

PLANNING PERMIT

Permit No.: PA2201537

Corangamite Planning Scheme

Responsible Authority: Minister for Planning

ADDRESS OF THE LAND:

Private Parcels:

500 Dalvui Lane, Terang (Lot 2, PS 543673R)

Littles Lane, Terang (Lot 1, TP 337263Y).

Road Reserves:

Littles Lane, Terang

McCrae Street, Terang.

THE PERMIT ALLOWS:

Use and development of land for utility installations and the display of business identification signage.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

DEVELOPMENT PLANS

1. Before development starts, amended plans must be submitted to, approved and endorsed by the responsible authority. When endorsed, the plans will form part of this permit. The plans must be fully dimensioned and drawn to scale. The plans must be generally in accordance with the following plans:

- *Dalvui BESS – Indicative Site Layout Plan*, Revision E, prepared by Tilt Renewables, dated 15 June 2022
- *Dalvui BESS – Indicative BESS Design*, Revision E, prepared by Tilt Renewables, dated 8 June 2022
- *Dalvui BESS Layout Services (Typical Bay Layouts, O&M Storage Building, Typical Capacitor Bank)*, Revision 0, prepared by Aurecon, dated 2 February 2021
- *Dalvui BESS Layout Services – Fence Detail*, Revision 1, prepared by Aurecon, dated 12 February 2021.

The plans must be modified to show:

- a. A staging plan detailing any staging for the use and development, including expected start and finish times for each stage.

- b. Detailed, fully dimensioned location / site layout, floor, elevation and other typical detail plans (including specifications, model, dimensions and materials) of all proposed buildings, structures, fencing and works, including:
 - i. Battery storage containers, including inverters and transformers
 - ii. Substations
 - iii. Grid connection infrastructure, including any underground cabling or overhead poles and powerlines
 - iv. Operations and maintenance buildings, including associated car parking
 - v. Internal access tracks
 - vi. Site access points, including emergency site access points
 - vii. Construction laydown and material storage areas
 - viii. Security fencing and lighting infrastructure
 - ix. All noise attenuation measures prescribed by the Predictive Noise Assessment required by condition 12.
- c. Setbacks of the project area from neighbouring property boundaries.
- d. Emergency management features required to comply with the Country Fire Authority (CFA) conditions at 26-28, inclusive.
- e. Any other design changes required to comply with any other condition of this permit.

STAGING

- 2. The use and development may be completed in stages in accordance with the endorsed plans. The corresponding obligations arising under this permit may be completed in stages.

WRITTEN CONSENT TO MODIFY ENDORSED PLANS

- 3. The use and development must be generally in accordance with the endorsed plans. The endorsed plans must not be altered or modified without the prior written consent of the responsible authority.

LANDSCAPING

- 4. Before development starts, a Landscaping Plan must be submitted to, approved and endorsed by the responsible authority. When endorsed, the Landscaping Plan will form part of this permit. The Landscaping Plan must be generally in accordance with the *Dalvui BESS Landscape Plan*, Revision B, prepared by Aurecon, dated 10 June 2022, but modified to show:
 - a. Details (including location, type, species and heights at maturity) of existing and proposed planting and vegetation buffers around the perimeter of the site.
 - b. Details of all ground surface finishes, including internal access tracks, pathways, laydown areas and driveways.
 - c. Locations and heights of proposed fencing.
 - d. Schedule of timing of planting, which must be completed prior to the use commencing (unless otherwise agreed to in writing by the responsible authority).
 - e. Maintenance and monitoring program, including weed management and the replacement of dead or diseased plants as soon as practicable.
- 5. The endorsed Landscaping Plan must be implemented to the satisfaction of the responsible authority.

ENVIRONMENTAL MANAGEMENT PLAN

6. Before development starts, an Environmental Management Plan (EMP) must be submitted to, approved and endorsed by the responsible authority. Once endorsed the EMP will form part of this permit.

The EMP must include:

- a. Measures to avoid and minimise amenity and environmental impacts during the operation of the facility.
- b. Measures to mitigate any impacts on native vegetation retained on and off the site, including tree protection zones if required.
- c. Design measures and / or procedures to manage dust, odour, light spill, mud, flood, surface water quality and stormwater run-off.
- d. Fuel load management measures that are to be implemented including but not limited to vegetation management.
- e. Any other measures required to address CFA conditions at 26-28, inclusive.
- f. Measures to manage, monitor and review erosion and control sediment-laden runoff.
- g. Response measures to environmental incidents.
- h. A program for recording and reporting environmental incidents.
- i. The person(s) responsible for implementing the above measures, including procedures for staff training and communication.

Construction Environment Management Plan

7. The EMP must include a Construction Environment Management Plan (CEMP). The CEMP must include:

- a. Measures to avoid and minimise amenity and environmental impacts during construction.
- b. Procedures to manage construction noise and vibration in accordance with the requirements of *EPA Publication 1254.2: Noise control guidelines* and *EPA Publication 480: Environmental guidelines for major construction sites*.
- c. Erosion and sediment control measures to ensure that no polluted and / or sediment laden run-off or other stormwater is discharged directly or indirectly onto adjoining land or into drains, watercourses or wetlands.
- d. Locations of any construction waste storage and the method of storage and disposal.
- e. The location of any temporary buildings or works (including storage and stockpiling) and procedures to remove these and reinstate the affected parts of the land when construction is complete.
- f. A construction timetable, including typical daily start and end times.
- g. Procedures and measures to protect native vegetation on the site during construction.
- h. Procedures to manage mud and debris on the surrounding road network which may occur during construction.
- i. Vehicle and equipment hygiene measures to prevent the spread of weeds and pathogens to and from the site.
- j. The person(s) responsible for implementation and compliance of each of the CEMP requirements.

8. All persons undertaking works on-site must be fully briefed on all aspects and requirements of the endorsed CEMP. All works constructed or carried out must be in accordance with the endorsed CEMP, to the satisfaction of the responsible authority.

Drainage and Stormwater Management Plan

9. The EMP must include a Drainage and Stormwater Management Plan (DSWMP). The DSWMP must include:
 - a. Details and computations of how the works on the land are to be drained, including drains conveying stormwater to the legal point of discharge.
 - b. Details of how the drainage design affects the continuation of existing overland flow paths and flood patterns across the land.
 - c. Details of how polluted or contaminated runoff is to be managed.
 - d. Assessment of impacts on on-site infiltration and surface flow patterns and downstream environments, wetlands, and adjacent landholders

TRAFFIC MANAGEMENT PLAN

10. Before development starts, a Traffic Management Plan (TMP) must be submitted to, approved and endorsed by the responsible authority. The TMP must be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority.

Once endorsed, the TMP will form part of this permit.

The TMP must include:

- a. Measures to manage traffic impacts associated with the construction of the facility.
- b. Designation of all appropriate construction and transport vehicle routes to and from the site.
- c. Description of any road upgrades required to accommodate construction traffic.
- d. A program to inspect, maintain and (where required) repair public roads used by construction traffic.
- e. Address potential environmental and social impacts associated with traffic generated by construction of the facility.

OPERATIONAL NOISE

11. The use of the land must at all times comply with *EPA Publication 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues* (EPA Publication 1826.4).
12. Before plans are endorsed under condition 1, an updated Predictive Noise Assessment must be submitted to the responsible authority and Corangamite Shire Council. The Predictive Noise Assessment must:
 - a. Model the final design layout and all electrical components of the facility and assess this against EPA Publication 1826.4.
 - b. Demonstrate the proposal will comply with EPA Publication 1826.4 at all times without relying on limiting the operating capacity of any part of the facility.

All measures relied on to achieve compliance with EPA Publication 1826.4 must be shown on the plans endorsed under condition 1 and implemented to the satisfaction of the responsible authority.

The Predictive Noise Assessment must be made available to the public.

13. Within 1 month of the commencement of the use, a Post-Construction Acoustic Assessment must be prepared by a suitably qualified acoustic engineer and must be submitted to the responsible authority and Corangamite Shire Council, demonstrating compliance with EPA Publication 1826.4 at all times. The report must assess the compliance of the use with EPA Publication 1826.4 and, where necessary, make recommendations to limit the noise impacts in accordance with EPA Publication 1826.4 to the satisfaction of the responsible authority. The report must be made available to the public.
14. Within 1 year of the commencement of the use, a Post-Construction Acoustic Assessment must be prepared by a suitably qualified acoustic engineer and must be submitted to the responsible authority and Corangamite Shire Council, demonstrating compliance with EPA Publication 1826.4 at all times. The report must assess the compliance of the use with EPA Publication 1826.4 and, where necessary, make recommendations to limit the noise impacts in accordance with EPA Publication 1826.4 to the satisfaction of the responsible authority. The report must be made available to the public.

CONTROL OF LIGHTING

15. All lighting installed and operated at the site must comply with Australian Standard (AS) 4282 – Control of obtrusive effects of outdoor lighting.

AUSNET

16. No part of the proposed development is permitted on AusNet Transmission Group's easement unless otherwise agreed to in writing by AusNet Transmission Group.
17. Access to and along the easement must be maintained at all times for AusNet Transmission Group's vehicles, staff and contractors.
18. Parking, loading, unloading and load adjustment of large commercial vehicles is not permitted on the easement.
19. Fuelling of any vehicles, equipment or plant is not permitted on the easement
20. The use of vehicles and equipment exceeding 3 metres in height are not permitted to operate on the easement without prior written approval from AusNet Transmission Group.
21. Details of proposed road construction and the installation of services within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.
22. All trees and shrubs planted on the easement must not exceed 3 metres maximum mature growth height.
23. Natural ground surface levels on the easement must not be altered by the stockpiling of excavated material or by landscaping without prior written approval from AusNet Transmission Group.
24. All services traversing the easement must be installed underground.
25. All future works within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.

COUNTRY FIRE AUTHORITY

26. Before plans are endorsed under condition 1, a Risk Management Plan (RMP) must be prepared in consultation with CFA and submitted to, approved and endorsed by the responsible authority.

The RMP must be prepared in accordance with the CFA Guidelines, and must include:

- a. A fire break width of 10 m or greater, based on radiant heat flux (output) as an ignition source, around the perimeter of the facility.

- b. A dedicated fire water supply of a quantity no less than 576 kL:
 - i. Provided otherwise in accordance with the CFA Guidelines and AS 2419.1-2005 – Fire hydrant installations.
 - ii. Located at the main entrance to the facility.
 - iii. Commissioned prior to the arrival of the battery energy storage system enclosures / containers at the facility.
 - c. Specified separation distances, based on radiant heat flux (output) as an ignition source, between:
 - i. Adjacent battery containers / enclosures.
 - ii. Battery containers / enclosures and related battery infrastructure, buildings / structures, and vegetation.
 - d. Turning circles for fire brigade appliances at each 'dead end' road.
 - e. List and describe all other controls for the management of on and off-site hazards and risks at the facility (including all proposed battery energy storage system safety and protective systems).
 - f. An evidence-based determination of the effectiveness of the risk controls against the identified hazards, including justification for the omission of any battery safety and protective system/s.
 - g. Be peer-reviewed by a suitably qualified, independent third party.
27. Before plans are endorsed under condition 1, an Emergency Management Plan (EMP) and Fire Management Plan (FMP) must be submitted to, approved and endorsed by the responsible authority.
- The EMP and FMP must be prepared in consultation with the CFA and Council and be in accordance with the CFA Guidelines.
28. Before the use commences, all fire protection measures shown on the endorsed plans (including separation distances, emergency vehicle access, firefighting water supply and equipment, and fire breaks) must be implemented. The fire protection measures must be maintained on a continuing basis for the life of the permit, to the satisfaction of the responsible authority.

VICTRACK

29. During construction, including demolition and bulk excavation, the permit holder must:
- a. Take all reasonable steps to avoid disruptions to rail operations; and
 - b. Comply with:
 - i. The Rail Operator's safety and environmental requirements; and
 - ii. The requirements of any construction control and indemnity agreement it has entered with the Rail Operator.
30. The permit holder must not enter any railway land without the written consent of the Rail Operator. If the permit holder has obtained the Rail Operator's written consent to enter the railway land, the permit holder must comply with the Rail Operator's Site Access Procedures and Conditions when accessing the railway land during and post-construction.
31. The permit holder must not, at any time, interfere with or damage any railway infrastructure (including without limitation to overhead power and supporting infrastructure for trains and trams, and underground telecommunication cables). The permit holder must, at its own cost, rectify any damage to railway infrastructure or disruption to the rail operations, arising out of

or in connection with the development to the satisfaction of VicTrack within fourteen (14) days of such damage or disruption occurring or such other time agreed by VicTrack.

32. The permit holder must ensure that the common boundary with the railway land is fenced at the permit holder's expense to prohibit unauthorised access to the rail corridor.
33. The permit holder must not at any time:
- Allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
 - Store or deposit any waste, soil or other materials on the railway land.

EMERGENCY SERVICES

34. Before development starts, the permit holder must provide spatial information data to Land Use Victoria via email (vicmap@delwp.vic.gov.au) to be used to direct emergency services to and within the site.

This spatial data information must be in the ESRI Shapefile or Geodatabase .gdb format, GDA94 or GDA2020 datum and include:

- The location and boundaries of the facility extents polygon(s)
 - All access points onto private property
 - All internal roads
 - The locations and names of site compound, substations, maintenance facilities.
 - The address of the land where the facility is constructed. If there are multiple access points, then the entry point and extent of the facility at each address must be provided (the respective local government council is the authority responsible for allocating new addresses).
35. If there are any subsequent changes to infrastructure location, internal roads or access points during construction, or after completion of construction, updated data must be provided to Land Use Victoria via email (vicmap@delwp.vic.gov.au) within 30 days of the change, to enable details of any changes to the facility to be known to emergency services dispatchers.

COMPLAINTS

Complaints Investigation and Response Plan

36. Before the use starts, a Complaint Investigation and Response Plan (CIRP) must be submitted to, approved and endorsed by the responsible authority. Once endorsed, the CIRP will form part of this permit.

The CIRP must:

- Respond to all aspects of the construction and operation of the facility.
 - Be prepared in accordance with AS/NZS 10002:2014 – Guidelines for Complaint Management in Organisations.
 - Include a process to investigate and resolve complaints (different processes may be required for different types of complaints).
37. The endorsed CIRP must be implemented to the satisfaction of the responsible authority.

Complaints Register

38. Before the use starts, a Complaints Register must be established which records:
- The complainant's name and address (if provided).
 - A receipt number for each complaint, which must be communicated to the complainant.

- c. The time and date of the incident, and operational conditions at the time of the incident.
 - d. A description of the complainant's concerns.
 - e. The process for investigating the complaint, and the outcome of the investigation, including the actions taken to resolve the complaint.
39. All complaints received must be recorded in the Complaints Register.
40. The complete copy of the Complaints Register must be provided, along with a reference map of complaint locations, to the responsible authority upon request.

DECOMMISSIONING

41. Once the facility permanently ceases operation, the responsible authority must be notified within three months.
42. Subject to condition 43, once the use permanently ceases operation, all infrastructure, equipment, buildings, structures, signage and works must be removed, and the site or the relevant part of the site must be rehabilitated and reinstated to the condition it was in prior to the commencement of development. This includes, but is not limited to, all gas turbines, pipelines and above and below ground electrical infrastructure and equipment.
43. If the landowner requests, items of infrastructure or other works (such as access tracks or the operations building) that are suitable for the ongoing use of the land (or proposed alternative use) may be retained, subject to the written consent of the responsible authority.
44. Within three months of the facility permanently ceasing operation, a Decommissioning Management Plan (DMP) prepared by a suitably qualified and experienced person must be submitted to, approved and endorsed by the responsible authority. Once endorsed, the DMP will form part of the permit.
45. The DMP must include, as a minimum:
- a. Identification of infrastructure, equipment, buildings and structures to be removed, and details of how these will be removed.
 - b. Details of how the site will be rehabilitated to meet the requirements of condition 42.
 - c. A requirement that a Decommissioning Traffic Management Plan (DTMP) be submitted to, approved and endorsed by the responsible authority prior to decommissioning works starting. The DTMP must be approved by the relevant road management authority (or authorities) prior to submission to the responsible authority for endorsement. The DTMP must specify measures to manage traffic impacts associated with removing the infrastructure, equipment, buildings and structures from the site, to the satisfaction of the responsible authority.
 - d. A requirement that all decommissioning works identified in the DMP be completed to the satisfaction of the responsible authority as soon as practicable, but no later than 12 months after the DMP is endorsed, or such other period approved by the responsible authority.
46. The endorsed DMP must be implemented to the satisfaction of the responsible authority.

EXPIRY

47. This permit will expire if one of the following applies:
- a. The development is not started within three years of the date of this permit.
 - b. The development is not completed within six years of the date of this permit.



**SIGNATURE OF MICHAEL JUTTNER, MANAGER, DEVELOPMENT APPROVALS AND DESIGN AS
DELEGATE FOR THE MINISTER FOR PLANNING**

Permit Notes

1. In conditions 26-28, the 'CFA Guidelines' means the CFA's *Design Guidelines and Model Requirements for Renewable Energy Facilities* (latest version at time of submitting plans for endorsement).
2. The *Environment Protection Act 2017* came into effect on 1 July 2021. The amended *Environment Protection Act 2017* imposes new duties on individuals and / or businesses undertaking the activity permitted by this permit. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable.

For further information on what the new laws mean for Victorian businesses, visit:
<https://www.epa.vic.gov.au/for-business/new-laws-and-your-business>.

For further information on what the new laws mean for individuals and the community, visit:
<https://www.epa.vic.gov.au/about-epa/laws/new-laws/the-new-act-for-the-community>.

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

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

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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

WHEN DOES A PERMIT BEGIN?

A permit operates:

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

WHEN DOES A PERMIT EXPIRE?

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

WHAT ABOUT REVIEWS?

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