

## PLANNING PERMIT

<b>Permit No.:</b>	PA2402783
<b>Planning scheme:</b>	Wyndham Planning Scheme
<b>Responsible authority:</b>	Minister for Planning
<b>ADDRESS OF THE LAND:</b>	130 Cherry Lane, Laverton North Formally known as Lot 1 on Title Plan 75860H

### THE PERMIT ALLOWS:

<b>Planning scheme clause No.</b>	<b>Description of what is allowed</b>
	Buildings and works associated with the existing utility installation (Altona Terminal Station) to facilitate a construction of a battery energy storage system and associated infrastructure
33.02-4	Construct a building or construct or carry out works.

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

#### COMPLIANCE WITH DOCUMENTS ASSOCIATED WITH THIS PERMIT

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

#### PERMIT COMMENCEMENT

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

#### NOTIFICATION OF COMMENCEMENT OF CONSTRUCTION AND OPERATION

3. Within one week, the Department of Transport and Planning, and WorkSafe Victoria, must be advised in writing:
  - a. When the construction commences for the proposal.
  - b. When the facility begins exporting power to the electricity network.

#### DEVELOPMENT PLANS

4. Before the development starts, amended plans must be approved and endorsed by the responsible authority (development plans).

The development plans must be fully dimensioned and drawn to scale. The development plans must generally be in accordance with the application plans prepared by AusNet Services, but modified to

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include:

- a. Dimensioned site layout and elevation plans (including the specifications, model, and materials, building height) of all proposed buildings, structures, fencing, and works.
- b. Dimensioned floor plan for the proposed control room, switch room and O&M shed.
- c. Any changes required to comply with any other condition of this permit.

**WRITTEN CONSENT TO MODIFY ENDORSED PLANS**

5. The development must generally be in accordance with all plans and documents approved and endorsed under this permit. The development as shown on the endorsed plans must not be altered (unless the Wyndham Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

**CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN**

6. Before the development starts, a Construction Environmental Management Plan (CEMP) must be approved and endorsed by the responsible authority.

The CEMP must include:

- a. Measures to avoid and minimise amenity and environmental impacts during construction of the facility.
  - b. Procedures to manage construction noise and vibration in accordance with the requirements of the Civil construction, building and demolition guide (EPA Publication 1834).
  - c. Procedures to manage mud and debris on the surrounding road network which may occur during construction.
  - d. Procedures to remove temporary works, plant, equipment, buildings and staging areas, and reinstate the affected parts of the land, when construction is complete.
  - e. A construction timetable, including typical daily start and end times.
  - f. The person(s) responsible for implementation and compliance of each of the CEMP requirements, including details of a site contact / site manager.
7. All persons undertaking works on-site must be fully briefed on all aspects and requirements of the endorsed CEMP. All works constructed or carried out must be in accordance with the endorsed CEMP, to the satisfaction of the responsible authority.

**CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

8. Before the development starts, a Construction Traffic Management Plan (CTMP) must be prepared in consultation with the relevant road authority (or authorities) and submitted to, approved and endorsed by the responsible authority. The CTMP must:
  - a. Be prepared by a suitably qualified and experienced civil or traffic engineer.
  - b. Specify that traffic controllers required at Fitzgerald Rd/Cherry Lane roundabout for ingress/egress of construction vehicles.
  - c. Specify that traffic controllers required at Maria St/Fitzgerald Rd intersection for ingress/egress of construction vehicles.
  - d. Specify designated transportation routes that will be used to access the site during construction of the facility, including the amount and type of vehicles required.
  - e. Specify that construction vehicles must turn left onto Fitzgerald Road and travel southbound for egress.
  - f. Include details of any proposed road modifications or upgrades to existing roads that will be required before, during and after construction.
  - g. Include a program to inspect, maintain and (where required) repair public roads used by construction traffic.

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- h. Be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority.
- 9. The endorsed CTMP must be implemented to the satisfaction of the responsible authority and relevant road management authority (or authorities).
- 10. Any proposed alteration or modification to the endorsed CTMP must be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority for endorsement.

**LIGHT SPILL MANAGEMENT**

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

**EMERGENCY MANAGEMENT**

- 12. Renewable energy facilities and batteries must be designed and constructed in accordance with CFA's *Design Guidelines and Model Requirements for Renewable Energy Facilities* (newest version at the time of facility design), in consultation with FRV, to the satisfaction of the responsible authority.
- 13. Before development plans are endorsed under condition 4, in consultation with the FRV, an Emergency Management Plan, Risk Management Plan and Fire Management Plan must be prepared, submitted to and endorsed by the responsible authority in accordance with *CFA's Design Guidelines and Model Requirements for Renewable Energy Facilities* (newest version at time of submitting plan for endorsement):
  - a. The Emergency Management Plan must be prepared in accordance with the above-mentioned Guideline.
  - b. The Risk Management Plan must be prepared in accordance with the above-mentioned Guideline.
  - c. The Fire Management Plan must be prepared in accordance with the above-mentioned Guideline.
- 14. Before the commissioning of the facility starts, in consultation with FRV, an Emergency Information Book must be prepared in accordance with CFA's *Design Guidelines and Model Requirements for Renewable Energy Facilities* (newest version at time of submitting plan for consultation).
  - a. The Emergency Information Booklet must be prepared in accordance with the above-mentioned Guideline.
- 15. Before the arrival of battery energy storage system enclosures/containers at the facility, the fire hydrant system must be installed and commissioned.
- 16. All fire protection measures shown on the endorsed plans (including separation distances, emergency vehicle access, equipment, and fire breaks) must be implemented. The fire protection measures must be maintained on a continuing basis for the life of the permit, to the satisfaction of the responsible authority.

**AUTHORITY CONDITION**

**Fire Rescue Victoria (FRV) (not a referral authority)**

- 17. Prior to the commencement of construction of the development (except for construction of those preliminary works that are outside the scope of the hazard studies), the applicant must prepare a Fire Safety Study (FSS) in consultation with FRV. The FSS must be submitted to, approved and endorsed by the responsible authority. The FSS must:
  - a. Meet the operational requirements of FRV.
  - b. Address the relevant aspects of:

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- i. NSW Hazardous Industry Planning Advisory Paper No. 2, 'Fire safety study guidelines' (DoP, 2011); and
    - ii. NSW Best practice guidelines for contaminated water retention and treatment systems (NSW HMPCC, 1994).
  - c. Consider the operational capability of local fire agencies and the need for the facility to achieve an adequate level of on-site fire and life safety independence.
  - d. Verify that the final design of the fire safety system(s) complies with:
    - i. AS/NZS 4681:2000 The storage and handling of Class 9 (miscellaneous) dangerous goods and articles (Standards Australia, 2000);
    - ii. FM Global Loss Prevention Data Sheet 5- 32 – Data centres and related facilities (FM Global Property, 2022) or equivalent;
    - iii. NFPA 855:2023 Standard for the Installation of Stationary Energy Storage Systems or equivalent; and
    - iv. (If any Class 3 or C1 proposed) AS 1940:2017 The storage and handling of flammable and combustible liquids (Standards Australia, 2017).
  - e. Report on the outcome of the above consultations with FRV to the Department of Transport and Planning.
18. Prior to commencement of construction of the development, a comprehensive Preliminary Hazard Analysis (PHA) must be prepared in consultation with FRV, to the satisfaction of Minister for Planning.

A PHA must assess the offsite impact or risk to people, property, and the environment at the proposed location. At a minimum, the PHA must cover BESS hazards (e.g., fire, toxic gas exposure, explosion), electrical hazards, electromagnetic radiation from high-voltage sources, and natural hazards (earth tremor, adverse weather, bushfires), as well as dangerous goods storage and handling hazards (if any).

**WorkSafe Victoria (determining authority)**

19. The site occupier(s) develop and implement an emergency response plan prior to BESS arrival at the site, to ensure that persons present at site can safely respond to potential incidents at the nearby major hazard facilities. This should include coordination with the major hazard facilities, and a shelter in place option in the event of a toxic smoke plume.
20. The applicant must consider impacts to the gas pipeline running along Cherry Lane as part of their risk assessment. This requires collaboration with the associated pipeline owner and Energy Safe Victoria.

**APA GROUP (not a referral authority)**

21. Buildings, structures, roadway, pavement, pipeline, cable, fence or any other improvement on or under the land within three metres of the gas transmission pipeline must not be constructed without prior consent in writing from the pipeline licensee/operator (APA VTS Australia (Operations) Pty Limited). No structure or vegetation will be permitted within 3 metres of the gas transmission pipeline that prohibits maintenance of line of sight along the pipeline.
22. Prior to the commencement of any works within 3 metres of the gas transmission pipeline, the proponent must enter a Third Party Works Authorisation agreement with the pipeline licensee/operator (APA VTS Australia (Operations) Pty Limited). Works within the 3 metres of the gas transmission pipeline must comply with any conditions attached to a third party works approval.
23. The current ground level over the existing high pressure gas pipeline is not to be reduced and must be maintained to the satisfaction of the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd).

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24. No stockpiles or storage of material is to be stored within 3 metres of the gas transmission pipeline at anytime.

**DECOMMISSIONING**

25. Once the facility permanently ceases operation, the responsible authority and Wyndham City Council must be notified within three months.
26. Once the facility permanently ceases operation, all buildings and works must be removed from the site and the site, or the relevant part of the site, must be rehabilitated and reinstated to the condition it was in prior to the commencement of development unless otherwise agreed with the landowner, subject to the written consent of the responsible authority.
27. Within three (3) months of the facility permanently ceasing operation, a Decommissioning Management Plan (DMP) prepared by a suitably qualified and experienced person must be submitted to, approved and endorsed by the responsible authority.

The DMP must include, as a minimum:

- a. Identification of infrastructure, equipment, buildings, and structures to be removed and details of how these will be removed.
  - b. Details of how the site will be rehabilitated to meet the requirements of condition 18.
  - c. A requirement that a Decommissioning Traffic Management Plan (DTMP) be submitted to, approved and endorsed by the responsible authority prior to decommissioning works starting. The DTMP must be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority for endorsement. The DTMP must specify measures to manage traffic impacts associated with removing the infrastructure, equipment, buildings and structures from the site to the satisfaction of the responsible authority.
  - d. A requirement that all decommissioning works identified in the DMP be completed to the satisfaction of the responsible authority as soon as practicable but no later than 12 months after the DMP is endorsed or such other period approved by the responsible authority.
28. The endorsed DMP must be implemented to the satisfaction of the responsible authority.

**EMERGENCY SERVICES**

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

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to the facility to be known to emergency services dispatchers.

**EXPIRY**

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

- a. The development is not started within three (3) years of the date of this permit.
- b. The development is not completed within six (6) years of the date of this permit.

The responsible authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

**PERMIT NOTES**

- I. This permit is not an EPA permission/approval. Before the development authorised under this permit starts, the permit holder must ensure that any obligations or duties that arise under the Environment Protection Act 2017 are met. This may include obtaining an EPA permission, approval or exemption, in accordance with the Environment Protection Regulations 2021.
- II. The granting of this permit does not obviate the necessity for compliance with the requirements under the EPA Publication 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (EPA Publication 1826.4).

**WYDNHAM CITY COUNCIL NOTE**

- I. A separate road opening permit will be required for the new crossover. An application for the separate road opening permit must be lodged with Council.

**APA GROUP**

- I. If you are planning on undertaking any physical works on property containing or proximate to a pipeline, or are seeking details on the physical location of a pipeline, please contact Dial Before you Dig on 1100, or APA directly on [APAprotection@apa.com.au](mailto:APAprotection@apa.com.au).
- II. An early works agreement from APA is required for any assessments/approvals that require greater than 1 days assessment or supervision. Lead in times for agreements can be up to 12 weeks. Please contact APA at [APAprotection@apa.com.au](mailto:APAprotection@apa.com.au) or 1800 103 452 to discuss the issue.
- III. Any improvements within 3 metres of the transmission gas pipeline undertaken by third parties is at the risk of the proponent who will remain liable. APA will not be liable for any costs associated with the maintenance or reinstatement of any vegetation and/or infrastructure constructed.

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**IMPORTANT INFORMATION ABOUT THIS PERMIT**

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**WHAT HAS BEEN DECIDED?**

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The responsible authority has issued a permit. This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

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**CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?**

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

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**WHEN DOES A PERMIT BEGIN?**

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A permit operates:

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

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**WHEN DOES A PERMIT EXPIRE?**

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

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**WHAT ABOUT REVIEWS?**

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

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