

PLANNING PERMIT

Permit No.:	PA2403308
Planning scheme:	Alpine Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	CP153246 (Volume 9477 Folio 366), Lot 1 TP170211, Lot 1 TP241980 and Lot 1 TP403444 Road ID 1107031

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed:
35.01-1	Use the land for a utility installation
35.01-4	Construct a building or construct or carry out works associated with a Section 2 use (utility installation).
Section 3 of Schedule 1 to Clause 42.03	Construct a building or construct or carry out works.
Clause 52.05	Construct or put up for display business identification signage
Clause 52.17	Native vegetation removal
Clause 52.29	Create or alter access to a road in a Transport Zone 2

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.

COMMENCEMENT

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

DEVELOPMENT PLANS

3. Before the use and development starts, amended plans must be approved and endorsed by the responsible authority (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 Mint Renewables titled *Dederang BESS – Indicative Layout*, Version 1.2, dated 28 October 2024, *'Indicative Civil and*

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Drainage Layout, Rev D, dated 6 June 2024), and plans prepared by EHV Consulting and Design: *'330/33/33kV Onsite Substation & BESS Indicative Site Plan'* (Sheet 1-2, Rev B, dated 28 June 2024), *'Indicative Elevation'* (Rev B, dated 27 June 2024), *'330/33/33kV Onsite Substation Indicative Equipment Elevations'* (Rev B, dated 26 June 2024), *'Indicative General Arrangement'* (Rev B, dated 27 June 2024), and *'330/33/33kV Onsite Substation Indicative General Arrangement'* (Rev B, dated 25 June 2024), but modified to include:

- a. The final location, elevation and materials of all buildings and works.
- b. The colours and finishes of all buildings and works. All buildings and works must be non-reflective and of natural/muted tones to minimise visual impact.
- c. Landscape screening to reduce visual impacts to the nearest dwelling located at Goonans Lane.
- d. Location of signage. The total display area of all business identification signs for the facility to be less than 3m².
- e. Any changes required to comply with:
 - i. Head, Transport for Victoria conditions 17 to 22, inclusive,
 - ii. Country Fire Authority conditions 23 to 25, inclusive.
 - iii. North East Catchment Management Authority conditions 26 to 31
 - iv. Any other condition of this permit.

WRITTEN CONSENT TO MODIFY ENDORSED PLANS

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

LANDSCAPING

5. Before the development starts, a Landscaping Plan must be approved and endorsed by the responsible authority. The Landscaping Plan must be generally in accordance with the submitted *Landscape and Visual Impact Assessment, PJ0041* dated October 2024 prepared by Landforms Architects, but modified to include:
 - a. A Planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - b. Vegetation screening, generally in accordance with that shown on the plans and prepared in consultation with the nearest dwelling owner on Goonans Lane.
 - c. A landscape management plan.
 - d. Any changes required to comply with any other condition of this permit.
6. Landscaping must be implemented in accordance with the landscape plan to the satisfaction of the Responsible Authority.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

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

The CEMP must include:

- a. Measures to avoid and minimise amenity and environmental impacts during construction of the facility
- b. Procedures to manage construction noise and vibration in accordance with the requirements of the Civil construction, building and demolition guide (EPA Publication 1834).

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- c. Procedures to manage mud and debris on the surrounding road network, which may occur during construction.
 - d. Procedures to remove temporary works, plant, equipment, buildings and staging areas and reinstate the affected parts of the land when construction is complete.
 - e. A construction timetable, including typical daily start and end times.
 - f. The person(s) responsible for implementation and compliance of CEMP requirements, including details of a site contact / site manager.
 - g. Measures to protect native vegetation proposed to be retained during construction works. These measures must:
 - i. Include the erection of native vegetation protection fencing around all native vegetation to be retained (including tree protection zones) to the satisfaction of the responsible authority.
 - ii. Comply with Australian Standard 4970 Protection of Trees on Development Sites.
8. All persons undertaking works on-site must be fully briefed on all aspects and requirements of the endorsed CEMP. All works constructed or carried out must be in accordance with the endorsed CEMP to the satisfaction of the responsible authority.

LIGHT SPILL MANAGEMENT

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

NOISE

10. The use of the land must at all times comply with *EPA Publication 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues* (EPA Publication 1826.4).
11. Before the endorsement of development plans in accordance with condition 3 of this permit, a Predictive Noise Assessment must be submitted to the responsible authority and must:
 - a. Model the final design layout and all electrical components of the facility and assess this against EPA Publication 1826.4.
 - b. Demonstrate compliance of the proposal with EPA Publication 1826.4.
 - c. Include details of any mitigation measures that will be implemented to achieve compliance with EPA Publication 1826.4 to the satisfaction of the responsible authority.
12. All measures relied on to achieve compliance with EPA Publication 1826.4 must be shown on the development plans under condition 3 and implemented to the satisfaction of the responsible authority.
13. The Predictive Noise Assessment must be made available to the public.

NATIVE VEGETATION OFFSETS

14. To offset the removal of 0.203 hectares of native vegetation, the permit holder must secure the following native vegetation offset in accordance with *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017):
 - a. A general offset of 0.057 general habitat units:
 - i. Located within the North East Catchment Management Authority boundary or Alpine Shire municipal area
 - ii. With a minimum strategic biodiversity value of at least 0.6857.

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15. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
 - a. An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and / or
 - b. Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
16. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to pea.energyproject@deeca.vic.gov.au.

HEAD, TRANSPORT FOR VICTORIA – SECTION 55

17. No direct access from the subject land to Yackandandah-Dederang Road will be permitted.
18. Access to the subject site is to be located as shown in 'Option 2' on the plan appended to the application (23-039-DWG-E010, Revision D, dated 7 June 2024).
19. Prior to the commencement of the buildings and/or works, a Traffic Management Plan must be submitted to and approved by the Head, Transport for Victoria. The Traffic Management Plan must include:
 - a. Engineering plans and reports demonstrating whether, and if so, how truck movements to and from the site can be safely accommodated within the road reserve. Mitigation measures must be developed by the proponent and agreed to by the Head, Transport for Victoria and the Responsible Authority for all hazards, including but not limited to:
 - i. Oversize and overmass haulage;
 - ii. Traffic management;
 - iii. Removal of roadside vegetation;
 - iv. Reduction in speed limits;
 - v. Alteration to any road furniture or intersection;
 - vi. Emergency management; and
 - vii. Risk management.
 - b. The timing of when the works are to be undertaken.
 - c. A program of regular inspections during the construction of the BESS facility to identify any maintenance works necessary as a result of construction traffic.
 - d. Works required by the TMP must be completed promptly, to the satisfaction of and at no cost to the Head, Transport for Victoria.
 - e. A program to rehabilitate existing public roads and associated infrastructure to a safe and usable condition during the following stages:
 - i. The construction period;
 - ii. At the conclusion of the construction of the BESS facility; or
 - iii. First two years during the operation of the BESS facility.
 - f. The proponent is responsible for any damage caused to construction vehicles or other vehicles in the event that the safe and usable quality of any public road and associated infrastructure is degraded or compromised as a result of the development. The Head, Transport for Victoria, or the Responsible Authority, will not accept liability for any such damage.
20. Prior to commencement of the buildings and/or works, a Functional Layout Plan must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head,

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Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be to the satisfaction of the Head, Transport for Victoria, and must show the following at the intersection of Yackandandah Dederang Road and the unmade road reserve:

- a. Channelised Right (CHR) turn treatment.
 - b. Basic Left (BAL) turn treatment.
 - c. Street lighting in accordance with AS 1158.
21. Prior to commencement of the buildings and/or works, a functional layout stage Road Safety Audit must be submitted to and approved by the Head, Transport for Victoria. The road safety audit must be undertaken by a suitably qualified road safety auditor.
22. Prior to commencement of the buildings and/or works, the following must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria:
- a. Channelised Right (CHR) turn treatment.
 - b. Basic Left (BAL) turn treatment.
 - c. Street lighting in accordance with AS 1158.
 - d. Any works identified in the Functional Layout Plan or the Road Safety Audit.
 - e. Any other works required.

COUNTRY FIRE AUTHORITY – SECTION 52

23. Before plans are endorsed under condition 3, in consultation with CFA, a Risk Management Plan must be submitted to, approved and endorsed by the responsible authority. The Risk Management Plan must be prepared in accordance with the CFA Guidelines, and:
- a. Describe the risks and hazards at the facility to and from the battery energy storage system and related infrastructure.
 - b. Include dedicated fire water supplies
 - i. Of a quantity no less than 432kL (30L/s for four hours) effective capacity.
 - ii. Provided otherwise in accordance with the CFA Guidelines and AS 2419.1-2021: Fire hydrant installations.
 - iii. Located reasonably adjacent to the battery energy storage system but in a position that is accessible without undue danger in an emergency, to the satisfaction of CFA.
 - iv. Commissioned prior to the arrival of the battery energy storage system enclosures/containers at the facility.
 - c. Specify the separation distance, based on radiant heat flux (output) as an ignition source, between:
 - i. Adjacent battery containers/enclosures.
 - ii. Battery containers/enclosures and related battery infrastructure, buildings/structures, solar panel infrastructure, and vegetation.
 - d. Include a copy and summary of the findings of WorkSafe and ESV's Arc Flash Self-Audit Tool (dated June 2022), including the proposed risk controls to manage arc flash risks for site personnel and emergency responders.
 - e. Include consequence modelling and analysis in accordance with NSW Planning's HIPAP2: Fire Safety Study Guidelines (2011) for a single BESS, fully involved in fire, including smoke and gas emissions, to the satisfaction of CFA. The consequence analysis must include:
 - i. Time-related exposures including radiant heat flux, explosion overpressures, and toxic concentrations and impacts, on on-site and off-site receptors.

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- ii. Appropriate tables, charts and site plans/locality overlays that show the potential extent of the exposures.
 - iii. Analysis of the potential impact of radiant heat on adjacent BESS, including the potential for thermal runaway and surface fire in those BESS.
 - iv. Plume analysis that shows likely spread of gas/vapours and smoke across a container-level and full-scale fire test, in typical seasonal conditions and fire weather conditions.
 - v. The impact of any proposed acoustic barriers.
- f. List and describe all other controls for the management of on and off-site hazards and risks at the facility (including all proposed battery energy storage system safety and protective systems).
 - g. Provide an evidence-based determination of the effectiveness of the risk controls against the identified hazards, including justification for the omission of any battery safety and protective system/s.
 - h. Form the basis for the design of the facility.
24. Before plans are endorsed under condition 3 an Emergency Plan (EP) and Fire Management Plan (FMP) must be submitted to, approved and endorsed by the responsible authority. The EP and FMP must be prepared in consultation with CFA and be in accordance with the CFA Guidelines.
25. Before the use commences, all fire protection measures shown on the endorsed plans (including separation distances, emergency vehicle access, firefighting water supply (location and quantity) and equipment, and fire breaks) must be implemented. The fire protection measures must be maintained on a continuing basis for the life of the permit, to the satisfaction of the responsible authority.

NORTH EAST CATCHMENT MANAGEMENT AUTHORITY – SECTION 52

26. Prior to finalization of detailed design drawings, a Waterway Identification by Goulburn Murray Water is required to assess the existence and location of waterways within the site in proximity to the proposed development.
27. Prior to the commencement of works, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
- a. A minimum 30 m works setback from all waterways (excluding the access track and underground cable crossing).
 - b. The BESS and Substation benches elevated a minimum of 1 m above the 1% AEP flood level (including climate change) at any location where the works benches abut the waterways.
28. Prior to the commencement of works, a Stormwater Management Plan must be submitted to and approved by the Responsible Authority. The Stormwater Management Plan must:
- a. Document proposed site management during construction compliant with the GED.
 - b. Demonstrate that all stormwater discharge from the BESS will meet the Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO, 1999).
 - c. Consider potential groundwater interactions (inflows and outflows) from the site, including requirements for impervious liners to avoid release (by infiltration) of fire runoff water.
 - d. Confirm required detention basin volumes and outlet configuration to attenuate peak flow (runoff) from the site for events up to 1% AEP. Basin sizing should explicitly consider the proposed outlet configuration (head-discharge relationship) for routing design flows through the basin and consider a range of storm durations and temporal patterns consistent with Australian Rainfall and Runoff (Version 4.2, 2019).

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29. Prior to finalization, the Fire Management Plan / Emergency Plan for the site must: a. Provide details of proposed infrastructure to isolate fire runoff water (to prevent release to waterways). b. Clearly document proposed operational procedures in the event of fire to provide for isolation of fire runoff water (no release to waterways unless tested and approved).
30. Prior to the commencement of works, a Waterway Management Plan (WMP) must be submitted to and approved by the Responsible Authority. The WMP must identify a waterway reserve (minimum 30 m width along each side of identified waterways). The WMP must include:
- Details of the existing environmental values.
 - Details of any initial stabilisation and vegetation works.
 - Fencing to prevent stock access to the waterways.
 - A landscape plan for revegetation of the waterway, drainage corridor and all water quality works, including a species list and proposed density of the plantings. The vegetation must be representative of the Ecological Vegetation Class for the site.
 - A maintenance plan detailing the sequencing and periods of short, medium and long term actions, including inspections, and the parties responsible for each action. The waterway reserve must be managed by the owner / applicant in accordance with the WMP for the duration of site operation.
31. Prior to commencing any works in, on or over any waterway (tracks or cable crossings), a Works on Waterways permit must be obtained from North East Catchment Management Authority in accordance with By-Law No 2024/01 Waterways Protection. Further information and an application form can be obtained from the Authority at: <http://www.necma.vic.gov.au/AboutUs/Programs-Initiatives/Undertake-Works-on-Waterways>.

EMERGENCY SERVICES

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

DECOMMISSIONING

34. Once the facility permanently ceases operation, the responsible authority and Alpine Council must be notified within three months.
35. 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.
36. Within three months of the facility permanently ceasing operation, a Decommissioning Management Plan (DMP) prepared by a suitably qualified and experienced person must be submitted to, approved and endorsed by the responsible authority.

The DMP must include, as a minimum:

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

37. The endorsed DMP must be implemented to the satisfaction of the responsible authority.

NOTIFICATION OF WORKS COMMENCING

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

EXPIRY

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

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

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

Permits Notes:

Head, Transport for Victoria

- The proposed development may require removal of trees within the road reserve and separate approval under the Road Management Act 2004 for this activity is required from the Head, Transport for Victoria.
- Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act 2004. For the purposes of this application the works will include provision of:
 - a) Channelised Right (CHR) turn treatment,
 - b) Basic Left (BAL) turn treatment; and
 - c) Any other works in the arterial road reserve.

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WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit

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

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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

WHEN DOES A PERMIT BEGIN?

A permit operates:

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

WHEN DOES A PERMIT EXPIRE?

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

WHAT ABOUT REVIEWS?

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

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