, to the satisfaction of CFA.
 - f. List and describe all other controls for the management of on and off-site hazards and risks at the facility (including all proposed battery energy storage system safety and protective systems)
 - g. Provide an evidence-based determination of the effectiveness of the risk controls against the identified hazards, including justification for the omission of any battery safety and protective system/s.
 - h. Form the basis for the design of the facility.
33. Before plans are endorsed under condition 3, an Emergency Plan (EP) and Fire Management Plan (FMP) must be submitted to, approved and endorsed by the responsible authority. The EP and FMP must be prepared in consultation with CFA and be in accordance with the CFA Guidelines.
34. Before the use commences, all fire protection measures shown on the endorsed plans (including separation distances, emergency vehicle access, firefighting water supply (location and quantity) and equipment, and fire breaks) must be implemented. The fire protection measures must be maintained on a continuing basis for the life of the permit, to the satisfaction of the responsible authority.

Emergency Services

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35. Before the use and development starts, the permit holder must provide spatial information data to Land Use Victoria via email at vicmap@transport.vic.gov.au to be used to direct emergency services to and within the site. This information must be in the ESRI Shapefile or Geodatabase .gdb format, GDA94 or GDA2020 datum and include:
- a. The location and boundaries of the facility extents polygon(s)
 - b. All access entry points onto private property.
 - c. All internal roads.
 - d. The locations of the site compound, substations, and maintenance facilities.
36. If there are any subsequent changes to infrastructure location, internal roads or access points during construction or after completion of construction, updated data must be provided to Land Use Victoria via email at vicmap@transport.vic.gov.au within 30 days of the change to enable details of any changes to the facility to be known to emergency services dispatchers.

Decommissioning

37. Once the facility permanently ceases operation, the responsible authority and Moyne Council must be notified within three months.
38. Once the facility permanently ceases operation, all buildings and works must be removed from the site and the site, or the relevant part of the site, must be rehabilitated and reinstated to the condition it was in prior to the commencement of development unless otherwise agreed with the landowner, subject to the written consent of the responsible authority.
39. Within three months of the facility permanently ceasing operation, a Decommissioning Management Plan (DMP) prepared by a suitably qualified and experienced person must be submitted to, approved and endorsed by the responsible authority.

The DMP must include, as a minimum:

- a. Identification of infrastructure, equipment, buildings, and structures to be removed and details of how these will be removed.
 - b. Details of how the site will be rehabilitated to meet the requirements of condition 24.
 - c. A requirement that a Decommissioning Traffic Management Plan (DTMP) be submitted to, approved and endorsed by the responsible authority prior to decommissioning works starting. The DTMP must be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority for endorsement. The DTMP must specify measures to manage traffic impacts associated with removing the infrastructure, equipment, buildings and structures from the site to the satisfaction of the responsible authority.
 - d. A requirement that all decommissioning works identified in the DMP be completed to the satisfaction of the responsible authority as soon as practicable but no later than 12 months after the DMP is endorsed or such other period approved by the responsible authority.
40. The endorsed DMP must be implemented to the satisfaction of the responsible authority.

Notification of works commencing

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

Expiry

42. This permit will expire if one of the following applies:

- a. The development is not started within four years of the date of this permit.
- b. The development is not completed within eight years of the date of this permit.
- c. The use has not commenced within four years of the completion of the development.

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

Permit notes

(the following information does not form part of this permit)

- The use of the land must at all times comply with EPA Publication 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (EPA Publication 1826.4).
- There are restrictions on development of the AusNet easement, including buildings, structures, earthworks, roads, services and trees, and that vehicle access is required by AusNet at all times.
- Details of any proposed use of the easement must be submitted to and approved by AusNet before work is commenced on site. Further information is available from AusNet on request.
- The permitted use or development may need to comply with, or obtain the following further approvals:
 - The recommendations of a cultural heritage management plan approved under the *Aboriginal Heritage Act 2006*.
 - A building permit under the *Building Act 1993*.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

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

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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

WHEN DOES A PERMIT BEGIN?

A permit operates:

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

WHEN DOES A PERMIT EXPIRE?

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

WHAT ABOUT REVIEWS?

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

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