

Energy Assessment
PA2604211

Yangery BESS

 Officer Assessment



Department
of Transport
and Planning



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Executive Summary

Key Information		Details	
Application No:		PA2604211	
Received:		5 February 2026	
Statutory Days:		25	
Applicant:		South Energy Pty Ltd c/- Aurecon	
Planning Scheme:		Warrnambool	
Land Address:		689 Tower Hill Road, Yangery, VIC 3283 (Lot 1 on PS601769G) 703 Tower Hill Road, Yangery, VIC 3283 (Lot 1 on TP591482)	
Proposal:		– 120 megawatt (MW) battery energy storage system (BESS) – 8 metre (m) high noise wall – Collector substation and transformer – Powerline connection into the Powercor Koroit Zone Substation – Associated infrastructure including access tracks, water tanks, car parking, stormwater detention basins, lighting masts, business identification signage, fencing and temporary construction compound – Realignment of an existing water course	
Permit preamble:		Use and development of a utility installation, associated buildings and works and display of a business identification sign.	
Development Value:		\$50 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; and/or, - Store electricity if the installed capacity is 1 megawatt or greater; and for an application where clause 53.22 applies.	
Why is a permit required?	Clause	Control	Permit Trigger
Zone:	Clause 35.07-1	Farming Zone (FZ)	Use of land for a utility installation.
	Clause 35.07-4		Building or 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. Building set back less than 100m from a waterway.

Key Information	Details		
Overlays:	Clause 43.02-2	Design and Development Overlay (DDO16)	Construct a building or to construct or carry out works over 7.5m in height.
Particular Provisions:	Clause 52.05-2	Signs	Construction and display of a business identification sign.
Cultural Heritage:	Cultural Heritage Management Plan (CHMP) 20179 was approved on 30 June 2026 by Eastern Maar Aboriginal Corporation.		
Referral Authorities (s55):	WorkSafe (determining) AusNet (determining)		
Public Notice (s52):	Notice of the application under section 52 of the Act was required. Ten submissions (including five objections) have been received as of 21 July 2026. Submissions were received from the following agencies: - Warrnambool Council - Country Fire Authority (CFA) - Glenelg Hopkins Catchment Management Authority (CMA) - Head, Transport for Victoria - Moyne Shire Council		
Delegation:	Approval to determine under delegation received on 13 July 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	6 February 2026
Public notice (section 52)	19 March 2026 – 28 April 2026

Decision Documents

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

Decision Documents
- Plans prepared by EHV Consulting and Design, titled 'Yangery BESS 120MW Collector Station and BESS' and dated between 22/04/2025 and 8/12/2025 and advertised with the application. - Certificate of Title, produced 27/01/2026. - Ecology Assessment prepared by Aurecon, Rev 2, dated 03/02/2026. - Traffic Impact Assessment, prepared by Aurecon, Rev C, dated 03/02/2026. - Risk Management Plan (including Bushfire Hazard Assessment) prepared by Aurecon, Rev C, dated 03/02/2026. - Landscape and Visual Impact Assessment, prepared by Aurecon, Rev 2, dated 03/02/2026. - Surface Water Assessment, prepared by Aurecon, Rev 3, dated 04/02/2026. - Consultation Summary Report prepared by Aurecon and dated 04/02/2026. - Noise Impact Assessment, prepared by SLR Consulting, Rev 1.0 and dated 02/12/2025. - Agricultural Impact Assessment, prepared by J Shovelton and dated 17/12/2025. - Application form received 05/02/2026. - Planning report prepared by Aurecon, Rev 1, dated 03/02/2026.

Proposal

3. The application proposes the use and development of a 120-megawatt (MW) battery energy storage system (BESS), including the following components
 - Internal access roads and two new site access points on Tower Hill Road and Conns Lane
 - Business identification signs at each access point:
 - Tower Hill Road: 2 metres (m) x 1.5m
 - Conns Lane: 1m x 1m
 - 66kV underground or overhead cabling to connect into the adjoining Powercor Koroit Zone substation
 - Operations and maintenance facility
 - Temporary construction facilities including site offices, laydown and hardstand area and carpark
 - Four water supply tanks
 - Security fencing
 - Three permanent car parking spaces
 - Installation of a noise walls up to 8m in height surrounding the BESS areas
 - Two lightning masts up to 21.4m
 - Two light poles up to 10.6m
 - Two stormwater detention basins
 - Realignment of the existing watercourse
4. It is noted that the proposed development plans show a potential future BESS expansion area in blue. This expansion is not being considered as part of this planning application.
5. The applicant has provided the following concept plans of the proposal:



Figure 1: Proposed layout of the BESS units (in green). Blue annotations for a potential future expansion are not being considered by this application.



Subject Site and Surrounds

Site Description

6. The site comprises 23 ha of private agricultural land in Yangery located approximately 5 kilometres (km) northwest of Warrnambool.
7. The site is located on the corner of Tower Hill Road and Conns Lane, next to the existing Koroit Zone Substation.
8. An existing 66 kilovolt (kV) transmission line passes through the site, connecting into the substation.
9. The site has historically been used for agricultural stock grazing and dairying.
10. The site is intersected by a degraded and eroded drainage line that adjoins one isolated farm dam in the southern paddock. This drainage line is a tributary of Yangery Creek, located approximately 1 km east.
11. The site has been historically cleared of native vegetation for grazing pasture and there is no native vegetation present on the site.
12. The site topography of the site slopes downwards from northwest to southeast by approximately 10m.
13. The site is located in the Farming Zone (FZ) and is affected by the Design and Development Overlay (DDO16).
14. The site is in an area of Aboriginal Cultural Heritage Sensitivity (CHS).
15. The site located within a Bushfire Prone Area (BPA). The Country Fire Authority (CFA) are the fire authority for the area.
16. The proposed BESS site is formally known as Lot 1 on PS601769G, Volume 11076, Folio 437. The powerline connection into the substation is Lot 1 on TP591482.
17. There are no covenants or restrictions on the title that would prohibit the proposed use or development of the land for a utility installation.
18. The site contains several easements for the purpose of drainage and electricity distribution. The proposed project has been sited to avoid the easements.

Site Surrounds

19. 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.
20. Several farm dwellings are scattered throughout the surrounding area.
21. The site is located approximately 6km east of Koroit, 6km west of Bushfield and 5km north of Warrnambool.
22. The surrounding area contains other energy projects that are either proposed, approved and operating. The approved 200MW Tarrone BESS project (not yet operational) is located approximately 30km north-west of the site. In addition, the Woolsthorpe Wind Farm (approved) and the Hawkesdale Wind Farm (operational) are located approximately 18km to the north. Ryan Corner Wind Farm (operational) is located approximately 25km west of the site.



23. A site inspection of the subject site and surrounds was undertaken on 2 March 2026. Images of the site and surrounds are shown in Figures 2 - 5.



Figure 2: View of the site looking southeast. Photo taken from Tower Hill Road on 2 March 2026.



Figure 3: View of the site looking northeast. Photo taken from Conns Lane on 2 March 2026.



Figure 4: View of the adjacent Koroit Zone Substation. Photo taken from Tower Hill Road on 2 March 2026.



Figure 5: View south along Tower Hill Road. Photo taken on 2 March 2026.

Referrals

24. 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 Assessment
The relevant electricity transmission authority (AusNet)	Determining	Clause 66.02-4 – To construct a building or construct or carry out works on land within 60m of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement.	16/02/2026	No objection	Noted.
The Victorian WorkCover Authority (WorkSafe Victoria)	Determining	Clause 66.02-7 - To use land for utility installation if a fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2022.	30/03/2026	No objection subject to conditions requiring an updated Risk Management Plan, Fire Management Plan and Emergency Response Plan to be prepared in line with the CFA Guidelines.	These conditions have been included in the recommendation.

Public Notice

25. In accordance with section 52 of the PE Act, public notice of the application was given between 19 March 2026 and 28 April 2026.

26. 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)	Warrnambool Shire Council	DTP
52(1)(d)	The owners and occupiers of all land with 1 km of the site. In the Warrnambool Standard newspaper on 31 March 2026.	Proponent
	The following agencies: – CFA – Glenelg Hopkins Catchment Management Authority (CMA) – Powercor – Eastern Maar Aboriginal Corporation (EMAC) – Head, Transport for Victoria (TfV) – VicGrid	DTP



Section of PE Act	Notice given to:	Given by:
	- Moyne Shire Council - CASA - Airservices Australia	

27. Ten submissions (including five objections) have been received at the time of writing this report.

Objections

28. The following concerns were raised in the objections:

- Noise
- Risk of fire, explosions and resulting pollution
- Visual impact, including concern that the proponent's assessment is not accurate
- Scale of the facility is not consistent with the surrounding FZ
- Traffic and wear and tear on local roads
- Lack of consultation
- Embodied energy required to construct the project outweighs its environmental benefits
- Concerns about future decommissioning of the facility at the end of life and if it will be managed appropriately
- Loss of property value
- Light spill
- Procedural fairness in the planning system
- Drainage and flooding impacts on adjoining properties
- Concerns with the accuracy of the application documents

29. An assessment relating to matters of noise, fire risk, visual impact, hydrology, traffic and decommissioning is detailed in the assessment section of this report. A response to some 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 in section 60 of the PE Act or the decision guidelines of the Scheme and cannot be considered within the assessment and determination of the application.
Lack of consultation	As outlined above, public notice of the application was given in the Warrnambool Standard newspaper and to all properties within 1 km of the site, in accordance with the requirements of s52 of the Act. Additionally, it is understood that South Energy undertook additional consultation with the community prior to the lodgement of the application, including a public information session on 7 November 2024.
Procedural fairness	Several objectors raised concern with procedural fairness in the planning process, including a lack of transparency and concerns about the lack of formal notification. DTP considers that all processes and procedures required by the relevant sections of the PE Act have been undertaken and nearby properties have been appropriately consulted, as described above.

Submissions

30. Five 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
CFA	16/04/2026	No objection, subject to conditions requiring: - Risk Management Plan - Emergency Plan and Fire Management Plan All prepared in line with the CFA Design Guidelines and Model Requirements for Renewable Energy Facilities (latest version) (the CFA Guidelines).	Conditions to this effect have been included in the recommendation.
Head, Transport for Victoria	23/03/2026	No objection.	Noted.
Glenelg Hopkins CMA	31/03/2026	No objection but suggested that the potential for the development to be setback 50m from the waterway be considered.	The development has not adopted a 50m setback to the waterway due to various site constraints. Refer to the hydrology section of the report below for additional discussion of hydrological matters.
Warrnambool Shire Council	27/04/2026	No objection but raised concerns regarding the adequacy of information in relation to site levels, emergency management, noise, visual impacts, airport operations, biodiversity, surface water management and community engagement. Council suggested the proponent should: - Provide further detail on how the development would sit within the landscape; - Adopt the visual mitigation measures suggested in the landscape and visual impact assessment; - Adopt stronger emergency management measures (including ongoing consultation with FRV and CFA and a Fire Safety Study); - Consult with the EPA on noise impacts;	Council's submission was provided to the proponent who was able to provide a feature survey to confirm that the infrastructure would be well below the 100m AHD OLS. DTP notes that the site is not located in a FRV serviced area so the CFA were consulted on the project instead. The EPA will be responsible for the enforcement of the operational noise from the facility. As such, conditions requiring post-construction noise testing will not be

Submitter	Date received	Summary of submission	DTP Officer Response
		- Confirm the RL (to Australian Height Datum (AHD)) of the infrastructure will not be above the 100m Obstacle Limitation Surface (OLS) Plan of the Warrnambool Regional Airport flight path; and, - Adopt a community benefits scheme. Council suggested permit conditions for: - Post construction compliance noise testing - Off-site landscaping plan - Biodiversity screening - Control of light spill - RLs on endorsed plans demonstrating all infrastructure is under 100m AHD - Stormwater management	included on any decision issued. As requested by the council, any permit issued will include conditions requiring: - RLs on the plans, with all infrastructure below the 100m AHD OLS. - On-site landscape plan. - Vegetation screening along the east and south of the noise walls. - Management of light spill in accordance with Australian Standard 4282 (Control of the obtrusive effects of outdoor lighting). - Stormwater Management Plan.
Moyne Shire Council	28/04/2026	No objection, however raised concerns with: - Adequacy of the Traffic Impact Assessment including inconsistencies regarding proposed site access arrangements, uncertainty around construction traffic volumes, and the potential need for road upgrades. - Safety of the Conns Lane/Tower Hill Road intersection, including a recommendation for a Road Safety Assessment (RSA) to be prepared. - The adequacy of the Risk Management Plan and whether the CFA had been consulted. - Amenity impacts of the proposed noise walls. Moyne recommended that: - A Traffic Management Plan (TMP) be prepared in consultation with the council. - The recommendations of the landscape and visual impact assessment be adopted.	In response to Moyne Council's concerns, the conditions of any recommendation issued will require: - A TMP in consultation with Moyne and Warrnambool Councils and the Head, TfV. - Vegetation screening along the east and south of the noise walls consistent with the recommendations of the landscape and visual impact assessment. There are no planning mechanisms available for DTP to enforce the adoption of a community benefit fund, though it is noted that the proponent has committed to creating one.

Submitter	Date received	Summary of submission	DTP Officer Response
		- The proponent adopts a community benefit fund. - Any future endorsed documents be made publicly available on the proponent's website.	Any future endorsed documents for the project can be made available to the public upon request, however will not be required to be published online.

Assessment

Key Considerations

31. The planning scheme contains policies and controls that guide the assessment and suitability 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 planning scheme while having regard to the matters which must be considered in accordance with section 60 of the PE Act.
32. The following are deemed the key considerations in assessing the acceptability of the proposal:
- Strategic justification and policy context
 - 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 impacts
 - Hydrology impacts
 - Bushfire risk and emergency management
 - Vehicle access, road and traffic considerations
 - Amenity impacts in terms of noise, light spill and visual impact
 - Acceptability of the proposed business identification signs

Permit Triggers

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

Clause	Permit Trigger
35.07-1	Use of land for utility installation.
35.07-4	Building or 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. Building set back less than 100m from a waterway.
43.02-3	Construct a building or to construct or carry out works over 7.5m in height.
52.05-2	Construction and display of a business identification sign.

Strategic Direction and Policy Context

34. Overall, the Purpose and Vision for Victoria (Clause 01), Municipal Planning Strategy (MPS) (Clause 02) and the Planning Policy Framework (PPF) of the Warrnambool 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”.
35. 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’.
36. Additionally, clause 19.01-2S, *Victoria’s Renewable Energy Action Plan, 2018*, *Victoria’s Climate Change Strategy, 2021* and the *2025 Victorian Transmission Plan* all outline the importance of battery storage projects in Victoria’s renewable energy transition, and the role they play in stabilising the electricity grid.
37. While the project is not located within a declared renewable energy zone (REZ), it has been sited adjacent to the existing Koroit Zone Substation, making use of existing transmission infrastructure to connect the project into the grid.
38. The project will create diversified employment opportunities, including approximately 125 direct and indirect jobs in the construction period and up to three permanent positions during operations, meeting the objectives of clause 17.01-1S.

Zones and Overlays

Farming Zone (FZ)

39. Clause 35.07 seeks to provide for the use of land for agricultural purposes, and for non-agricultural uses that do not adversely affect the use of the land for agriculture, encourages the retention of productive agricultural land and promotes the retention of rural employment to support rural communities.
40. Clause 14.01-1S and clause 14.01-1L also seek to protect productive farmland.
41. The decision guidelines of the FZ require the consideration of (amongst other things):
- **General issues:** The MPS, PPF, the ability of the land to accommodate the use and development, whether the use is compatible with adjoining and nearby land uses and whether it makes use of existing infrastructure.
 - **Agricultural issues:** The effect of the use and development agricultural production and nearby agricultural uses, soil quality, and removal of agricultural land.
 - **Environmental issues:** Impacts on the natural physical features of the area, flora and fauna impacts, and effluent disposal.
 - **Design and siting issues:** Minimising impacts on agricultural land, the impacts of the siting, design, height, bulk, colours and materials to be used, and traffic management.
42. Having regard to the relevant decision guidelines at Clause 35.07-6, the proposed use and development is an appropriate outcome in the FZ as follows:
- The site is situated adjacent to the existing Koroit Zone Substation allowing a direct connection from the site into the existing electricity network. This minimises impacts outside of the site boundary and on existing agricultural uses and makes use of existing infrastructure.
 - The proposal has considered agricultural land use in the surrounding area, within the site and in the future. The proposal will occupy approximately 3ha of a 23ha agricultural allotment that is currently used as dairy. DTP submits that the land does not meet the definition of ‘high quality productive agricultural land’ at clause 73.01 as it has not been identified in a regional, sub-regional, or local study as being of particularly good quality and strategic significance. The agricultural assessment submitted with the application demonstrates that while the soil is of good quality, the site relies on water



reticulated to troughs to provide stock water to dairy. It is estimated that the construction of the facility would result in a reduction of three breeding cows per year, which is an insignificant number when considered in the broader context of the approximately 2.8 million beef cattle present in Victoria.

- The proposed use and development of the site has considered potential fire hazards and incorporates the fire safety design recommendations in accordance with CFA guidelines, including perimeter access roads, two site access gates and fire water supply.
- The built form of the BESS and ancillary infrastructure are appropriate for the site. It is acknowledged that the 8m height of the noise walls is substantial. However, they are considered acceptable in this instance as the site is located adjacent to the existing terminal station which contains infrastructure to similar heights and is higher in elevation than the subject site. Additionally, the facility will not block views to natural or scenic areas of importance. Refer to the landscape and visual impact section of this report for additional discussion.
- The project does not propose the removal of native vegetation.
- 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 conditions.

Design and Development Overlay (DDO16)

43. The site is partially located within the DDO16 (Warrnambool Regional Airport – Building height above 7.5m (RL 79.0m AHD)) which seeks to ensure that flight paths associated with the Warrnambool Regional Airport are protected from the encroachment of inappropriate obstacles, to enable the safe and effective operation of the airport and to avoid creating hazards to aircraft. Clause 18.02-7S (Airports and airfields) also seeks to safeguard the ongoing and safe operation of Victoria's airports and airfields.
44. Warrnambool Airport is owned and operated by Warrnambool Shire Council and is a Civil Aviation Safety Authority (CASA) registered airport.
45. The tallest structures proposed by the project are the lighting masts at 21.4m in height and thus trigger a permit at clause 43.02-2.
46. Notice of the application was given to Warrnambool Shire Council, CASA and AirServices Australia. Neither CASA nor AirServices Australia chose to make a submission.
47. Warrnambool Shire Council in their submission requested that the proponent confirm the height of the infrastructure (in AHD) to ensure that it does not penetrate the 100m OLS height at that location. The council also requested that a condition be included to ensure any onsite lighting is baffled to restrict any upwards light spill to prevent daze/distractions to aircraft.
48. On 24 June 2026 the applicant confirmed that the height of the infrastructure will be below 100m AHD and conditions have been included on the permit to this effect. Conditions have also been included on the permit requiring all lighting to comply with Australian Standard 4282 (Control of the obtrusive effects of outdoor lighting), and consultation of the final lighting plan with the Warrnambool Shire Council (owner of the airport).

Particular and General Provisions

Clause 52.05 (Signs)

49. Clause 52.05 seeks to regulate the development of land for signs and ensure they are compatible with the surrounding area.
50. The application seeks the display for two business identification signs at the site entrance points on Conns Lane and Tower Hill Road, with a combined size of 4m². Figure 6 below shows an indicative elevation of the signs.
51. The location, height, general design and purpose of the proposed signs is considered acceptable as they will not dominate the skyline or unreasonably obscure views to landscapes or the public realm.

- Grass to be maintained below 100mm during fire danger periods
- Commitment to prepare an Emergency Plan prior to operation

63. DTP sought advice from the CFA, who outlined that they did not object to the proposal, subject to conditions being included on any permit issued requiring the preparation of a Risk Management Plan, Emergency Plan and Fire Management Plan in line with the CFA Guidelines.

64. DTP submits that with the CFA's conditions and the proposed mitigation measures in place, the risk of bushfire can be appropriately managed.

Noise

65. Clause 13.05-1S (Noise management) requires the consideration of noise effects on sensitive land uses.

66. The *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (Publication 1826, Environment Protection Authority) (the Noise Protocol) and the Environment Protection Regulations (EP Regulations) under the *Environment Protection Act 2017* (EP Act) are policy documents listed at Clause 13.05-1S.

67. The application is supported by a Noise Assessment prepared by SLR Consulting and dated 2 December 2025. The assessment has been prepared in line with the Noise Protocol and the EP Regulations.

68. The operational noise sources from the project are from:

- Battery containers (primarily the cooling equipment)
- Inverters
- Transformers
- Harmonic filter
- Cumulative noise from the existing Koroit Zone Substation

69. The assessment identified 10 noise sensitive receivers in the vicinity of the site as shown in Figure 7 below.



Figure 7: Location of the noise sensitive receivers. Source. SLR Noise Assessment.

70. As part of the assessment, the proponent has proposed the use of noise mitigation measures, including:

- Installing noise barriers between 5.5m and 8m in height; and,
- Using battery units and inverters that incorporate silencing treatments.

71. The assessment assumes that all plant and equipment will be operating at a worst-case scenario of 100% load and has modelled the cumulative impact of the project and the existing Koroit Zone Substation.

72. Figure 8 shows the cumulative predicted noise levels at the sensitive receivers, when the noise barriers and silencing treatments are in place:

Receiver	Predicted Noise Level, dBA	Characteristic Adjustments ¹ , dBA	Effective Noise Level, dBA	Night Noise Limit, dBA	Compliance Margin Night
R1 ²	29	+2	31	34	3
R2	31	+2	33	34	1
R3	24	+2	26	34	8
R16	26	+2	28	34	6
R17	28	+2	30	34	4
R21	30	+2	32	34	2
R22	30	+2	32	34	2
R23	22	+2	24	34	10
R29	25	+2	27	34	7
R38	31	+2	33	34	1
Notes 1: Tonality adjustment: + 2 dB, 2: R1 is project involved					

Figure 8: Predicted noise levels from BESS operations. Source: SLR Noise Assessment.

73. With the use of the noise barriers and silencing treatments the assessment demonstrates that the facility will comply with the relevant noise limits during the day, evening and night periods. Given compliance is achieved, the noise effects of the project are considered acceptable.
74. A condition has been included on the permit requiring the proponent to prepare an updated predictive noise assessment which models the final design and components of the facility against the Noise Protocol, prior to the endorsement of plans. This will ensure that any noise mitigation measures required to achieve the noise limits are shown on the endorsed plans.
75. The Victorian Environment Protection Authority (EPA) will be responsible for enforcing the project's compliance with the Noise Protocol in accordance with the EP Regulations under the EP Act. As such, operational noise conditions have not been included on the permit.

Landscape and Visual Impact

76. 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.
77. DTP notes that the planning policies of the FZ and PPF do not specifically require the consideration or protection of views from private properties, as affirmed in *Dance vs Colac Otway SC* [2024] VCAT 443 and numerous other tribunal decisions.
78. The application is supported by a Landscape and Visual Impact Assessment (LVIA) prepared by Aurecon which identifies the site as being in a Pastoral Plains landscape area and assesses the impacts of the project from the following viewpoints:
- Three locations on Tower Hill Road, both east and west of the site
 - Two locations on Conns Lane, south of the site
 - One location on Storey Road, southeast of the site
79. The most affected viewpoints from the project will be from the east on Tower Hill Road and the south on Conns Lane which were rated as 'moderate' change in the LVIA. Figures 9 and 10 below show photomontages of the proposal from Tower Hill Road and Conns Lane:



Figure 9: Photomontage of the proposed facility viewed from the east on Tower Hill Road. Source: Page 29 of the LVIA.



Figure 10: Photomontage of the proposed facility from the south on Conns Lane. Source: Page 32 on the LVIA.

80. From the west, views to the facility will be minimal due to the rise and fall of the land and the existing power station.
81. The LVIA recommended the following measures be implemented to mitigate the visual impacts of the project, which have not been incorporated into the current design of the facility:
- Considered use of materials selection to mitigate the appearance of bulky structures (particularly the noise walls), including the use of soft green colourings;
 - Vegetation screening along the eastern and south edges of the noise walls (subject to fire separation distances);
 - Planting of the retention basins; and,
 - Offsite landscaping at 641 and 651 Tower Hill Road and 332-334 Conns Lane.
82. DTP generally supports the recommendations of the LVIA (and Warrnambool Shire Council in their submission) that the use of landscape screening, materials selection and general planting across the site will assist in tempering the visual impacts of the project to an acceptable level. Conditions have been included in the recommendation requiring landscape screening along the southern and eastern boundaries of the noise walls, green/soft materials selection and a landscape plan for the facility.
83. However, the permit conditions will not require offsite landscaping to block views from private properties, as the planning scheme does not seek to protect these views as explained above. It is noted that the proponent will still be able to provide offsite landscaping at those locations (if desired) and can deliver this outside of the planning process in consultation with the affected landowners as it will not require a planning permit.
84. Overall, it is considered that the proposed facility will have low to moderate visual impacts, and with the conditions, is considered acceptable on balance with the benefits of the provision of an energy storage facility that is well located adjacent to the existing substation.

Traffic and Transport

85. Clause 18.01-1S, clause 18.02-4S, the FZ and clause 65.02 all require consideration of access and traffic impacts relating to the proposed use and development.



86. The application is supported by a Traffic Impact Assessment (TIA) prepared by Aurecon and dated 3 February 2026.
87. The facility is proposed to be accessed from two access points; one on Tower Hill Road and one on Conns Lane, both of which are local roads.
88. During construction, it is anticipated that up to 50 workers and six heavy vehicles will access the site per day. Construction worker vehicles are expected to primarily come from Warrnambool, Koroit or Port Fairy while heavy vehicles may also come from Melbourne or Geelong and will access the site from Tower Hill Road.
89. During the operation of the facility, it is anticipated that there will be a maximum of six vehicles accessing the site per day for maintenance and potential troubleshooting activities.
90. The TIA outlines that the existing road network can generally accommodate the increase in traffic movements from the construction and operation of the facility, but recommended that:
- The Tower Hill Road / Conns Lane intersection may require temporary widening to allow for B-Double vehicle to turn during construction (if required);
 - Sight distance checks at the Tower Hill Road / Conns Lane intersection will be required during detailed design; and,
 - A Traffic Management Plan (TMP) should be prepared and implemented during construction to accommodate the above recommendations.
91. In their submission, Moyne Shire Council raised concern with the existing sightlines at the Tower Hill Road / Conns Lane intersection and that the traffic generated from the construction of the project could further impact road safety at the intersection, with a potential need to impose a speed restriction during the construction phase of the project. The Council recommended that the proponent conduct a Road Safety Assessment (RSA) of the intersection to determine the appropriate treatments/upgrades required.
92. Notice of the application was also given to the Head, Transport for Victoria and the Warrnambool Shire Council, neither of whom raised any concerns nor provided recommendations on traffic matters.
93. The recommendations of the TIA and the Moyne Shire Council are supported and conditions have been included on the recommendation requiring:
- The preparation of a TMP, in consultation with Moyne and Warrnambool Shire Council and the Head, Transport for Victoria and to the satisfaction of the Minister for Planning.
 - A Road Safety Assessment of the Tower Hill Road / Conns Lane intersection to confirm the treatments required at the intersection.
 - All road upgrades to be completed at the cost of the proponent and prior to the commencement of construction.

Hydrology

94. Clause 12.03 (Water Bodies and Wetlands), Clause 13 (Environmental Risks and Amenity) and Clause 14 (Natural Resource Management) all seek the consideration of the hydrological impacts of the project.
95. There is an ephemeral, un-named, degraded and eroded drainage line (classified as a designated waterway under the *Water Act 1989*) that runs south through the site, starting near the eastern boundary, then flowing inwards towards the centre-south of the site and ultimately connecting to the Merri River via Yangery Creek.



Figure 11: Photo of the drainage line condition, Aurecon 2024.

96. The application seeks approval for the following works in relation to the drainage line:

- Relocation of the drainage line in the southern half of the site (so that it continues running along the eastern boundary) and to decommission the existing farm dam; and,
- Buildings and works for the construction of the BESS infrastructure (including noise walls) set back approximately 10m – 25m from the drainage line.



Figure 12: Proposed relocation of the southern part of the drainage line shown in blue. Source: Advertised documents.

97. Resultingly, a permit is triggered at Clause 35.07-4 for earthworks which change the rate of flow or the discharge point of water across a property boundary and for the construction of a building set back less than 100m from a waterway.

98. DTP notes that a Works on Waterways permit will also be required from the Glenelg Hopkins CMA for the relocation of the drainage line.
99. The application is supported by a Surface Water and Groundwater Assessment prepared by Aurecon and dated 4 February 2026.
100. The Surface Water and Groundwater Assessment found that in a 1% Annual Exceedance Probability (AEP) flood event within the site, flows may extend beyond the existing drainage line and pond near the proposed noise walls in some locations.
101. Notice of the application was given to the Glenelg Hopkins CMA who outlined that:
- They do not have any detailed flood information available at this location; and,
 - Recommended that the development be located to be more than 50m from the drainage line, as per the policy guidance at clause 12.03-1S.
102. In response to the CMA's recommendations, the proponent has outlined that they are unable to adopt a 50m setback to the waterway due to the constraints of the site. The effect of 50m setback is shown in red hatch on the image below and would result in the removal of a considerable portion of the BESS:



Figure 13: Red hatched area shows the impact of a 50m setback to the drainage line.

103. Further, the proponent submits that:
- The development has avoided the footprint of the surveyed watercourse easement to avoid altering or blocking the passage of water;
 - No construction activities will happen within the existing watercourse, and a buffer or at least 4m will be maintained during the construction of the project;
 - The BESS containers have been sited as far from the drainage line as possible, noting that the site is also constrained by other important considerations such as the existing transmission line, noise mitigation measures, bushfire requirements and the protection of cultural heritage values; and,
 - The drainage line and farm dam do not support any fauna species due to significant degradation from cattle.
104. DTP submits that the proposed works near the drainage line and the relocation of the southern part of the drainage line and farm dam on the site are acceptable, given that poor condition of the drainage line and dam and that they do not support any fauna species.



105. To ensure that stormwater flows during a 1% AEP event are appropriately managed so that water does not pool near the BESS and associated infrastructure, conditions have been included on the recommendation requiring:

- A CEMP to be implemented during construction, including measures to manage waste and spoil on site and the avoidance of impacts in the waterway; and,
- Stormwater Management Plan to manage drainage during and after construction.

Biodiversity

106. Clause 12.01-1S (Protection of biodiversity) and clause 12.01-1L (Warrnambool biodiversity) seek to protect and enhance Victoria's biodiversity.

107. The application is supported by an ecological assessment prepared by Aurecon which outlines that:

- The site does not support any patches of native vegetation, remnant trees or significant habitat features that are considered to support threatened species. As such permit is not triggered by clause 52.17 (Native vegetation).
- No EPBC Act or FFG Act listed threatened flora species are present on the site and no threatened flora species are likely to occur within the site based on previous ground disturbance.
- No EPBC Act or FFG Act listed threatened fauna species were recorded within the site.
- One threatened fauna species, being the Blue-winged Parrot was identified in the likelihood of occurrence analysis to have a moderate likelihood of occurrence in the site given the presence of suitable habitat. However, it was considered that whilst the species may opportunistically visit the area to forage, the species is not considered to depend on the degraded habitat within the site. As such, the project will have a negligible impact on Blue-winged Parrot.

108. Overall, it is considered that the project will not have any unreasonable impacts on the biodiversity of the local area and is supported, subject to a condition requiring a construction environment management plan (CEMP) to be prepared prior to the commencement of works, to ensure construction impacts are appropriately managed.

Social and Economic Effects

109. 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.

110. The project will contribute to the local economy by creating approximately 125 direct and indirect jobs in the construction period and up to three permanent positions during operations, meeting the objectives of clause 17.01-1S. Additionally, the proponent has committed to a benefit sharing program of up to \$30k each year in collaboration with local stakeholders to support initiatives which contribute to the delivery of renewable energy projects.

111. It is considered that, on balance, the proposal achieves a net community benefit when balanced with its other social, economic and environmental outcomes.

Decommissioning

112. Objectors raised concern that the future decommissioning of the project being completed inadequately (or not at all) causing environmental damage.

113. The future decommissioning of the proposed facility can be adequately managed 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 Victorian and Commonwealth legislation

- 114. The subject of this report is the assessment of the project under the PE Act.
- 115. The table at Attachment 1 of this report provides an overview of the project's key approval and assessment requirements under other Victorian and Commonwealth legislation.



Recommendation

116. The proposal has been considered against the matters at section 60 of the PE Act, is consistent with the relevant planning policies of the Warrnambool Planning Scheme and will contribute to the provision of energy storage.
117. The proposal is supported by the various referral agencies, subject to conditions which have been included in the recommendation.
118. It is recommended that planning permit PA2604211 for the Yangery BESS project (as described in this report) be issued under delegation from the Minister for Planning, subject to conditions.
119. It is recommended that the following stakeholders be notified of the above decision in writing:
 - Permit applicant
 - Warrnambool Shire Council
 - Objectors
 - All submitters, including the following agency submitters:
 - CFA
 - Head, Transport for Victoria
 - Glenelg Hopkins CMA
 - Moyne Shire Council
 - Referral authorities:
 - 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.

Name:**Title:****Reviewed by:**

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Name:**Title:****Approved by:**

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Name:**Title:**

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 assessment submitted with the application confirmed that there are no EPBC threatened species recorded in the project area and the project will not have implications under the EPBC Act.
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 (DTP 2023) outlines the criteria for referring a project to the Victorian Minister for Planning who will determine if an EES is required. The proponent has outlined that the project does not meet any of the referral criteria and they have not referred the project to the Minister under the EE Act.</i>
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. The subject site includes areas of Aboriginal cultural heritage sensitivity, and a mandatory Cultural Heritage Management Plan (CHMP) is required. CHMP 20179 was approved on 30 June 2026. The application is consistent with the activity described in the CHMP.
Flora and Fauna Guarantee Act 1988 (FFG 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 ecology assessment submitted with the application confirms that no threaten species were recorded in the project area and thus an FFG permit is not required for the project.
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</i>

Act	Discussion
	<i>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 expected to store up to 120 MW of electricity, enough to power approximately 42,000 households for a 4-hour discharge cycle, 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 been assessed in a manner that is compatible with the human rights identified in the Charter.
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 assessment of this planning application has had regard to the transport system objectives and decision making principals of the TI Act.



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of Transport
and Planning