

PLANNING PERMIT

Permit No.:	PA2302247-2
Planning scheme:	Moorabool Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	<ul style="list-style-type: none">• 225 Elaine-Blue Bridge Road, Elaine (Crown Allotment 19c Parish of Narmbool); and• Elaine-Blue Bridge Road, Elaine (Lot 1 and Lot 2 on PS630660).

THE PERMIT ALLOWS:

Planning scheme clause	Matter for which the permit has been granted
35.07-1	The use of land for utility installations (battery energy storage system and transmission lines).
35.07-4	Buildings and works associated with the use of the land for utility installations; Earthworks which change the rate of flow or the discharge point of water across a property boundary; and Construction of a building within setbacks specified in the schedule to clause 35.07.
52.05-14	To construct or put up for display a business identification sign.
52.17-1	The removal, destruction or lopping of native vegetation, including dead native vegetation.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with Documents Approved Under this Permit

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

Layout Not Altered

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2. The use and development as shown on the endorsed plans must not be altered (unless the Moorabool Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

Commencement

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

Predictive Noise Assessment

4. Before the endorsement of development plans in accordance with condition 8 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.

Risk Management Plan

5. Before plans are endorsed under condition 8, in consultation with the 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 from the battery energy storage system and related infrastructure.
 - b. Include a dedicated fire water supply for the battery energy storage system of a quantity no less than 576kL:
 - i. Provided otherwise in accordance with the CFA Guidelines and AS 2419.1-2005: Fire hydrant installations.
 - ii. Located at the main entrance to the facility.
 - iii. 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 and vegetation.
 - d. 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).
 - e. 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.
 - f. Form the basis for the design of the facility.

Emergency Management Plan and Fire Management Plan

6. Before plans are endorsed under condition 8, an Emergency Management Plan (EMP) and Fire Management Plan (FMP) must be submitted to, approved and endorsed by the

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responsible authority. The EMP and FMP must be prepared in consultation with the CFA and be in accordance with the CFA Guidelines.

Stormwater Management Strategy

7. Before the endorsement of development plans in accordance with condition 8, a Stormwater Management Strategy must be submitted to and approved by the responsible authority. The Stormwater Management Strategy must be prepared to the satisfaction of the responsible authority and generally in accordance with the Stormwater Management Strategy prepared by Dalton Consulting Engineers and dated March 2024.

The Stormwater Management Strategy must:

- a. Include details (and computations) of how the works on the land are to be drained, including drains conveying stormwater to the legal point of discharge.
- b. Include details of how the drainage design affects the continuation of existing overland flow paths and flood patterns across the land.
- c. Assess impacts on on-site infiltration and surface water quality, including adjacent land and waterways.
- d. Include details about how polluted or contaminated runoff is to be managed.
- e. Include modelling of the existing open channel be undertaken to determine 1 per cent annual exceedance probability water levels within the proposed eastern and western swales within the subject site.
- f. Include hydraulic modelling, using HEC-RAS or TUFLOW software, to determine the extent of tailwater impacts that extend upstream from the road reserve during a major rainfall event (such as the 1 per cent annual exceedance probability).

Amended Development Plans

8. Before development starts, an electronic set of plans must be submitted to and approved by the responsible authority. The development plans must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, and be generally in accordance with the concept layout plan prepared by Cogency and dated 20 February 2024, and drawings prepared by PowerSwitch and dated 8 January 2024, but amended to include:
- a. A note confirming that the battery energy storage system units are to be located above the 1 per cent annual exceedance probability water levels in the swales.
 - b. A note confirming that non-reflective materials, coatings, and/or paint will be used for all buildings and structures.
 - c. A colour palette for approved buildings, generally in accordance with the recommendations of the Landscape and Visual Impact Assessment prepared by Orbit Solutions and dated 11 May 2023.
 - d. Any noise attenuation measures prescribed by the Predictive Noise Assessment approved and endorsed by condition 4.
 - e. Any changes required to comply with condition 5 (Risk Management Plan).
 - f. Any changes required to comply with condition 6 (Emergency Management Plan and Fire Management Plan).
 - g. Any changes required to comply with condition 7 (Stormwater Management Strategy).
 - h. The maximum height of the office trailer, storage containers and associated shade structures.

Landscape Plan

9. Before the development starts, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, and must include the following:
- a. Layout of landscaping and planting within all open areas of the subject land
 - b. 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
 - c. The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.
 - d. Details of all ground surface finishes including internal access tracks, pathways, laydown areas, and driveways including how these areas will be maintained at a reasonable level.
 - e. Details of how the project responds to the recommendations of the Stormwater Management Strategy approved under condition 7.

Environmental Management Plan

10. Before the development starts, an Environmental Management Plan (EMP) must be submitted to and approved by the responsible authority. The EMP must be prepared to the satisfaction of the responsible authority.

The EMP must:

- a. Include measures to avoid and minimise amenity and environmental impacts during the operation of the battery energy storage system.
- b. Include design measures and / or procedures to manage dust, odour, light spill, mud, flood, surface water quality and stormwater run-off.
- c. Include response measures to environmental incidents, including a program for recording and reporting environmental incidents.
- d. Include organisational responsibilities, and procedures for staff training and communication.

Construction Environment Management Plan

11. Before the development starts, a Construction Environmental Management Plan (CEMP) must be submitted to and approved by the responsible authority. The CEMP must be prepared to the satisfaction of the responsible authority in consultation with the Department of Energy.

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.
- g. Measures to protect native vegetation proposed to be retained during construction works. These measures must:
- h. 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.
- i. Comply with Australian Standard 4970 *Protection of Trees on Development Sites*.

Secondary Emergency Access

12. Before the development starts, written confirmation from the owner(s) of the land on which the secondary emergency access relies, confirming consent for the creation and use of the secondary emergency access, must be provided to the satisfaction of the responsible authority.

13. *Deleted.*

Completion of Midland Highway Works

14. Before the development starts, the roadworks shown on the endorsed plans must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria.

Offset Requirement

15. To offset the removal of 0.009 hectares of native vegetation, as identified in Native Vegetation Removal Report NAA_2023_029, the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP 2017) as specified below:

General offset

A general offset of 0.002 general habitat units:

- a. located within the Corangamite Catchment Management Authority boundary or Moorabool Shire Council municipal district; and
- b. with a minimum strategic biodiversity score of at least 0.240.

Offset Evidence and Timing

16. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:
- a. credit extract(s) allocated to the permit from the Native Vegetation Credit Register and/or
 - b. 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.

A copy of the offset evidence must be endorsed by the responsible authority and will form part of this permit.

Monitoring and Reporting for Onsite Offset Implementation

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17. In the event that a security agreement is entered into as per condition 14, the applicant must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Notification of Native Vegetation Removal Conditions

18. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

Notification of CEMP Requirements

19. Before development starts, all persons undertaking works on-site must be fully briefed on all aspects and requirements of the CEMP approved under condition 11.

Complaint Investigation and Response Plan

20. Before development starts, excluding site preparation works, a Complaint Investigation and Response Plan (CIRP) must be submitted to, approved and endorsed by the responsible authority. Once endorsed, the CIRP will form part of this permit.

The CIRP must:

- a. Respond to all aspects of the construction and operation of the BESS facility.
- b. Be prepared in accordance with Australian/New Zealand Standard AS/NZS 10002:2014 – Guidelines for Complaint Management in Organisations.
- c. Include a process to investigate and resolve complaints (different processes may be required for different types of complaints).

Publishing Information about Complaints Handling

21. Before development starts, the following information must be made publicly available and readily accessible from the BESS facility project website, or another publicly available resource to the satisfaction of the responsible authority:
- a. A copy of the endorsed CIRP.
 - b. A toll-free telephone number and email contact for complaints and queries to the BESS facility operator.

Complaints Register

22. Before development starts, a Complaints Register must be established which records:
- a. The complainant's name and address (if provided).
 - b. A receipt number for each complaint, which must be communicated to the complainant.
 - c. The time and date of the incident, and operational conditions at the time of the incident.
 - d. A description of the complainant's concerns.
 - e. The process for investigating the complaint, and the outcome of the investigation, including the actions taken to resolve the complaint.

Lighting Strategy

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23. Before the use starts, a Lighting Strategy must be submitted to and approved by the responsible authority, generally in accordance with the recommendations of the Landscape and Visual Impact Assessment prepared by Orbit Solutions and dated 21 February 2024.

The Lighting Strategy must:

- a. Specify that all lighting installed and operated at the site is to comply with Australian Standard 4282, *Control of the obtrusive effects of outdoor lighting*.
- b. Specify the use full cut-off luminaires.
- c. Demonstrate how lights will be directed to eliminate light spill and trespass.
- d. Specify the use of amber (instead of bluish-white) lighting.
- e. Demonstrate how the use of lighting will be minimised during operations.
- f. Specify the use vehicle-mounted lights or portable light towers for night-time maintenance activities.

Completion of Landscaping

24. Before the use starts, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of the responsible authority.

The responsible authority may consent in writing to vary this requirement.

Implementation of Fire Protection Measures

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

Post-construction Noise Assessment

26. Within six (6) months of the use commencing, a Post-Construction Noise Assessment must be prepared by a suitably qualified acoustic engineer and must be submitted to the Minister for Planning and Moorabool Shire Council, demonstrating compliance with EPA Publication 1826.4 at all times. The Post-Construction Noise Assessment must:

- a. Assess the compliance of the use with EPA Publication 1826.4.
- b. If necessary, make recommendations to achieve compliance with EPA Publication 1826.4, to the satisfaction of the responsible authority.
- c. Be made available to the public.

Post-construction Noise Assessment Implementation

27. Where the Post-Construction Noise Assessment recommends measures to achieve compliance with EPA Publication 1826.4, the measures must be:

- a. Implemented within 2 months of the Post Construction Noise Assessment being submitted to the Minister for Planning.
- b. Assessed within 2 months of implementation to demonstrate compliance with EPA Publication 1826.4.

Notice of Use Permanently Ceasing

Date of issue: 17 November 2023 Signature for the responsible authority:



28. Within three (3) months of the battery energy storage system permanently ceasing operation, the responsible authority and Moorabool Shire Council must be notified.

Decommissioning Management Plan

29. 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 and approved by the responsible authority. The DMP must be prepared to the satisfaction of the responsible authority.

The DMP must include:

- a. Identification of infrastructure, equipment, buildings, and structures to be removed, and details of how these will be removed.
- b. Details of to what degree and how the site will be rehabilitated and reinstated to the condition it was in prior to the start of development.
- c. 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.

Decommissioning Traffic Management Plan

30. Before demolition and works associated with the decommissioning start, a Decommissioning Traffic Management Plan (DTMP) must be submitted to and approved by the responsible authority. The DTMP must be prepared to the satisfaction of the responsible authority in consultation with the relevant road authority (or authorities).

The DTMP must:

- a. Be prepared by a suitably qualified and experienced civil or traffic engineer.
- b. Specify measures to be taken to manage traffic impacts associated with the decommissioning of the facility.
- c. Specify designated transportation routes that will be used to access the site during decommissioning of the facility, including the amount and type of vehicles required.
- d. Include details of any proposed modifications or upgrades to existing roads that will be required before decommissioning.
- e. Include a program to inspect, maintain and (where required) repair public roads used by decommissioning traffic.

EPA Publication 1826.4 Compliance

31. 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).

Landscape and Visual Impact Assessment Recommendations

32. The development and use of the land must be in accordance with the required recommendations set out in section 7 of the landscape and visual impact assessment prepared by Orbit Solutions and dated 21 February 2024, to the satisfaction of the responsible authority.

Landscaping Maintenance

Date of issue: 17 November 2023 Signature for the responsible authority:



33. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the responsible authority.

Light Spill Management

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

Register of Complaints

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

Prohibition on Entry to Railway Land

36. No entry to railway land is permitted without the written consent of VicTrack.

Prohibition on Use of Railway Land

37. Except with the written consent of VicTrack, no drainage, effluent, waste, soil or other materials must enter, be stored or be directed to the railway land.

Sign Maintenance

38. The sign, including the structure and content, must be constructed and maintained to the satisfaction of the responsible authority.

Expiry – Signage

39. This permit as it relates to a sign will expire 15 years from the issued date of this permit.

On expiry of the permit, the sign and structures built specifically to support and illuminate it must be removed.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the period referred to in this condition.

Expiry – Development and Use

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

- a. The development is not started within three years of the issued date of this permit.
- b. The development is not completed within five years of the issued date of this permit.
- c. The use does not start within five years of 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.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

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Date of amendment	Brief description of amendment	Name of responsible authority that approved the amendment	Section of the Act under which the permit has been amended
13 September 2024	Various changes to the layout of the facility to facilitate an increase to the capacity of the BESS.. Amendments to conditions 7, 8, 23 and 32 to facilitate the above.	Minister for Planning	Section 74
25 February 2025	Deletion of Condition 13.	Minister for Planning	Section 74

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USEFUL INFORMATION

(the following information does not form part of this permit):

- The permitted use or development may need to comply with, or obtain the following further approvals:
 - The recommendations of a cultural heritage management plan approved under the *Aboriginal Heritage Act 2006*.

Powercor

- Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

Head, Transport for Victoria

- The proposed development requires works within the road reserve. Separate approval under the *Road Management Act 2004* for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport and Planning prior to commencing any works.
- Prior to the works commencing, the applicant must enter into a Works Agreement with the Head, Transport for Victoria, confirming design plans and works approvals processes, including the determination of fees and the level of Head, Transport for Victoria's service obligations.

WorkSafe Victoria

The proposed development will need to ensure its compliance with the relevant requirements of the *Dangerous Goods Act 1985* and its subordinate legislation, in particular the Dangerous Goods (Storage and Handling) Regulations 2022.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

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.

Date of issue: 17 November 2023 Signature for the responsible authority:

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