

# Elaine Battery Akaysha

Planning Permit Application PA2302247  
225 Elaine-Blue Road, Elaine and  
Elaine-Blue Bridge Road, Elaine



Officer Assessment Report  
Development Approvals & Design

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Department  
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Prepared by: [REDACTED]	32
Reviewed by: [REDACTED]	32
Approved by: [REDACTED]	32

# Executive Summary



Key Information	Details																		
<b>Application No:</b>	PA2302247																		
<b>Received:</b>	23 May 2023																		
<b>Statutory Days:</b>	56																		
<b>Applicant:</b>	Akaysha Energy c/- Cogency																		
<b>Planning Scheme:</b>	Moorabool Planning Scheme																		
<b>Land Address:</b>	225 Elaine-Blue Bridge Road, Elaine (Crown Allotment 19c Parish of Narmbool); and Elaine-Blue Bridge Road, Elaine (Lots 1 and 2 on PS630660).																		
<b>Site Visit</b>	5 June 2023																		
<b>Proposal:</b>	Develop and use land for utility installations (200MW battery energy storage system (BESS) and 220kV transmission line), business identification signage and the removal of native vegetation.																		
<b>Development Value:</b>	\$500,000,000																		
<b>Why is the Minister responsible?</b>	<p>In accordance with the schedule to Clause 72.01-1 of the Moorabool Planning Scheme:  <i>The Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to the use and development of land for a:</i></p> <ul style="list-style-type: none"> <li>• <i>Energy generation facility with an installed capacity of 1 megawatt or greater.</i></li> <li>• <i>Utility installation used to:</i> <ul style="list-style-type: none"> <li>○ <i>Transmit or distribute electricity.</i></li> <li>○ <i>Store electricity if the installed capacity is 1 megawatt or greater.</i></li> </ul> </li> </ul>																		
	<table border="1"> <thead> <tr> <th>Clause</th> <th>Control</th> <th>Trigger</th> </tr> </thead> <tbody> <tr> <td><b>Zone:</b></td> <td>Clause 35.07 Farming Zone – Schedule to the Farming Zone (FZ)</td> <td>Use the land for a utility installation (battery energy storage system and transmission lines) Construct a building or construct or carry out works</td> </tr> <tr> <td rowspan="2"><b>Overlays:</b></td> <td>Clause 43.02 Design and Development Overlay – Schedule 2 (DDO2)</td> <td>N/A</td> </tr> <tr> <td>Clause 44.06 Bushfire Management Overlay</td> <td>N/A</td> </tr> <tr> <td rowspan="3"><b>Particular Provisions:</b></td> <td>Clause 52.05 Signs</td> <td>A permit is required to construct or put up for display a sign.</td> </tr> <tr> <td>Clause 52.06 Car parking</td> <td>Car parking must be provided to the satisfaction of the responsible authority.</td> </tr> <tr> <td>Clause 52.17 Native Vegetation</td> <td>Remove, destroy or lop native vegetation, including dead native vegetation.</td> </tr> </tbody> </table>	Clause	Control	Trigger	<b>Zone:</b>	Clause 35.07 Farming Zone – Schedule to the Farming Zone (FZ)	Use the land for a utility installation (battery energy storage system and transmission lines) Construct a building or construct or carry out works	<b>Overlays:</b>	Clause 43.02 Design and Development Overlay – Schedule 2 (DDO2)	N/A	Clause 44.06 Bushfire Management Overlay	N/A	<b>Particular Provisions:</b>	Clause 52.05 Signs	A permit is required to construct or put up for display a sign.	Clause 52.06 Car parking	Car parking must be provided to the satisfaction of the responsible authority.	Clause 52.17 Native Vegetation	Remove, destroy or lop native vegetation, including dead native vegetation.
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<b>Cultural Heritage:</b>	<p>A certified Preliminary Aboriginal Heritage Test, dated 6 March 2023, was included as part of the application, confirming that a cultural heritage management plan is not required.</p> <p>However, the applicant prepared a voluntary cultural heritage management plan and on 9 October 2023, the Wadawurrung Traditional Owners Aboriginal Corporation, acting as the Registered Aboriginal Party, approved cultural heritage management plan (#19558).</p>																		
<b>Total Site Area:</b>	~6ha																		
<b>Referral Authorities:</b>	<p>AusNet Transmission Group (section 55 – determining)</p> <p>WorkSafe Victoria (section 55 – determining)</p>																		



**Public Notice:**

Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner:

- Letters posted to owners and occupiers of properties adjoining the site under section 52(1)(a) of the Act;
- Letters posted to owners and occupiers of other properties within 1.5km of the site and 430 Settlement Road, Elaine under section 52(1)(d) of the Act.

DTP gave notice of the application by email to the Moorabool Shire Council under section 52(1)(b) of the Act.

DTP also gave notice of the application by email, under section 52(1)(d) of the Act, to the following authorities and agencies:

- Country Fire Authority
- Energy Safe Victoria
- Emergency Management Victoria
- Wadawurrung Traditional Owners Aboriginal Corporation
- Transport for Victoria
- VicTrack

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**Delegates List:**

Approval to determine under delegation received on **13 November 2023**.

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**Recommendation**

It is recommended that planning permit PA2302247 issue subject to conditions.

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# Subject Site and Surrounds

## Site Description

1. The subject site is located within the Moorabool Shire Council and has a street addresses of 225 Elaine-Blue Ridge Road and Elaine-Blue Bridge Road, Elaine, comprising the following parcels:

- The Crown Allotment 19c Parish of Narmbool (19C\PP3271);
- Lot 1 On PS630660 (1\PS630660); and
- Lot 2 On PS630660 (2\PS630660).

2. Figure 1 comprises a recent aerial photograph of the subject site (outlined in red) and its immediate surrounds.
3. The site has an area of approximately 6ha and has a frontage to an unnamed road to the south.
4. The land is generally flat, except for the shallow drainage line (indicative shown in orange in Figure 1) that runs across the site towards the southwest. There are some large earth mounding to the immediate east of the site associated with the terminal station construction.
5. Figure 2 shows the flow of water through the site and its immediate surrounds.
6. There three easements on the site, as follows:

- E-1 and E-2 on 2\PS630660 are contiguous and total 57.61m in width (indicatively shaded in orange) and are transmission line easements in favour of AusNet Transmission Group; and
- E-3 on 19C\PP3271 is a 2m-wide power supply easement (indicatively shaded purple) in favour of Powercor.

7. The portion of the subject site within 19C\PP3271 and 1\PS630660 is currently used for agricultural grazing. It is part of a wider agricultural holding that is also used for grazing and was formerly used as a gravel quarry to support the construction of the adjacent terminal station used for agricultural grazing. Both dams visible in Figure 2 were constructed as part of the development of the terminal station.
8. The Elaine Terminal Station was originally constructed for the Mt Mercer Wind Farm in 2013, and was subsequently expanded in 2018 to accommodate the Moorabool Wind Farm connection and in 2019 to accommodate the Lal Lal Wind Farm. The terminal station is connected to the main 220kV Moorabool to Ballarat transmission line which extends north west to the Ballarat Terminal Station and south east to Moorabool Terminal Station. The terminal station is also connected to two 132 kV transmission lines, one extends south west to the Mt Mercer wind farm, the other extending south east to the Moorabool wind farm.

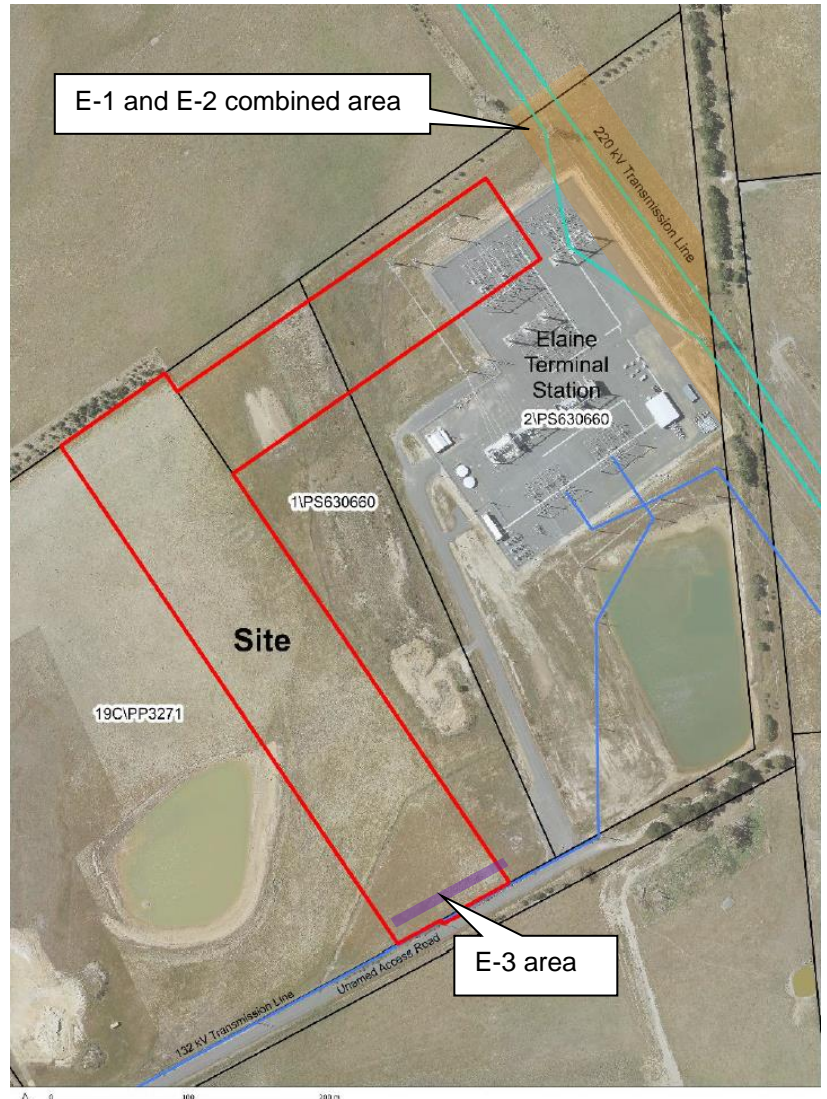


Figure 1: Subject site and immediate surrounds (Source: Application)

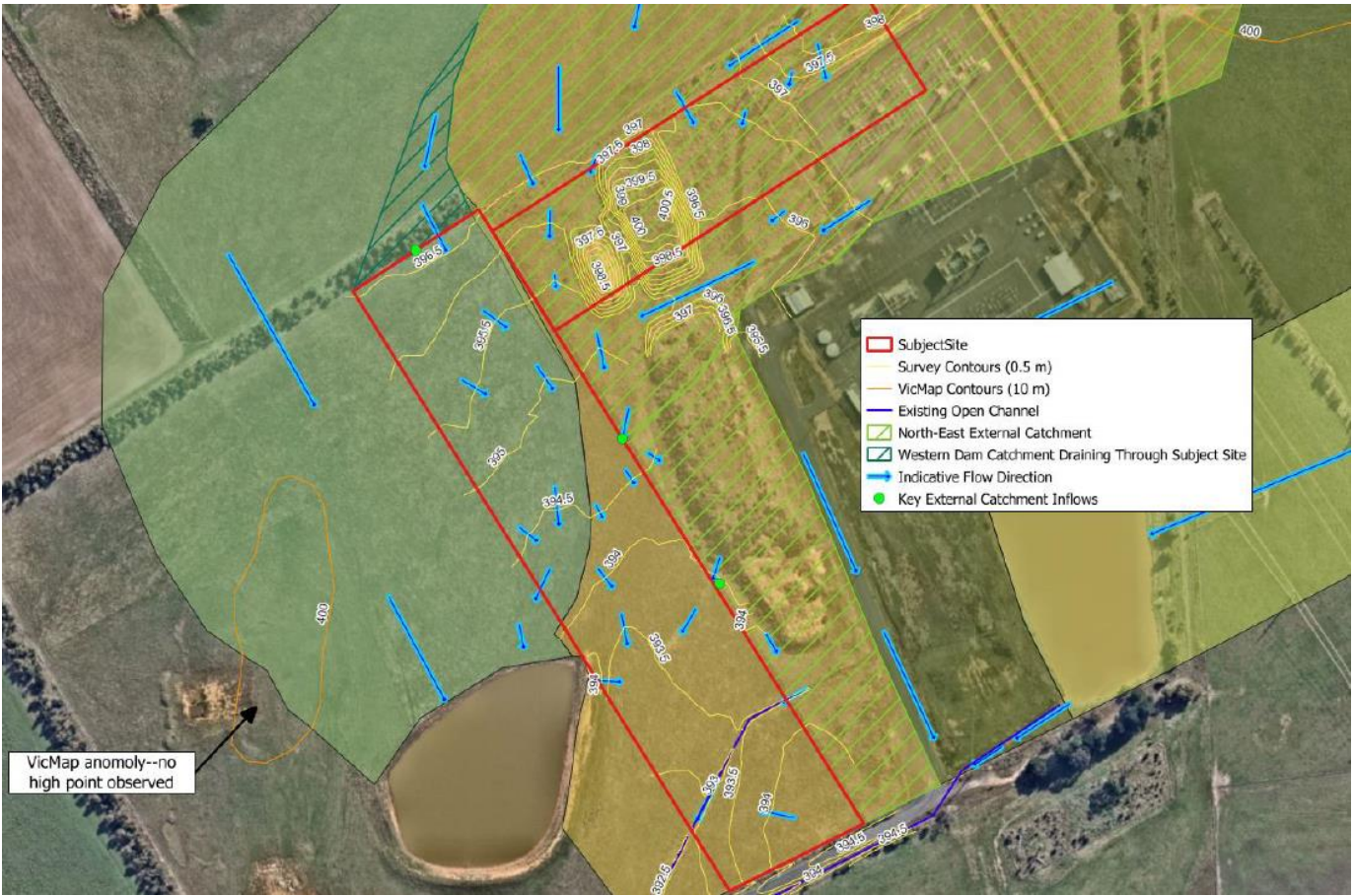


Figure 2: External catchments - Detail (Source: Application)

## Site Surrounds

9. Aside from the Elaine Terminal Station immediately east of the site, the broader surrounds generally comprise agricultural land, noting that a portion of the Lal Lal Wind Farm occupies agricultural land to the south and south west as indicatively shown shaded in purple in Figure 3.
10. Land to the north and west, currently used for agricultural purposes, is part of planning permit application PA2302521 for the Elaine Solar Farm. This application was lodged on 20 October 2023 and is currently under assessment by DTP.
11. There are no dwellings within 1km of the subject site and dwellings with views of the site are scattered amongst the farms that predominate the area. The greatest concentration of dwellings is a small subdivision (circled in red below) located just over 1km to the east, east of the elevated railway line.
12. The nearest small town is Elaine, approximately 4.7km south of the site (just outside the mapped area in Figure 4).

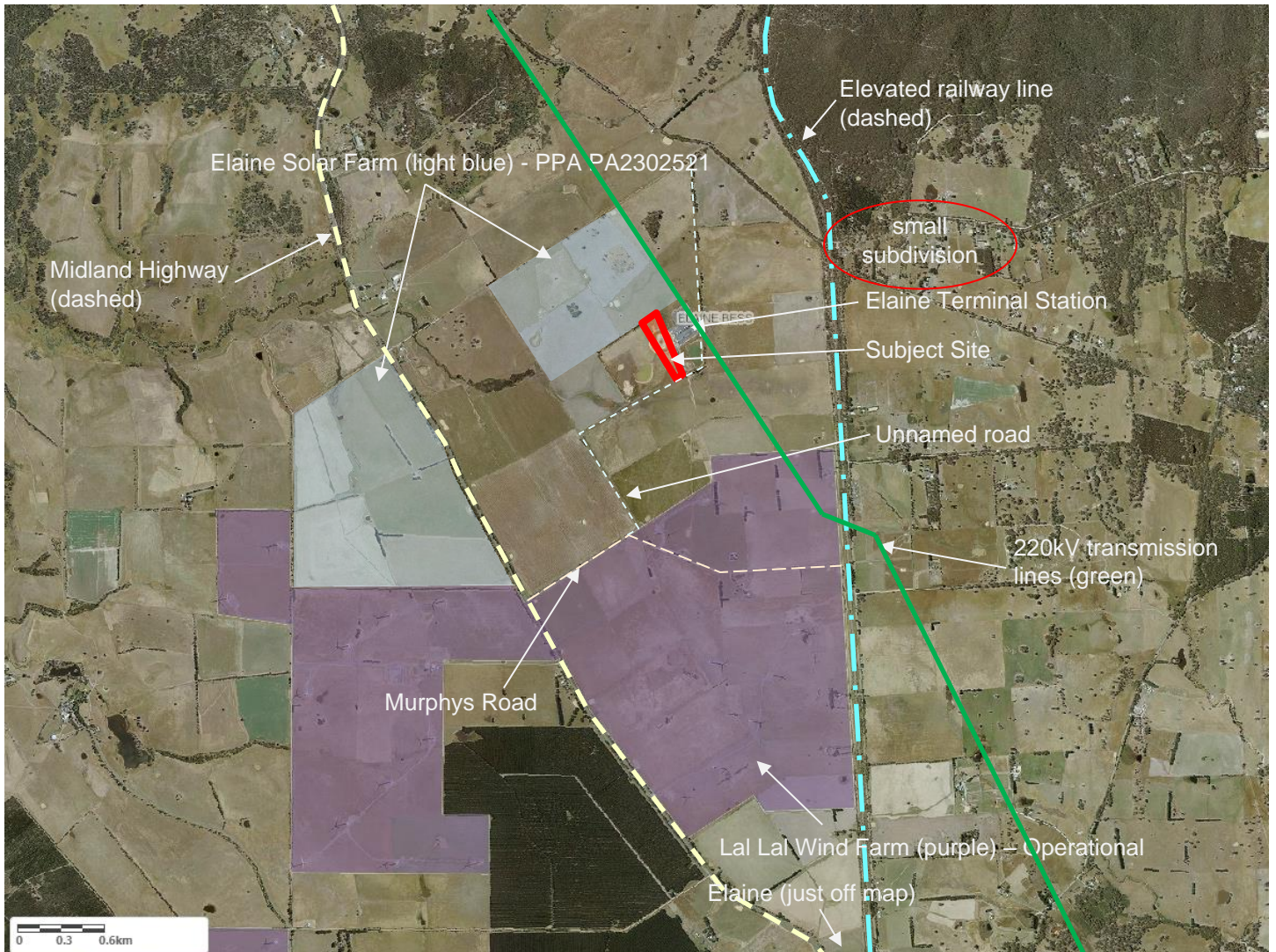


Figure 3: Subject site and broader surrounds (Source: Radius)





13. The most direct access to the site is via the Midland Highway, located approximately 1.65km to the west, then turning off onto Murphys Road and then onto the unnamed road. Figures 4 and 5 illustrate the conditions of these roads.



Figure 4: As viewed from the east - Intersection of Murphys Road and Midland Highway (Source: Google Streetview)



Figure 5: As viewed from the west - Intersection of Murphys Road (veering right) and unnamed road (straight)



## Application Process

14. The key milestones in the application process were as follows:

Milestone	Date
Pre-application meeting (DTP – Planning, DEECA, DTP – Transport, Energy Safe Victoria, and the applicant)	10 October 2022
Application lodgement	23 May 2023
Further information requested	16 June 2023
Further information received	31 July 2023
Applicant directed to give notice	1 September 2023
Date of last notice	24 October 2023

### Decision Plans

- Development Plans as follows:
  - Concept Layout Plan prepared by Cogency and dated 28 July 2022; and
  - The following drawings prepared by PowerSwitch and dated 2 July 2023
    - ES3 – Elevations
    - ES4 – Elevations
    - ES5 – Elevations & Details
    - ES6 – O&M Building
    - ES7 – Control & Switch Rooms
    - ES8 – HV Gear
    - ES9 – HV Gear
    - ES10 – HV Trench
- Fire Hazard and Risk Assessment prepared by NJM Design and dated 2 May 2023
- Flora and Fauna Assessment prepared by Nature Advisory and dated May 2023 (Intermediate pathway)
- Growling Grass Frog Surveys prepared by Nature Advisory and dated November 2023 (Intermediate pathway)
- Landscape and Visual Impact Assessment prepared by Orbit Solutions and dated 11 May 2023
- Noise Impact Assessment prepared by SLR Consulting and dated 16 May 2023
- Planning Permit Application Report prepared by Cogency and dated 31 July 2023
- Transport Impact Assessment prepared by onemilegrid and dated 31 March 2023
- Stormwater Management Strategy prepared by Dalton Consulting Engineers and dated 31 July 2023

15. The subject of this report is the decision plans (as described above).

## Proposal Summary

16. The proposal can be summarised as follows:

- The use and development of a utility installation, being a battery energy storage system (BESS) 3.23m in height, with a total capacity of 200MW, including
  - 220kV high voltage substation with a maximum height of 7.78m;
  - Inverter and transformer units with a maximum height of 2.8m;
  - Switch and control rooms with maximum heights of 6.27m from ground level;
  - Operations and maintenance building with a maximum height of 5.04m; and

- Security fencing 2.93m in height,
- Water tanks 6.1m in height;
- Landscaping along the western and southern boundaries; and
- Signage (non-illuminated and less than 3m<sup>2</sup> in size);

- The use and development of a utility installation, being a 220 kV transmission line, approximately 300m in length and 21.34m in height, connecting the proposed BESS to the Elaine Terminal Station; and
- The removal of 0.009 hectares of native vegetation.

17. Figure 6 shows the proposed layout of the BESS and proposed transmission line connection at the rear of the site, including the proposed primary access from the unnamed public road (immediately south of the site) and internal access roads.

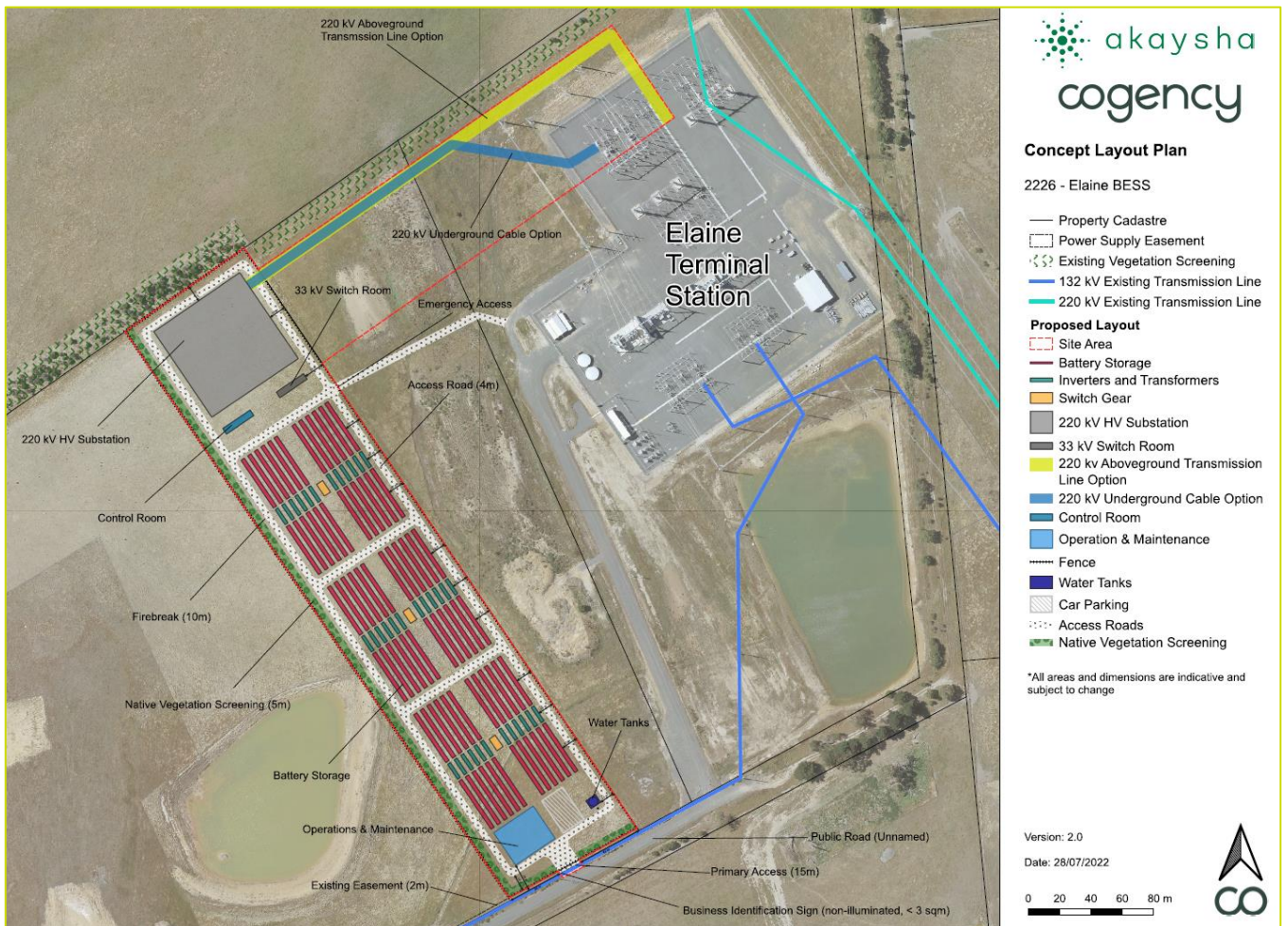


Figure 6: Concept Layout Plan (Source: Application)

# Planning Provisions

## Municipal Planning Strategy

18. Clause 2 of the Moorabool Planning Scheme comprises the Municipal Planning Strategy (MPS) and sets out the vision and strategic direction for municipality and includes strategic framework plans to be read in conjunction with strategic directions in clause 2.03.
19. Figure 7 shows the strategic framework plan in clause 2.04 with the subject site's location marked with a red star.

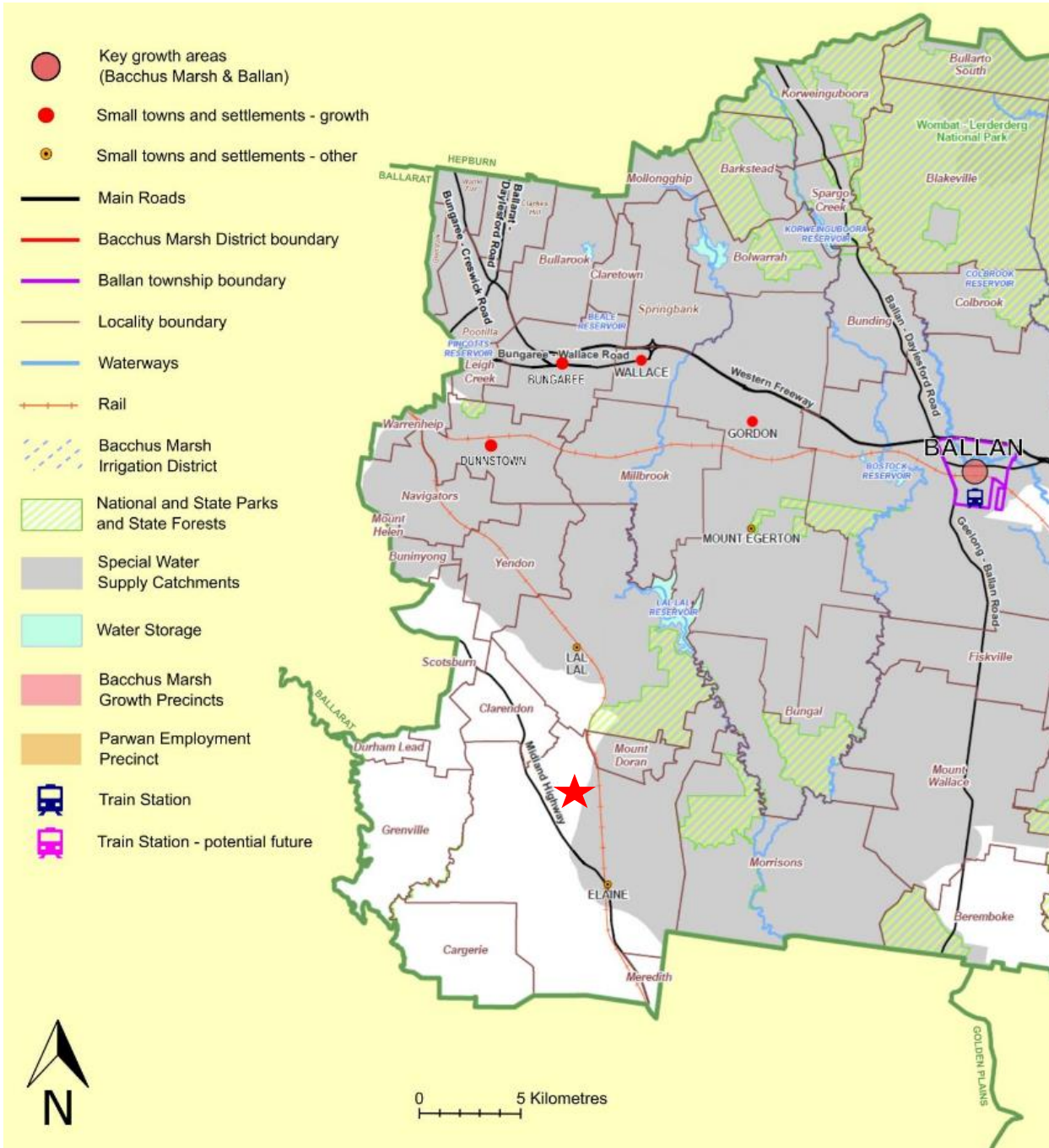


Figure 7: Moorabool Shire Strategic Framework Plan (Source: Moorabool Planning Scheme)



## Planning Policy Framework

20. The following objectives and strategies of the Moorabool Shire Planning Policy Framework (PPF) are relevant to the proposal:

<b>Clause 11</b>	<b>Settlement</b>
11.01-1S	Settlement
11.01-1R	Settlement – Central Highlands
11.01-1L-04	Small towns and settlements
<b>Clause 12</b>	<b>Environment and Landscape Values</b>
12.01-1S	Protection of biodiversity
12.01-1L	Biodiversity
12.01-2S	Native vegetation management
<b>Clause 13</b>	<b>Environmental Risks and Amenity</b>
13.02-1S	Bushfire planning
13.05-1S	Noise management
13.07-1S	Land use compatibility
<b>Clause 15</b>	<b>Built Environment and Heritage</b>
15.01-2S	Building design
15.01-2L-01	Building design
15.01-6S	Design for rural areas
15.03-2S	Aboriginal cultural heritage
<b>Clause 17</b>	<b>Economic Development</b>
17.01-1S	Diversified economy
<b>Clause 18</b>	<b>Transport</b>
18.02-4S	Roads
<b>Clause 19</b>	<b>Infrastructure</b>
19.01-1S	Energy supply
19.01-2S	Renewable energy

## Zoning and Overlays

### Clause 35.07 – Farming Zone – Schedule to the Farming Zone

21. The two utility installations are to be located on land which is zoned Farming Zone (Schedule to the Farming Zone).
22. Pursuant to Clause 35.07-1, a planning permit is required for the use of land for the purpose of a utility installation (Section 2 use).
23. Pursuant to Clause 35.07-4 a planning permit is required to construct or carry out building or works associated with Section 2 uses of Clause 35.07-1.
24. The purpose of the Farming Zone is:



- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

25. The Schedule to the Farming Zone includes the following requirements relevant to the proposed development:

Requirement	Land	Distance
<b>Minimum setback from a road (metres)</b>	A Transport Zone 2 or land in a Public Acquisition Overlay if: <ul style="list-style-type: none"> <li>• The Head, Transport for Victoria is the acquiring authority; and</li> <li>• The purpose of the acquisition is for a road.</li> </ul>	100 metres
	A Transport Zone 3 or land in a Public Acquisition Overlay if: <ul style="list-style-type: none"> <li>• The Head, Transport for Victoria is not the acquiring authority; and</li> <li>• The purpose of the acquisition is for a road.</li> </ul>	40 metres
	Any other road	20 metres
<b>Minimum setback from a boundary (metres)</b>	Any other boundary	5 metres
<b>Minimum setback from a dwelling not in the same ownership (metres)</b>	Any dwelling not in the same ownership	100 metres
Permit requirement for earthworks	Land	
<b>Earthworks which change the rate of flow or the discharge point of water across a property boundary</b>	All land	
<b>Earthworks which increase the discharge of saline groundwater</b>	All land	

## Particular and General Provisions

### Provisions that Require, Enable or Exempt a Permit

#### Clause 52.05 – Signs

26. The Farming Zone is in Category 4 (Sensitive Areas).



27. Pursuant to clause 52.05-2, a permit is required for business identification, noting that the total display area must not exceed 3m<sup>2</sup>.
28. The purpose of clause 52.05 is:
- *To regulate the development of land for signs and associated structures.*
  - *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
  - *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
  - *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

#### **Clause 52.06 – Car Parking**

29. Pursuant to clause 52.06-1, car parking must be provided to the satisfaction of the responsible authority as the proposed use is not listed in the table at Clause 52.06-5 of the Moorabool Planning Scheme.
30. The purpose of clause 52.06 is:
- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
  - *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
  - *To support sustainable transport alternatives to the motor car.*
  - *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
  - *To ensure that car parking does not adversely affect the amenity of the locality.*
  - *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

#### **Clause 52.17 – Native Vegetation**

31. Pursuant to clause 52.17-1 a permit is required to remove, destroy or lop native vegetation.
32. The proponent has identified the total removal of 0.009ha of native vegetation to provide for access from the unnamed road. The offset requirement is 0.002 general habitat units with a minimum strategic biodiversity score of 0.240.
33. The purpose of clause 52.17 is:
- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):*
- 1. Avoid the removal, destruction or lopping of native vegetation.*
  - 2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
  - 3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*
- To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.*



## General Provisions and Operational Provisions

34. Clause 65 comprises decision guidelines for the responsible authority to consider, as appropriate when deciding on an application.
35. Clause 71.02-3 outlines that planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.





## Referrals

36. The application was referred to the following groups:

Organisation	Type of referral	Clause / Kind of application	Response and date received
<b>AusNet Transmission Group</b>	Section 55 Referral – Determining	Clause 66.02-4 – To construct a building or construct or carry out works on land within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement.	9 November 2023
<b>WorkSafe Victoria</b>	Section 55 Referral – Determining	Clause 66.02-7 – To use land for an industry, utility installation or warehouse if a fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2012.	13 July 2023

### AusNet Transmission Group

37. AusNet Transmission Group considered the application and on 9 November 2023 advised that they, unconditionally, do not object to a permit being granted subject.

### WorkSafe Victoria

38. WorkSafe Victoria considered the application and on 13 July 2023 that they do not object to a permit being granted, noting:

*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.*

### Powercor

39. Powercor was mistakenly referred the application under clause 66.02-4 and responded, as the relevant electricity distributor, with the following two conditions to be included on any permit to issue:

*1. Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.*

*2. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.*

40. Although Powercor is not a referral authority and that the conditions are not planning matters, given that buildings and works are proposed within Powercor's easement, it is considered prudent to include the two conditions as notes on any permit to issue to remind the applicant of their obligations with regard to developing in proximity to Powercor assets.

## Notice

41. The applicant gave notice by standard post to give notice to owners and occupiers of land within 1.5km of the subject site and 430 Settlement Road, Elaine (located approximately 1.53km from the subject site).

42. No submissions or objections were received.

43. DTP gave notice of the application via email to the following authorities / agencies:

- Moorabool Shire Council

- Country Fire Authority (CFA)
- Energy Safe Victoria
- Emergency Management Victoria
- Wadawurrung Traditional Owners Aboriginal Corporation
- Transport for Victoria (TfV)
- VicTrack

44. No objections were received from these agencies. Advice provided by the above authorities / agencies is detailed below and considered in the Assessment section of this report.

### Country Fire Authority

45. On 18 September 2023, CFA advised that it does not object to a permit being granted.

46. CFA recommends the following conditions be included on any permit to issue:

#### **AMENDED PLANS**

1. *The plans must be generally in accordance with the plans submitted with the application but modified to show any changes required to comply with CFA conditions 2 to 4:*


#### **CFA CONDITIONS**

*In conditions 2 to 4:*

*'The CFA Guidelines' means The CFA's Design Guidelines and Model Requirements for Renewable Energy Facilities (newest version at time of submitting plan for endorsement).*

2. *Before plans are endorsed under condition 1, 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 AS2419.1-2005: 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.*
3. *Before plans are endorsed under condition 1, an Emergency Management Plan (EMP) and Fire Management Plan (FMP) must be submitted to, approved and endorsed by the responsible authority. The EMP and FMP must be prepared in consultation with the CFA and be in accordance with the CFA Guidelines.*
  4. *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.*

### Transport for Victoria

47. On 18 September 2023, Head, TfV advised that it does not object to the granting of a permit and recommends the following conditions be included on any permit to issue:
  - *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, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the Concept Layout Plan date stamped 22 February 2023 (project no. 220916, drawing no. CLP100) but modified to show:*
    - a. *A basic right turn (BAR) treatment on Midland Highway.*
  - *Prior to commencement of the buildings and/or works, the roadworks shown on the endorsed plans must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria.*
48. Additionally, the Head, Transport for Victoria advised that a traffic management plan may be useful to the responsible authority in considering impacts of vehicle movements on streets that do not form part of Victoria's Gazetted B-Double Network.

### VicTrack

49. On 13 October 2023, VicTrack advised that it does not object to a permit being granted.
50. VicTrack also provided advice stating that the following conditions should be included on any permit to issue to protect railway land, infrastructure and services:
  - *No entry to railway land is permitted without the written consent of VicTrack.*
  - *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.*



## Key Considerations

51. The following are deemed the key considerations in assessing the acceptability of the proposal:
- **Planning policy and land use context**
  - **Amenity impacts**
  - **Landscape and visual impact**
  - **Natural environment and natural systems**
  - **Traffic and transport impacts**


## Planning policy and land use context

### Municipal Planning Strategy

52. It is considered that the development and use of the proposed utility installations (BESS and transmission lines) will not unreasonably compromise the vision or strategic direction for municipality (as set out in clause 02) for the following reasons:
- The subject site is located outside of Declared Special Water Supply Catchments;
  - The subject site is not located in proximity to any settlement identified for growth; and
  - Co-located with an existing terminal station, the development will not unreasonably impact the landscape values of the municipality.

### Planning Policy Framework

53. The proposal will not compromise the planned network of settlements within regional Victoria, in particular Central Highlands. (Clauses 11.01-1S and 11.01-1R)
54. The BESS and powerlines are proposed adjacent to an existing terminal station and the development footprint is relatively small (~6 ha). It is considered that the proposed development will not unreasonably impact the availability of agricultural land, environmental values or the long-term sustainability of natural resources. (Clause 11.01-1L-04)
55. The development plans and the flora and fauna assessment prepared by Nature Advisory and dated May 2023 demonstrates that the proposal will not unreasonably impact Victoria's biodiversity or local biodiversity. Further the proposed crossover has been located to avoid impacts on remnant native vegetation, including Cranberry Health a protected species under the FFG Act. (Clauses 12.01-1S, 12.01-1L and 12.01-2S)
56. A fire hazard and risk assessment prepared by prepared by NJM Design and dated 2 May 2023 has been submitted to respond to clause 13.02-1S (*Bushfire planning*). CFA was provided notice of the application and does not object to the granting of a permit and has recommended conditions on any permit to issue. It is considered that subject to appropriate permit conditions, as recommended by CFA, the granting of a permit for the proposed BESS and transmission lines will not result in an unreasonable bushfire risk.
57. The application includes a noise impact assessment prepared by SLR Consulting and dated 16 May 2023, which demonstrates potential noise impacts on sensitive receptors in proximity to the subject site. A detailed assessment of noise impacts is below. (Clause 13.05-1)
58. It is considered that the application appropriately considers adverse off-site impacts to community amenity, human health and safety in keeping with the objective of clause 13.07-1S (Land use compatibility).
59. The proposed development is sited adjacent to an existing terminal station through which 220kV transmission lines run. The proposed BESS and associated infrastructure will be clad in non-reflective materials and a muted



colour palette will be required for materials and finishes. In addition, proposed screening vegetation would reduce the visual impact. A full assessment of visual impacts is below. (Clauses 15.01-2S, 15.01-2L-01 and 15.01-6S)

60. To provide for the protection and conservation of places of Aboriginal cultural heritage significance the applicant prepared a voluntary cultural heritage management plan and on 9 October 2023, the Wadawurrung Traditional Owners Aboriginal Corporation, acting as the Registered Aboriginal Party, approved the cultural heritage management plan (#19558). (Clause 15.03-2S)
61. It is considered that the proposal acceptably responds to clause 17.01-1S (Diversified economy) by facilitating growth in a novel employment sector and supporting rural economies.
62. The submitted transport impact assessment prepared by onemilegrid and dated 31 March 2023 demonstrates that the development of the proposed BESS and transmission lines will not unreasonably impact the road network, responding to clause 18.02-4S (Roads). A detailed assessment of traffic and transport impacts is provided below.
63. In keeping with clause 19.01-1S (Energy supply), it is considered that the proposed BESS and transmission lines:
  - Will support Victoria's transition to a low-carbon economy;
  - Are appropriately sited to minimise land use conflicts and take advantage of existing resources and infrastructure networks; and
  - Will provide for the storage of renewable electricity during periods of high supply and low demand, supporting grid stability.

#### Planning controls

64. It is considered that the development and use of land for the proposed utility installations (BESS and transmission lines) is in keeping with the purpose of the Farming Zone, as follows:
  - The above section demonstrates that the proposal is in keeping with the MPS and PPF;
  - The proposed use and development will not adversely affect the use of land for agriculture;
  - The proposed development will create employment opportunities for those living in rural communities; and
  - The supporting documents forming part of the application demonstrate that the proposed development and use of the land can be carried based on comprehensive and sustainable land management practices and infrastructure provision.
65. The schedule to the Farming Zone specifies setback requirements; non-compliant development requires planning permission. The only non-compliances are the:
  - 18m setback of the operations and maintenance building to the unnamed road, noting the schedule requires a 20m setback; and
  - Works associated with the construction of the internal accessway within the 5m setback from the eastern and northern boundaries.
66. Having regard to the decision guidelines of the Farming Zone, these setbacks are considered acceptable.
67. The schedule to the Farming Zone also specifies that earthworks, which change the rate of flow or the discharge point of water across a property boundary, require planning permission. To address Farming Zone decision guidelines in this regard, the applicant has submitted a stormwater management strategy prepared by Dalton Consulting Engineers and dated 31 July 2023. A detailed assessment of the proposed development's impacts on natural systems is below.



- 68. A note on the plan confirms that the proposed business identification signage associated with the BESS will be less than 3m<sup>2</sup> in size and located at the front of the site along the unnamed road, unilluminated. It is considered that the proposed sign will provide for an acceptable level of business identification.
- 69. The plans also identify a car parking area at the front of the site. The submitted planning report states that, generally, up to two staff will be onsite at any given time and that the car park at the front of the site provides parking for 15 cars. The proposed car parking arrangement is considered acceptable having regard for the purpose of clause 52.06.
- 70. The flora and fauna assessment prepared by Nature Advisory and dated May 2023 includes an assessment against clause 52.17. A detailed assessment of ecological impacts, including the removal of native vegetation, is below.

## Amenity impacts

### Noise and vibration

- 71. The application is supported by a noise impact assessment prepared by SLR Consulting and dated 16 May 2023. The predicted noise levels were assessed against the:
  - EP Act;
  - EP Regulations; and
  - EPA Publication 1826.4 (*Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues* (Noise Protocol)).
- 72. The noise impact assessment identified 20 noise sensitive receptors within 2km of the subject site. Figure 8 shows the operational noise contours showing that one minor exceedance of 1 dBA of the 34 dBA night time noise criterion is predicted at receptor EL-12. Eleven other receptors are predicted to comply with the night time criterion by a 0 – 1 dBA margin without further mitigation.

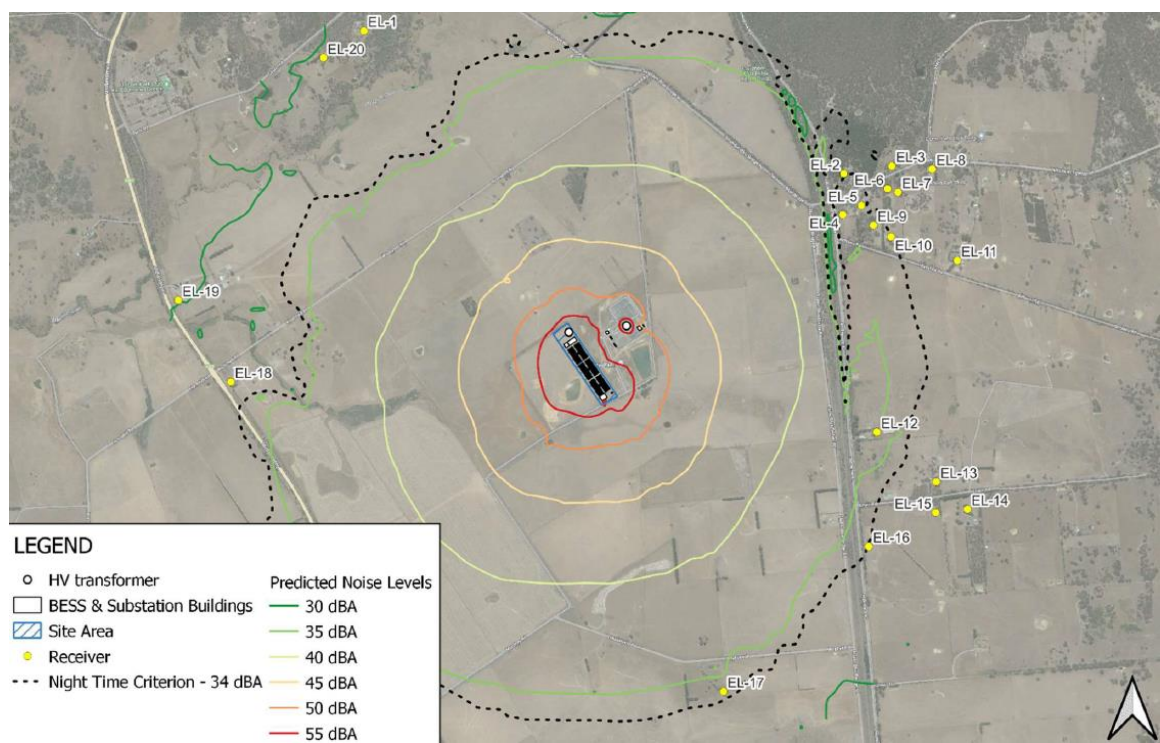


Figure 8: Operational noise contours (Source: Application)



73. The assessment states the following regarding key impacts in relation to noise:
- *Noise from construction activities: Scheduling construction activities to the EPA normal working hours (e.g. day period 7.00 am to 6.00 pm), community engagement and best practice noise management controls, regular maintenance, broadband reversing beepers etc. will minimise residual risk of impact or harm to nearby receptors.*
  - *Noise from operational activities: Noise modelling with a conservative 'worst case' assumption of 100% operating load for all time periods during conditions favourable to noise propagation results in compliance with the Noise Protocol at most sensitive receptors for all time periods, provided that any special audible character is adequately controlled. A minor 1 dBA exceedance is predicted at a single receptor located approximately 1.5 km south east of the site during the night period only. It is anticipated that this minor exceedance may be eliminated with revised equipment selection or through operational controls (e.g. reduced operational load during the night period) or inclusion of acoustic silencer treatment to the cooling fans.*
74. The assessment makes the following recommendation:
- It is recommended to update the noise model during detailed design once final equipment has been selected and specify any required noise mitigation to ensure compliance with the noise limits. Confirmation of compliance will be verified by post commissioning noise measurements.*
75. It is considered that subject to the condition requiring confirmation of compliance, the proposed battery energy storage system will not result in any unreasonable impacts due to noise or vibration while operating at full capacity, at all times.

#### Light spill

76. Lighting infrastructure is not shown on the plans and is not mentioned in the application package except in the landscape and visual impact assessment prepared by Orbit Solutions and dated 11 May 2023, which recommends *artificial lighting be limited to task specific purposes and hooded to avoid light spill, night skyglow and glare.*
77. Further, the assessment recommends:
- The preparation of lighting plan;
  - The use audio-visual warning system technology for hazard lighting on structures taller than 200ft;
  - The use full cut-off luminaires;
  - Lights be directed to eliminate light spill and trespass;
  - The use amber instead of bluish-white lighting;
  - Minimising lighting usage during construction and operations; and
  - The use vehicle-mounted lights or portable light towers for night-time maintenance activities.
78. It is considered that off-site impacts of artificial lighting can be addressed by implementing the recommendations of the visual impact assessment via conditions on any permit to issue.

#### Electromagnetic field / interference

79. The Australian Radiation Protection and Nuclear Safety Agency advises that the strength of radiation decreases exponentially with distance from the source, and it will become indistinguishable from background radiation within 50m of a high voltage power line and within 5 to 10m of a substation.



- 80. The proposal is considered to have negligible impacts on electric fields in public areas as the BESS is setback from the closest publicly accessible land, being the unnamed road reserve by at least 28m.

### Landscape and visual impacts

- 81. The area surrounding the subject site is generally characterised by agricultural properties, including some associated rural dwellings. Potential sensitive visual receptors include these surrounding dwellings, as well as the Midland Highway to the west and the railway line to the east.
- 82. The application includes a landscape and visual impact assessment prepared by Orbit Solutions and dated 11 May 2023. Figure 9 comprises a map of dwellings within 4km of the site (shown as blue dots) and viewpoints assessed in detail (shown as orange dots).

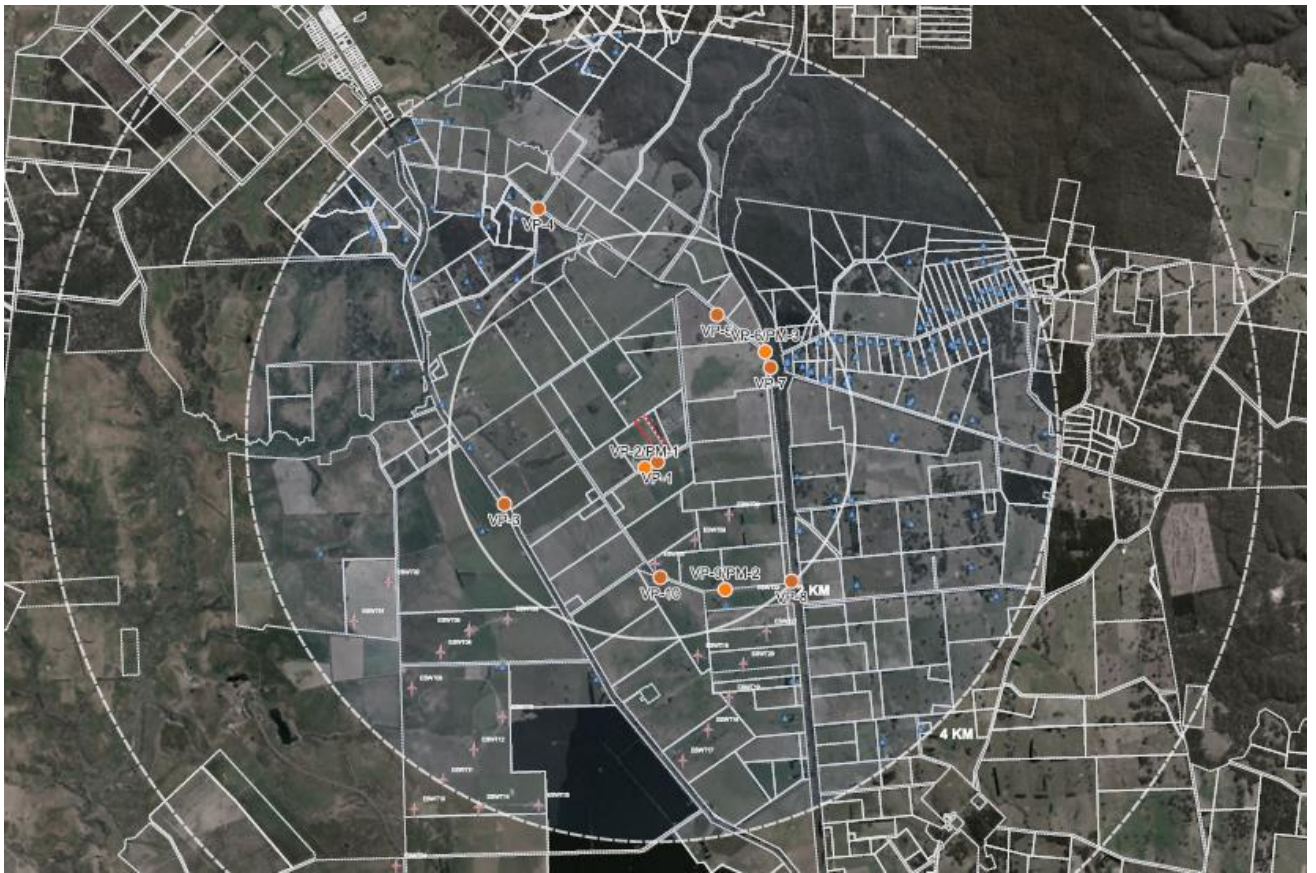



Figure 9: Map showing the location of dwellings and key viewpoints (Source: Application)

- 83. The assessment states that the site has one legible visual catchment area of the dwellings within 4km, only 108 Courts Road, approximately 1.7km to the north of the subject site, has the potential to be impacted by potential views of the proposal.
- 84. The Midland Highway to the west of the site is approximately 1.6km, at the closest point, from the proposal site. Intermittent viewing opportunities from areas where existing juvenile trees have not yet screened long views reveal glimpses of the existing 220kV transmission lines (and associated towers), wind turbines and the existing terminal station.
- 85. The assessment submits:

*The size of the proposed BESS site is comparable to that of the Elaine Terminal Station, but the vertical scale of the proposed BESS is relatively minor in comparison to the existing Terminal Station. The existing*






*Wind Turbines, Transmission Towers and Lines remain the dominant infrastructure visual character units within the visual catchment area. The addition of the BESS will not have a substantial increase to the Magnitude of Change from the existing infrastructure. The additional landscape screening proposed will assist in an overall mitigation of the infrastructure elements that are below five meters in height.*

86. Section 7 of the assessment comprises recommendations to mitigate adverse landscape and visual impacts, including the following requirements:
- *Ensure that qualified individuals conduct and review impact analyses and mitigation;*
  - *Develop a decommissioning and site reclamation plan;*
  - *Use non-reflective materials, coatings, and/or paint;*
  - *Implement dust and wind erosion control measures;*
  - *Implement temporary and/or permanent soil stabilization measures;*
  - *Strip, stockpile, and stabilize topsoil for re-spreading;*
  - *Segregate topsoil and reapply to disturbed areas;*
  - *Monitor and maintain revegetated areas until vegetation is self-sustaining;*
  - *Review predevelopment visual conditions after construction;*
  - *Begin site reclamation during construction and operations, immediately after disturbances;*
  - *Close and remediate unused access roads;*
  - *Remove above-ground and near-ground structures; and*
  - *Remove or bury gravel and other surface treatments.*
87. The applicant has advised (in the submitted planning report) that the above will be implemented through the detailed design, construction, operation and decommissioning phases of the project.
88. It is noted that no permit is required for buildings works under DDO2 because it is proposed to clad the buildings in non-reflective materials.
89. Subject to conditions on any permit to issue, it is considered that the proposal's potential landscape and visual impacts are acceptable.

## **Natural environment and natural systems**

### **Native vegetation removal**

90. The proposed removal of native vegetation is supported by the flora and fauna assessment prepared by Nature Advisory and dated May 2023. The assessment complies with the application requirements within the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017) (the Guidelines).
91. The assessment states that the removal of native vegetation has been avoided and minimised through the siting of the proposed BESS in a location that primarily supports exotic vegetation. Further, the crossover point has been sited to minimise impacts to remnant native vegetation on the adjacent roadside.
92. Furthermore, a detailed assessment of the crossover point was conducted to ensure that the removal of protected species is avoided.

- 
93. The assessment includes a Native Vegetation Removal Report (Report ID: NAA\_2023\_029) that provides the required information about the native vegetation to be removed.
  94. The application proposes the removal of 90m<sup>2</sup> of native vegetation at the front of the site for the development of the crossover and security fencing. The Native Vegetation Removal Report identifies the removal as being within the Intermediate pathway and requires offsets comprising 0.002 general habitat units with a minimum strategic biodiversity score of 0.240.
  95. The proposed removal of native vegetation is considered acceptable subject to standard conditions associated with native vegetation offsets, being included on any permit to issue.

#### Flora and fauna impacts

96. The flora and fauna assessment indicates that two listed flora species are likely to occur or have the potential to occur:
  - Spiny Rice-flower (Critically Endangered under EPBC Act and FFG Act); and
  - Matted Flax-lily (Critically Endangered under EPBC Act and FFG Act).
97. A detailed assessment of the proposed crossover point was conducted to determine the presence of Matted Flax-lily and Spiny Rice-flower, with neither species being found to occur.
98. Cranberry Heath, a protected species under the FFG Act, was identified within the study area. A Protected Flora Permit under the FFG Act is required from DEECA to remove any Cranberry Heath plants. While susceptible to impacts, no Cranberry Heath plants will be impacted by the proposed development. As such, no Protected Flora Permit is required.
99. The assessment indicates that Growling Grass Frog, a listed fauna species, may utilise the dam immediately west of the subject site. Nature Advisory undertook surveys in early November 2023 to provide information regarding the presence or otherwise of Growling Grass Frog in the study area and outline any implications under national and State legislation and policy.
100. In its Growling Grass Frog Assessment dated November 2023, Nature Advisory summarises the survey's findings as follows:
  - *There are a number of known records of the species within 10 kilometres of the study area which mostly occurred within the past two decades;*
  - *Habitat quality at the site was low;*
  - *Connectivity from the survey site to nearby permanent waterways is limited; and*
  - *No Growling Grass Frog were recorded at the study area.*

#### Stormwater management

101. The application seeks planning permission for earthworks within the Farming Zone, which change the rate of flow or the discharge point of water across a property boundary. It is also noted that the BESS is proposed directly adjacent to a dam.
102. In support of the application, a stormwater management strategy prepared by Dalton Consulting Engineers and dated 31 July 2023 has been submitted.
103. Figure 10 shows the proposed stormwater management strategy layout plan. The plan shows a 5m-wide vegetated swale along the western boundary that will carry stormwater from within the site to the existing open drain that intersects the western boundary of the subject site approximately 41m from the front boundary.



104. The strategy demonstrates that the catchment draining into the western dam includes a portion of the subject site. The proposed development will result in a reduction in the size of the catchment draining into the western dam by 1.8ha or 17 per cent.
105. However, the strategy submits that the proposed method for managing internal and external stormwater has been developed to allow for stormwater quality treatment to be provided through green engineering methods, stating *No change in water quality to the western dam will occur as a result of the proposed development.*
106. Given the findings of the Growling Grass Frog surveys, undertaken by Nature Advisory in early November 2023, which demonstrate that Growling Grass Frog do not utilise the dam, the reduction in the size of the catchment draining into the western dam is considered acceptable.
107. The strategy identifies the open channel as an ephemeral watercourse which conveys water only immediately following a rainfall event. Further, the strategy notes ponded water where the open channel intersects with the road reserve. Figure 11 illustrates that ponded water was also evident during a DTP site visit.

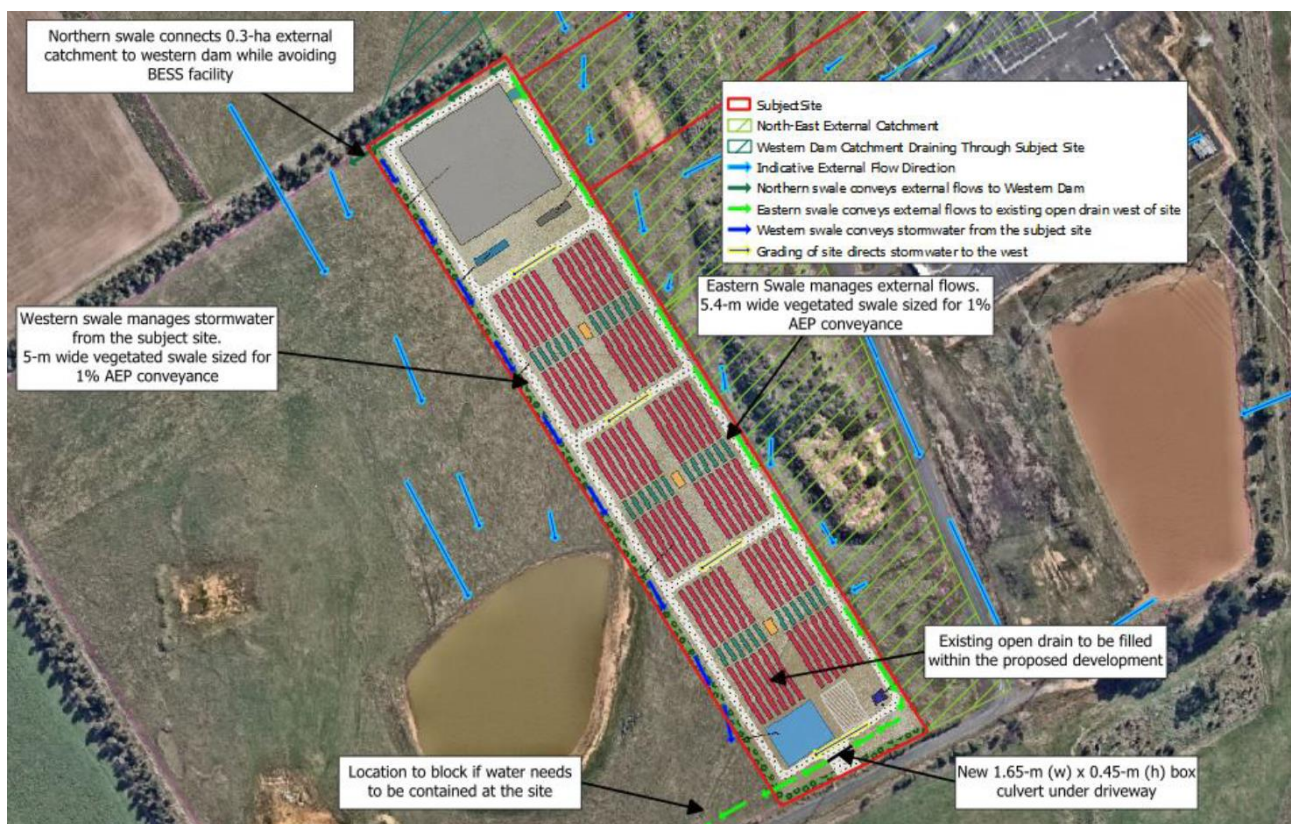


Figure 10: Proposed Stormwater Management Strategy Layout Plan (Source: Application)



Figure 11: Open drain at its intersection with the road reserve looking north east towards the existing terminal station

108. The strategy states that the likely cause of the ponding is that there is no outlet for the channel, stating:
- A culvert under the unnamed road was not located. While the channel continues along the road, flat grades on the site limit the available outflow capacity. The road, raised above the level of the adjacent land, acts as a flow barrier, causing water to pond within the open channel.*
109. In response to there being no outlet for the channel the strategy states:
- While not concerning during the site visit, the lack of an outlet for the channel may result in water ponding higher than expected during a major rainfall event such as the 1% AEP. It is suggested that further hydraulic modelling, using HEC-RAS or TUFLOW software, be undertaken to determine if the absence of an outlet structure combined with the surrounding topography causes tailwater impacts that extend upstream to the swales surrounding the proposed project.*
- The western and eastern swales associated with the proposed project have been sized for the calculated 1% AEP peak flow assuming a free outlet. The swale sizes in this report do not consider potential tailwater impacts.*
110. Given that the proposed swale sizes are based on a free outlet (whereas in actuality there is no outlet) and uncertainty regarding potential tailwater impacts, it is considered that any permit to issue should include a condition requiring an updated Stormwater Management Strategy that includes the additional modelling recommended by the stormwater management strategy prepared by Dalton Consulting Engineers and dated 31 July 2023.
111. It is recommended that any permit to issue requires the amendment of the development plans and provision of landscape plans that implement recommendations of the updated stormwater management strategy to provide for a comprehensive approach to stormwater management under constrained circumstances.

## Traffic and transport impacts

112. In support of the application, a transport impact assessment (TIA), prepared by onemilegrid and dated 31 March 2023, has been submitted.
113. In accordance with the BESS-related provisions within the Solar Energy Facilities Design and Development Guidelines (Department of Environment, Land, Water and Planning, 2022), the TIA:
- Identifies access routes and all roads that will be used to transport construction materials;
  - Identifies access routes, types of vehicles and traffic generation when the facility operates;
  - Specifies the timing, type of vehicle, daily volume and scheduled delivery times of construction materials;
  - Provides timelines for the whole construction stage; and
  - Identifies intersection upgrades and any road works required to accommodate access to the site, and specify if these are temporary arrangements.
114. The TIA demonstrates that projected traffic volumes to and from the development are sufficient to warrant the provision of a basic right turn treatment (BAR) from Midland Highway into Murphys Road.
115. The TIA states that given the *modest volume of traffic generated during construction (a maximum of 4 right-turn movements in the peak hour), and the short construction period, it is not considered necessary in this instance for any significant road works at the site access*. It is proposed to provide a short length of shoulder widening for the right-turn manoeuvre, to minimise impacts to through traffic on Midland Highway. Figure 12 shows the concept layout plan.

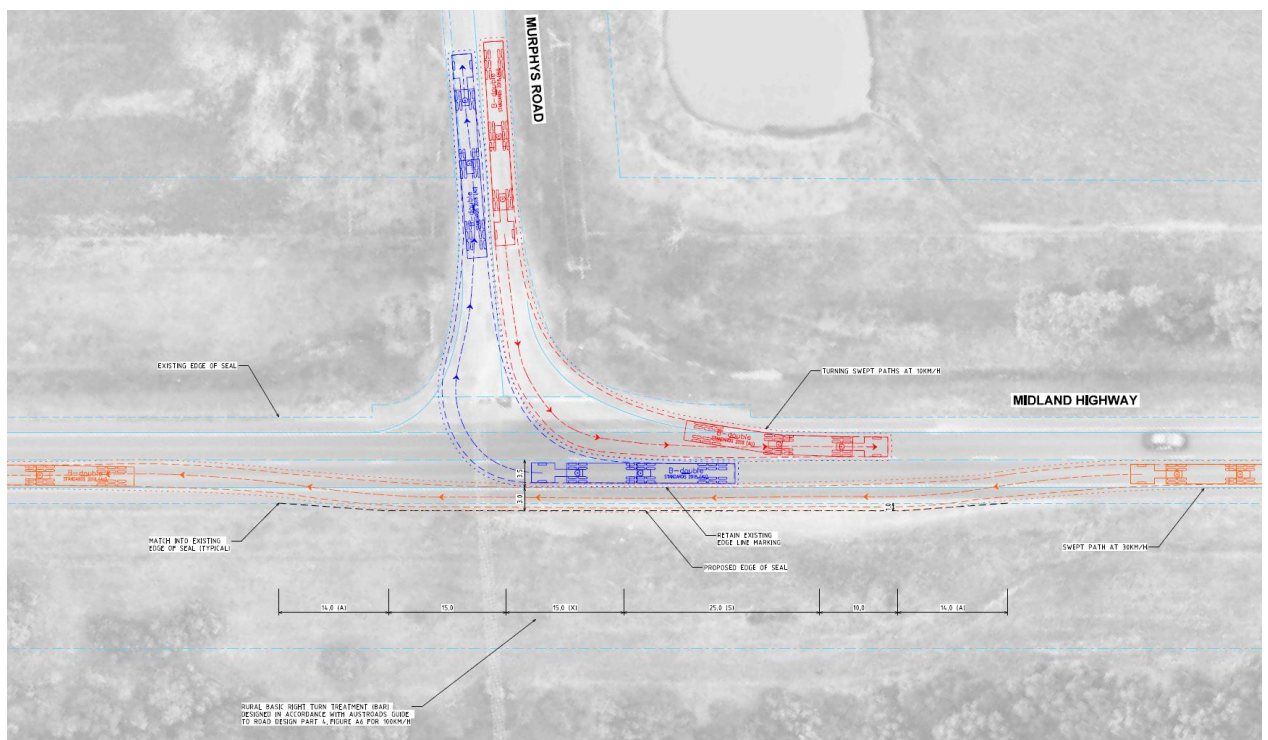


Figure 12: Rural Basic Right Turn (Bar) Treatment Concept Layout Plan (Source: Application)



116. Head, TfV does not object to the proposed concept layout plan but recommends that any permit to issue include a condition requiring the provision of a functional layout plan showing basic right turn treatment from Midland Highway into Murphys Road, noting that functional layout plan is more detailed than concept layout plan.
117. Given that TfV is the responsible road manager of Midland Highway, it is considered appropriate to include their recommended conditions on any permit to issue.
118. Head, TfV also provided advice about the local road network, and recommended requiring a traffic management plan should a planning permit issue. It is noted that the local road authority, the council, did not respond to being given notice of the application.
119. It is considered that the TIA prepared by onemilegrid and dated 31 March 2023 sufficiently addresses impacts to the local road network. Therefore, it is not recommended to require a traffic management plan should a permit issue.
120. VicTrack was also given notice of the application given the proximity of the subject site to railway land. VicTrack does not object to the granting of a permit but has requested conditions be included on any permit to issue, prohibiting entry to or use of railway land. These conditions are considered acceptable to include on any permit to issue.

# Conclusion



121. The proposal is generally consistent with the relevant planning policies and controls of the Moorabool Planning Scheme, including relevant clause 65 decision guidelines, and will support meeting Victoria's emission reduction target.
122. The proposal is generally supported by the various agencies and authorities, noting that the council did not respond to notice of the application.
123. No objections were received from owners or occupiers from land within 1.5km of the site.
124. It is considered that environmental risks and impacts, and off-site amenity impacts can be acceptably managed via planning permit conditions.
125. It is considered that the granting of a planning permit subject to conditions, is in favour of net community benefit and sustainable development for the benefit of present and future generations.



126. Under delegation from the Minister for Planning, it is recommended that Planning Permit No. PA2302247, for:

- The use of land for utility installations (battery energy storage system and transmission lines);
- 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;
- Construction of a building within setbacks specified in the schedule to clause 35.07;
- To construct or put up for display a business identification sign; and
- The removal, destruction or lopping of native vegetation, including dead native vegetation;

Be issued subject to conditions for land described as:

- 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).

127. It is recommended that the applicant, WorkSafe Victoria, AusNet Services and the council be notified of the above in writing.





[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]

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Name: [Redacted]  
 Title: [Redacted]  
 Phone: [Redacted]

Signed: [Redacted]

Dated: 17/11/2023

[Redacted]

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[Redacted]

Signed: [Redacted]

Dated: 17/11/2023