Planning and Environment
Interim Regulations 2026

Regulation 22

Form 4

PLANNING PERMIT

Permit No.:	PA2604211
Planning scheme:	Warrnambool Planning Scheme
Responsible authority:	Minister for Planning
Address of the land:	689 and 703 Tower Hill Road, Yangery, VIC 3283 (Lot 1 on PS601769G and Lot 1 on TP591482)

THE PERMIT ALLOWS:

Planning scheme clause	Matter for which the permit has been granted
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 business identification signs.

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 starts, amended plans must be approved and endorsed by the responsible authority. The development plans must be fully dimensioned and drawn to scale. The plans must be generally in accordance with the plans prepared by EHV Consulting and Design, titled ‘Yangery

Date of issue: 27 July 2026 **Signature for the responsible authority:**

K. Morton

BESS 120MW Collector Station and BESS’, dated between 22/04/2025 and 8/12/2025 and advertised with the application, but modified to include:

a) Detailed, fully dimensioned location / site layout, floor, elevation and other typical detail plans (including the specifications, model, dimensions and materials) of the battery units and all proposed buildings and works including internal separation setbacks and battery models, to demonstrate compliance with *CFA’s Guidelines and Model Requirements for Renewable Energy Facilities* (latest version).

b) The maximum height of all infrastructure (in Australian Height Datum (AHD). The maximum height of all infrastructure (including lightning poles) must not exceed 100m AHD.

c) A lighting plan outlining details of all proposed lighting. All lighting must be baffled to restrict upwards light spill and be selected in consultation with the Warrnambool Shire Council (the owner of the Warrnambool Regional Airport).

d) The location and elevations of the business identification signs. The total display area of both signs must not exceed $3m^2$.

e) Landscaping vegetation buffer treatments along the southern and eastern elevations of the noise walls to reduce the visual impact of the facility when viewed from Tower Hill Road and Conns Lane.

f) A schedule of materials and finishes for all buildings and works. The colours and finishes of the noise walls should consider the use of soft, natural and green finishes in keeping with the natural colours of the landscape to the satisfaction of the responsible authority.

g) All stormwater treatment measures outlined in the Drainage and Stormwater Management Plan required by condition 13 of this permit.

h) Any changes required to comply with EPA Publication 1826.5 *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*.

Written consent to modify endorsed plans

4. The use and development must be generally in accordance with the plans and documents approved and endorsed under this permit. The use and development as shown on the endorsed plans must not be altered or modified (unless the Warrnambool 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.

Landscaping Plan

6. Before the development starts, a landscaping plan must be approved and endorsed by the responsible authority and must include:

a) Landscaping vegetation buffer treatments along the southern and eastern elevations of the noise walls to reduce the visual impact of the facility when viewed from Tower Hill Road and Conns Lane.

b) Details (including type, location, species and height at maturity) of all vegetation buffers.

c) A schedule for the implementation of landscaping works.

d) A maintenance and monitoring program to ensure the ongoing health of landscaping and the replacement of dead or diseased plants.

e) Any changes required to comply with any other condition of this permit.

Advertising Signage

7. The signs must not be illuminated/animated or contain any flashing or intermittent light.
8. The signs must only contain an advertisement which provides or supplies information relating to the business conducted on the land as described in this permit or as shown on the endorsed plans.
9. The signs, including the structure and content, must be constructed and maintained to the satisfaction of the responsible authority.

Construction Environmental Management Plan (CEMP)

10. Before the 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 waste and spoil.
    c) Procedures to minimise impacts to the designated waterway on the site.
    d) Procedures to manage construction noise and vibration in accordance with the requirements of the Civil construction, building and demolition guide (EPA Publication 1834).
    e) Procedures to manage mud and debris on the surrounding road network which may occur during construction.
    f) Procedures to remove temporary works, plant, equipment, buildings and staging areas, and reinstate the affected parts of the land, when construction is complete.
    g) A construction timetable, including typical daily start and end times.
    h) Details of the person(s) responsible for implementation and compliance of each of the CEMP requirements including details of a site contact / site manager.
    i) Measures to protect vegetation proposed to be retained during construction works. These measures must:
        a) Include the erection of native vegetation protection fencing around all native vegetation to be retained within 30 metres of works (including tree protection zones), to the satisfaction of the responsible authority.
        b) Comply with Australian Standard 4970 Protection of Trees on Development Sites.
11. All persons undertaking works on-site must be fully briefed on all aspects and requirements of the endorsed CEMP.

Operational Environmental Management Plan

12. Before the use commences, or as otherwise agreed to in writing by the Responsible Authority, an Operational Environmental Management Plan (OEMP) must be approved and endorsed by the responsible authority.

    The OEMP must:

    a) Include measures to avoid and minimise amenity and environmental impacts during the operation of the energy facility, including measures to minimise impacts to the designated waterway on the site.
    b) Include design measures and / or procedures to manage dust, odour, light spill, mud, flood, surface water quality and stormwater run-off.

Date of issue: 27 July 2026 **Signature for the responsible authority:** K. Morton

c) Include response measures to environmental incidents, including a program for recording and reporting environmental incidents.

d) Include organisational responsibilities, and procedures for staff training and communication.

Drainage and Stormwater Management Plan

13. Before the endorsement of plans under condition 3 of this permit, a Drainage and Stormwater Management Plan (DSWMP) must be approved and endorsed by the responsible authority.

    The DSWMP must:

    a) 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.
    b) Include details of how the drainage design affects the continuation of existing overland flow paths and flood patterns across the land.
    c) Demonstrate how the design of the facility will avoid the risk of water pooling at the BESS in the scenario of a 1% Annual Exceedance Probability (AEP) flood event within the site.
    d) Detail all proposed changes to the waterway on the site.
    e) Assess impacts on on-site infiltration and surface water quality, including adjacent land and waterways, specifically the site's south-eastern designated waterway.
    f) Include details about how polluted or contaminated runoff is to be managed.
    g) Be approved by the Warrnambool Shire Council prior to submission to the responsible authority.

Light Spill Management

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

Predictive Noise Assessment

15. 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 1826.5.
    b) Demonstrate compliance of the proposal with EPA Publication 1826.5.
    c) Include details of any mitigation measures that will be implemented to achieve compliance with EPA Publication 1826.5.
16. All measures relied on to achieve compliance with EPA Publication 1826.5 must be shown on the development plans under condition 3 and implemented to the satisfaction of the responsible authority.
17. The Predictive Noise Assessment must be made available to the public upon request.

Traffic Management Plan

18. Before the development starts, a Traffic Management Plan (TMP) must be prepared, submitted to, approved and endorsed by the responsible authority. The TMP must:
    a) Be prepared by a suitably qualified and experienced civil or traffic engineer.
    b) Be prepared in consultation with Moyne Shire Council, Warrnambool Shire Council and the Head, Transport for Victoria, prior to submission to the responsible authority.

c) Specify measures to be taken to manage traffic impacts associated with the construction and operation of the facility.

d) Include a Road Safety Assessment (RSA) of the Tower Hill Road / Conns Lane intersection to confirm the traffic management treatments required at the intersection.

e) 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.

f) Include details of any proposed modifications or upgrades to existing roads that will be required before, during and after construction.

g) Include a program to inspect, maintain and (where required) repair public roads used by construction traffic.

19. Prior to works commencing, all roadworks, modifications and upgrades identified in the approved TMP must be completed at the cost of the permit holder and to the satisfaction of the relevant road relevant road authority (or authorities).

20. The endorsed TMP must be implemented to the satisfaction of the responsible authority and relevant road management authorities.

21. 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.

Complaint Investigation and Response Plan

22. Before development starts, a Complaint Investigation and Response Plan (CIRP) must be submitted to, approved and endorsed by the responsible authority.

    The CIRP must:

    a) Respond to all aspects of the construction and operation of the facility.

    b) Be prepared in accordance with Australian Standard 10002 Guidelines for complaint management in organisations.

    c) Include a process to investigate and resolve complaints (different processes may be required for different types of complaints).

Complaints Register

23. Before the development starts, a Complaints Register must be established which records:

    a) The complainant's name and address.

    b) A receipt number for each complaint, which must be communicated to the complainant.

    c) The time and date of the incident, and operational conditions at the time of the incident.

    d) A description of the complainant's concerns.

    e) The process for investigating the complaint, and the outcome of the investigation, including the actions taken to resolve the complaint.

24. All complaints received must be recorded in the Complaints Register.

25. A complete copy of the Complaints Register must be provided, along with a reference map of complaint locations, to the responsible authority on each anniversary of the date of this permit and at other times upon request.

Emergency services

26. Before the development starts, the permit holder must provide spatial information data to Land Use Victoria via email 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 site compound, substations, maintenance facilities.
27. 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 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

28. Once the facility permanently ceases operation, the responsible authority and Warrnambool Shire Council must be notified within three months.
29. 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 general 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.
30. 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, structures and signs 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 29.
    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.
31. The endorsed DMP must be implemented to the satisfaction of the responsible authority.

Notification of works commencing

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

WorkSafe conditions (s55 determining referral authority)

Date of issue: 27 July 2026 **Signature for the responsible authority:**

K. Morton

33. The Risk Management Plan must be updated once the battery supplier and layout have been finalised to confirm the requirements of the CFA Guidelines are met, and to the satisfaction of the CFA’s Dangerous Goods Unit, prior to BESS arrival on site.

34. A Fire Management Plan and an Emergency Response Plan must be developed in line with the CFA Guidelines, conducted by a suitably competent person and to the satisfaction of the CFA’s Dangerous Goods Unit, prior to commissioning and operation.

Country Fire Authority (CFA) conditions (not a referral authority)

35. 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 Design Guidelines and Model Requirements for Renewable Energy Facilities (newest version at time of submitting plan for endorsement), and:

    a) Describe the risks and hazards at the facility to and from the battery energy storage system and related infrastructure.

    b) Describe the risk controls for the facility, including:

        1. Dedicated fire water supplies for the battery energy storage system:

            a) Of a quantity no less than 576kL effective capacity (40L/s for four hours), to the satisfaction of CFA.

            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.

        2. A fire hydrant system provided in accordance with the CFA Guidelines and AS 2419.1-2021: Fire hydrant installations, to the satisfaction of CFA.

        3. The separation distance:

            a) Of no less than 3m between battery containers/enclosures to adjacent battery containers/enclosures, to the side with the battery module access doors.

            b) Of battery containers/enclosures and related battery infrastructure, buildings/structures, and vegetation based on radiant heat flux (output) as an ignition source.

        4. The management of on- and off-site hazards and risks at the facility, including:

            a) All proposed battery energy storage system safety and protective systems.

            b) For the storage of battery energy storage system enclosures/containers on-site, prior to their installation, for any length of time.

            c) A copy or 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.

    d) Where noise/acoustic barriers are proposed on three or more sides, include consequence modelling and assessment of toxic and flammable gas releases, taking into account the proposed position of acoustic barriers, to the satisfaction of CFA.

c) Provide an evidence-based determination of the effectiveness of the risk controls against the identified hazards, including justification for the omission of any safety and protective system/s.

d) Specify that planning for decommissioning of the facility will be in consultation with CFA.

e) Form the basis for the design of the facility.

36. 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 Design Guidelines and Model Requirements for Renewable Energy Facilities (newest version at time of submitting plan for endorsement).

37. Before the use commences, all fire protection measures shown on the endorsed plans (including separation distances, emergency vehicle access, firefighting water supply and equipment, and fire breaks) must be implemented. Fire protection measures must be maintained on a continuing basis for the life of the permit, to the satisfaction of the responsible authority.

38. Any future battery energy storage systems proposed for this development must be designed in accordance the CFA Design Guidelines and Model Requirements for Renewable Energy Facilities (newest version at time of detailed design), to the satisfaction of CFA.

Expiry

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

    - The development is not started within 3 years of the date of this permit.
    - The development is not completed within 6 years of the date of this permit.
    - The use has not commenced within 3 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:

- A Designated Waterway passes through the property. Any future works in, on or around a designated waterway require a licence from the Glenelg Hopkins CMA. Please visit their website at www.ghcma.vic.gov.au for more information.

Date of issue: 27 July 2026 **Signature for the responsible authority:**

K. Morton

Planning and Environment
Interim Regulations 2026

Regulation 22

Form 4

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 if no time is specified, within 3 years after the issue of 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 5 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 3 years after the issue of the permit; or
   - the use is discontinued for a period of 3 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 if no time is specified, within 3 years after the issue of 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 5 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 3 years after the completion of the development; or
   - the use is discontinued for a period of 3 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.

Date of issue: 27 July 2026 **Signature for the responsible authority:**

K. Morton