Energy Assessment
PA2604203

Gippsland BESS

Officer Assessment

VICTORIA State Government | Department of Transport and Planning

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Executive Summary

Key Information	Details		
Application No:	PA2604203		
Received:	30 January 2026		
Statutory Days:	86		
Applicant:	EE Australia c/- PlaceX Pty Ltd		
Planning Scheme:	Latrobe		
Land Address:	Private Land – Tramway Road, Hazelwood, VIC (Lot 1, TP383784H) – 530 Tramway Road, Hazelwood North (Crown Allotment 2G Section A Parish of Hazelwood, Vol 10294, Fol 910) – Hazelwood Terminal Station Road Reserve – Tramway Road		
Proposal:	The proposed Gippsland BESS has a storage capacity of up to 600MW / 1,200 or 2,400MWh and includes the following elements: – BESS containers, power converters and transformer kiosks – Associated infrastructure including on-site substation and switch rooms – New 500 kV underground transmission line connecting to the existing Hazelwood Terminal Station – Permanent O&M building and warehouse (storage shed) – Associated infrastructure including access tracks, water tanks, fire fighting infrastructure, water retention pond and car parking, – Removal of 0.018ha of native vegetation (intermediate pathway) – Proposed vehicle access point from Tramway Road		
Permit preamble:	Use and development of a utility installation, associated buildings and works, creation of road access in a Transport Zone 2, and removal of native vegetation.		
Development Value:	$400 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.

Key Information	Details		
	Clause 36.04-1	Transport Zone (TRZ)	Use of land for a utility installation (transmission line).
	Clause 36.04-2		Construct a building or construct or carry out works for any use in section 2 of clause 36.04-1 (transmission line).
	Clause 37.01-4	Special Use Zone – Schedule 1 (SUZ1)	Construct a building or construct or carry out works for utility installation.
Particular Provisions:	Clause 52.17-1	Native vegetation	Remove, destroy or lop native vegetation.
	Clause 52.06	Car parking	Car parking to the satisfaction of the responsible authority.
	Clause 52.29-2	Land adjacent to the Principal Road Network	Create or alter access to a road in the Transport 2 Zone.
Cultural Heritage:	The site is partially within an area of Aboriginal cultural heritage sensitivity. Voluntary Cultural Heritage Management Plan (CHMP) 20412 has been approved by Gunaikurnai Land and Waters Aboriginal Corporation on 18 March 2026.		
Referral Authorities:	WorkSafe Victoria (s55 determining) AusNet (s55 - determining) DEECA – Earth Resources Regulator (s55 - determining) Head, Transport for Victoria (s55- determining)		
Advice Sought:	DEECA – Planning and Environment Assessment (native vegetation exemption)		
Public Notice (s52):	Notice of the application under section 52 of the Act was required. 4 submissions (including 1 submission in favour) and 1 objection have been received as of 30/10/2026. Submissions were received from the following agencies: - Country Fire Authority (CFA) - West Gippsland Catchment Management Authority (CMA) - Gippsland Water No submission was received from Latrobe City Council.		
Delegation:	Approval to determine under delegation received on 19 October 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	30 January 2026
Further information requested	27 February 2026
Further information received	20 April 2026 (but satisfied on 13 August 2026)
Section 50 Amendment	30 July 2026
Public notice (section 52)	19 August 2026 – 16 September 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 Accent Environmental, titled 'Gippsland BESS' and dated ranging from 16/01/2026 to 27/07/2026 and advertised with the application.
- Certificate of Title, produced 22/01/2026.
- Ecology Assessment, prepared by ID Ecological Management Aurecon, Rev 3.5, dated 27/07/2026.
- Traffic Impact Assessment, prepared by Amber Traffic and Transportation Direction, Rev C, dated 24/07/2026.
- Noise Impact Assessment, prepared by WSP, Rev C, dated 19/6/2026.
- Landscape Character and Visual Impact Assessment prepared by Accent Environmental, dated 28/07/2026.
- Risk Management Plan (including Bushfire Hazard Assessment) prepared by Fire Risk Consultants, Rev V2.4, dated 24/07/2026.
- Surface Water Assessment, prepared by Water Technology, Version 5, dated 11/09/2026.
- Agricultural Assessment, prepared by Ag-Challenge Consulting Pty Ltd and dated July 2026.
- Application form received 28/01/2026.
- Planning report prepared by Accent Environmental, Rev 1, dated 30/07/2026.
- Head, Transport for Victoria Consent Letter, dated 3 March 2026.

Proposal

3. The application proposes the use and development of a 600-megawatt (MW) battery energy storage system (BESS), including the following components:
    - Battery containers (x 336) and power converters (x 168), configured in four rows
    - BESS transformer kiosks (x 8) and harmonic filters
    - Substation positioned to southwest of the BESS facility.
    - Permanent operations and maintenance building, switchgear and control rooms and a storage warehouse of spare parts and equipment
    - Retention pond situated to the north of substation to capture of runoff from BESS facility
    - Water tanks for fire hydrants and internal tracks
    - Site access arrangements, including one new vehicle access point, located on the north-eastern corner of site on Tramway Road.
    - New 500kV underground cable connection between the proposed substation and existing Hazelwood Terminal Station situated on opposite side of Tramway Road.
    - Car park located to the north of the BESS facility comprising 14 spaces including two disabled parking spaces.
    - Removal of 0.018 hectares (ha) of native vegetation.
4. The BESS facility area is sited entirely outside of the area of Aboriginal cultural sensitivity around Bennetts Creek, which is also riparian zone of the creek subject to potential flooding.
5. The underground cable connecting to the Hazelwood Terminal station will traverse beneath the area of cultural heritage sensitivity surrounding the Bennetts Creek. The underground cable will use horizontal direction drilling (HDD) and will therefore avoid disturbance to this area as confirmed in the approved voluntary cultural heritage management plan (CHMP 20412).
6. The BESS facility is to be positioned to the east of the site away from Tramway Road with the following setbacks:
    - Western boundary (Tramway Road): 314 metres (m) to substation and 426 m to BESS facility
    - Northern boundary: 111 m
    - Southern boundary: 0 m with the perimeter boundary fencing
    - Eastern boundary: 9 m from the perimeter fencing
7. The applicant has provided the following concept plans of the proposal:

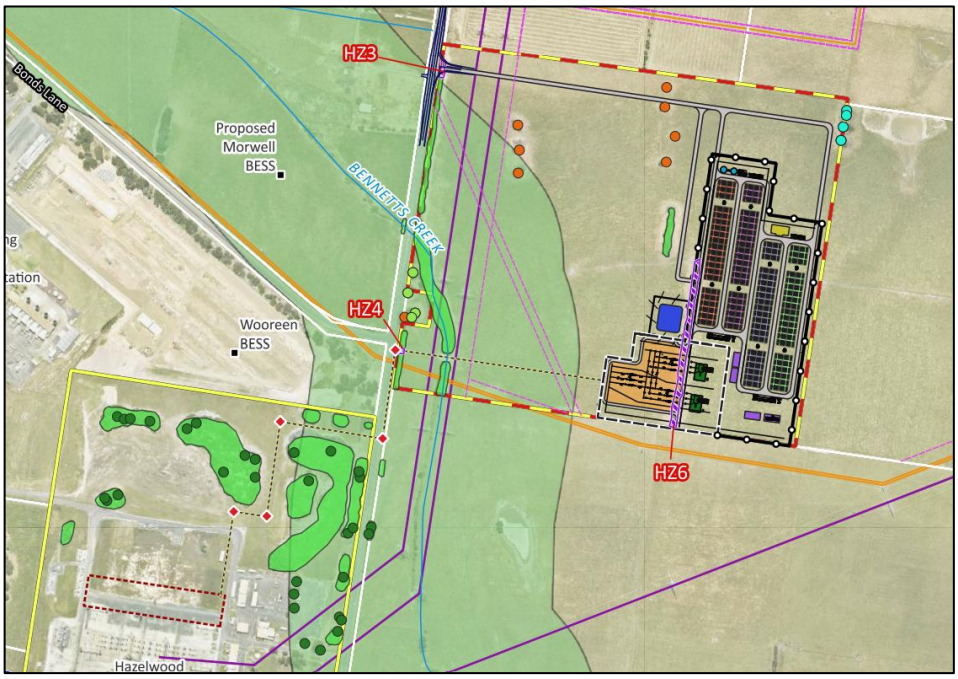


Figure 1: *Proposed Gippsland BESS indicative site plan. Source: Decision Plans.*

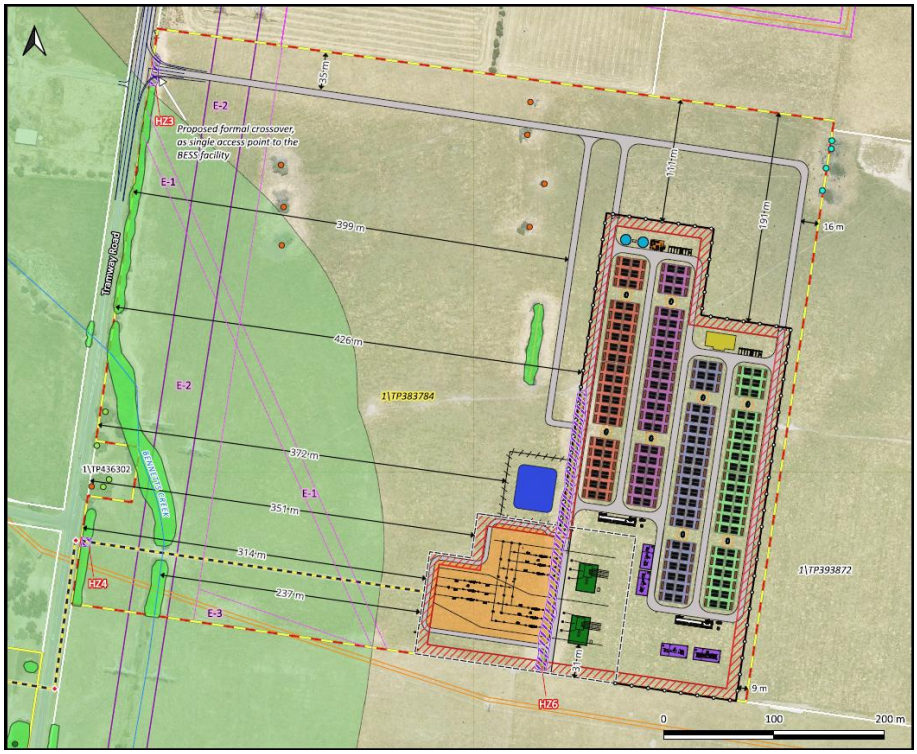


Figure 2: *Proposed layout of BESS units in red, green, purple and blue. Substation shown in orange. Source: Decision Plans.*

Subject Site and Surrounds

Site Description

8. The site is located in the locality of Hazelwood North, in Latrobe City Council, in Gippsland's Latrobe Valley. The site is approximately 5 km south of Morwell and 130 km east of Melbourne.

9. The subject site is formally described as compromising the following land parcels:
   - Lot 1, TP383784H, Vol 6470, Fol 870 - Tramway Road, Hazelwood North (BESS site)
   - Crown Allotment 2G Section A Parish of Hazelwood, Vol 10294, Fol 910 - 530 Tramway Road, Hazelwood North (Hazelwood Terminal Station)
   - Tramway Road
10. The BESS site comprises approx. 33 ha of private agricultural land in Hazelwood. The site has historically been used for agricultural stock grazing with sparse trees across the site.
11. The site topography slopes upwards from the road frontage to the rear gradually.
12. There are two high voltage 500kV overhead electricity transmission lines that run along the road frontage of the BESS site between Hazelwood Terminal Station and South Morang Terminal Station. These are contained within easement E-2.
13. Another set of high voltage, 66 kV overhead electricity transmission lines run parallel along Bonds Lane and intersect the BESS site within easement E-3.
14. The BESS site is located in the Farming Zone (FZ) and is encumbered by the State Resource Overlay – Schedule 1 (SRO1).
15. The proposed 550kV underground cable route will transverse road reserve within Tramway Road (Transport Zone 2).
16. The Hazelwood Terminal Station is located within Special Use Zone – Schedule 1 (SUZ1), is partially affected by the Specific Controls Overlay (SCO3) and Bushfire Management Overlay (BMO) and is wholly affected by SRO1. The proposed transmission line is only located within the SRO1.
17. The Hazelwood Terminal Station is operated by AusNet and includes a range of energy transmission infrastructure and equipment, perimeter fencing and planting vegetation screening views from Tramway Road, with a number of high voltage overhead transmission lines crossing into the site from the east and west.
18. There is an area of Aboriginal Cultural Heritage Sensitivity (CHS) within the site that a surrounds Bennetts Creek. The proposed works do not affect the area of CHS with the exception of the underground transmission cable which is discussed in the assessment section.
19. The site located within a Bushfire Prone Area (BPA).
20. There are easement(s) on the BESS site and Hazelwood Terminal Station, as follows:
   - Easements E1, E2, E3 and E4 on BESS site represents electricity easements running north-west to south-east direction and partially along the southern boundary.
   - Easement E1 on Hazelwood Terminal Station represents an electricity easement running east to west direction.
21. There are no covenants or restrictions on the title that would prohibit the proposed use or development of the land for a utility installation.

Site Surrounds

22. The subject site is situated within an area predominantly used and developed for industrial and farming purposes.
23. Several farm dwellings are scattered throughout the surrounding area.
24. The site is located approximately 5km south of Morwell, 4 km north of Churchill and 4km north of Hazelwood North rural living precinct.
25. The site is within the Gippsland Renewable Energy Zone (REZ) declared under Section 63 of the National Electricity (Victoria) Act 2005.
26. The surrounding area contains other energy generation and storage projects that are either proposed, approved or operating. Figure 3 shows there are six BESS projects within 3.5 km of the site including:
   - Morwell BESS (approved) (~19 m west)
   - Bennetts Creek BESS (approved) (~1.10 km north-west)

- Wooreen BESS (under construction) (~ 20 m west)
- Tramway Road BESS (approved) (~1.25 km south)
- Latrobe Valley BESS (operational) (~1.7 km north-west)
- Hazelwood BESS (operational) (~3.5 km west)

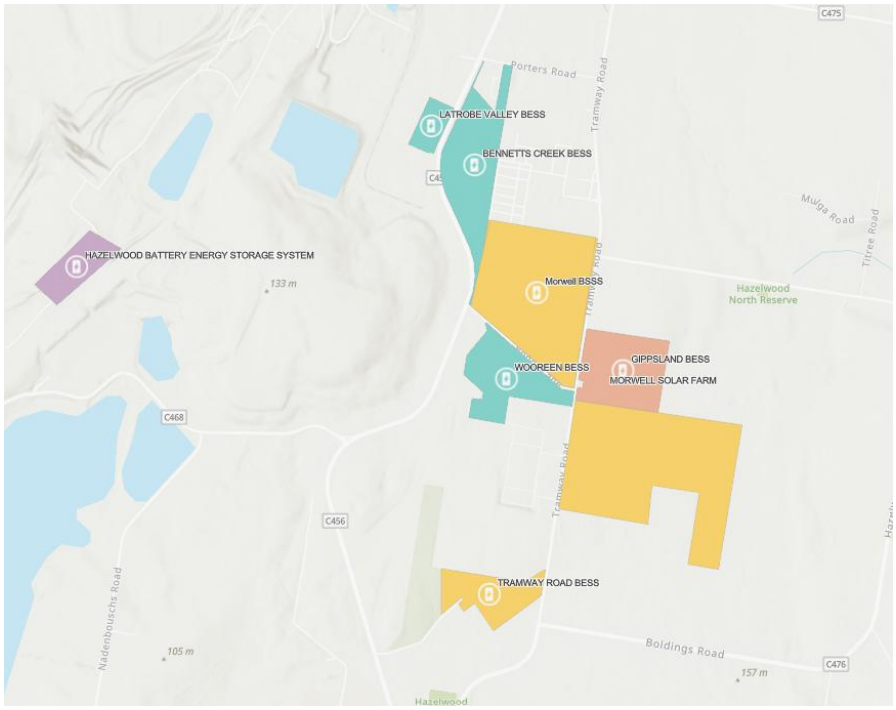


Figure 3: *Map showing surrounding renewable energy and BESS projects. Source: Renewables Summary.*

27. There are six additional energy projects within 20 km of the site including:
    - Hazelwood North Solar Farm (approved)
    - Delburn Wind Farm (approved)
    - Gippsland Offshore Wind Transmission project (planned)
    - Marinus Link (approved)
    - Morwell Peaking Gas Facility (under construction)
    - Jeeralang A and B Power Station (operational)

28. A site inspection of the subject site and surrounds was undertaken on 5 May 2026. Images of the site and surrounds are shown in Figures 4-7.



Figure 4: *View of the site looking east. Photo taken from Tramway Road on 5 May 2026.*



Figure 5*: View of the site looking south. Photo taken from Tramway Road on 5 May 2026.*



Figure 6: *View of the site from intersection of Bonds Lane and Tramway Road. Photo taken 5 May 2026.*



Figure 7*: View of existing Hazelwood Terminal Station. Photo taken on 5 May 2026.*

Referrals

29. 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	Clause	Response Date	Response	DTP Assessment
WorkSafe Victoria	Determining	66.02-7 – To use land for a utility installation if the fire protection quantity exceeds under the Dangerous Goods (Storage and Handling) Regulations 2022.	24/3/2026	No objection subject to conditions requiring: – The applicant to undertake detailed smoke and gas consequence analysis and consider potential toxic and flammable gas generation and inform relevant management plans. – A Risk Management Plan and development designs must be updated once the battery supplier has been finalised to confirm the requirements of the CFA Guidelines are met. – The development of a Fire Management Plan and Emergency Plan in line with the CFA Guidelines, to the satisfaction of CFA, prior to commissioning and operation.	These conditions have been included in the recommendation.
AusNet	Determining	66.02-4 – To construct a building or construct or carry out works on land within 60m of a major electricity line (220 kV or more) or an electricity transmission easement.	10/3/2026	No objection subject to conditions requiring: – Details of the underground 500kV must be submitted and approved in writing by AusNet. – Access tracks undercrossing the existing transmission lines must maintain 10.5m in vertical clearance. – Vehicle and equipment exceeding 3m maximum operating height not permitted on the easement without prior approval from AusNet. – Cleaning, washing down, or maintenance of large	These conditions have been included in the recommendation, with minor modifications where necessary.

Organisation	Referral Type	Clause	Response Date	Response	DTP Assessment
				vehicles must not occur within the easement. – Fueling or recharging of vehicles, equipment or plant not permitted on the easement. – Lighting poles within the easement must not exceed 3m in height and must be designed to allow lanterns to be lowered to ground level for servicing. – Storage of flammable materials not permitted on the easement. – Vegetation planted on the AusNet easement must not exceed 3m. – Materials proposed to be stored on easement to be approved by AusNet. – Natural ground surface levels on the easement must not be altered by stockpiling or landscaping without approval from AusNet. – The use of construction equipment that have the ability to extend into the easement are not permitted. – Future works within the easement must be approved by AusNet prior to the commencement of works.	
Head, Transport for Victoria (TfV)	Determining	52.29-4 – To create or alter access to a road declared as a freeway or an arterial road under the Road Management Act 2004, land owned	13/3/2026	No objection subject to conditions requiring: – Only one vehicle access point permitted from Tramway Road to Lot 1 TP383784. – The access to be construct a Basic Right Turn treatment and Basic Left Turn treatment in accordance with Austraods Guidelines. – The existing Tramway Road pavement and surrounds	These conditions have been included in the recommendation, with minor modifications where necessary.

Organisation	Referral Type	Clause	Response Date	Response	DTP Assessment
		by Head, TfV for the purpose of a road.		must be upgraded to include new access to accommodate the change in traffic loadings. – Attend a pre-design meeting with Head, TfV prior to commencement of design plans. – Two separate applications for External Works - Functional Design Review to be submitted and endorsed by Head, TfV prior to works commencing on site and road services. – A Basic Right Turn treatment and Basic Left Turn treatment to be constructed in accordance with AusRoads Guidelines and to the satisfaction of Head, TfV prior to development starts. – All security boom, barrier, gate or similar device controlling vehicular access must be located entirely within the property boundary. – A truck wheel-wash must be installed at the property boundary and to be maintained in good order during the construction phase. – Any discharge of stormwater from the site into the roadside table drain not permitted unless approved by Head, TfV. – Vegetation removal within the arterial road reserve to be referral and approved by responsible authority.	
DEECA – Earth Resources Regulator	Determining	66.04 – All applications in Schedule 1 to Clause 37.01 (SUZ1).	Referred on 3/7/2026. No response received to date.	N/A	N/A

Advice Sought

DEECA – Planning and Environment Assessment (PEA)

30. Intradepartmental advice received from DEECA (PEA) regarding the confirmation of the native vegetation exemption (planted vegetation) under clause 52.17-7 of the Latrobe Planning Scheme (the scheme).
31. Based on the information submitted, DEECA is satisfied the native vegetation exemption for planted vegetation under clause 52.17-7 of the scheme applies for the removal of approx. 32 Strzelecki Gums located within Habitat Zone 6 of the BESS site.
32. The proponent has provided written confirmation that approx. 32 Strzelecki Gums were not planted using public funding. Accordingly, the removal of these trees can proceed under the exemption and does not require a permit under clause 52.17 of the scheme.
33. DEECA has also reviewed information in relation to potential impacts to threatened fauna species, particularly Glossy Grass Sink and Flinders Pygmy Perch. The extent of Glossy Grass Skink habitat within the subject site is not clearly defined.
34. Although not a referral authority, DEECA recommended a condition for a Fauna Management Plan to mitigate potential impacts to the threatened species mentioned above. However, DTP does not support the inclusion of this condition, as matters are addressed through separate regulatory process and legislation, and remain the responsibility of the proponent to undertake appropriate due diligence during the detailed design phase to ensure compliance with all relevant requirements.
35. This is also recommended by DEECA for the proponent to engage with relevant species experts when designing and implementing any habitat rehabilitation or restoration works, to ensure measures are informed by current best practice and species-specific requirements. A permit note will be included to this effect.
36. Additionally, the Construction Environmental Management Plan (CEMP) will incorporate measures to avoid, minimise and manage impacts to fauna habitats during construction. As such, a separate Fauna Management Plan is not considered required.

Public Notice

37. In accordance with section 52 of the PE Act, public notice of the application was given between 19 August 2026 and 16 September 2026.

38. 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)	Latrobe City Council	DTP
52(1)(d)	The owners and occupiers of all land with 1 km of the site. By publishing a notice in the Latrobe Valley Express newspaper on 19 August 2026.	Proponent
	The following agencies: – CFA – FRV – EnergySafe Victoria – Emergency Management Victoria – Gunaikurnai Land and Waters Aboriginal Corporation – VicGrid – West Gippsland CMA	DTP

Section of PE Act	Notice given to:	Given by:
	– Gippsland Water	

39. Four submissions (including one submission in favour) have been received at the time of writing this report (as of 30 October 2026).

Objection

40. One objection received for the proposal, which raised the following concerns:

- Inappropriate use of agricultural land
- Fire risk and emergency response
- Impact on waterways
- Traffic impacts and safety on local roads
- Risks to human health from toxic smoke
- Noise impacts
- Impacts on biodiversity
- Visual impact
- Construction impacts
- Cumulative impacts of nearby existing BESS
- Traffic and wear and tear on local roads
- Lack of consultation

41. An assessment relating to matters of noise, fire risk, visual impact, hydrology, traffic and human health is detailed in the assessment section of this report.

42. In response to concern raised over lack of consultation, it is noted that public notice of the application was given in the Latrobe Valley Express newspaper and to all properties within 1 km of the site, in accordance with the requirements of s52 of the Act.

Submissions

43. One submission was received in favour from a resident citing the benefits to support grid reliability, shift from fossil fuels, reduction of emissions and minimal impacts to native vegetation.

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

Submitter	Date received	Summary of submission	DTP Officer Response
CFA	11/9/2026	No objection, subject to conditions requiring the preparation of: - Amended plans to be prepared to show any changes required to comply with CFA conditions. - Risk Management Plan - Emergency Plan and Fire Management Plan	Conditions to this effect have been included in the recommendation.

Submitter	Date received	Summary of submission	DTP Officer Response
		All prepared in line with the CFA Design Guidelines and Model Requirements for Renewable Energy Facilities (latest version) (the CFA Guidelines).	
Gippsland Water	31/8/2026	No objection and noted that no sewerage or reticulated water services available to the development.	Noted.
West Gippsland Water Catchment Management Authority (CMA)	23/9/2026	No objection but recommended the following note be included on the permit: - All works within 50 metres of a designated waterway require a Works on Waterways permit from West Gippsland Catchment Management Authority issued under the Water Act 1989. This includes (but is not limited to) construction of any recreational paths and crossings, construction of any vehicle access over a designated waterway, and installation of any above or below-ground transmission infrastructure within 50 metres of a designated waterway.	Note to be included in recommendation.

45. It is noted that at time of writing this report, Latrobe City Council has not issued a submission.

Assessment

Key Considerations

46. The 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.
47. 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
    - Cultural heritage
    - Biodiversity and native vegetation impacts
    - Hydrology impacts
    - Fire risk and emergency management and dangerous goods

- Vehicle access, road and traffic considerations
- Amenity impacts in terms of noise, light spill, visual impact and construction impacts

Mandatory considerations under section 60 of the PE Act

s60 Mandatory consideration	How this is addressed in this report
Relevant planning scheme	Addressed through the sections that identify and discuss permit triggers, the MPS and PPF, zones, overlays, particular provisions and relevant decision guidelines.
Objectives of planning in Victoria	The most relevant objectives include those relating to the fair, orderly, economic and sustainable use and development of land; protection of natural and man-made resources and ecological processes; securing a pleasant, efficient and safe working, living and recreational environment; balancing present and future community interests; facilitating development that supports community wellbeing and economic growth; and integrating environmental, social and economic considerations in decision-making. These matters have been addressed through integrated assessment of the application, as discussed throughout the report in sections that outline strategic policy considerations, land use compatibility and orderly planning, renewable energy and climate action objectives, agricultural, environmental, social, landscape and amenity considerations.
Objections and submissions	Summarised in the Public Notice section and considered through the relevant assessment sections.
Any decision and comments of a referral authority	Summarised in the Referrals section, with determining referral authority requirements identified for inclusion where appropriate.
Any significant environmental effects	Addressed through biodiversity, native vegetation, hydrology, fire, construction, landscape, amenity and environmental management considerations throughout the report.
Any significant social and economic effects	Social effects are addressed through discussion on community concerns, amenity, consultation, safety, traffic, landscape and cumulative impact considerations throughout the report. Economic effects are addressed through storage energy benefits, regional investment, employment, agricultural land use, local economic impacts and decommissioning considerations throughout the report. The proposal is appropriately located in an area where there is existing utility infrastructure, including energy storage facilities and Hazelwood Terminal Station. The project will contribute to the local economy by creating up to 200 jobs during the construction phase and up to 10 jobs during operational phase, meeting the objectives of clause 17.01-1S. The use will also contribute to the enhancement of the electricity network by ensuring grid reliability during peak demand periods.

s60 Mandatory consideration	How this is addressed in this report
1A(f) Any other relevant matter	Addressed within the assessment of the relevant zones, overlays and particular provisions, including clauses 52.06, 52.17, 52.29, 53.22. Clause 65 decision guidelines have also been considered. The assessment has had regard to the matters relevant to the decision, including the MPS, PPF, purpose and decision guidelines of relevant zones, overlays and particular provisions, orderly planning, the effect on amenity, the suitability of the land for the proposed use and development, environmental, social and economic effects, traffic and access, infrastructure, native vegetation, referral authority responses, objections and submissions, and proposed permit conditions.

Permit Triggers

48. A planning permit for the project is triggered by the following clauses of the Latrobe Planning 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.
36.04-1	Use of the land for utility installation where the use is not carried out on behalf of a relevant transport manager.
36.04-2	Buildings and works associated with a section 2 use (utility installation).
37.01-4	Construct a building or construct or carry out works for a utility installation.
52.17-1	Removal of native vegetation
52.29-2	Create or alter access to a road in the Transport 2 Zone.

Strategic Direction and Policy Context

49. Overall, the Purpose and Vision for Victoria (Clause 01), Municipal Planning Strategy (MPS) (Clause 02) and the Planning Policy Framework (PPF) of the Latrobe 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".
50. 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'.
51. Additionally, 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 they role they play in stabilising the electricity grid.

Municipal Planning Strategy (MPS)

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

Clause	Description	Assessment
02.01	Context	The MPS acknowledges the Latrobe Council is the population and regional service centre for Gippsland. It also recognises that Latrobe Valley has one of the world's largest reserves of brown coal which comprises the ongoing mining and power station operations. Latrobe is experiencing a period of economic restructuring associated with the change in traditional employment sectors that support Victoria's power production. Industry diversification and employment generation are major priorities for Latrobe drawing on the extensive natural resource base, built infrastructure and local workforce. The application provides for a $400M project within the municipality, creating local employment opportunities in both construction and operation stages. The proposal has generally been sited to protect the key biodiversity values on site, respond to fire risk, and ensure only a minor reduction in agricultural production. The proposal responds appropriately to this policy context by providing a BESS in an appropriate location with minimal impacts on the valued elements and amenity of the area.
02.02	Vision	
02.03	Strategic Directions	
02.04	Strategic Framework Plans	

Planning Policy Framework

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

Clause	Description	Assessment
Clause 12	**Environment and Landscape Values**	
12.01-1S	Protection of biodiversity	Clause 12 focuses on the protection of ecological systems, native vegetation, biodiversity, and identified environments or landscapes. Where possible, the project has avoided impacts to ecological values, including: - The project is able to entirely avoid flora and fauna impacts by designing the BESS and transmission cable to avoid scattered trees. - The impact of up to 0.018 ha of native vegetation removal. - Siting most of the project components in cleared agricultural land and away from ecological values of Bennetts Creek. Conditions of the recommendation will further minimise impacts to biodiversity values during
12.01-1L		
12.01-2S	Native vegetation management	
12.03-1S	Rivers and riparian corridors, waterways, lakes, wetlands and billabongs	

Clause	Description	Assessment
		construction through the inclusion of a CEMP. The CEMP will provide measures for native vegetation protection fencing and establish no-go zone areas during construction.
12.05-2S	Landscapes	The project is setback approx. 314m from Tramway Road and will have generally low to very low visual impacts on the landscape and is considered acceptable subject to the use of appropriate colouring and exterior finishes on the BESS units. A condition for landscaping plan is included. Refer to the landscape and visual assessment for further details.
Clause 13	**Environmental Risks and Amenity**	
13.01-3S	Natural hazards and climate change	
13.02-1S	Bushfire	The facility has been developed in accordance with the *CFA's Guidelines and Model Requirements for Renewable Energy Facilities* (the CFA Guidelines) to appropriately respond to bushfire risks. Refer to the fire section of the report for assessment.
13.05-1S	Noise management	The noise emissions generated by the project are predicted to achieve compliance with the relevant noise limits. Conditions of the recommendation will require the preparation of a final predictive noise assessment, measuring impacts of the final selected equipment and infrastructure for the facility.
13.07-1S	Land use compatibility	As discussed further on in this assessment, the proposed use is considered acceptable with appropriate mitigations in place, on balance with the benefits of the provision of a storage facility.
Clause 14	**Natural resource management**	
14.01-1S	Protection of agricultural land	The development will not impact agricultural activities on surrounding land or the remainder of the property. The BESS site is currently used for cattle grazing. The physical BESS footprint will occupy just over quarter (approx. 26%) of the overall site and the majority of the land will remain available for ongoing agricultural use, ensuring that the development does not significantly constrain the site's existing rural function. Conditions have been included in the recommendation requiring the rehabilitation of the site back to its prior condition after the BESS ceases operations, to ensure that the land continues to remain suitable for agricultural uses into the future.
Clause 15	**Built Environment and Heritage**	

Clause	Description	Assessment
15.03-2S	Aboriginal cultural heritage	The project has been sited to avoid disturbing the area of cultural heritage sensitivity surrounding Bennetts Creek, with the exception of a small portion of the underground cable route. A voluntary CHMP 20412 has been approved by Gunaikurnai Land and Water Aboriginal Corporation on 18 March 2026.
Clause 17	**Economic Development**	
17.01-1S	Diversified economy	The proposed BESS meets the objectives of clause 17 by creating up to 200 jobs during the construction and 8-10 jobs during operation of the facility and by supporting the rural economy to grow and diversify.
17.01-1R	Diversified economy - Hume	
Clause 18	**Transport**	
18.01-1S	Land use and transport integration	The construction traffic impacts can be suitably managed through the preparation of a TMP and operational impacts on the road network will be negligible. Impacts are temporary and manageable. The development will not significantly change long-term traffic volumes. The BESS development footprint is generously setback from Tramway Road by at least 314m. However, the proposed underground cable connection to Hazelwood Terminal Station will run beneath Tramway Road. Subject to Head, TfV conditions, the proposed cable connection will not have detrimental impact on operation or safety of Tramway Road.
18.02-4L	Road system	
18.02-4S	Roads	
Clause 19	**Infrastructure**	
19.01-1S	Energy supply	The proposal is consistent with clause 19 which supports the renewable energy led transition to a low-carbon economy with reduced greenhouse gas emissions. The proposed facility is estimated to store approx. 600MW of electricity, and although it is not a renewable energy facility, battery storage plays a supporting role to the energy transition. The project is anticipated to store 600MW / 1200 or 2400 MWh of energy, which will assist in supporting energy needs and meet peak evening demand needs for approx. 206,897 households. The project is located within a declared renewable energy zone and is co-located with existing and approved utility infrastructures. The BESS will not compromise the ongoing energy supply from the region's oil and gas fields.
19.01-2S	Renewable energy	
19.01-1R	Energy supply - Gippsland	

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

Zones

Farming Zone (FZ)

55. The BESS site is wholly within the FZ.
56. 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.
57. 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 close to the existing Hazelwood Terminal Station allowing a direct connection from the site into the existing electricity network. This minimises impacts outside of the site boundary on existing agricultural uses and makes use of existing infrastructure. The co-location of the BESS with other transmission infrastructure and storage facilities supports efficient integration of energy infrastructure and avoids unnecessary land consumption elsewhere in the region.
    - The built form will be sufficiently setback from adjoining properties, with the nearest non-stakeholder dwelling located 457m from the site.
    - The proposal has considered agricultural land use in the surrounding area as well as ecological values across the site. The proposal will occupy approximately 33 ha of farmland currently used for grazing Angus weaner cattle. 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.
    - There is a partial retention of the grazing of cattle on site. The proposal is not considered a permanent loss of agricultural land given that the condition of the recommendation will require the facility to be decommissioned at the end of its operation life.
    - The project will not affect soil quality, as the site does not contain high-quality soil. The project land can also be returned to its existing condition when the BESS ceases use.
    - The proposed use and development of the site have considered potential fire hazards and incorporates the fire safety design recommendations in accordance with CFA guidelines, including fire breaks, site access, fire water supply and appropriate separation.
    - The built form of the BESS and ancillary infrastructure are appropriate for the site and demonstrate a similar scale to the nearby approved or existing storage facilities and Hazelwood Terminal Station. The proposal has also been setback substantially (314m) from Tramway Road to minimise visual impacts from the street frontage and avoid ecological and cultural heritage values surrounding Bennetts Creek. Refer to the landscape and visual impact section of this report for additional discussion.
    - 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.

58. The proposal is expected to create up to 200 jobs during construction and up to 10 jobs during operation, encouraging long-term regional employment opportunities.

Transport Zone 2 (TRZ2)

59. Clause 36.04 seeks to provide for an integrated and sustainable transport system and ensure that use and development is consistent with the transport system. Tramway Road is part of the principal road network – Transport Zone 2 (TRZ2).
60. The proposed buildings and works within the TRZ2 are limited to the new 500kV underground cable traversing beneath Tramway Road connecting the BESS and substation to the existing Hazelwood Terminal Station. The alignment of the cable will run along the southern side of Tramway Road to the northern boundary of the Hazelwood Terminal Station site where it will cross beneath and enter the terminal site. The siting and

development of the cable route is considered appropriate as it minimises disturbance to road reserve of Tramway Road and ecological values across the site by using HDD.

61. The traffic assessment demonstrates that the proposal will not adversely affect the operation, safety or future development of the transport network. Construction impacts will be temporary and managed through a Traffic Management Plan (TMP), and the underground nature of the works avoids long-term impacts to road functionality and subject to the recommended conditions from Head, TfV.

Special Use Zone – Schedule 1 (SUZ1)

62. The relevant purpose of the SUZ1 is to:

- *To provide for electricity generation and associated uses*
- *To provide for interim and non-urban uses which protect brown coal resources and to discourage the use or development of land incompatible with future brown coal mining and industry*

63. The proposed works occurring within the SUZ1 are limited to underground cabling and connection to tie-in works to the Hazelwood Terminal Station, which is operated by AusNet. Having regard to the decision guidelines at Clause 37.01-2, the proposed development is an appropriate outcome in the SUZ as follows:

- The new underground cable and tie-works align with the current use operation of the site for heavy industry and infrastructure related to coal mining and power transmission/production. There is a demonstrated need and benefit to collocating the BESS facility near terminal station infrastructure. Furthermore, the SUZ is in place to strategically protect power industry uses at this site and facilitate development that directly support these industries including transmission and distribution.
- The proposal does not affect areas of architectural, historic, scientific or scenic significance recognised in the scheme, and is visually consistent with the surrounding energy infrastructure. The cable route does occupy land of CHS. However, a voluntary CHMP 20412 has been approved by Gunaikurnai Land and Water Aboriginal Corporation on 18 March 2026.
- The proposal does not constrain the sequential development of brown coal resources as the transmission line will be entirely underground and with any HDD pits to be reinstated to existing ground conditions (e.g. grassed).
- The proposal will have no adverse impact on adjacent agricultural uses, as it does not introduce sensitive receptors.

Overlays

State Resource Overlay – Schedule 1 (SRO1)

64. The BESS site and connection Hazelwood Terminal Station site are both covered by the SRO1. The purpose of Clause 44.07 is to protect areas of mineral, stone and other resources, which have been identified as being of state significance, from use and development that would prejudice the current or future productive use of the resource.

65. Schedule 1 relates to the Gippsland Brown Coalfields. The statement of significance states that Gippsland Coalfields provide a secure long term energy source for base load power generation in Victoria, as well as providing an unique opportunity for other related significant developments.

66. The management objectives of Clause 2.0 of Schedule 1 include ensuring the medium to long term extraction and use of the coal resource for power generation, buildings and works and subdivision of land over the resource are designed in a way that does not inhibit the eventual productive use of that resource due to community significance or removal costs.

67. There is no permit trigger for use or development under this overlay.

Bushfire Management Overlay (BMO)

68. The Hazelwood Terminal Station is partially encumbered by the BMO towards the south-western corner.

69. The new transmission line route is not located within the BMO. Refer to fire risk assessment below.

Specific Control Overlay (SCO)

70. The Hazelwood Terminal Station is partially encumbered by the SCO along the southern portion of site.
71. The new transmission line route is not located within the SCO. No further consideration required.

Particular and General Provisions

Clause 52.06 (Car parking)

72. Clause 52.06 (Car parking) seeks to ensure that an appropriate number of car parking spaces is provided for new uses.
73. Pursuant to clause 52.06-6, car parking must be provided to the satisfaction of the responsible authority. Car parking is discussed further below.
74. A car parking area comprising up to 16 car spaces is proposed adjacent to the storage warehouse and O&M building to accommodate up to 10 staff as well as any visitors during the operation of the facility. The number of carparking spaces proposed is considered acceptable given the low car parking demand during the operational phase.

Clause 52.17 (Native vegetation)

75. Clause 52.17 seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation by applying the three step approach of avoid, minimise, offset in accordance with *Guidelines for the removal, destruction or lopping of native vegetation (Department of Energy, Environment and Climate Action, 2025)*.
76. Pursuant to clause 52.17-1 of the scheme, a permit is required to remove, destroy or lop native vegetation.
77. The application seeks to remove 0.018 ha of native vegetation patches on the BESS site only which qualifies for the intermediate assessment pathway of the DEECA guidelines.
78. The native vegetation removal report identified an offset figure of 0.005 General Habitat Units (GHUs) with a minimum strategic biodiversity score of 0.3124 and no large trees requiring removal.
79. The Ecological Assessment (EA), prepared by ID Ecological Management, demonstrates that impacts to native vegetation have been avoided and minimised impacts through the following measures:

- The BESS footprint is located within an area of previously cleared, containing non-native or planted vegetation.
- The BESS is located entirely outside Habitat Zones 1, 2 and 5.
- All scattered trees located on site will be retained.
- Direct and indirect impacts to Bennetts Creek riparian vegetation have been avoided, with the proposed underground cable connection to the Hazelwood Terminal Station to be installed using HDD. No adverse impacts to the creek line and associated aquatic fauna will not be impacted.

80. The proposal includes removal of 32 Strzelecki gums which are listed threatened species in the FFG Act and EPBC Act. Advice was sought from DEECA which confirmed that the exemption for planted vegetation (clause 52.17) applies to the Strzelecki gums.
81. The proponent has provided written confirmation that approx. 32 Strzelecki Gums were not planted using public funding.
82. The total amount of vegetation to be removed is considered acceptable and can be appropriately managed through permit conditions. The application is considered to meet the decision guidelines of clause 52.17 and the DEECA guidelines.

Clause 52.29 (Land Adjacent to the Principal Road Network)

83. Clause 52.29 seeks to ensure that appropriate access to the Principal Road Network. The BESS site includes an existing informal crossover. This application seeks to formalise the access point along Tramway Road, which is located within TRZ2.
84. Pursuant to clause 52.29-2, a permit is required to create or alter access to a road in the TRZ.
85. The Traffic Impact Assessment, prepared by Amber, includes layout plans and swept path diagrams for the formalisation of the existing site access. The TIA determined that the access arrangements are suitable to accommodate the expected construction vehicle types and traffic volumes during the construction and operational phases.
86. The application was referred to the Head, Transport for Victoria who support the proposal subject to conditions relating to turning treatments, upgrade pavements, wheel wash facilities and stormwater management. The conditions have been included in the recommendation.

Clause 53.22 (Significant Economic Development)

87. Clause 53.22 seeks:

    – *To prioritise and facilitate the planning, assessment and delivery of projects that will make a significant contribution to Victoria's economy and provide substantial public benefit, including jobs for Victorians.*

    – *To provide for the efficient and effective use of land and facilitate use and development with high-quality urban design, architecture and landscape architecture.*

88. This application is a Category 1 application at clause 53.22-1. As such it is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the PE Act.

Other Matters

Agricultural Impact

89. The proposal is consistent with Clauses, 14.01-1S (Protection of agricultural land), 14.021-1R (Protection of agricultural land – Gippsland) and 14.01-1L-01 (Preservation of agricultural land in the Farming Zone) which seek to protect the state's agricultural base by preserving productive farmland.
90. The application includes an Agricultural Assessment (AA) prepared by Ag-Challenge Consulting Pty Ltd.
91. The BESS site has an area of 33 ha and has been used for cattle grazing and cutting supplementary fodder based on seasonality.
92. The BESS project area covers approx. 8.6 ha of the total site. The remaining of area of approx. 24.5 ha can still be used for agricultural activities. The site will be partially used for cattle grazing.
93. The AA found that the site comprises fair quality grazing land suitable for class 3 grazing representing typical Latrobe Valley grazing land rather than high-performing or versatile agricultural land.
94. In terms of loss of productive land, the assessment found that at a regional scale, the removal of this land represents approximately 0.013% of the Latrobe beef cattle population. This is not considered a significant loss for the agricultural amenity or productivity of the region.
95. Given the context of the site within a heavily modified energy infrastructure precinct and the inherent necessity of co-location of the proposed use with existing uses on the surrounding land, the project is not considered to result in the unplanned or irreversible loss of productive agricultural land.
96. Conditions have been included in the recommendation requiring the rehabilitation of the site back to its prior condition after the BESS ceases operations, to ensure that the land remains suitable for agricultural use into the future.

Cultural Heritage

97. The proposal has been intentionally sited to avoid impacts to areas of cultural heritage sensitivity (CHS) surrounding Bennetts Creek, located towards the front portion of BESS site. Furthermore, while the

underground transmission cable will traverse beneath the area of CHS, the proponent will utilise HDD in accordance with the voluntary CHMP to avoid any impacts to these areas.

98. The voluntary CHMP #20412 was approved by Gunaikurnai Land and Waters Aboriginal Corporation on 18 March 2026. All works to be carried out in accordance with the approved voluntary CHMP.

Fire Risk

99. The subject site is located within a Bushfire Prone Area. However, the Hazelwood Terminal Station is partially within the BMO, while the BESS site is not affected by the BMO. The proposal will not encroach into the BMO.
100. Clause 13.02-1S (Bushfire Planning) requires all applications in a BPA to have consideration of bushfire risk, to strengthen the resilience of settlements and communities and prioritise the protection of human life.
101. The application is supported by a Risk Management Plan, including a Fire Safety Study, prepared by Fire Risk Consultants, which has been prepared in accordance with the *CFA's Design Guidelines and Model Requirements: Renewable Energy Facilities v.4.4 (June 2025)* (the CFA Guidelines).
102. The risk assessment found that the most likely bushfire scenario involves fire approaching the site from the north-west and south-west direction, although bushfires may also originate from other directions.
103. The assessment found that the potential risk the project presents to its surrounds can be managed to an acceptable level, if the risk mitigation measures specified are implemented.
104. The following mitigation measures have been included the site design, including:
    - Internal dual access to the BESS and full perimeter access to the BESS area
    - 10 m wide firebreaks around property infrastructure and screening vegetation
    - Static water supply of 576,000 litres made of concrete or steel tanks
    - Compliant fire detection and suppression infrastructure.
    - Ongoing maintenance programs for the life of the facility (e.g. vegetation management)
105. Notice of the application was given to CFA who did not object to the proposal, subject to conditions that have been included in the recommendation requiring:
    - Amended plans to be modified to show any changes required to comply with CFA conditions
    - Risk Management Plan
    - Emergency Plan & Fire Management Plan
    - All fire protection measures shown on the endorsed plans must be implemented before the use starts
106. DTP submits that, with the CFA's conditions, and the proposed mitigation measures in place, the risk of bushfire can be appropriately managed.

Dangerous Goods

107. The proposal includes the presence of dangerous goods on site in the form of lithium-ion batteries.
108. A referral to WorkSafe Victoria (determining referral authority) was required for the proposed use of land for a utility installation where the estimated dangerous goods exceed the fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022.
109. WorkSafe Victoria's referral response outlined that they do not object to the grant of the permit, subject to conditions in line with CFA's conditions, requiring a Risk Management Plan, Emergency Management Plan and Fire Management Plan in accordance with CFA Guidelines. These conditions have been included in the recommendation.

Noise

110. Clause 13.05-1S (Noise management) requires the consideration of noise effects on sensitive land uses, including the consideration of the noise requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* (EP Act) and 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).

111. The application is supported by a Noise Impact Assessment (NIA), prepared by WSP, dated 19/06/2026 The assessment has been prepared in line with the Noise Protocol and the EP Regulations.

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

- Battery containers (primarily the cooling equipment)
- Inverters
- Transformers
- Harmonic filter
- Substation

113. The assessment identified five noise sensitive receivers located within 2 km of the site, as shown in Figure 8 below.

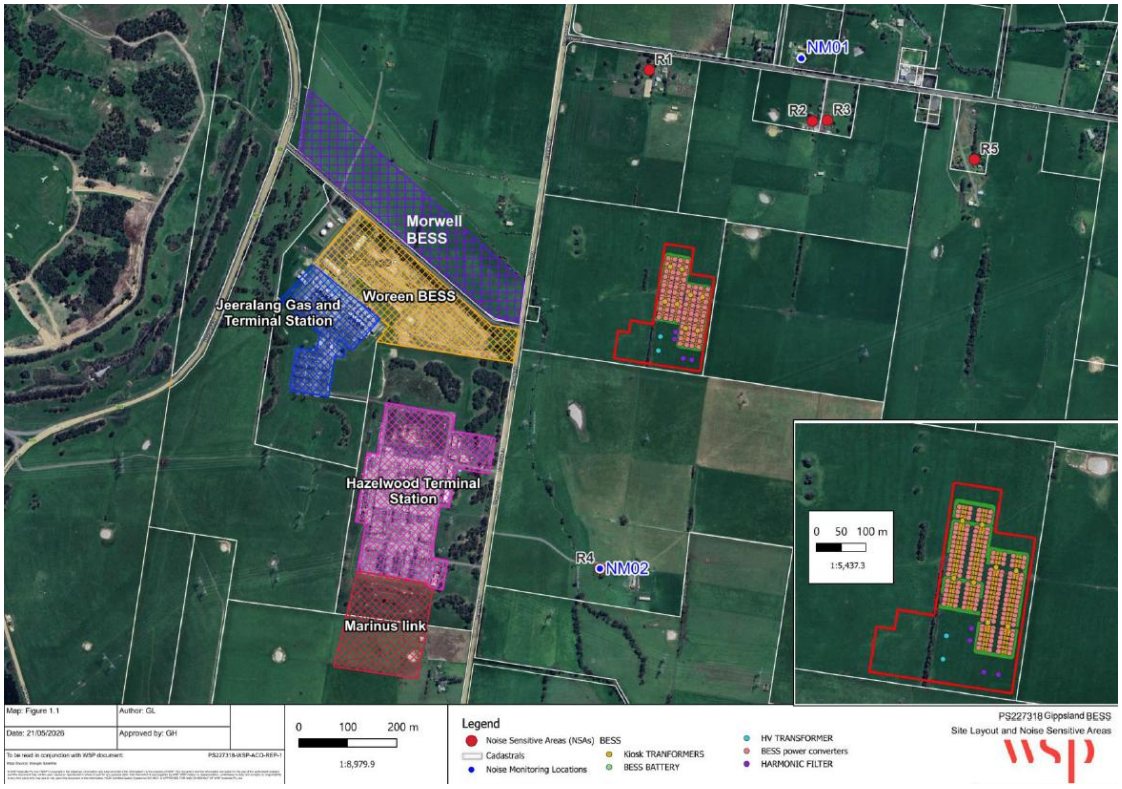


Figure 8: *Location of the noise sensitive receivers indicated by red dots. Source: NIA.*

114. The NIA assessed the standalone impacts of the BESS as well as the cumulative impacts noting the changing infrastructure development context surrounding the site. As a standalone facility, the NIA found that project noise levels comply with EPA noise limits in both a base operational scenario and the second scenario which includes additional mitigation for assist in limiting the projects contribution to cumulative impacts of surrounding infrastructure. The key mitigation measure is to apply sound covers to all BESS units. Tables 1 and 2 shows the project compliance when assessed as a standalone infrastructure without and with sound covers, respectively.

Table 1: *Predicted noise levels for Gippsland BESS without sound covers. Source. Table 4.4 of NIA*

Table 4.4 Predicted operational noise assessment (Project Only) – BESS (Scenario 1: EnerC+306 without sound cover)

Noise Sensitive Areas	Predicted noise level dBA		Tonal noise character adjustment dB		Project Effective noise level contribution, L_{eff} dBA		Project EPA Noise Limits, $L_{eq,30min}$			Project Complies?		
	D/E	N	D/E	N	D/E	N	D	E	N	D	E	N
R1	39	31	-	+2	39	33	45	39	34	Yes	Yes	Yes
R2	39	31	-	+2	39	33	45	39	34	Yes	Yes	Yes
R3	39	31	-	+2	39	33	45	39	34	Yes	Yes	Yes
R4	38	31	-	+2	38	33	45	39	35	Yes	Yes	Yes
R5	34	27	-	+2	34	29	45	39	34	Yes	Yes	Yes

D: Day, E: Evening, N: Night, as defined in Appendix B1.2.1

Table 2*: Predicted noise levels for* Gippsland *BESS with sound cover. Source: Table 4.5 of NIA*

Table 4.5 Predicted operational noise assessment – BESS (Project Only) (Scenario 2: EnerC+306 with sound cover)

Noise Sensitive Areas	Predicted noise level dBA		Tonal noise character adjustment dB		Project Effective noise level contribution, L_{eff} dBA		Project EPA Noise Limits, $L_{eq,30min}$			Project Complies?		
	D/E	N	D/E	N	D/E	N	D	E	N	D	E	N
R1	34	29	+2	+2	36	31	45	39	34	Yes	Yes	Yes
R2	34	29	+2	+2	36	31	45	39	34	Yes	Yes	Yes
R3	34	29	+2	+2	36	31	45	39	34	Yes	Yes	Yes
R4	33	29	+2	+2	35	31	45	39	35	Yes	Yes	Yes
R5	30	25	-	+2	30	27	45	39	34	Yes	Yes	Yes

D: Day, E: Evening, N: Night, as defined in Appendix B1.2.1

115. As shown in Tables 1 and 2, the predicted noise levels are expected to comply with the Noise Protocol at all times, both with and without sound covers for the proposed facility.

116. Cumulative noise impacts from surrounding commercial, industrial and trade (CIT) premises (i.e. other projects detailed below) were considered only for projects that were either operational and under construction. The CIT premises accounted for include:

- Hazelwood Terminal Station (Operational)
- Jeeralang Gas and Terminal Station (Operational)
- Hazelwood BESS (Operational)
- Latrobe Valley BESS (Operational)
- Parkside Timber (Operational)
- Latrobe Magnesium Demonstration Plant (Operational)
- Woreen BESS (Approved, under construction)
- Marinus Link Switching Station (Approved, not constructed)
- Tramway Road BESS (Approved, not constructed)
- Bennetts Creek BESS (Approved, not constructed)
- Hazelwood North Solar Farm (Approved, not constructed)
- Morwell BESS (Approved, not constructed)

117. The assessment found that the cumulative operational noise levels from other surrounding projects is predicted to exceed the applicable noise limits at noise sensitive receptor R1 during the evening and night periods, and at R2 during the night-time period only (refer Table 3). It is acknowledged that the predicted noise levels for surrounding sites are based on planning-phase design and assessment detail from external reports and therefore incorporate inherent conservatism.

Table 3: *Predicted cumulative noise assessment from surrounding projects only. Source: Table 4.7 of NIA.*

Table 4.7 Predicted operational cumulative noise assessment from CITs (only) – for reference

Noise Sensitive Areas	Woreen BESS	Bennetts Creek BESS	Hazel wood North Solar Farm[2]	Marinus Link Switching Station		Morwell Solar Farm	Tramway Road Bess	Morwell BESS	Cumulative Noise from CITs, L_{eff} dBA		Project EPA Noise Limits, $L_{eq,30min}$			Complies?		
	D/E/N	*D/E/N*	*D/E/N*	*D/E*	*N*	*D/E/N*	*D/E/N*	*D/E/N*	**D/E**	**N**	***D***	***E***	***N***	***D***	***E***	***N***
R1	*31*[1]	*34*[1]	-	-	-	*35*	-	*33*	**40**	**40**	45	39	34	*Yes*	*No*	*No*
R2	-	*30*[1]	-	-	-	*28*	-	*28*	**34**	**34**	45	39	34	*Yes*	*Yes*	*Yes*
R3	-	-	-	-	-	*27*	-	-	**27**	**27**	45	39	34	*Yes*	*Yes*	*Yes*
R4	*32*[1]	-	-	*24*[1]	*22*[1]	*35*	*27*[1]	*26*	**38**	**38**	45	39	35	*Yes*	*Yes*	*No*
R5	-	-	-	-	-	*25*	-	-	**25**	**25**	45	39	34	*Yes*	*Yes*	*Yes*

(1) No tonal noise correction has been applied to the results for the noise assessment.

(2) Predictions do not go further south than Firmins Lane which is approximately 2km north of nearest NSA, therefore no noise contribution is expected from this CIT.

118. The cumulative noise assessment indicates that, with the inclusion of the proposed BESS, the applicable noise limits are predicted to potentially exceed at noise sensitive receptors R1 and R4 during evening and night periods, and at R2 during night-time period only (refer Table 4).

Table 4: *Predicted cumulative noise assessment from the inclusion of Gippsland BESS. Source: Table 4.8 of NIA*

Table 4.8 Predicted operational cumulative noise assessment from Project and all operating, under construction and future CITs

Noise Sensitive Areas	Project Effective noise level contribution, L_{eff} dBA		Cumulative Noise from CITs, L_{eff} dBA	Cumulative Noise from Project and CITs, L_{eff} dBA		Project EPA Noise Limits, $L_{eq,30min}$			Complies?		
	D/E	**N**	*D/E/N*	**D/E**	**N**	***D***	***E***	***N***	***D***	***E***	***N***
R1	36	31	40	**41**	**40**	45	39	34	*Yes*	*No*	*No*
R2	36	31	34	**38**	**35**	45	39	34	*Yes*	*Yes*	*No*
R3	36	31	27	**36**	**32**	45	39	34	*Yes*	*Yes*	*Yes*
R4	35	31	38	**40**	**38**	45	39	35	*Yes*	*No*	*No*
R5	30	27	25	**31**	**29**	45	39	34	*Yes*	*Yes*	*Yes*

119. The assessment considered additional mitigation measures to further reduce its contribution to cumulative noise (including conceptual noise barriers); however, the preliminary assessment indicated negligible benefit.

120. The noise assessment recommends that the applicant undertake pre-construction verification measurements and incorporate the outcomes into detailed design. It is considered that this recommendation should not be included as a permit condition, a compliance with the Noise Protocol, including the design and specification of any noise mitigation measures, will be dependent on and need to be based on the final project design and equipment selection, which would be determined at the detailed design stage.

121. As such, a condition has been included on the permit requiring the proponent to prepare an updated predictive noise assessment demonstrating that the final infrastructure chosen and final design will comply with 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.

122. 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. A permit note will be included on the permit explaining that the facility must comply with EPA Publication 1826.5.

123. Construction related noise impacts will be required to comply with all relevant construction noise guidelines and be managed under the CEMP, which is recommended as a condition.

Landscape and Visual Impact

124. 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.

125. The application is supported by a Landscape Character and Visual Impact Assessment (LCVIA), prepared by Accent Environmental, which identifies the site as being in an area of intersecting landscape character types, including cleared agricultural plains, vegetated transitional landscape, dense residential and mining and power general.

126. The LCVIA assesses the impacts of the project from the following viewpoints:

- Three locations on Church Road to the north of the site
- Two locations on Tramway Road to the west of the site
- Two dwellings (R1 and R2) situated to the north of the site (on Church Road)

127. The assessment identified that three residences (R1, R2 and R3), two roads (Tramway Road and Bonds Lane) were identified as receptors requiring detailed assessment. The LCVIA also assessed views from the Hazelwood North Primary School and the Hazelwood North Community Centre with both situated along Church Road. Visual impacts on all receptors, including residential, school, and roads, as a result of the proposed facility are expected to be low and, as such, did not require targeted mitigation.



***Figure 9**: Photomontage of the proposed facility viewed from Tramway Road and zoomed in. Source: LCVIA, pg. 53.*



***Figure 10**: Photomontage of proposal viewed from viewpoint 5 (Church Road). Source: LCVIA, pg. 62.*

128. The LCVIA recommends the following landscape design measures to mitigate the visual impact of the project:

- Use materials and colours that reflect the existing rural design types found in the area.
- Minimise reflective surfaces on ancillary structures, with a preferred use of muted colours.

- Maximise the retention of existing visual screening opportunities.
- Revegetate areas disturbed by construction activities where possible.

129. Despite the LCVIA not recommending a landscape screening, DTP will incorporate a condition requiring an on-site landscaping plan, provided that the northern, eastern and southern boundaries of the BESS site do not have any form screening. DTP supports the recommendations of the LCVIA that the use of materials selection and post-construction re-vegetation planting across the site will assist in tempering the visual impacts of the project.
130. Overall, it is considered that the proposed facility will have low to very low 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 terminal station.

Traffic and Transport

131. Clause 18.01-1S, clause 18.02-4S, the FZ and clause 65.01 all require consideration of access and traffic impacts relating to the proposed use and development.
132. The application is supported by a Traffic Impact Assessment (TIA), prepared by Amber Traffic and Transportation Direction and dated 24 July 2026.
133. The proposal includes the creation of a new access point from Tramway Road situated to the north east corner of the BESS site, which will function as the primary access. It is noted that there is an existing informal access and the proposal seeks to formalise this access point.
134. During peak construction, it is anticipated that the project will generate up to 168 vehicle movements per day during average construction volumes and 264 vehicle movements per day during peak construction times. The construction phase for the BESS is expected to span 18 months, and it is anticipated that up to 160 workers are expected on site.
135. Heavy vehicles delivering BESS components to the site will be primarily travel from Port Melbourne via Princess Freeway, before accessing the site.
136. 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:
    - A Basic Left turn treatment (BAL) and Basic Right turn treatment (BAR) at the site access is provided to ensure vehicle will be able to enter and exit the road in a safe manner;
    - The site access be designed in accordance *with Vic Roads Guideline Drawing GD4010: Typical Access to Rural Properties;*
    - An access route assessment for Class 1 OSOM vehicles should be undertaken requiring approval from DTP for Tramway Road south of Firmins Lane.
    - A Traffic Management Plan (TMP) should be prepared and implemented prior to construction commencing.
137. The application was referred to Head, TfV, who did not object to the proposal, subject to conditions, including:
    - Only one vehicle access point permitted from Tramway Road to Lot 1 TP383784 (BESS site).
    - The access to be construct a Basic Right Turn treatment and Basic Left Turn treatment in accordance with Austraods Guidelines.
    - The existing Tramway Road pavement and surrounds must be upgraded to include new access to accommodate the change in traffic loadings.
    - Attend a pre-design meeting with Head, TfV prior to commencement of design plans.
    - Two separate applications for External Works - Functional Design Review to be submitted and endorsed by Head, TfV prior to works commencing on site and road services.
    - A Basic Right Turn treatment and Basic Left Turn treatment to be constructed in accordance with AusRoads Guidelines and to the satisfaction of Head, TfV prior to development starts.

- All security boom, barrier, gate or similar devices controlling vehicular access must be located entirely within the property boundary.
- A truck wheel-wash must be installed at the property boundary and to be maintained in good order during the construction phase.
- Any discharge of stormwater from the site into the roadside table drain not permitted unless approved by Head, TfV.
- Vegetation removal within the arterial road reserve to be referred and approved by responsible authority.

138. The recommendations of the TIA and the Head, Transport for Victoria are supported and conditions have been included on the recommendation.
139. During the operation of the facility, it is anticipated that a maximum of 16 car parking spaces will be provided to accommodate of 8-10 staff members or maintenance personnel and visitors to be site. The TIA identifies there would be negligible impact on vehicle movements.
140. The Tramway Road BESS is located approx. 1.8m south of the project land and is expected that construction periods may overlap. A cumulative impact assessment was undertaken for the Tramway Road BESS and Gippsland BESS projects which found that should construction occur at the same time, based on the TIA for the Tramway Rd BESS, it would likely add 26 movements along Tramway Road during the morning and evening peak periods.
141. The approved Morwell BESS is situated opposite the project on the northern side of Bonds Lane with site access proposed from Bonds Lane. The proposed construction traffic route utilises Tramway Road for vehicles approaching the site from the south and Monash Way for vehicles approaching the site from the north. Accordingly, should there be overlap in construction, it is not expected that traffic associated with the construction will pass the Gippsland BESS site access. Accordingly, any traffic impacts are expected to be negligible.
142. With the conditions provided from Head, TfV, it is considered that the road network can satisfactorily accommodate the proposed facility.

Hydrology

143. Clauses 12.03-1S seeks to protect and enhance waterway systems, including waterways and wetlands. Clause 13.01-1S seeks to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.
144. The site is situated in the Latrobe River basin in the West Gippsland Catchment Management Authority. Bennetts Creek runs through the south-west corner of the BESS site.
145. The eastern portion of the site drains in a north-easterly direction, following the alignment of Bennetts Creek, while the western portion slopes to the west.
146. The application is supported by a Surface Water and Groundwater Assessment (SWGA), prepared by Water Technology, dated 11 September 2026, which demonstrates that:
    - Hydraulic modelling for the 1% AEP event under existing conditions of the BESS site indicates minor local inundation along the site's eastern boundary, with flood depths generally less than 0.2 m. Flooding is otherwise associated with Bennetts Creek, extending approx. 250m into the site, with flood depths generally ranging from 0.3m to 1.0m.
    - Flood hazard at the BESS site ranges from H1 (lowest hazard classification) to H5 (highest hazard classification). Hazard level H5 is confined to the Bennetts Creek channel, while H1 is observed across the flood extent located along the eastern boundary of the site.
    - Flood modelling under the 1% AEP event indicates no inundation present across the proposed substation, access road or retention pond. The results also identify a small amount of direct runoff and associated inundation within the proposed BESS footprint; however, this is expected to be managed via internal stormwater drainage (i.e. retention pond) and the BESS infrastructure to be raised a minimum of 300mm above the 1% AEP flood level.

- The proposed transmission line does cross a major flow path, but it is not expected to interact with the flood corridor given that it will be installed via HDD.
- Overall, given that the BESS facility has minimal interaction with the areas of flood extent on site, the project is not expected to affect flood behavior beyond this site.
- Flood modelling was undertaken for the 1% AEP event, including the SSP3-7.0 climate change scenarios under 2060 and 2100. The results indicate only minor increases in flood depths, extents and velocities under future climate conditions, with no material change to stormwater management requirements across the site compared to existing site conditions.

147. Notice was given to West Gippsland CMA, who requested further information regarding the assessment of climate change impacts in accordance with the 'Climate Change Considerations' chapter of Australian Rainfall and Runoff: A Guide to Flood Estimation (ARR, 2019).
148. The applicant responded to West Gippsland CMA's request and amended the SWAG accordingly. A second letter from West Gippsland CMA, dated 23 September 2026, advises that they do not object to the grant of a planning permit and recommended the inclusion of a permit note that relates to all works within 50m of a designated waterway require a Works on Waterways permit. This note will be included in the decision.
149. DTP is satisfied that the hydrological and drainage impacts of the proposal can be appropriately addressed through a permit condition requiring a retention pond and increase to the BESS infrastructure to be a minimum 300mm above the 1% AEP flood level. The recommended mitigation measures will be incorporated into the final design and to be shown on the development plans.

Biodiversity

150. Clauses 12.01-1S (Protection of biodiversity), 12.01-1L (Protection of biodiversity – Latrobe) and 12.01-2S (Native vegetation management) seek to protect and enhance Victoria's biodiversity.
151. The application is supported by an Ecological Assessment (EA), prepared by ID Ecological Management and dated 27 July 2026.
152. The site has been highly modified through extensive land clearing, cropping and pasture movement. Native vegetation comprises mainly native aquatic, semi-aquatic and largely mid-storey trees and shrubs and covers approximately 5% of the site, concentrated around Bennetts Creek.
153. Direct and indirect impacts to native vegetation have been already assessed at clause 52.17 above.
154. No FFG Act protected flora or habitat for FFG Act protected fauna exists on the public road reserve that interfaces with the site.
155. Some threatened flora and fauna species and biodiversity values are present (or potentially present) across the site, particularly surrounding Bennetts Creek. These include:

- **Flora:** Strzelecki gum (approx. 40) which are listed as critically endangered under the FFG Act and vulnerable under the EPBC Act. There are three (3) additional threatened flora species which have potential to occur at the site including Sticky wattle (FFG vulnerable), Spotted gum (FFG vulnerable) and Giant honey myrtle (FFG endangered).
- **Fauna:** Initial ecological assessments identified potential habitat for Glossy Grass Skink (Pseudemoia rawlinsonii), Swamp Skink (Lissolepis coventryi), Dwarf Galaxias (Galaxiella pusilla) and Flinders Pygmy Perch (Nannoperca sp. 1). Subsequent targeted surveys found that:
    - Glossy grass skink (Endangered under the EPBC Act and listed as Endangered under the FFG Act) is present on site.
    - Swamp skink (Endangered under the EPBC Act and FFG Act) was assessed as unlikely to occur on site.
    - Dwarf galaxias (Endangered under the EPBC Act and FFG Act) was assessed as unlikely to occur on site.
    - Flinders pygmy perch (Vulnerable under the FFG Act) was recorded immediately upstream and is therefore considered present on site, with seasonal occurrence likely during periods of hydrological connectivity.

156. The EA makes the following recommendations for mitigating the impacts to flora and fauna:

- Preparation of a Fauna Conservation Management Plan including additional habitat assessments and fauna salvage protocols.
- The project should retain and maintain the existing fenced buffer around Bennetts Creek and avoid direct disturbance wherever practicable.
- Mitigation and monitoring measures must be included in the projects CEMP, with emphasis on sediment and erosion control, pollution prevention, and protection of riparian vegetation.
- No-go-zone fencing surrounding construction zone footprint.
- Vehicle / plant hygiene protocols should be implemented to prevent the importation and the spread of declared weeds, environmental weeds, pests and diseases (pathogens) within the construction works area and offsite.
- Erosion and sediment controls.

157. Overall, the development footprint and siting have been designed to avoid and minimise impacts to native vegetation and biodiversity by locating compounds within areas of low ecological value.
158. Advice was sought from DEECA on any potential impacts to planted native vegetation exemption and threatened species.
159. DEECA did not object to the proposal and recommended that a condition be included on permit requiring a Fauna Management Plan be prepared which contains measures for identifying habitat, restoring habitat, salvage and translocation of individuals, preclearance inspections and protection measure for during construction and operation.
160. Conditions for a Fauna Management Plan will not be included on the recommendation, as matters are addressed through separate regulatory process and legislation, and remain the responsibility of the proponent to undertake appropriate due diligence during the detailed design phase to ensure compliance with all relevant requirements.
161. DEECA also provided a permit note recommending that the proponent engage with relevant species experts when designing and implementing any habitat rehabilitation or restoration works, to ensure measures are informed by current best practice and species-specific requirements. This permit notte will be included in the recommendation.
162. Additionally, the Construction Environmental Management Plan (CEMP) will incorporate measures to avoid, minimise and manage impacts to fauna habitats during construction. As such, a separate Fauna Management Plan is not considered required.
163. It is acknowledged the Strzelecki gums are listed threatened species in the FFG Act and EPBC Act. DEECA's advice confirmed that the exemption for planted vegetation (clause 52.17) applies to the approx. 32 Strzelecki gums proposed for removal. The applicant also undertook a Significant Impact Assessment which determined that impacts to Strzlecki gums are unlikely to be significant. No further consideration is required.
164. It is considered that impacts to biodiversity have been largely avoided through the siting of the project and can be appropriately managed through the preparation of a CEMP and securing native vegetation offsets.

Decommissioning

165. 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

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

168. The proposal has been considered against the matters at section 60 of the PE Act, is consistent with the relevant planning policies of the Latrobe Planning Scheme and will contribute to the provision of energy storage.
169. The proposal is supported by the various referral agencies, subject to conditions which have been included in the recommendation.
170. It is recommended that planning permit PA2604203 for the Gippsland BESS project (as described in this report) be issued under delegation from the Minister for Planning, subject to conditions.
171. It is recommended that the following stakeholders be notified of the above decision in writing:

- Permit applicant
- Latrobe Council
- Objector
- All submitters, including the following agency submitters:
  - CFA
  - Gippsland Water
  - West Gippsland CMA
- Advice Sought:
  - DEECA - PEA
- Referral authorities:
  - WorkSafe Victoria
  - DEECA – Earth Resources Regulator
  - AusNet
  - Head, Transport for Victoria

[redacted]

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.

[redacted]

[redacted]

Dated: 30 October 2026

[redacted]

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

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[redacted]

[redacted]

Dated: 2 November 2026

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. Consideration of EPBC matters was provided in the submitted Ecological Assessment (EA), prepared by ID Ecological Management, dated 27 July 2026. The assessment found three Matters of National Environmental Significance that warranted further consideration including Strzelecki gums, Swamp skink and Dwarf galaxias. The applicant undertook further targeted surveys for the latter two species which determined that they are unlikely to be present on the site. The applicant also undertook a Significant Impact Assessment which determined that impacts to Strzlecki gums are unlikely to be significant. As such, a referral to Commonwealth Environment Minister is unlikely to be required regarding matters listed 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. *The Ministerial Guidelines for Assessment of Environmental Effects under the Environment Effects Act 1978* (DTP 2023) outlines the suggested criteria for referring a project to the Victorian Minister for Planning who will determine if an EES is required. The EA finds that the proposed vegetation removal required is significantly below the referral threshold. The proponent did not refer the project under the EE Act.
***Aboriginal Heritage Act 2006* (AH Act)**	The AH Act seeks to avoid adverse effects to Aboriginal cultural heritage values as far as reasonably practicable. Where adverse effects cannot be avoided, measures must be implemented to minimise and mitigate adverse effects. The subject site includes areas of Aboriginal cultural heritage sensitivity surrounding Bennetts Creek, and a voluntary Cultural Heritage Management Plan (CHMP). The voluntary CHMP #20412 has been approved by Gunaikurnai Land and Waters Aboriginal Corporation on 18 March 2026.
***Flora and Fauna Guarantee Act 1988* (FFG Act)**	The FFG Act seeks to promote the conservation of Victoria's native flora and fauna. The responsible authority in their assessment of the project's environmental impacts has considered impacts on FFG threatened species. The responsible authority is also required to give proper consideration to the objectives of the FFG Act, so far as is consistent with the proper exercise of functions under the PE Act. It is noted that consideration has been given to Section 4 of the FFG Act, including its objectives and principles, and other areas where the responsible authority is expected to give proper consideration, including to relevant instruments made under the 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 EA found no FFG Act protected flora or habitat for FFG Act protected fauna exists on the public road reserve that interfaces with the site. Glossy Grass Skink and Flinders Pygmy Perch were found to be present on site. Targeted surveys for swamp skink and dwarf galaxias did not record them within the project footprint. As such, a permit is not likely to be required under the FFG Act given the site is privately owned.

Act	Discussion
	The objectives set out in section 4 of the FFG Act are: - to guarantee that all taxa of Victoria's flora and fauna, other than taxa specified in the Excluded List, can persist and improve in the wild and retain their capacity to adapt to environmental change; and - to prevent taxa and communities of flora and fauna from becoming threatened and to recover threatened taxa and communities so their conservation status improves; and - to protect, conserve, restore and enhance biodiversity, including: - *flora and fauna and their habitats; and* - *genetic diversity; and* - *ecological communities; and* - *ecological processes; and* - to identify and mitigate the impacts of potentially threatening processes to address the important underlying causes of biodiversity decline; and - to ensure the use of biodiversity as a natural resource is ecologically sustainable; and - to identify and conserve areas of Victoria in respect of which critical habitat determinations are made. In addition, section 4B(2) of FFG Act states that a Minister and a public authority, so far as is consistent with the proper exercising of their functions, must consider any instrument made under the FFG Act, including: - Biodiversity Strategy; and - action statements; and - critical habitat determinations; and - management plans. Section 4B(4) of FFG Act further states that consideration must also be given to the potential impacts on biodiversity, including: - long and short-term impacts; and - beneficial and detrimental impacts; and - direct and indirect impacts; and - cumulative impacts; and - the impacts of potentially threatening processes. DTP has undertaken an assessment of the project's impacts on FFG-listed species. The project does not impact upon any native vegetation or habitat for threatened species. DTP notes that the proposed development, by contributing to efforts to reduce emissions will not be likely to worsen climate change impacts and therefore will mitigate the impacts of potentially threatening processes to address important underlying causes of biodiversity decline.
***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: *The Government of Victoria will endeavour to ensure that any decision made by the Government and any policy, program or process developed or implemented by the Government appropriately takes account of climate change if it is relevant by having regard to the policy objectives and the guiding principles.*

Act	Discussion
	This assessment has had consideration of the policy objectives and the guiding principles of the CA Act. The project is anticipated to store 600MW / 1200 or 2400 MWh of energy, which will assist in supporting energy needs and meet peak evening demand needs for approx. 206,897 households, as well as contribute towards achieving 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. Under the CA Act, six principles are to inform decision-making. *Informed decision making (section 23)* The permit applications have been informed by assessments relating to flooding and bushfire as relevant. The permit applications consider potential reduction in greenhouse gas emissions. It is considered that positive climate impacts will result from the proposal and support reductions in Victoria's greenhouse gas emissions. *Integrated decision making (section 24)* The assessment of the permit applications includes consideration of climate change risks outlined in the VPP, including fire and, flooding, amongst others. *Risk management (section 25)* The assessment includes consideration (as noted above) relating to fire, and flooding and increasing resilience to climate change risks. *Equity (section 26)* The permit applications seek approval for additional energy storage. Impacts on the community and neighbouring landowners has been considered and was found to be acceptable due to appropriate siting of the proposed facilities ensuring that adjacent properties could continue to use their land unimpeded. *Community engagement (section 27)* The community has been engaged with and provided feedback through the notice period under Section 52 of the Planning and Environment Act. *Compatibility (section 28)* The proposal responds to other relevant State policy and objectives as discussed throughout this report. Overall summary with respect to consideration of climate change: The permit application is consistent with the CA Act. It aims to help stabilise Victoria's grid and support Victoria's renewable energy transition and goals to reduce greenhouse

Act	Discussion
	gas emissions. The proposed facility is estimated to store 600MW / 1200 or 2400 MWh of electricity which will help achieve the emissions reduction targets in Part 2 of the CA 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. As a public authority under the *Charter of Human Rights and Responsibilities Act 2006* (the Charter), the Minister must give proper consideration to relevant human rights when making decisions (the procedural obligation), and act compatibly with those rights (the substantive obligation) pursuant to section 38(1) of the Charter. The purpose of this section is to record the matters that must be considered in deciding to approve the planning permit applications. In order to satisfy the procedural obligation and give proper consideration to relevant human rights, there is a requirement to: - understand the relevant human rights of a person or class of persons that may be impacted by a decision; - consider the possible impact of a decision on the human rights of a person or persons; - identify any countervailing interests or obligations; and - balance competing private and public interests to assess whether any impact on a relevant human right by the decision is justified, in the sense that it is appropriate in all the circumstances. The following rights may be relevant in deciding on the planning permit application: - right to privacy (section 13); - the right to take part in public life (section 18); - cultural rights (section 19); and - property rights (section 20). *Right to Privacy (s 13)* Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home, or correspondence, unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law that is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought. 'Privacy' is a right of considerable breadth. Relevantly, privacy protects a person's place of residence, regardless of whether they have a legal interest in that residence. What constitutes an interference with this aspect of the right to privacy has been approached in a practical manner and may cover actions that prevent a person from continuing to live in and enjoy their home. The area that is the subject of the decision does include private land, and the decision may impact the capacity owners of land within the application site. In the event that any landowners are in impacted in their ability to use or develop their property, to the extent that this would tend to interfere with their privacy rights, such rights would only be limited under the Charter where the interference is unlawful or arbitrary.

Act	Discussion
	Given the decision would be pursuant to a precise and appropriately circumscribed law that is predictable and proportionate to the legitimate aim of increasing renewable energy supply in the State of Victoria, it is open for the Minister to conclude that any interference is not unlawful or arbitrary, and therefore the decision is compatible with the right to privacy under s 13 of the Charter. *Right to take part in public life (s 18)* Section 18 of the Charter provides that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives. The right extends to a person's entitlement to attend a public forum to help make decisions on local issues. Engagement with community, councils, peak industry bodies, and surrounding landowners was undertaken through notice of the applications. The details of the engagement, feedback received, and assessment, are outlined in the Officer Report. Considering all of these factors, it is open to the Minister to be satisfied that the consultation is sufficient to satisfy the requirements of the PE Act, and that the process leading to the Minister's approval is compatible with the right to take part in public life. *Aboriginal Cultural Rights (s 19)* Section 19(2) of the Charter recognises that Aboriginal persons hold distinct cultural rights and provides that they must not be denied the right, with other members of their community to (among other things) maintain their distinctive spiritual, material, and economic relationship with the land and waters, and other resources, with which they have a connection under traditional laws and customs (section 19(2)(d)). Consultation was undertaken by giving notice of the planning permit to Gunaikurnai Land and Waters Aboriginal Corporation. A voluntary Cultural Heritage Management Plan has been approved for the project. Areas of aboriginal cultural heritage sensitivity fall within the application sites. Where development envisioned under the permit applications falls within areas of aboriginal cultural heritage sensitivity, it will continue to be addressed as required under the Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2018. It is therefore open to the Minister to be satisfied that the decision does not limit cultural rights. *Property rights (s 20)* Under section 20 of the Charter, a person must not be deprived of their property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely. Case law recognises that Acts like the PE Act, and planning schemes made under it, remove and regulate the right an owner in fee simple would otherwise have to develop land. The regulation of the right to develop land is not considered an acquisition of

Act	Discussion
	property rights. Case law also recognises that owners of land have no specific right to immunity from this class of regulation. Nonetheless, the permit application may impact or limit a change in use or development of property (even though it does not deprive landowners of possession or ownership). To the extent the decision impacts private landowners' ability to use, develop or enjoy their property, any such interference with property rights of landowners will be in accordance with the law, namely the PE Act. Accordingly, the decision will not limit the right to property under s 20 of the Charter. These planning applications have 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 *Transport Integration Act 2010 (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 principles of the TI Act as follows:. As an interface body under the TI Act 2010 (as the Minister administering the PE Act, which is interface legislation for the purposes of the TI Act), the Minister must have regard to transport system objectives (sections 7-13), decision making principles (section 14-21) and any applicable statement of policy principles (section 22) when making decisions likely to have a significant impact on the transport system. The Minister may determine the weight to give each transport system objective or decision-making principle. This assessment has considered the objectives of the TI Act and determined that: - The proposal will not create unreasonable barriers to persons using the transport system. - The proposal will contribute to facilitating economic prosperity to the Region and the state of Victoria through investment to develop the facility. - The proposal will result in increased traffic during construction. However, the environmental impacts from this are considered to be acceptable, given the environmental benefits of the project, once operation commences. - The proposed land use, impacts, and efficiency of the transport system have been considered, and were found to be acceptable, subject to conditions of the planning approval. - The impacts of the proposal on safety and wellbeing have been considered and were determined to be acceptable, subject to conditions of the approval.


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