

Energy Assessment
PA2504110

Winton BESS

 Officer Assessment



Department
of Transport
and Planning



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Executive Summary

Key Information	Details
Application No:	PA2504110
Received:	17 December 2025
Statutory Days:	83
Applicant:	Avenis Energy c/- Fyfe (formerly NGH Consulting)
Planning Scheme:	Benalla
Land Address:	<p><u>Private Land</u></p> <ul style="list-style-type: none">– 6 Bowers Road, Winton (Lot 1 on TP098336B)– 17 Glenwest Lane, Winton (Lot 1 on TP381841J & Lot 1 on TP345760N) [Glenrowan Terminal Station] <p><u>Road Reserve</u></p> <ul style="list-style-type: none">– Road easement area, comprising a section of the Hume Freeway, Winton-Glenrowan Road– Municipal roadside in between Winton-Glenrowan Road and Hume Freeway– Bowers Road– Lee Road
Proposal:	Use and development of land for a utility installation (Battery Energy Storage System), associated buildings and works, creation of road access in a TRZ2, display of a business identification sign, and removal of native vegetation.
Project Description:	<p>The proposed Winton BESS has a storage capacity of up to 120MW/480MWh and includes the following elements:</p> <ul style="list-style-type: none">– BESS units, inverters and transformers.– Associated infrastructure including on-site 66/33 kV substation, electrical infrastructure, switch rooms, and internal transmission cabling.– New 66 kV underground cabling between substation and Glenrowan Terminal Station via road reserves of Hume Freeway and Winton-Glenrowan Road.– Permanent O&M building and temporary infrastructure, including laydown areas, site offices and construction compound.– Two new access points: one from Bowers Road and one from Lee Road.– 0.329ha native vegetation removal (Intermediate Assessment Pathway) and earthworks.– One small business identification sign (under 3sqm) is proposed to be placed at the entrance to the site.
Development Value:	\$206 million
Why is the Minister responsible?	<p>Under Clause 72.01-1, the Minister for Planning is the responsible authority for a planning permit application for the use or development of land associated with a utility installation used to:</p> <ul style="list-style-type: none">– Transmit or distribute electricity; and/or,– Store electricity if the installed capacity is 1 megawatt or greater.

Key Information	Details
	and for an application where clause 53.22 applies.
Planning Controls:	<p>Zones:</p> <p><u>Private Land</u></p> <p>6 Bowers Road - Farming Zone (Schedule) (FZ) and Transport Zone 2 (TRZ2)</p> <p>17 Glenwest Lane - Special use Zone (Schedule 4) (SUZ4)</p> <p><u>Road Reserve</u></p> <ul style="list-style-type: none"> – Lee Road – FZ – Bowers Road and Hume Freeway - TRZ2 – Winton-Glenrowan Road - Transport Zone 3 (TRZ3) <p>Overlays:</p> <p><u>Private Land</u></p> <p>6 Bowers Road – N/A</p> <p>17 Glenwest Lane – Vegetation Protection Overlay (Schedule 3) (VPO3)</p> <p><u>Road Reserve</u></p> <ul style="list-style-type: none"> – Lee Road and Bowers Road – N/A – Hume Freeway – N/A (outside the VPO3) – Winton-Glenrowan Road – VPO3
Why is a permit required?	<p>CI 35.07-1 (FZ) – Use of land for the purpose of a utility installation.</p> <p>CI 35.07-4 (FZ) – Construct a building or construct or carry out works for any use in Section 2 of Clause 35.07-1; earthworks which change the rate of flow or discharge point of water across a property boundary.</p> <p>CI 52.05.14 – To construct or display business identification signage not exceeding 3sqm.</p> <p>CI 52.17-1 – To remove, destroy or lop native vegetation, including dead native vegetation.</p> <p>CI 52.29-2 – To create or alter access to a road in a TRZ2.</p>
Cultural Heritage:	The site is not located within an area of Aboriginal cultural heritage sensitivity. A CHMP is not required.
Referral Authorities:	<ul style="list-style-type: none"> – WorkSafe Victoria (s55 – determining) – AusNet Transmission Group (s55 – determining) – Head, Transport for Victoria (s55 – determining) <p>Note: The original application required referral to DEECA for proposed native vegetation removal under the detailed assessment pathway. Following s57A amendment, referral is no longer required to DEECA as the application now falls within the intermediate assessment pathway.</p>
Advice Sought:	DEECA – Regent Honeyeater (VPO3)
Public Notice:	<p>Notice of the application under section 52 of the Act was required.</p> <p>74 submissions (including 72 objections) have been received as of 15 October 2026.</p>



Key Information	Details
	Submissions were received from the following agencies: <ul style="list-style-type: none">– Country Fire Authority (CFA)– Goulburn Broken Catchment Management Authority– Benalla Rural City Council (objection)
Renewable Energy Zone:	The project is not within the REZ.
Delegation:	Approval to determine under delegation received on 12 October 2026.
Recommendation:	Issue a planning permit subject to conditions.

Process and Documentation

Planning Process

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

Milestone	Date
Application lodgement	17 December 2025
Further information requested	13 January 2026
Further information received	24 February 2026
Section 57A amendment	10 July 2026
Public notice (section 52)	18 March 2026 to 15 April 2026 10 August 2026 to 24 August 2026 – following the s57A amendment.

Decision Documents

2. The subject of this report is the decision documents (as advertised with the application amended under section 57A and described below).

Decision Documents

- Agricultural Impact Assessment, prepared by Meridian Agriculture, Revision 3, dated 28 April 2025.
- Community Engagement Summary Report, prepared by NGH, dated 1 August 2025.
- Feature & Level Survey Plan, prepared by Beveridge Williams, Version A, dated 04 October 2024.
- Certificate of Titles produced 08 December 2025.
- Head, TfV Consent Letter, dated 22 October 2025.
- Cover Letter (s57A Amendment), prepared by NGH, dated 10 July 2026.
- Development Plans, prepared by FYFE, Revision 0, dated 14 November 2025, including:
 - Site Plan
 - BESS Layout
 - Preliminary Access Designs
 - Floor & Elevation – HV Substation
 - Floor & Elevation – MV Power Station
 - Floor & Elevation – BESS Unit
 - Floor & Elevation – MV Switch Room
 - Floor & Elevation – O&M Building
- Environmental Noise Assessment, prepared by Mashall Day Acoustics, Revision R03, dated 28 April 2026.
- Flora and Fauna Assessment, prepared by Biosis, Version 05, dated 08 July 2026.
- Planning Report, prepared by NGH, Version 5.0, dated 23 June 2026.
- Risk Management Plan (including Fire Safety Study), prepared by Fire Risk Consultants, Revision V1.3, dated 18 May 2026.
- Surface Water Assessment, prepared by Cumulus Engineering, Version 001, dated 07 July 2026.
- Traffic Impact Assessment (TIA), prepared by Impact, Version Dinal, dated 18 November 2025. TIA includes a memorandum (Appendix B) regarding the re-alignment of the transmission line, dated 8 May 2026.
- Visual Impact Assessment (VIA), prepared by GbLA Landscape Architects, Revision F, dated 29 April 2026. VIA contains a Landscape Masterplan, dated 29/04/2026.



Proposal

3. The application proposes the use and development of a 120MW/480MWh Battery Energy Storage System (BESS).
4. The project can be summarised as follows:
 - The proposed BESS development footprint is located in the north-eastern corner of the site approx. 320m from the Hume Freeway frontage.
 - 140 containerised BESS units, with approx. dimensions of 6.058 (m) (l) x 2.438m (w) x 2.896m (h).
 - 42 x 4.6MVA transformers, with approx. dimensions of 6.058 (m) (l) x 2.438m (w) x 2.896m (h).
 - 1 x 150 MVA transformer.
 - 42 inverters.
 - Installation of 4.5m high noise barriers around three sides of the battery units and 6m high noise barrier around the HV transformer.
 - Associated infrastructure such as an on-site 66/33 kV substation, including high voltage switchgear, transformer, harmonic filter, control and protection equipment and switch and control room.
 - Unground high voltage reticulation cabling g(33kV) to provide connection between the battery modules and inverters to the onsite substation.
 - Construction of a new 66 kV underground cable between on-site substation and Glenrowan Terminal Station, traversing through the road reserves of Hume Freeway and Winton-Glenrowan Road. Horizontal Directional Drilling (HDD) is proposed within the Hume Freeway road reserve, while a combination of open trenching and HDD is proposed within the road reserve of Winton-Glenrowan Road.
 - Augmentation works at Glenrowan Terminal Station, including the construction of a new 66 kV bay for the connection of BESS, with associated civil and earthworks, and electrical infrastructure.
 - Permanent operations and maintenance building.
 - Water storage facility for freighting water supply and fire suppression systems for BESS units.
 - Site access arrangements, including two new access points, located on the western boundary of site on Bowers Road and the north-east corner on Lee Road.
 - Installation of a small business identification sign (less than 3sqm) at the site entrance of Bowers Road.
 - Removal of 0.329 hectares (ha) of native vegetation to accommodate the two access points, on-site substation and transmission line within the road reserve of Winton-Glenrowan Road.)
 - Temporary infrastructure, including construction compound, site offices and amenities, tools and material storage sheds, component laydown areas.
 - Earthworks involving approx. 1.5m of excavation to construct a cut-off drain to redirect surface runoff around the BESS fill pad area.
 - Security infrastructure, including fencing and car parking.
 - Provision of acoustic walls around the BESS units.
5. The applicant has provided the following concept plans and images of the proposal:

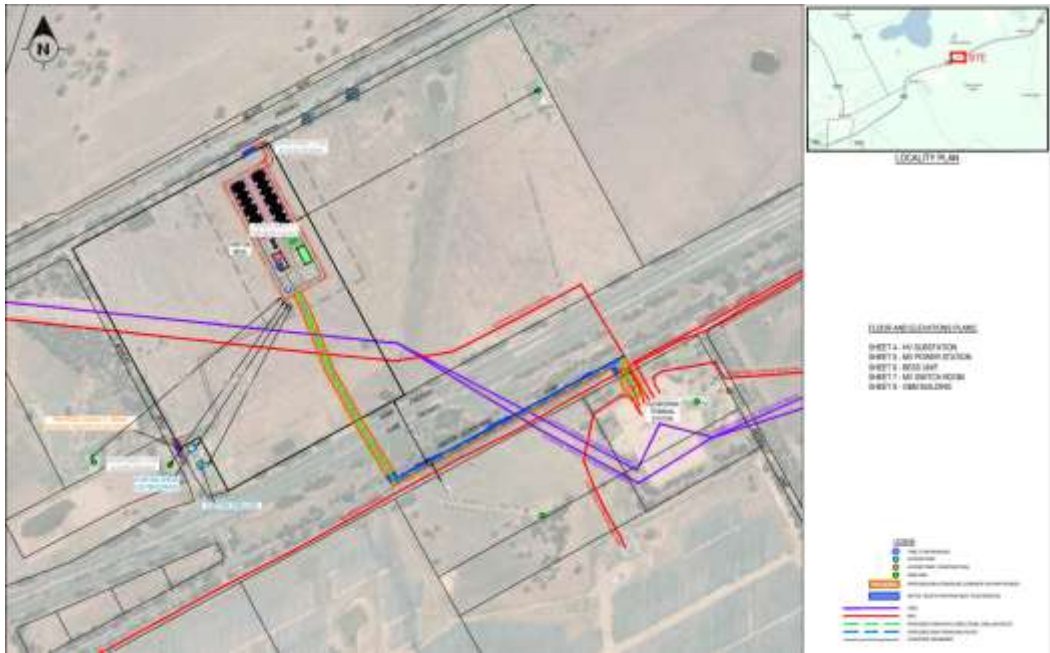


Figure 1: Proposed Winton BESS indicative site plan. Source: Decision Plans.

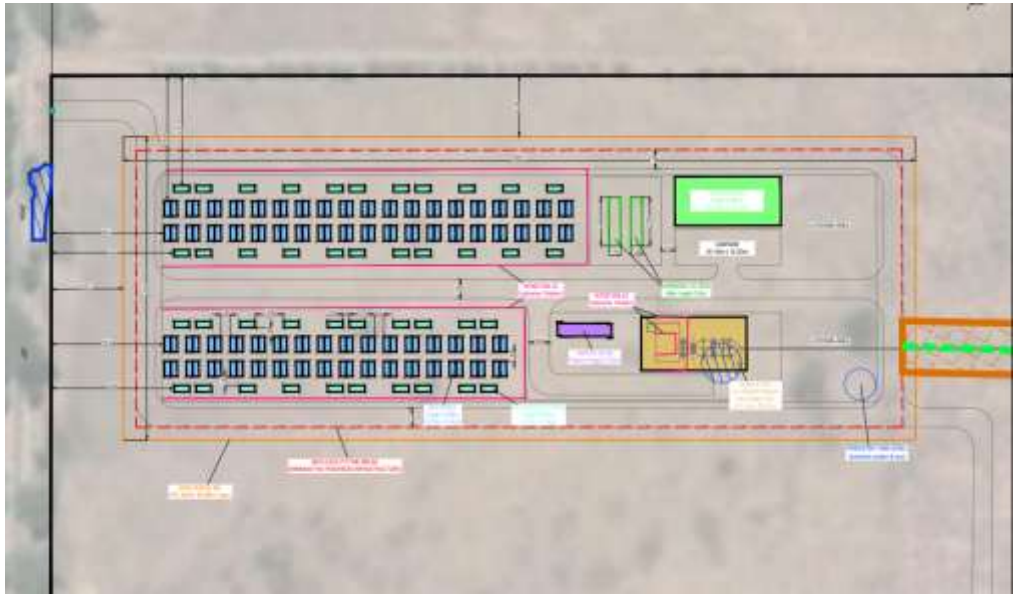


Figure 2: Proposed BESS indicative layout plan. Source: Decision Plans.

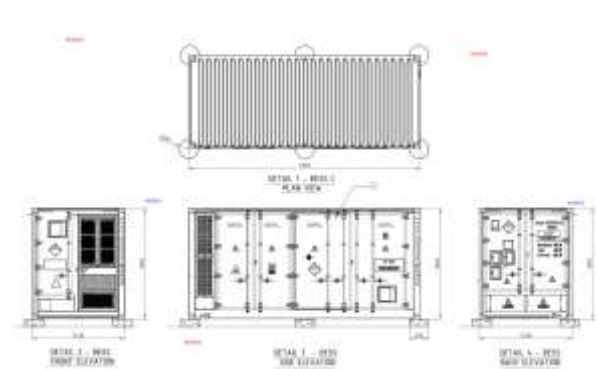


Figure 3: Elevation of the proposed BESS units. Source: Decision Plans

Subject Site and Surrounds

Site Description

6. The site is located within Benalla local government area, which is approx. 223 km north-east of Melbourne. The closest township is Benalla, located approx. 14km south-west of the site.
7. The subject site is formally described as comprising following land parcels and road reserves:
 - Lot 1 on TP098336B – 6 Bowers Road, Winton (BESS site)
 - Lot 1 on TP381841J & Lot 1 on TP345760N – 17 Glenwest Lane, Winton (Glenrowan Terminal Station)
 - Hume Freeway
 - Winton-Glenrowan Road
 - Bowers Road and Lee Road
8. The BESS site comprises an allotment of approx. 33.6 ha, with the proposed BESS development footprint occupying approx. 3.5 ha of the site.
9. The topography of the site is relatively flat, with a slight fall to the north-west.
10. The BESS site consists of grazing paddocks with associated internal farm tracks, fencing and boundary-line vegetation. The land is primarily used for cattle and sheep grazing and, more recently, for agistment.
11. The BESS site is bounded by Lee Road to the north, Bowers Road to the west and Hume Freeway to the south. The existing site access is via Bowers Road.
12. Existing 66kV and 220kV transmission lines traverse the site in an east-west direction.
13. The BESS site is located in the Farming Zone (FZ) with a small portion to the rear of the site in Transport Zone 2 (TRZ2). The site is not encumbered by any overlays.
14. The proposed 66kV underground cable route will traverse road reserves within the Hume Freeway (TRZ2) and Winton-Glenrowan Road (Transport Zone 3) (TRZ3). The proposed BESS footprint is located entirely within the FZ, with only the underground cable route extending into the TRZ2 and TRZ3 (refer Figure 4).



Figure 4: Zoning Map of Winton BESS. Source: VicPlan

15. The Glenrowan Terminal Station is located in the Special Use Zone – Schedule 4 (SUZ4) and is operated by AusNet. The site is approx. 411 m south of BESS site and includes a 66kV and 220kV switchyards and two 220/66/22kV transformers, perimeter fencing and boundary line vegetation.
16. The proposed underground cable route is affected by the Vegetation Protection Overlay – Schedule 3 (VPO3) along sections of the Winton-Glenrowan Road reserve and at the Glenrowan Terminal Station (refer Figure 5).

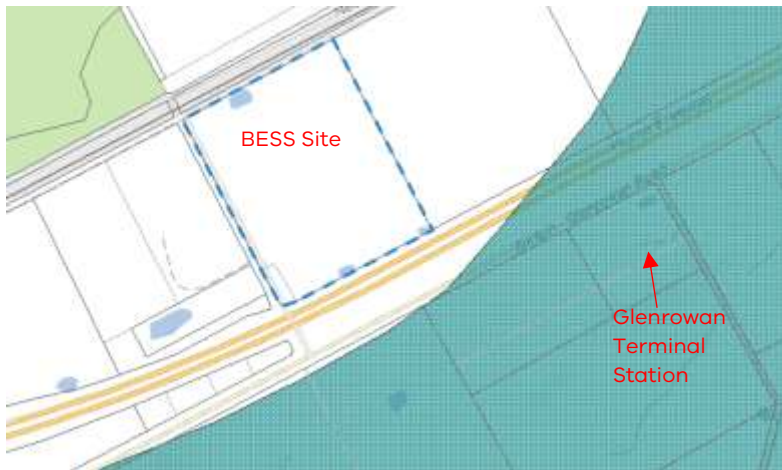


Figure 5: Overlay Map of Winton BESS. Source: VicPlan

17. The site is located within a Bushfire Prone Area (BPA).
18. There are easement(s) on the BESS site and Glenrowan Terminal Station, as follows:
 - Easements E1 and E2 on BESS site represents electricity easements running west-east direction.
 - Easement E1 on Lot 1 on TP345760N (Glenrowan Terminal Station) represents an electricity easement.
19. The proposed 66kV underground cabling will intersect with the existing electricity easements on the BESS site.
20. There are no covenants or restrictions on any of the titles on any of the titles that would prohibit the proposed use or development of the land for a BESS.

Site Surrounds

21. The surrounding area is characterised by agricultural uses and renewable energy generation projects. The surrounding area is generally cleared of vegetation, with scattered presence of vegetation in all directions.
22. There are a several dwellings and/or farm buildings in the surrounding area, typical of a rural setting.
23. The land surrounding the site is predominantly used for farming, but also contains several energy facilities, as described below:
24. The land surrounding the site can be described as follows:
 - To the **north** of the site: is Lee Road, Nelson Road and a railway line (directly abuts the site). Beyond this is the Mokoan 2 Solar Farm (75m) under construction, beyond this is the Winton Wetlands Natural Features Reserve (2km).
 - To the **north-east** of the site: is farmland, beyond this is Winton North Solar Farm (4.4 km) under construction.
 - To the **east** of the site: is the Mokoan Solar Farm (directly abuts the site).
 - To the **south** of the site: is the Hume Freeway. On the other side of the freeway is the Winton Solar Farm (200m). The Glenrowan BESS (960m) is approved but not constructed.
 - To the **south-east** of the site: across the Hume Freeway is the Glenrowan West Solar Farm (1.13 km). The Chivers Rd BESS (5 km) is approved. Glenrowan Solar Farm (5.2km) is constructed.
 - To the **west** of the site: is farmland, beyond this is the gas-fired Winton Energy Reserve Facility (1.4 km) has been approved but not constructed.



Figure 9: Photo from Bowers Road (viewing north-east).

Referrals

26. The application was referred to the following authorities under section 55 of the Planning and Environment Act 1987 (PE Act), as summarised below:

Organisation	Referral Type	Clause	Response Date	Response	DTP Assessment
WorkSafe Victoria	Determining	66.02-7 – To use land for a utility installation if the fire protection quantity exceeds under the Dangerous Goods (Storage and Handling) Regulations 2022.	17/01/2026	No objection subject to conditions requiring: <ul style="list-style-type: none"> – That the Risk Management Plan, including fire safety study, must be updated once the battery supplier has been finalised to confirm the requirements of the CFA Guidelines are met. – The development of a Fire Management Plan in line with the CFA Guidelines before development starts. – The development of an Emergency Management Plan in line with the CFA Guidelines prior to dangerous goods arrival on site. 	These conditions have been included in the recommendation.
AusNet Transmission Group	Determining	66.02-4 – To construct a building or construct or carry out works on land within 60m of a major electricity line (220 kV or	12/01/2026	No objection subject to conditions requiring: <ul style="list-style-type: none"> – Details of any proposed development or use of the AusNet easements. – Buildings and structures are not permitted on AusNet easements without prior written approval. 	These conditions have been included in the recommendation.

Organisation	Referral Type	Clause	Response Date	Response	DTP Assessment
		more) or an electricity transmission easement.		<ul style="list-style-type: none"> – Vehicle access by AusNet to remain available. – Vegetation planted on the AusNet easement must not exceed 3m. – Future works within the easement must be approved by AusNet prior to the commencement of works. 	
Head, Transport for Victoria (TfV)	Determining	52.29-4 – To create or alter access to a road declared as a freeway or an arterial road under the Road Management Act 2004, land owned by Head, TfV for the purpose of a road.	24/07/2026	<p>No objection subject to conditions requiring:</p> <ul style="list-style-type: none"> – A site plan showing the location of the proposed subterranean transmission line crossing the Hume Freeway road reserve must be endorsed by responsible authority. Any changes require written consent from Head, TfV and the responsible authority. – Vehicle access from subject site to be via Bowers Road and Lee Road only. – A Traffic Management Plan – An Existing Conditions Report – A Dilapidation Report – Works outlined in the Dilapidation Report must be carried out to the satisfaction of, and at no cost to Head, TfV and other road management authority. – Any damage to road infrastructure caused by the development to be rectified at no cost, and to the satisfaction of Head, TfV and other road management authority. 	These conditions have been included in the recommendation.

27. It is also noted that the original application was referred to DEECA for proposed native vegetation removal of 0.649 ha under the detailed assessment pathway. Following s57A amendment, referral is no longer required to DEECA as the application now falls within the intermediate assessment pathway, as the extent of native vegetation removal is reduced to 0.329 ha.

Advice Sought

DEECA

28. Intradepartmental advice received from DEECA regarding any potential impacts on the Regent Honeyeater and Lurg Ironbark Vegetation in relation to the tunnelling works in the VPO3.
29. DEECA notes that the efforts to conserve the Regent Honeyeater also help to conserve several other threatened fauna or uncommon species habitat, including Brush-tailed Phascogale, Squirrel Glider, Bush Stone-curlew, Swift Parrot and Painted Honeyeater that rely on the same habitat.
30. The proposal has reduced impacts by proposing underboring to avoid the removal of Box Ironbark trees located on the Winton-Glenrowan Road reserve within the VPO3.
31. Although not a referral authority, DEECA advised that they did not object to the proposal and recommended that a permit condition be included for an amended site plan to be provided prior to native vegetation removal and a CEMP includes measures to ensure that impacts are reduced to allow these trees the best possible chance of survival.
32. Both conditions have been included on the permit, with slight modifications where necessary.

Public Notice

33. In accordance with section 52 of the PE Act, public notice of the application was given between 18 March 2026 and 15 April 2026. This application was amended on 10 July 2026 under s57A of the PE Act. DTP gave notice of the amended application between 10 August 2026 to 24 August 2026.
34. Notice was given in the following manner:

Section of PE Act:	Notice was given to:	Given by:
52(1)(a)	Owners and occupiers of adjoining land	Permit applicant
52(1)(b)	Benalla Rural City Council	DTP
52(1)(c)	N/A – The scheme does prescribe any notice	
52(1)(d)	In accordance with section 52(2) of the PE Act, notice under 52(1)(d) was given in the following ways:	Given by:
52(2)(a)(ii)	Notice was given in the Benalla Ensign for one issue.	Permit applicant
52(2)(a)(iii)	Owners and occupiers of all land within 1 km of the project boundary.	Permit applicant
52(2)(b)	To the following agencies: <ul style="list-style-type: none">– Country Fire Authority (CFA)– Energy Safe Victoria– Emergency Management Victoria– Yorta Yorta Nation Aboriginal Corporation– VicGrid– VicTrack– Goulburn Broken Catchment Management Authority (CMA)– Head, Transport for Victoria (TfV)	DTP

35. 74 submissions (including 72 objections) have been received at the time of writing this report (as of 15 October 2026).



Objections

36. The following concerns were raised in the objections received:

- Biodiversity impacts, including:
 - Waterways and Winton Wetlands Natural Features Reserve
 - Fauna habitat, include Regent Honeyeater, Swift Parrot & Growling Grass Frog
 - Wildlife movement
- Fire risk and emergency response
- Traffic impacts
- Flood and hydrology impacts
- Tourism impacts
- Visual impacts
- Construction impacts
- Noise impacts
- Cumulative impacts of nearby proposed, approved or existing renewable energy projects and BESS
- Reduction of agricultural land available for farming
- Impacts on property values
- Insurance costs
- Lack of community consultation
- Lack of detailed design information and equipment selection

Benalla Rural City Council

37. The council submitted an objection, dated 20 August 2026, raising concerns regarding the proposal, including:

- Loss of agricultural land and fragmentation of farming operations
- Incompatible use in a rural landscape
- Cumulative land use impact
- Precedent for further conversion for industrial development within FZ
- Strategic planning inconsistency
- Impacts to local roads and infrastructure
- No major upgrades to critical infrastructure are proposed to support construction activities and operation of the BESS.
- Impact on rural character and landscape values
- Lack of community consultation
- Absence of demonstrated Net Community Benefit Funding
- Dilapidation Surveys of critical infrastructure to be undertaken by independent consultants, with the results to be considered and agreed upon by council.
- No environmental and infrastructure bond has been proposed to secure any repair of critical infrastructure or reinstatement of the land at the end of the project's operational life.

38. The concerns raised by council and other objectors are assessed in the relevant thematic sections of the report below, including matters of site suitability, cumulative impacts, noise, flooding and hydrology, fire risk, landscape and visual impact, agriculture, traffic, ecology and biodiversity impacts.

39. The proponent has advised that they remain committed to developing a meaningful Community Benefit Scheme in consultation with the local community and exploring other opportunities such as the use of local contractors and employment for the construction of the project.

40. A response to some of the other prominent matters raised in the objections is provided in the table below:



Objector Concern	DTP Officer Response
Property values	The consideration of property values and land devaluation is not included within the decision guidelines of the scheme and cannot be considered within the assessment and determination of the project.
Insurance costs	<p>DTP is aware of concerns from landowners about the impact of energy projects on their public liability insurance. However, the consideration of insurance costs is not included within the decision guidelines of the scheme and has not been considered as part of this assessment.</p> <p>It is noted that the Insurance Council of Australia issued a statement on 14 May 2024 saying:</p> <p><i>Current information indicates that insurers generally do not have specific concerns related to a property hosting transmission lines or neighbouring energy infrastructure. At the time of writing, the Insurance Council is not aware of any instances where Insurance Council members have been unable to provide insurance or have increased premiums as a result of a farm (or a neighbouring property) hosting energy infrastructure.</i></p>
Tourism impacts	The proposal is unlikely to adversely affect tourism. The BESS is located on private agricultural land and will not affect access to tourist destinations. Any visual impacts are addressed via a condition for an on-site landscaping plan. It is further noted that there are already many solar farms constructed in the vicinity of the site. It is unlikely that the addition of this battery project would have a significant impact on tourism through visual impacts.
Lack of community consultation	<p>Public notice of the application was given in one newspaper and to all properties within 1km of the site, in accordance with the requirements of s52 of the Act.</p> <p>Additionally, it is understood that applicant undertook extensive consultation with the community prior to the lodgement of the application, including via information session, newspaper advertisement, phone calls, meetings. Multiple meetings have occurred with council.</p>
Lack of detailed design and equipment selection	Sufficient information has been provided to make an informed decision on this application. The recommendation includes several conditions requiring details for the final equipment and detailed design to be submitted and approved prior to construction. Conditions will also require a final predictive noise assessment to be provided prior to endorsement of plans.
No environmental and infrastructure bond	There is no requirement for an environmental and infrastructure bond under the Planning Scheme or the PE Act. A Decommissioning Plan and Dilapidation Surveys are required and will be addressed via a permit condition.

41. Overall, DTP submits that the matters raised in the objections which are relevant to the planning assessment are suitably addressed by the application, subject to the recommended permit conditions.

Submissions

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



Submitter	Date received	Summary of submission	DTP Officer Response
CFA	7 April 2026	<p>No objection, and recommended conditions requiring the preparation of:</p> <ul style="list-style-type: none">– Amended plans to prepared to show any changes required to comply with CFA conditions.– A Risk Management Plan (RMP)– Emergency Plan (EP)– Fire Management Plan (FMP) <p>Recommended conditions also require:</p> <ul style="list-style-type: none">– Before the use commences, all fire protection measures shown on the endorsed plans must be implemented.	<p>These conditions have been included in the permit.</p>
Goulburn Broken CMA	20 March 2026	<p>No objection, subject to the following conditions:</p> <ul style="list-style-type: none">– Amended Surface Water Assessment (SWA) to address comments of the CMA.– Works on Waterways Permit– The proposed fill platform to support the BESS must be elevated at least 300mm above the applicable 1 in 100 AEP flood level.– Obtaining any necessary Works on Waterways Permit.– Any removal of, or impact to, native vegetation must be undertaken in accordance with the <i>Guidelines for the Removal, Destruction or Lopping of Native Vegetation</i> (DELWP, 2017), and any advice obtained from the DEECA. <p>Comments provided regarding the SWA include:</p> <ul style="list-style-type: none">– The assessment is not clear as to whether the hydrologic and hydraulic models include an allowance for climate change. The CMA requires the use of the SSP3-7.0 scenario at 2100 when assessing the implication of climate change in flood modelling.– The provided mapping indicates that the proposed BESS will be in an area which flood to depths of up to 0.2m. The CMA notes that flood free land is available on the property (south-west corner). As such, justification must be provided as to why the flood free land is not suitable for the proposed development. This is consistent with the hierarchy of floodplain risk management.– The provided mapping indicates that the proposed development will result in a change to flood levels on an external property. The report must be amended to demonstrate that	<p>The SWA has been updated to address CMA's comments following section 57A amendment; however, the recent SWA has not been reviewed by the CMA.</p> <p>Therefore, the conditions have been included in the permit, with minor modifications where necessary.</p>



Submitter	Date received	Summary of submission	DTP Officer Response
		the proposed development does not have an adverse impact on flood levels on neighbouring properties. The assessment should also demonstrate no flood impacts in more frequent flood events (i.e., 1 in 5 AEP through to 1 in 100 AEP).	

Assessment

Key Considerations

43. The Benalla Planning Scheme (the scheme) contains policies and controls that guide the assessment of utility installations. These are found in the state and local planning policies, the relevant zone and overlays, and other relevant provisions. The assessment below addresses the relevant sections of the planning scheme while having regard to the matters which must be considered in accordance with Section 60 of the PE Act.
44. The following are deemed the key considerations in assessing the proposal:
 - Strategic policy context and planning controls
 - Whether the proposal responds to the vision and strategic directions of the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF)
 - Suitability of the land use in the FZ, and impacts on agricultural land
 - Suitability of the proposal against the relevant overlays and particular provisions
 - Biodiversity and native vegetation impacts
 - Fire risk, emergency management and dangerous goods
 - Vehicle access, road and traffic considerations
 - Amenity impacts in terms of noise, light spill, visual impact and construction impacts
 - Flooding and hydrology impacts

Mandatory considerations under section 60 of the PE Act

s60 Mandatory consideration	How this is addressed in this report
(a) Relevant planning scheme	Addressed through the sections that identify and discuss permit triggers, the MPS and PPF, zones, overlays, particular provisions and relevant decision guidelines.
(b) Objectives of planning in Victoria	The most relevant objectives include those relating to the fair, orderly, economic and sustainable use and development of land; protection of natural and man-made resources and ecological processes; securing a pleasant, efficient and safe working, living and recreational environment; balancing present and future community interests; facilitating development that supports community wellbeing and economic growth; and integrating environmental, social and economic considerations in decision-making. These matters have been addressed through integrated assessment of the application, as discussed throughout the report in sections that outline strategic policy considerations, land use compatibility and orderly planning, renewable energy and climate action objectives, agricultural, environmental, social, landscape and amenity considerations.



s60 Mandatory consideration	How this is addressed in this report
(c) Objections and submissions	Summarised in the Public Notice section and considered through the relevant assessment sections.
(d) Any decision and comments of a referral authority	Summarised in the Referrals section, with determining referral authority requirements identified for inclusion where appropriate.
(e) Any significant environmental effects	Addressed through biodiversity, native vegetation, hydrology, fire, construction, landscape, amenity and environmental management considerations throughout the report.
(f) Any significant social and economic effects	<p>Social effects are addressed through discussion on community concerns, amenity, consultation, safety, traffic, landscape and cumulative impact considerations throughout the report.</p> <p>Economic effects are addressed through storage energy benefits, regional investment, employment, agricultural land use, local economic impacts and decommissioning considerations throughout the report.</p> <p>The proposal is appropriately located in an area where there is existing energy generation and utility infrastructure.</p> <p>The project will contribute to the local economy by creating up to 90 jobs during the construction phase and up to two jobs during operational phase, meeting the objectives of clause 17.01-1S.</p> <p>The use will also contribute to the enhancement of the electricity network by ensuring grid reliability during peak demand periods.</p>
1A(f) Any other relevant matter	<p>Addressed within the assessment of the relevant zones, overlays and particular provisions, including clauses 52.05, 52.17, 52.29, 52.32.</p> <p>Clause 65 decision guidelines have also been considered. The assessment has had regard to the matters relevant to the decision, including the MPS, PPF, purpose and decision guidelines of relevant zones, overlays and particular provisions, orderly planning, the effect on amenity, the suitability of the land for the proposed use and development, environmental, social and economic effects, traffic and access, infrastructure, native vegetation, referral authority responses, objections and submissions, and proposed permit conditions.</p>

Permit Triggers

45. A planning permit for the project is triggered by the following clauses of the Benalla Planning Scheme (the scheme):

Clause	Permit Trigger
35.07-1 (FZ)	Use of land for the purpose of a utility installation.

Clause	Permit Trigger
35.07-4 (FZ)	Construct a building or construct or carry out works for any use in Section 2 of Clause 35.07-1; earthworks which change the rate of flow or discharge point of water across a property boundary.
52.05-14	To display business identification signage not exceeding 3sqm.
52.17-1	To remove, destroy or lop native vegetation, including dead native vegetation
52.29-2	To create or alter access to a road in a TRZ2.

Strategic Direction and Policy Context

46. Overall, the Purpose and Vision for Victoria (Clause 01), Municipal Planning Strategy (Clause 02) and the Planning Policy Framework (PPF) of the scheme encourage the facilitation of renewable energy and storage projects, on balance with the protection of the environment and agricultural land. In particular, Clause 01.01 (Purposes of this Planning Scheme) identifies that a key purpose of the scheme is “to support responses to climate change”.
47. The project is supported by *Plan for Victoria* (2025), which seeks to ensure that ‘Regional Victorian communities will attract and benefit from investment in renewable energy – wind, solar and battery storage – projects’.
48. Additionally, *Victoria’s Renewable Energy Action Plan, 2018* and *Victoria’s Climate Change Strategy, 2021* and the *2025 Victorian Transmission Plan* all outline the importance of renewable energy generation and battery storage projects in Victoria’s renewable energy transition and the role they play in stabilising the electricity grid.
49. While the project is not located within a declared Renewable Energy Zone (REZ), it is appropriately located in close proximity to Glenrowan Terminal Station and other renewable energy generation projects.

Municipal Planning Strategy (MPS)

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

Clause	Description	Assessment
02.01	Context	The MPS acknowledges the Benalla Council is a diverse rural municipality in north-eastern Victoria and is characterised by major environmental features, agricultural production and transport infrastructure.
02.02	Vision	
02.03	Strategic Directions	
02.04	Strategic Framework Plans	<p>Council’s vision is to provide a sustainable, thriving and cohesive community where lifestyle, culture, health and wellbeing are supported by strong leadership and community partnership.</p> <p>The application provides for a \$206M project within the municipality, creating local employment opportunities in both construction and operation stages.</p> <p>The proposal has generally been sited to protect the key biodiversity values on site, respond to fire risk, and ensure only a minor reduction in agricultural production.</p> <p>The proposal responds appropriately to this policy context by providing a BESS in an appropriate location with minimal impacts on the valued elements and amenity of the area.</p>

Planning Policy Framework (PPF)

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

Clause	Description	Assessment
Clause 12	Environment and Landscape Values	
12.01-1S	Protection of biodiversity	<p>Clause 12 focuses on the protection of ecological systems, native vegetation, biodiversity, and identified environments or landscapes. Where possible, the project has avoided impacts to ecological values, including:</p> <ul style="list-style-type: none"> – By avoiding high-quality areas of native vegetation. – The impact of up to 0.329 ha of native vegetation removal to only accommodate the vehicle crossings, transmission cable and on-site substation; – Siting most of the project components in cleared agricultural land; – Designing the proposed access roads to avoid scattered trees, including the access route from Lee Road; and – There are minimal impacts to the Winton Wetlands Natural Features Reserve, which is located approx. 2km from the site. The Goulburn CMA has advised that the proposed powerline connection will cross a Designated Waterway in the vicinity of the reserve between the Hume Freeway and Winton-Glenrowan Road. A necessary Works on Waterway Permit is required. <p>Conditions of the recommendation will further minimise impacts to biodiversity values during construction through the inclusion of a CEMP. The CEMP will provide measures for native vegetation protection fencing and establish no-go zone areas during construction</p>
12.01-2S	Native vegetation management	
12.03-1S	Rivers and riparian corridors, waterways, lakes, wetlands and billabongs	
12.05-2S	Landscapes	<p>The project is setback approx. 320m from the Hume Freeway and will have generally low to moderate visual impacts on the landscape and is considered acceptable subject to the use of grey-green exterior finishes on the BESS units and acoustic barriers as well as proposed 10m wide landscaping buffer around the BESS facility. Refer to the landscape and visual assessment for further details.</p>
Clause 13	Environmental Risks and Amenity	
13.02-1S	Bushfire	<p>The facility has been developed in accordance with the <i>CFA's Guidelines and Model Requirements for Renewable Energy Facilities</i> (the CFA Guidelines) to appropriately respond to bushfire risks. Refer to the fire section of the report for assessment.</p>
13.03-1S	Floodplain management	<p>The BESS site is not located within any overlays but is within an area of low flood risk. While the proposal results in minor adverse flood impacts to the adjoining property to the east, these impacts can be appropriately managed through mitigation measures, including an 8m-wide cut-off drain and BESS fill pad. Subject to the conditions recommended by the Goulburn-Broken CMA, it is considered that the risk posed by the project in relation to flood impacts is appropriately managed.</p>
13.05-1S	Noise management	<p>The project is predicted to achieve compliance with the relevant noise limits. Conditions of the recommendation will require the preparation of</p>



Clause	Description	Assessment
		a final predictive noise assessment, measuring impacts of the final selected equipment and infrastructure for the facility.
13.07-1S	Land use compatibility	As discussed further on in this assessment, the proposed use is considered acceptable with appropriate mitigations in place, on balance with the benefits of the provision of a storage facility.
Clause 14 Natural resource management		
14.01-1S	Protection of agricultural land	<p>The development will not impact agricultural activities on surrounding land or the remainder of the property. The BESS site is currently used for cattle and sheep grazing and, more recently, for agistment. The BESS will occupy only around tenth of the overall site and the majority of the land will remain available for ongoing agricultural use, ensuring that the development does not significantly constrain the site’s existing rural function.</p> <p>Conditions have been included in the recommendation requiring the rehabilitation of the site back to its prior condition after the BESS ceases operations, to ensure that the land continues to remain suitable for agricultural uses into the future.</p>
14.02-1S	Catchment planning and management	<p>No waterways contained on BESS site or Glenrowan Terminal Station. However, a Works on Waterway Permit is required given that the proposed powerline connection will cross a Designated Waterway in the vicinity of the reserve between the Hume Freeway and Winton-Glenrowan Road.</p> <p>With the recommended mitigation measures in place, the project is unlikely to have major impacts on flood within and outside the site or adversely impact adjacent properties.</p> <p>Refer to the hydrology section of the report for assessment.</p>
14.02-2S	Water quality	
Clause 17 Economic Development		
17.01-1S	Diversified economy	<p>The proposed BESS meets the objectives of clause 17 by creating up to 90 jobs during the construction and two jobs during operation of the facility and by supporting the rural economy to grow and diversify.</p>
17.01-1R	Diversified economy - Hume	
Clause 18 Transport		
18.01-1S	Land use and transport integration	<p>The construction traffic impacts can be suitably managed through the preparation of a TMP and operational impacts on the road network will be negligible. Impacts are temporary and manageable. The development will not significantly change long-term traffic volumes.</p> <p>The BESS development footprint is generously setback from the Hume Freeway by at least 320m. However, the proposed underground cable connection to Glenrowan Terminal Station will run across the road reserves of Hume Freeway and Winton-Glenrowan Road. Subject to appropriate traffic management devices and practices, and the required working within a road reserve permits, the proposed cable connection will not have detrimental impact on operation or safety of Hume Freeway.</p>
18.01-1L	Land use and transport integration - Benalla	
18.02-4S	Roads	



Clause	Description	Assessment
Clause 19	Infrastructure	
19.01-1S	Energy supply	<p>The proposal is consistent with clause 19 which supports the renewable energy led transition to a low-carbon economy with reduced greenhouse gas emissions. The proposed facility is estimated to store approximately 120MW of electricity, and although it is not a renewable energy facility, battery storage plays a supporting role to the energy transition.</p> <p>The proposed BESS will also assist the delivery of power during peak times to the network to meet community demand for energy needs.</p> <p>The project is not located within a declared renewable energy zone. However, the proposed BESS is a utility installation, not a renewable energy facility, and it is co-located with existing and approved renewable energy and utility installation facilities.</p>
19.01-2S	Renewable energy	
19.01-2R	Renewable energy - Hume	

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

Zones

Farming Zone (FZ)

53. The BESS site is predominately located within the FZ as shown in Figure 4.
54. The FZ seeks to (as relevant) provide for the use of land for agriculture, encourage the retention of productive agricultural land, ensure that non-agricultural uses do not adversely affect the use of land for agriculture, encourage the retention of employment and population to support rural communities, and encourage the use and development of land based on comprehensive sustainable land management practices and infrastructure provision.
55. Having regard to the relevant decision guidelines at clause 35.07-6, the proposed use and development is appropriate outcome in the FZ as follows:
- The proposal does not adversely affect the use of the land for ongoing farming activities (livestock grazing) on the remainder of the property, and it does not prevent or impede on the ability for surrounding properties in the FZ to continue to use their land for agricultural purposes and renewable energy facilities.
 - The co-location of the BESS with the other renewable energy generation and transmission infrastructure supports the efficient integration of energy infrastructure and avoids unnecessary land consumption elsewhere in the region.
 - The built form will be sufficiently setback from adjoining properties, with the nearest non-stakeholder dwelling located approx. 180m from the site.
 - The siting and low-profile design of the BESS infrastructure minimises visual and environmental impacts, and materials and colours will be selected to reduce visual contrast with the landscape. Consistent with the recommendations of the VIA, on-site screen planting will be incorporated along the north, west and south of the project boundaries via a permit condition.
 - There will be a minor reduction (approx. 3.5 ha) in the extent of land under agricultural production from the footprint of the BESS, on-site substation and ancillary infrastructure. However, this is not a permanent loss given that conditions of the recommendation will require the facility to be decommissioned at the end of its operational life.
 - The project will not affect soil quality, and the site can be returned to its existing condition when the BESS ceases use.
 - The BESS site is within an area of low flood risk. While the proposal results in minor flood impacts to the adjoining property to the east, these impacts can be managed via an 8m-wide cut-off drain and BESS fill pad and permit conditions provided by the Goulburn Broken CMA.

- The traffic impacts of the construction and use of the facility are discussed further in the relevant section of this report and are acceptable subject to Head, TfV conditions.
- The proposal is expected to create 90 jobs during construction and two jobs during operation, encouraging long-term regional employment opportunities.
- The proposal has considered potential fire hazards and incorporates safety design recommendations in accordance with CFA requirements, including fire breaks, site access and appropriate separation.

Transport Zone 2 (TRZ2) (Principal road network) & Transport Zone 3 (TRZ3) (Significant road network)

56. The proposed underground cable route will cross the BESS site, road reserves of Hume Freeway and Winton-Glenrowan Road, which is within the TRZ2 and TRZ3 (respectively) for the use and development of a utility installation. The cabling is proposed to be use HDD within the Hume Freeway road reserve, while a combination of open trenching and HDD is proposed within the road reserve of Winton-Glenrowan Road.
57. The proposed powerline is to operate at 66kV and is classified as a minor utility installation under clause 73 of the scheme.
58. Pursuant to clauses 62.01 and 62.02-1, the use and development of land for a minor utility installation is exempt from requiring a planning permit. Accordingly, the proposed 66kV underground cable within the TRZ2 and TRZ3 does not require planning approval.
59. No sensitive or incompatible uses are introduced to TRZ2 and TRZ3 areas, and it is considered that recommended conditions for a TMP and CEMP will manage the impacts and ensure works will not unreasonably compromise the operation of the transport system.

Special Use Zone – Schedule 4 (SUZ4)

60. The Glenrowan Terminal Station is wholly located within the SUZ4 and is owned and operated by AusNet Transmission Group Pty.
61. The proposed underground 66kV cable connection from the BESS site will connect to the Terminal facility. The proposal also includes augmentation works at the Terminal facility, such as construction of a new 66kV bay for the connection of the BESS, with associated civil works and earthworks, high voltage switchgear, structures, and control and protection equipment.
62. A planning permit is not required for the use and development for the utility installation as it is a section 1 use under the SUZ4.

Overlays

Vegetation Protection Overlay – Schedule 3 (VPO3)

63. The proposed underground cable route is affected by the VPO3 along sections of the Winton-Glenrowan Road reserve and at the Glenrowan Terminal Station, as shown in Figure 5.
64. It is proposed to remove 0.182 ha of native vegetation within the land affected by the VPO3.
65. VPO3 relates to Regent Honeyeater habitat/Lurg Ironbark Vegetation Protection Area.
66. The statement of nature and significance of vegetation to be protected identifies the area as providing important habitat for several endangered or rare fauna species listed under the *Flora and Fauna Guarantee (FFG) Act 1988*, including the Regent Honeyeater, Squirrel Glider, Brush-tailed Phascogale, Grey-crowned Babbler, Bush Stone-curlew and Quoll. The area also contributes to a significant vegetation corridor linking the Warby Ranges and the Great Dividing Range.
67. A planning permit is not triggered under the VPO3 given that the Schedule 3 has no permit requirements.
68. Advice was sought from DEECA regarding the any potential impacts on the Regent Honeyeater and Lurg Ironbark Vegetation in relation to VPO3. The proposal has reduced impacts by proposing underboring to minimise the extent of removal of Box Ironbark trees located on the Winton-Glenrowan Road reserve.
69. DEECA did not object to the proposal and recommended that a permit condition be included for an amended site plan to be provided to show the location of finalised connection route (including open trenching footprint and HDD corridor with all entry and exit laydown areas and intermediate pits) and location and area of all native



vegetation to be removed along the connection corridor, and a CEMP that includes measures to ensure that impacts are reduced to allow these trees the best possible chance of survival.

70. Both conditions have been included on the permit, with slight modifications where necessary.

Particular and General Provisions

Clause 52.05 – Signs

71. Clause 52.05 seeks to regulate the development of land for signs and ensure they are compatible with the surrounding area.
72. Signage is located in TRZ2. Pursuant to clause 36.04-6 of TRZ2, a permit is required to construct or display a sign on land in a TRZ1, if a TRZ2 is the adjoining zone. The adjoining zone nearest to the land is FZ and the signage in the FZ is in Category 4 – Sensitive area.
73. The application proposes one small non-illuminated business identification sign at the site entrance point on Bowers Road. The proposed sign will have a dimension of 2.4m x 1.2m (display area of 2.88sqm).
74. Pursuant to clause 52.05-14, a permit is required to display business identification signage, noting the total display area must not exceed 3sqm.
75. The location, scale and purpose of the sign is considered acceptable to the size of the facility and the character of the surrounding landscape. The sign will provide appropriate site identification without impacting on the amenity of the surrounds or road safety.
76. As such, the sign is considered to meet the objectives and decision guidelines of clause 52.05. The details of the proposed signage can be confirmed via a permit condition.

Clause 52.06 – Car Parking

77. Clause 52.06 (Car parking) seeks to ensure that an appropriate number of car parking spaces is provided for new uses.
78. Pursuant to clause 52.06-6, car parking must be provided to the satisfaction of the responsible authority.
79. A car parking area comprising up to 10 car spaces is proposed adjacent to the operations and maintenance building to accommodate up to two staff as well as any visitors during the operation of the facility. The number of carparking spaces proposed is considered acceptable given the low car parking demand during the operational phase.

Clause 52.17 – Native Vegetation

80. The application seeks the removal of up to 0.329 ha of native vegetation, including 0.200 ha of native vegetation patches, one large, scattered tree and two small, scattered trees.
81. The proposed native vegetation removal is required for the development of the BESS site, including two new access points, and the underground powerline connection route within the Winton-Glenrowan Road reserve. Refer Figure 10 for the location of the proposed native vegetation removal, as identified in the submitted Flora and Fauna Assessment (FFA), prepared by Biosis.



82. Pursuant to clause 52.17-1 of the scheme, a permit is required to remove, destroy or lop native vegetation.
83. 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.
84. The application falls under the intermediate assessment pathway of the DEECA Guidelines, as the site is located within Location 2 and involves the removal of 0.329 ha of native vegetation.
85. The removal requires an offset of 0.147 General Habitat Units with a minimum Strategic Biodiversity Score of 0.3750, including one large tree, located within Benalla municipal area or Goulburn Broken CMA.
86. The FFA includes the avoid and minimise statement for the project. The design and development of the facility have avoided and minimised impacts to native vegetation by:
 - Avoiding high-quality areas of native vegetation.
 - The placement of connection route within cleared areas where possible in the Hume Freeway and Winton-Glenrowan Road corridor.
 - Locating temporary site storage and construction compound on existing disturbed land.
 - Designing the proposed access roads to avoid scattered trees, including the access route from Lee Road. A construction buffer was applied to the proposed access routes, with 5m either side where there are no trees and 15m where trees are adjacent.
 - Using underground boring for the connection route. Where underground boring is not feasible, open trenching will be utilised along the connection route.
87. The original application was referred to the Secretary to DEECA given the project then sought approval for native vegetation removal of 0.646 ha (detailed assessment pathway). Following the s57A amendment, the extent of native vegetation removal has been reduced to 0.329 ha (intermediate assessment pathway) and the proposal no longer requires referral to the Secretary to DEECA.
88. DEECA's previously recommended offset conditions will not be adopted as it reflects the previous iteration of the proposal.
89. DTP officers recommend that permit conditions are included requiring the following:
 - Amended plans showing the location of retained and removed vegetation and protection measures and location of finalised connection route (i.e. open trenching footprint and HDD) corridor.
 - Offset of removed vegetation

- Native vegetation fencing
- Preparation of a CEMP (recommended by DEECA in relation to VPO3)

90. With these conditions included on the permit, the application is considered to meet the decision guidelines of clause 52.17 and the DEECA Guidelines. Refer to additional discussion of biodiversity matters further on in this assessment

Clause 52.29 – Land Adjacent to the Principal Road Network

- 91. The proposal includes two vehicle crossings, one to Bowers Road and one to Lee Road. The vehicle access from Bowers Road is located within TRZ2.
- 92. Pursuant to clause 52.29-2, a permit is required to create or alter access to a road in a TRZ2.
- 93. The purpose of clause 52.29 is to ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.
- 94. The application was referred to Head, TfV who support the proposal subject to conditions. One of the conditions relates to the vehicle access (entry/egress) from the subject site must at all times be to Bowers Road and Lee Road (local road only) to the satisfaction of Head, TfV and responsible authority.
- 95. The new crossover along Bowers Road is not expected to impact the operation or public safety given that sufficient sight distances of at least 300m is met and sufficient space within the existing road network is provided to allow for vehicles to pass.

Clause 53.22 – Significant Economic Development

- 96. Clause 53.22 seeks:
 - To prioritise and facilitate the planning, assessment and delivery of projects that will make a significant contribution to Victoria's economy and provide substantial public benefit, including jobs for Victorians.
 - To provide for the efficient and effective use of land and facilitate use and development with high-quality urban design, architecture and landscape architecture.
- 97. This application is a Category 1 application at clause 53.22-1. As such it is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the PE Act.

Other Matters

Agricultural Impact

- 98. Clause 14.01-1S (Protection of agricultural land) seek to protect the state's agricultural base by preserving productive farmland.
- 99. The application includes an Agricultural Assessment Report (AAR) prepared by Meridian Agriculture.
- 100. The subject site has an area of 33.6 ha and has been used for cattle and sheep grazing, and recently for agistment.
- 101. The BESS project area covers approx. 3.5 ha of the total site. The remaining area of approx. 30.1 ha can still be used for agricultural activities. The soils of the BESS site are of moderate quality, with low recent fertilizer history which limits their potential for high productivity.
- 102. The minor reduction of agricultural land will be insignificant, as the 3.5 ha to be occupied by the BESS would support approx. two to three breeding cows under typical stocking rates. Therefore, the impact on agricultural productivity would be negligible.
- 103. The site is surrounded by other existing, approved or proposed renewable energy projects. The proposal is in close proximity to large scale solar farms, particularly Mokoan Solar Farm and Mokoan 2 Solar Farm, which are under construction, and the operational Winton Solar Farm and Glenrowan West Solar Farm.
- 104. The AAR concludes that the facility is unlikely to result in any cumulative agricultural impacts given the scale of the proposed BESS infrastructure.
- 105. The proposal's impact on agricultural land is considered acceptable. Conditions have been included in the recommendation requiring the rehabilitation of the site back to its prior condition after the facility ceases operation, to ensure that the land remains suitable for agricultural use into the future.



Fire Risk

106. The subject site is located within a Bushfire Prone Area (BPA), but it is not affected by the Bushfire Management Overlay (BMO).
107. Clause 13.02-1S (Bushfire Planning) requires all applications in a BPA to have consideration of bushfire risk, to strengthen the resilience of settlements and communities and prioritise the protection of human life.
108. The application is supported by a Risk Management Plan (including Fire Safety Study) prepared by Fire Risks Consultants, which has been prepared in accordance with the *CFA's Design Guidelines and Model Requirements: Renewable Energy Facilities v.4.4 (June 2025)* (the CFA Guidelines).
109. The risk assessment found that the most likely bushfire scenario involves fire approaching the site from the north-west or south-west direction, although bushfires may also originate from other directions.
110. The assessment found that the potential risk the project presents to its surrounds can be managed to an acceptable level, if the risk mitigation measures specified are implemented.
111. The project has incorporated bushfire mitigation measures in its design, including:
 - Construction of all-weather access roads and two access points from Lee Road and Bowers Road
 - Static water supply tank of 576,000 litres made of concrete or steel
 - 10m wide fire breaks around the perimeter of the site and screening vegetation
 - Compliant fire detection and suppression infrastructure
 - Ongoing maintenance programs for the life of the facility (e.g. vegetation management)
112. Notice of the application was given to CFA who did not object to the application, subject to conditions that have been included in the recommendation requiring:
 - Amended plans to be modified to show any changes required to comply with CFA conditions
 - Risk Management Plan
 - Emergency Plan & Fire Management Plan
 - All fire protection measures shown on the endorsed plans must be implemented before the use starts
113. DTP submits that, with CFA's conditions, the application has appropriately responded to the bushfire risk.

Dangerous Goods

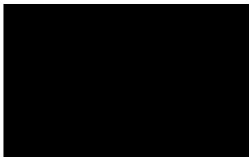
114. The proposal includes the presence of dangerous goods on site in the form of lithium-ion batteries.
115. A referral to WorkSafe Victoria (determining referral authority) was required for the proposed use of land for a utility installation where the estimated dangerous goods exceed the fire protection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

Noise

117. Clause 13.05-1S (Noise management) requires the consideration of noise effects on sensitive land uses, including the consideration of the noise requirements of the Environment Protection Regulations (EP Regulations) under the *Environment Protection Act 2017* (EP Act) and the *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826.5, Environment Protection Authority)* (the Noise Protocol).
118. The application is supported by an Environmental Noise Assessment (ENA) prepared by Marshall Day Acoustics. The assessment has been prepared in line with the Noise Protocol and the EP Regulations.
119. The assessment adopted a conservative approach by assuming the operation of the facility with all equipment running at maximum operating capacity.
120. The assessment identified five noise sensitive receivers located within 1.5 km of the project area, as listed in Table 1.



Table 1: Noise Sensitive Receivers. Source: Table 2 of ENA

Property ID	Address	Approx. distance to Project boundary, m
R1	6 Bowers Rd	5
R2		180
R3		420
R4		600
R6		1,200

121. The ENA also considered cumulative impacts from the approved and existing renewable energy and utility infrastructure, as shown in Figure 11. Operational projects include Winton Solar Farm, Glenrowan West Solar Farm, Glenrowan Solar Farm and Glenrowan Terminal Station. The projects under construction include Mokoan Solar Farm (partially operational), Mokoan 2 Solar Farm and Winton North Solar Farm. The approved but not constructed projects include Glenrowan BESS and Winton Energy Reserve Facility.



Figure 11: Noise receivers within 1.5km of Winton BESS and surrounding projects. Source: Figure 3 of ENA.

122. For the cumulative noise assessment, the noise survey found that noise from other commercial, industrial and trade (CIT) premises (i.e. other projects detailed on Figure 11) was not audible at the sensitive receivers, with the existing noise environment dominated by traffic noise from Hume Freeway. Accordingly, operational CIT premises are not expected to be a contributing factor to cumulative noise at the receivers.
123. It is expected that cumulative noise impacts will be appropriately managed where the project adopts the requirements of the GED and demonstrates compliance with the Noise Protocol following finalisation of the equipment selection.
124. The predicted noise levels at the identified representative sensitive receivers have been assessed against the most stringent night-time criterion. Table 2 presents the predicted noise levels without noise barriers and margin of compliance with the relevant night-time criteria. The proposal demonstrates compliance at night, and therefore, also meets the noise limits for the daytime and evening periods.



Table 2: Predicted noise levels for Winton BESS without noise barriers. Source: Table 11 of ENA

Receiver no.	Project noise level, L_{Aeq}	A_{time}	Assessable noise level, ENL	Noise limit (Night), ENL	Below limit?
R1	32	+2	34	40	Yes (-6 dB)
R2	33	+2	35	37	Yes (-2 dB)
R3	30	+2	32	37	Yes (-5 dB)
R4	28	+2	30	34	Yes (-4 dB)
R5	20	+2	22	34	Yes (-12 dB)

125. Table 3 presents the predicted noise levels with noise barriers and the corresponding margins of compliance with the night-time criteria.

Table 3: Predicted noise levels from Winton BESS with noise barriers. Source: Table 13 of ENA.

Receiver no.	Project noise level, L_{Aeq}	A_{time}	Assessable noise level, ENL	Noise limit (Night), ENL	Below limit?
R1	31	+2	33	40	Yes (-7 dB)
R2	32	+2	34	37	Yes (-3 dB)
R3	28	+2	30	37	Yes (-7 dB)
R4	29	+2	31	34	Yes (-3 dB)
R5	20	+2	22	34	Yes (-12 dB)

126. While the project is predicted to comply with the Noise Protocol, the ENA identified the following noise mitigation measures as reasonably practicable controls to minimise noise emissions, consistent with the General Environmental Duty (GED), subject to further review and refinement during detailed design phase:
- Selection of low noise equipment
 - Equipment layout and orientation (e.g. rotation of batteries will result in lower noise level at receivers.)
 - At-source mitigation for inverters and batteries has been selected to include original equipment manufacturer noise control kits.
 - Provision of noise barriers included in the proposal. The main noise barriers are proposed to be 4.5m high, with a 6m high barrier around the HV transformer. Acoustically absorptive material, rated at least Noise Reduction Coefficient (NRC) 0.9, is required to the entirety of the 'inside' faces of the barriers.
127. A condition has been included on the permit requiring the proponent to prepare an updated predictive noise assessment which models the final design and components of the facility against the Noise Protocol, prior to the endorsement of plans. This will ensure that any noise mitigation measures required to achieve the noise limits are shown on the endorsed development plans.
128. Clause 13.05-1S also requires consideration as relevant of the Environment Reference Standard (Gazette No. S 245, 26 May 2021) (ERS).
129. Within the 1.5km study area, the project is located in proximity to a small segment of the Winton Wetlands Natural Features Reserve. The noise from the project is expected to be audible at times within parts of the reserve. However, it is not anticipated to significantly alter the character of existing noise within the reserve, as these areas are already subject to noise from the Hume Freeway, which runs adjacent to the site.
130. The Victorian Environment Protection Authority (EPA) will be responsible for enforcing the project's compliance with the Noise Protocol in accordance with the EP Regulations under the EP Act. A permit note will be included on the permit explaining that the facility must comply with EPA Publication 1826.5.

Landscape and Visual Impact

131. Clause 12.05-2S (Landscapes) and the decision guidelines of the FZ both require the consideration of the project's landscape and visual effects on the character and appearance of the surrounding area, landscapes, open spaces and natural environment.
132. The application is supported by a Visual Impact Assessment (VIA) prepared by GbLA Landscape Architects.
133. The site is located within a rural area surrounded by existing energy generation and utility installation infrastructure.

134. The main visual impacts for the proposal would be from the acoustic barriers which are 4.5m high around the battery containers, and a 6m high barrier around the High Voltage transformer.
135. The VIA assessed the predicted visual impacts of the proposed facility from five viewpoints within the BESS site. Visual impact ratings for the five viewpoints were:
- Viewpoint 1 (Bowers Road, looking north-east towards BESS): Low visual impact. The proposed facility would be viewed in the context of the approved Mokoan 2 Solar Farm and Mokoan Solar Farm, which are currently under construction to the north and east of the site, respectively. Additionally, the proposed 10m wide landscaping buffer softens and partially screen views of the facility from Bowers Road.
 - Viewpoints 2 & 3 (Hume Freeway, looking north towards BESS): Low visual impact. The BESS facility is well set back from the freeway, reducing its prominence. Existing vegetation on site provides partial screening of the facility, while the proposed 10m landscape buffer would further screen views from Hume Freeway. The grey-green exterior finishes of the BESS units and acoustic barriers assist in visually integrating the facility with the surrounding landscape.
 - Viewpoint 4 (corner of Lee Road & Bowers Road, looking east toward BESS): Moderate visual impact to be reduced to low-moderate once the proposed planting buffer reaches maturity and provides screening of the facility.
 - While the proposed 4.5m and 6m high acoustic barriers would be a visible component of the development, the visual impact is considered acceptable. The proposed landscaping provides additional screening and softens the built form of the facility, while grey-green external finishes applied to the BESS units and acoustic barriers assists in blending with the vegetated landscape backdrop.
 - Viewpoint 5 (Lee Road, looking south towards BESS): Moderate visual impact. Due to the proximity of the facility and the introduction of substantial new infrastructure within an open pastoral landscape, the magnitude of visual change is assessed as moderate to high. However, the proposed 10m wide intermittent landscape buffer and the grey-green finishes of the acoustic barriers assist in filtering views and enabling the facility to visually recede into the surrounding landscape.
136. Figures 12 to 15 present viewpoints 4 and 5, illustrating the existing site conditions and photomontages of the BESS facility with the proposed landscaping.



Figure 12: Existing Condition of Viewpoint 4 (corner of Lee Road and Bowers Road). Source: VIA, pg. 8.



Figure 13: Photomontage with landscaping of Viewpoint 4 (corner of Lee Rd and Bowers Rd). Source: VIA, pg. 8.



Traffic and Transport

141. Clause 18.01-1S, 18.01-1L, 18.02-4S, and FZ all require consideration of access and traffic impacts relating to the proposed use and development.
142. The application is supported by a Traffic Impact Assessment (TIA) prepared by Impact.
143. Access to the BESS site will be accommodated via two new crossovers to Bowers Road and Lee Road, respectively. Both roads are classified as a local road. The facility will be accessed via Bowers Road (primary access) and Lee Road (secondary access), with both access points proposed to be used during construction and ongoing operation of the facility.
144. During construction, it is anticipated that up to 90 workers are expected on-site, with approx. 86 heavy vehicle movements and up to 80 light vehicles movements per day. The construction phase for the BESS is expected to span 12 months, with traffic primarily generated by the transport of materials and equipment and daily workforce movements.
145. Heavy vehicles delivering BESS components to the site will primarily travel from Melbourne via the Hume Freeway, before accessing the site via Bowers Road and Lee Road.
146. The sight distances of at least 300m, in accordance with AustRoads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections, were considered to be achieved from each site access.
147. The existing Hume Freeway/Bowers Road intersection arrangement is satisfactory to be used by construction traffic and component delivery vehicles, given that dedicated right and left turn lanes have been recently constructed for vehicles entering Bowers Road from the Hume Freeway. A median break and storage is also provided for vehicle turning right across the Hume Freeway.
148. Construction traffic can safely enter the site from Bowers Road and Lee Road, as the existing width of both carriageways is considered sufficient. Accordingly, additional width to accommodate turn treatments at either road is not warranted due to the ample sight lines available and the low external traffic volumes on Bowers Road and Lee Road. The full width of Bowers Road and Lee Road, including the unsealed shoulder, can be utilised to pass a car that is waiting to turn into the site should the need arise.
149. For the proposed underground cabling running through the road reserves of Hume Freeway and Winton-Glenrowan Road, it is estimated the following vehicle movements might be required for the boring activation and connection works to the Glenrowan Terminal Station:
 - Cable works / trenching – Up to eight light vehicles and six heavy vehicles per day
 - Installation of cabling into the bay – Up to 12 light vehicles and 18 heavy vehicles per day.
 - It is expected that Bowers Road can physically cater to this increased construction traffic for a short period of time.
150. Boring activities will be undertaken within the Hume Freeway road reserve. Subject to appropriate traffic management devices and practices, and the required working within a road reserve permits, the proposed cable connection will not have detrimental impact on operation or safety of Hume Freeway.
151. During the operation of the facility, it is anticipated that a maximum of 10 car parking spaces will be provided to accommodate up to two staff members, any deliveries or maintenance personnel required and visitors to the site.
152. The approved Winton Energy Reserve Facility (WERF) is located approx. 1.4 km to the west of the site and is expected to commence construction in 2026, with construction anticipated to span for 12-18 months. The project will utilise Bowers Road and Lee Road to facilitate construction-related traffic.
153. Should the construction periods for this project and the WERF overlap, the TIA estimates up to 116 heavy vehicle movements and 280 light vehicles movements per day. The TIA concludes the following regarding cumulative traffic impacts:
 - The additional traffic can be accommodated by the Hume Freeway without any material impact on the operation or safety of this road.
 - It is expected that Bowers Road can physically cater to this increased construction traffic for a short period of time.
 - It is expected that Lee Road can accommodate additional traffic without any major upgrades required.



- However, the increased traffic on Bowers Road and Lee Road will likely increase the rate of deterioration, particularly where vehicles might be relying on road shoulders, of this road during construction activities (leading to increased maintenance and/or repair work being required).
154. The proponent has also considered the cumulative traffic impacts associated with the approved Glenrowan BESS and Chivers Road BESS projects. The Glenrowan BESS is anticipated to generate up to 18 heavy vehicle movements per hour during peak construction periods, while the Chivers Road BESS is expected to generate approx. nine delivery movements per day over a two-week delivery period, in addition to light vehicle movements for construction workers and truck movements for underground cabling works and transportation of switch rooms.
155. Given that the Glenrowan BESS is located south of the Hume Freeway, and the Chivers Road BESS is approx. 5km east along Hume Freeway (also southern side of Hume Freeway), these projects will not utilise the local roads that Winton BESS (located north of Hume Freeway) construction traffic route will utilise, including Bowers Road and Lee Road. Construction traffic associated with these approved projects will therefore have limited interactions from the construction traffic generated by Winton BESS, aside from movements along the Hume Freeway. Given the capacity of Hume Freeway, any overlapping construction traffic will not result in unreasonable additional traffic impacts.
156. The application was referred to Head, TfV, who did not object to the proposal, subject to conditions, including:
- Provision of a site plan showing the location of the proposed subterranean transmission line crossing the Hume Freeway road reserve which must be endorsed by responsible authority. Any changes require written consent from Head, TfV and the responsible authority;
 - Vehicle access from subject site to be via Bowers Road and Lee Road only;
 - Traffic Management Plan;
 - Existing Conditions Report;
 - Dilapidation Report;
 - Works identified in the Dilapidation Report for any rectification of road damage resulting from construction activities must be carried out to the satisfaction of, and at no cost to Head, TfV and other road management authority; and
 - Any damage to road infrastructure caused by the development to be rectified at no cost, and to the satisfaction of Head, TfV and other road management authority.
157. With these conditions from Head, TfV, it is considered that the road network can satisfactorily accommodate the proposed facility.

Biodiversity

158. Clause 12.01-1S (Protection of biodiversity) and Clause 12.01-2S (Native vegetation management), seek to protect and enhance Victoria's biodiversity.
159. The application was supported by a Flora and Fauna Assessment (FFA) prepared by Biosis.
160. Much of the BESS site and parts of the proposed transmission line have been highly modified through extensive land clearing, cropping and pasture movement. Native vegetation within the BESS site remains as isolated scattered paddock trees.
161. Roadside vegetation on Lee Road, Bowers Road, either side of the Winton-Glenrowan Road and on the northern side of the Hume Freeway comprises planted and remnant eucalypt woodland and forest.
162. Direct and indirect impacts to native vegetation have been already assessed at clause 52.17 above.
163. Some threatened flora and fauna species and biodiversity values (i.e. native vegetation) are present (or potentially present) on or surrounding the site, particularly the road reserves. These include:
- Threatened flora species listed under the FFG Act that have the potential to occur at the site and road reserves, including Umbrella Grass, Mugga Ironbark, Golden Cowslips, Narrow Goodenia, Basalt Podolepis and Branching Groundsel.
 - Threatened fauna species listed under the EPBC Act and/or FFG Act that have potential to occur at the site and road reserves, including Gang-gang Cockatoo, Swift Parrot, Common Greenshank, Regent Honeyeater, Painter Honeyeater, Diamond Firetail, Brown Treecreeper (south-eastern), Diamond Dove, Little Eagle, White-



- bellied Sea-eagle, Black Falcon, Turquoise Parrot, Grey-crowned Babbler, Specked Babbler, Squirrel Warbler, Squirrel Glider and Lace Monitor.
- One EPBC Act listed threatened ecological community, Grassy Woodlands and Derived Native Grasslands of South-eastern Australia, was determined to be present in the project area.
164. The FFA concludes that significant impacts on threatened fauna is unlikely as the proposed development area has been designed to avoid direct impact to these habitats where possible and minimise indirect impacts by avoiding large remnant trees, particularly along the connection route within the road reserves of Hume Freeway and Winton-Glenrowan Road. The proposal seeks to remove 0.1825 ha of native vegetation within these road reserves. Impacts have been reduced through underboring to minimise the extent of removal of Box Ironbark trees located on the Winton-Glenrowan Road reserve. Refer to the assessment under Native Vegetation and Vegetation Protection Overlay – Schedule 3 for more details.
165. The assessment identified there will be no impacts on vegetation representing the Grey Box Grassy Woodland community.
166. Overall, the development footprint has been designed to avoid and minimise impacts to native vegetation by locating site compounds and temporary material storage within areas of low ecological value, and avoiding trenching by prioritising underboring where possible to retain mapped vegetation. All areas of vegetation and habitat nominated for retention to be treated as no-go zones and are not to be encroached upon as development progresses.
167. The proposal is located approx. 2 km of Winton Natural Features Reserve. The project land is separated from the reserve by road corridors, a rail corridor and farmland.
168. Advice was sought from DEECA on any potential impacts on the Regent Honeyeater and Lurg Ironbark Vegetation. Refer to assessment under VPO3 above for more information.
169. DEECA did not object to the proposal and recommended that a permit condition require an amended site plan showing the location of finalised connection route (including open trenching footprint and HDD corridor with all entry and exit laydown areas and intermediate pits) and the location of all native vegetation to be removed along the connection corridor, to be provided prior to native vegetation removal. DEECA also recommended a condition for a CEMP to include measures to ensure that impacts are reduced to allow these trees the best possible chance of survival. Both conditions have been included on the permit, with minor modifications where necessary.
170. DEECA has provided permit notes regarding potential requirements to be considered by the proponent under *Wildlife Act 1975* and *FFG Act 1988* and advising that compliance with other relevant Commonwealth and State legislation or policy remains the responsibility of the permit holder. These permit notes will be included in the recommendation.

Hydrology

171. Clauses 12.03-1S seeks to protect and enhance waterway systems, including waterways and wetlands. Clause 13.01-1S seeks to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.
172. The application is supported by a Surface Water Assessment (SWA) prepared by Cumulus Engineering Pty Ltd. The SWA includes hydrologic and hydraulic modelling of existing and future flood conditions and outlines that:
- Flood modelling was undertaken for the 1% AEP even incorporating the SSP3-7.0 climate change scenario to 2100.
 - During a 1% AEP event, flood depths under existing condition are predicted to reach up to approx. 570mm on the east portion of the BESS site. Lower flood depths averaging less than 230mm occur in the south-western portion of site, while significant ponding is predicted in the north-western portion of the site where water depths reach up to 1.65m.
 - Flood modelling indicates that the proposed BESS would generally maintain existing flood behaviour, with only localised changes to flood levels associated with the raised fill pad.
 - Under the 1% AEP climate change scenario, the proposal is predicted to increase flood levels of up to 100mm on the adjoining property to the east. To mitigate this afflux, an approx. 8m wide and 1.5m deep cut-off drain

will need to be incorporated along the southern and western boundaries of the BESS fill pad to redirect floodwater toward the north-west corner of the site.

- Other recommended mitigation measures for emergency flood management include:
 - A stormwater detention basin to managed stormwater runoff generated by the development.
 - Fill pad and internal roads should be raised above 1% AEP SSP3-7.0 flood level, with the base of all battery racks and containers set a minimum 300mm above the 1% AEP SSP3-7.0 flood level.
 - The primary access track to Lee Road should be raised to address localised ponding in the vicinity.
 - An emergency flood-free access route from BESS site to Bowers Road at the south-west should be incorporated into the final design to ensure vehicular access during a 1% AEP SSP3-7.0 flood event. An additional culvert underneath the alternative access at the cut-off drain crossing is necessary.
- With these mitigation measures in place, the project is unlikely to have major impacts within and outside the site or adversely impact adjacent properties.

173. Figure 17 shows the mitigation measures to be incorporated in the final design.

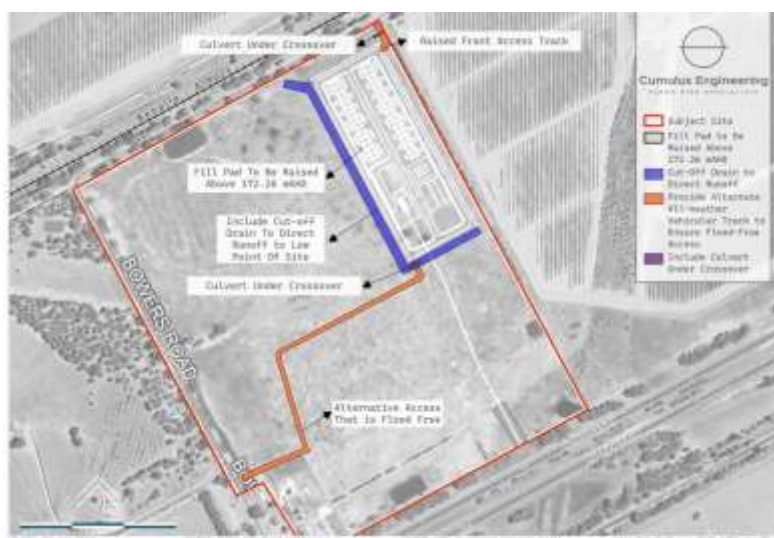


Figure 17: Proposed Design Recommendations. Source: Figure 7-1, SWA.

174. Notice was given to Goulburn Broken CMA, who did not object to the proposal and recommended permit conditions requiring an amended SWA to address Goulburn Broken CMA comments addressing the SSP3-7.0 climate change scenario to 2100, BESS fill pad to be elevated 300mm above the 1 in 100 AEP flood level and obtaining any necessary Works on Waterways Permit.
175. Goulburn Broken CMA notes that the proposed powerline connection will cross a Designated Waterway (SACRED No. 4/17-15) in the vicinity of the reserve between the Hume Freeway and Winton-Glenrowan Road.
176. It is noted that the updated SWA was submitted post section 57A amendment where Goulburn Broken CMA comments have been addressed but the Goulburn Broken CMA has not reviewed this document.
177. DTP is satisfied that the hydrological and drainage impacts of the proposal can be appropriately addressed through permit conditions recommended by the Goulburn Broken CMA, including the endorsement of the SWA. The recommended mitigation measures will be incorporated into the final design and included as a condition to be shown on the development plans.

Decommissioning

178. The future decommissioning of the proposed facility can be adequately addressed via permit conditions requiring a decommissioning management plan (DMP). These conditions will require the infrastructure to be removed from the site and the land to be rehabilitated and reinstated to its prior condition to ensure that there is no permanent loss of agricultural land.



Staging

179. Given the scale of the proposed project, conditions have been included on the permit to allow the use and development to be completed in stages, providing that the corresponding conditions/obligations are also satisfied in stages.

Other Victorian and Commonwealth legislation

180. The subject of this report is the assessment of the project under the PE Act.
181. The table at Attachment 1 of this report provides an overview of the project's key approval and assessment requirements under other Victorian and Commonwealth legislation.



Recommendation

182. The proposal has been considered against the matters at section 60 of the PE Act, is consistent with the relevant planning policies of the Benalla Planning Scheme and will contribute to the provision of energy storage within the Benalla municipal area.
183. The proposal is supported by the various referral agencies, subject to conditions which have been included in the recommendation.
184. It is recommended that planning permit PA2504110 for the use and development of the Winton BESS project (as described in this report) be issued under delegation from the Minister for Planning, subject to conditions.
185. It is recommended that the following stakeholders be notified of the above decision in writing:
 - Applicant
 - Benalla Rural City Council
 - Objectors
 - All submitters, including the following agency submitters:
 - CFA
 - Goulburn Broken Catchment Management Authority
 - Referral authorities:
 - WorkSafe Victoria
 - AusNet Services
 - Head, TfV
 - Advice sought:
 - DEECA

Prepared by: [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]

Dated: 13/10/2026

Reviewed by: [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]

Dated: 15/10/2026

Approved by: [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]

Attachment 1: Requirements under other legislation

Act	Discussion
Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)	<p>Under the EPBC Act, an action that has, will have, or is likely to have, a significant impact on matters of national environmental significance (MNES), must be referred to the Commonwealth Minister for Environment and Water.</p> <p>The FFA, prepared by Biosis, determined that the proposed action is unlikely to have a significant impact of any Matter of National Environmental Significance (MNES). It is understood that the proponent did not refer the project to Commonwealth Environment Minister under the EPBC Act.</p>
Environment Effects Act 1978 (EE Act)	<p>The EE Act requires the preparation of an Environmental Effects Statement (EES) for activities considered to have, or to be capable of having, a significant effect on the environment. <i>The Ministerial Guidelines for Assessment of Environmental Effects under the Environment Effects Act 1978</i> (DTP 2023) outlines the criteria for referring a project to the Victorian Minister for Planning who will determine if an EES is required.</p> <p>The FFA, prepared by Biosis, determined that impacts to EE Act-listed species or communities is unlikely to trigger an EES referral. The proponent did not refer the project under the EE Act.</p>
Aboriginal Heritage Act 2006 (AH Act)	<p>The AH Act seeks to avoid adverse effects to Aboriginal cultural heritage values as far as reasonably practicable. Where adverse effects cannot be avoided, measures must be implemented to minimise and mitigate adverse effects.</p> <p>The subject site is not located within an area of Aboriginal cultural heritage sensitivity.</p>
Flora and Fauna Guarantee Act 1988 (FFG Act)	<p>The delegate of the Minister for Planning is required to give proper consideration to the objectives of the FFG Act, so far as is consistent with the proper exercise of functions under the PE Act.</p> <p>Under the FFG Act a permit is required to take, kill, injure, disturb or collect threatened species or protected flora species from public land. There are permit exemptions under the FFG Act which apply to the non-commercial removal of protected flora from private land, unless there is 'critical habitat' that has been declared on the land.</p> <p>The submitted FFA notes that the study area (private land and public land) does not contain any declared 'critical habitat' for the purposes of the FFG Act. A permit under the FFG Act is not required for the BESS site but may be required if any protected species are impacted on roadsides.</p> <p>DEECA has provided a permit note to ensure the applicant undertakes appropriate due diligence in obtaining a Protected Flora Permit for any protected species impacted on roadsides.</p> <p>DTP notes that native vegetation offsets are required to be secured prior to the removal of any native vegetation, which is consistent with FFG Act objectives that seek to protect, conserve, restore and enhance biodiversity. DTP also notes</p>



Act	Discussion
	that the proposed development, by supporting to efforts to reduce emissions (by supporting the storage and dispatch of electricity from renewable energy sources) will not be likely to worsen climate change impacts and therefore will mitigate the impacts of potentially threatening processes to address important underlying causes of biodiversity decline.
Climate Action Act 2017 (CA Act)	<p>The Minister for Planning must endeavour to ensure any decision appropriately takes account of climate change (section 20 CA Act), if it is relevant, by having regard to the policy objectives (section 22 CA Act), and the guiding principles (sections 23 to 28 CA Act).</p> <p>The proposed development is consistent with the CA Act as it supports the transition to a low-emissions energy system by providing energy storage infrastructure that can facilitate the integration of renewable energy generation, improve grid reliability, and assist in reducing greenhouse gas emissions.</p> <p>The project is anticipated to meet the evening peak demand needs for approx. 41,379 households.</p> <p>It is noted that the community were invited to be involved in the decision-making process via public notice under s52 of the PE Act.</p>
Charter of Human Rights and Responsibilities Act 2006 (the Charter)	<p>The Charter gives legal recognition and protection in Victoria to many important human rights, particularly civil and political rights. DTP is committed to upholding its responsibilities under the Charter.</p> <p>This planning application has been assessed in a manner that is compatible with the human rights identified in the Charter.</p>
Transport Integration Act 2010 (TI Act)	<p>The purpose of the TI Act is to create a new framework for the provision of an integrated and sustainable transport system in Victoria.</p> <p>The Minister for Planning must have regard to transport system objectives (sections 7-13 TI Act), decision making principles (section 14-21 TI Act) and any applicable statement of policy principles (section 22 TI Act) when making decisions likely to have a significant impact on the transport system. The Minister may determine the weight to give each transport system objective or decision-making principle.</p> <p>The assessment of this planning application has had regard to the transport system objectives and decision making principals of the TI Act. As a project, the proposal is unlikely to have a significant impact on the transport system as a whole, however there may be impacts to local systems along the transport route between the delivery port and the subject site. This has been considered above and is consistent with integrating transport considerations into planning and land use processes.</p>



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