This document is an incorporated document in the Surf Coast Planning Scheme pursuant to Section 6(2)(j) of the Planning and Environment Act 1987.
1. **INTRODUCTION**

This document is an Incorporated Document in the Schedules to Clause 45.12 (Specific Controls Overlay) and Clause 72.04 (Documents Incorporated in this Planning Scheme) of the Surf Coast Planning Scheme (the scheme) pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

The land identified in Clause 3 of this document may be used and developed in accordance with the specific controls and conditions contained in Clauses 4 and 5 of this document.

The provisions of this document prevails over any contrary or inconsistent provision in the planning scheme.

This Incorporated Document includes Incorporated Plans endorsed under the Incorporated Document.

2. **PURPOSE**

The purpose of this document is to allow the use and development of the land identified in Clause 3 of this document for a battery energy storage system (BESS) facility generally in accordance with the plans approved in Clause 4 of this document and subject to the conditions at Clause 5 of this document.

3. **LAND DESCRIPTION**

This document applies to the land at **189-389 Volum Road, Gnarwarre**, which is affected by SCO5 (shown on Surf Coast Planning Scheme Map 04SCO) and identified generally at Figure 1 below. The land is described as Lot 1 and Lot 2 on Plan of Subdivision 802780Y.

![Figure 1. Map of land subject to this Incorporated Document - labelled ‘SCO5’](image)
4. CONTROL

Despite any provision to the contrary or any inconsistent provision in the scheme, no planning permit is required for, and no planning provision in the scheme operates to prohibit, restrict or regulate the use and development of the land for the purposes of the development permitted by this document.

This Incorporated Document allows the use and development of a battery energy storage system (BESS) facility, including switching station and transmission line, generally in accordance with Clause 5 of this document.

The ‘Incorporated Plans’ include any matter identified in Clause 5 as an Incorporated Plan and includes the following plans, modified to include changes required by the conditions at Clause 5 of this document:

- Plans by ACENERGY, project titled Gnarwarre BESS, drawings numbered and titled:
  - G-2.0_000887_PL-A (Revision A), Location Diagram;
  - G-1.0_000887_PL-F (Revision F), Site Plan;
  - G-4.0_000887_PL-A (Revision A), Energy Storage Container Elevations;
  - G-5.0_000887_PL-A (Revision A), Inverter and Transformer Integrated Container Elevations;
  - G-6.1_000887_PL-A (Revision A), Switching Station Elevations;
  - G-6.2_000887_PL-A (Revision A), Control Room Elevations;
  - G-3.0_000887_PL-A (Revision A), Security Fence Elevations.

and including any amendment of the plans that may be approved from time to time under the conditions of this document.

5. CONDITIONS

The use and development permitted by this Incorporated Document must be undertaken in accordance with the following conditions:

Development Plans
1. Before the development commences, amended plans to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. When approved, the plans will be endorsed and will then form part of the incorporated plans for this document. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans listed at Clause 4, but modified to show:

   a) Detailed location/site layout, floor, elevation and/or other typical detail plans (including the specifications, model, dimensions and materials) of all proposed buildings, structures and works;
   b) The colours and finishes of all buildings and works, which must be non-reflective, and matched where possible to colours present within the surrounding landscape to minimise visual impact;
   c) Setbacks dimensioned of all buildings and works from site boundaries and 220kv powerline (and associated easement) traversing the site;
   d) Detailed plans and elevations of the overhead power line and other grid connection works;
   e) Any staging of the use and development;
   f) Landscaping, in accordance with the Landscape Plan required by condition 3;
g) Any noise mitigation measures required for the facility to comply with condition 13, fully dimensioned in plan and elevation;

h) Any changes required by the risk and emergency management design features and facilities specified at conditions 29-51 inclusive;

i) Any development or design feature required to comply with any condition of this Incorporated Document.

2. The use and development as shown on the incorporated plans must not be modified or altered without the prior written consent of the Minister for Planning.

**Landscaping**

3. Before development starts, a Landscaping Plan must be submitted to the satisfaction of, and endorsed by, the Minister for Planning. When endorsed, the plan will form part of the incorporated plans for this document.

   The Landscaping Plan must be generally in accordance with the planting arrangements illustrated in the submitted Landscape Concept Plan, prepared by Spiire, dated 23/06/2020 and be amended to show:

   a) Details and location of planting (including species, density, height at time of planting and maturity, and separation in both plan and elevation) to achieve visual screening of the BESS facility and switching station from nearby roads and dwellings;
   
   b) A timetable for implementation of landscape works;
   
   c) A maintenance and monitoring program to ensure the ongoing health of landscape works.

4. The landscaping works must be carried out and completed in accordance with the Landscaping Plan to the satisfaction of the Minister for Planning within the timeframe indicated in that plan.

5. Once the landscaping is carried out, it must be maintained in good health for the operational life of the BESS facility, including the replacement of any dead or diseased plants to the satisfaction of the Minister for Planning.

6. Temporary stock-proof fencing must be provided around the landscaping if grazing is to occur during planting establishment, until the landscaping is sufficiently established to the satisfaction of the Minister for Planning.

**Environmental Management Plan**

7. Before development starts, an Environmental Management Plan (EMP) must be submitted to, approved and endorsed by the Minister for Planning. Once endorsed, the EMP will form part of the incorporated plans for this document.

   The EMP must include:

   a) Measures to avoid and minimise amenity and environmental impacts during the operation of the BESS facility;
   
   b) measures to mitigate any consequential impacts on native vegetation retained on and off site, including tree protection zones;
   
   c) Design measures and/or procedures to manage dust, odour, light spill, mud, flood, surface water quality and stormwater runoff;
   
   d) Procedures for weed management and control prior to construction and post construction that do not risk causing offsite soil contamination;
e) Vehicle and equipment hygiene measures to prevent the spread of weeds and pathogens to, from and within the site;
f) Fuel load management measures that are to be implemented including but not limited to vegetation management and possible grazing opportunities;
g) Any other measures to address the requirements of the CFA’s Guidelines for Renewable Energy Installations listed at conditions 29-51 inclusive;
h) Measures to manage, monitor and review erosion and control sediment-laden runoff;
i) Response measures to environmental incidents;
j) A program for recording and reporting environmental incidents; and
k) The persons responsible for implementing the above measures, including procedures for staff training and communication.

8. The recommendations of the endorsed EMP must be implemented to the satisfaction of the Minister for Planning.

Construction Environment Management Plan

9. The EMP must include a Construction Environment Management Plan (CEMP), which must include:

a) Measures to avoid and minimise amenity and environmental impacts during the construction of the BESS facility;
b) Procedures to manage construction noise and vibration in accordance with the requirements of the Noise Control Guidelines (EPA Publication 1254) and the Environmental Guidelines for major construction sites (EPA Publication 480);
c) Erosion and sediment control measures to ensure that no polluted and/or sediment laden runoff or other stormwater is discharged directly or indirectly onto adjoining land or into drains, watercourses or wetlands;
d) Procedures to manage any dust emissions;
e) Vehicle and equipment hygiene measures to prevent the spread of weeds and pathogens to, from and within the site;
f) Locations of any construction waste storage and the method of storage and disposal;
g) appropriate stockpile and storage area management;
h) The location of any temporary buildings or works and procedures to remove these and reinstate the affected parts of the land when construction is complete;
i) measures to protect native vegetation being retained on site and in the vicinity of the subject land, including tree protection zones during and post construction. These measures must include:
   i. the erection of a native vegetation protection fence around all native vegetation to be retained on site and on any adjoining road reserves; and
   ii. the tree protection zones of all native trees to be retained and this to be marked on plan(s). All tree protection zones must comply with AS 4970-2009 Protection of Trees on Development Sites;

j) A construction timetable, including typical daily start and end times.
k) Road maintenance measures to be put in place for Volum Road to ensure its condition does not deteriorate during the construction phase of the project.
l) Procedures to manage mud and debris on the surrounding road network which may occur during construction.
m) monitoring requirements for the rehabilitation/revegetation works and any vegetation/tree protection areas being retained on site; and
n) The persons responsible for implementing the above measures, including details of a site contact/site manager.

Drainage and Stormwater Management Plan

10. The EMP must include a Drainage and Stormwater Management Plan (DSMP), which 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) Assessment of impacts on onsite infiltration and surface water quality, including adjacent land and nearby waterways.
d) Details on how polluted or contaminated run off is to be managed.

Control of Lighting

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

Operational Noise

12. The use of the land must at all times comply with the Environmental Protection Authority’s Noise from Industry in Regional Victoria standard (as documented in EPA publication 1411) (NIRV Standard)

13. Prior to the endorsement of plans in accordance with condition 1, an updated Predictive Noise Assessment report must be provided to the Minister for Planning and Surf Coast Shire Council that:
   
a) is modelled using the final design layout and electrical components for the facility;
b) demonstrates the proposal will comply with the NIRV Standard at all times without relying on limiting the operating capacity of any part of the facility;
c) provides detail of the mitigation measures that need to be implemented to achieve compliance with Environmental Protection Authority’s Noise from Industry in Regional Victoria Standard (NIRV, as documented in EPA publication 1411), if required.

All measures relied on to achieve compliance with the NIRV, as documented in EPA publication 1411 must be shown on the plans endorsed under condition 1, and implemented to the satisfaction of the Minister for Planning.

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

14. Within 1 month of the commencement of the use, a Post-Construction Acoustic Assessment Report must be prepared by a suitably qualified acoustic engineer and must be submitted to the Minister for Planning and Surf Coast Shire Council. The Acoustic Report must be made available to the public. The report must assess the compliance of the use with the NIRV Standard and, where necessary, make recommendations to limit the noise impacts in accordance with the NIRV Standard. If recommendations to limit the noise impacts are made, they must be implemented to the satisfaction of the Minister for Planning and Surf Coast Shire Council.
15. Within 1 year of the commencement of the use, a Post-Construction Acoustic Assessment Report must be prepared by a suitably qualified acoustic engineer and must be submitted to the Minister for Planning and Surf Coast Shire Council, demonstrating compliance with the NIRV Standard at all times. The Acoustic Report must be made available to the public. The report must assess the compliance of the use with the NIRV Standard and, where necessary, make recommendations to limit the noise impacts in accordance with the NIRV Standard. If recommendations to limit the noise impacts are made, they must be implemented to the satisfaction of the Minister for Planning and Surf Coast Shire Council.

Traffic Management

Vehicle Access Points

16. Vehicle access points must be designed and located to the following standards, to the satisfaction of the relevant road management authority (or authorities):
   a) To the extent practicable, access points must be able to accommodate turning movements without vehicles encroaching onto the incorrect side of the road.
   b) Safe sight distances must be provided.
   c) Potential through traffic conflicts must be avoided.

Traffic Management Plan

17. Before development starts, a Traffic Management Plan (TMP) must be submitted to, approved and endorsed by the Minister for Planning. Once endorsed, the plan will form part of the incorporated plans for this document.

   The TMP must:
   a) Be prepared by a suitably qualified and experienced independent civil or traffic engineer.
   b) Specify measures to be taken to appropriately eliminate, reduce or mitigate road safety hazards and traffic impacts associated with the construction and operation of the BESS facility.
   c) Identify the scheduling of all construction works.
   d) Designate appropriate construction vehicle routes to the site.
   e) Designate vehicle access points to the site from surrounding roads.
   f) Address coordination between construction traffic and school bus travel.
   g) Be approved by the relevant road management authority (or authorities) prior to submission to the Minister for Planning.

18. The endorsed TMP must be implemented to the satisfaction of the Minister for Planning and relevant road management authority (or authorities).

19. Any proposed alteration or modification to the endorsed TMP must be approved by the relevant road management authority (or authorities) prior to submission to the Minister for Planning for endorsement.

Complaints

Complaint Investigation and Response Plan

20. Before development starts, a Complaint Investigation and Response Plan (CIRP) must be submitted to, approved and endorsed by the Minister for Planning. Once endorsed, the CIRP will form part of the incorporated plans for this document.
The CIRP must:

a) Respond to all aspects of the construction and operation of the BESS facility.


c) Include a process to investigate and resolve complaints (different processes may be required for different types of complaints).

21. The endorsed CIRP must be implemented to the satisfaction of the Minister for Planning.

Publishing Information about Complaints Handling

22. Before development starts, the following information must be made publicly available and readily accessible from the BESS facility project website, or another publicly available resource to the satisfaction of the Minister for Planning:

   a) A copy of the endorsed CIRP.
   b) A toll-free telephone number and email contact for complaints and queries to the BESS facility operator.

Complaints Register

23. Before development starts, a Complaints Register must be established which records:

   a) The complainant’s name and address (if provided).
   b) A receipt number for each complaint, which must be communicated to the complainant.
   c) The time and date of the incident, and operational conditions at the time of the incident.
   d) A description of the complainant’s concerns.
   e) The process for investigating the complaint, and the outcome of the investigation, including the actions taken to resolve the complaint.

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

25. The complete copy of the Complaints Register must be provided, along with a reference map of complaint locations, to the Minister for Planning on each anniversary of the date of this Incorporated Document and at other times on request.

Risk and Emergency Management

26. The operator of the BESS facility must undertake a comprehensive risk management process, including preparation of an Emergency Management Plan, for the BESS facility in accordance with CFA’s Guidelines for Renewable Energy Installations, to the satisfaction of CFA.

27. Prior to the commencement of operation of the BESS facility, the operator must develop an Emergency Information Book, and provide this in an Emergency Information Container at site entrances, as per CFA’s Guidelines for Renewable Energy Installations.

28. If applicable to the installation, adherence to dangerous goods storage and handling requirements, as per the dangerous goods regulatory framework and any relevant Australian Standards.
Access

29. A four (4) metre perimeter road should be constructed within the ten (10) metre perimeter Fire Break.

30. Roads are to be of all-weather construction and capable of accommodating a vehicle of fifteen (15) tonnes.

31. Constructed roads should be a minimum of four (4) metres in trafficable width with a four (4) metre vertical clearance for the width of the formed road surface.

32. The average grade should be no more than 1 in 7 (14.4% or 8.1°) with a maximum of no more than 1 in 5 (20% or 11.3°) for no more than fifty (50) metres.

33. Dips in the road should have no more than a 1 in 8 (12.5% or 7.1°) entry and exit angle.

34. Incorporate passing bays at least every 600 metres which must be at least 20 metres long and have a minimum trafficable width of 6 metres. Where roads are less than 600 metres long, at least one passing bay is to be incorporated.

35. Road networks must enable responding emergency services to access all areas of the BESS facility.

36. Suitable access points to the site, to ensure safe and efficient access to and egress from areas that may be impacted or involved in fire.

Water Supply

37. The operator of the facility must provide static water supply commensurate to the risk as per the outcomes of the risk management process, to the satisfaction of CFA.

Fuel/Vegetation Management

38. Grass is to be maintained at below 100mm in height during the declared Fire Danger Period.

39. There must be a clearance of at least 2 metres between the lowest branches and ground level within the vegetation screening (landscape buffer) zone.

40. A fire break area of at least ten (10) metres width is to be maintained around the perimeter of the facilities, electricity compounds and substations. This area is to be of non-combustible mulch or mineral earth.

   a) The fire break area must commence from the boundary of the BESS facility or from the vegetation screening (landscape buffer) inside the property boundary.

   b) The fire break must be constructed using either mineral earth or non-combustible mulch such as crushed rock.

   c) The fire break must be vegetation-free at all times.

   d) No obstructions are to be within fire break area (e.g., no stored materials of any kind).

41. The site operator must adhere to restrictions and guidance during the Fire Danger Period, days of high fire danger and Total Fire Ban days (refer to www.cfa.vic.gov.au).

42. All plant and heavy equipment is to carry at least a 9-litre water stored-pressure fire extinguisher with a minimum rating of 3A, or firefighting equipment as a minimum when on-site during the Fire Danger Period.
43. There is to be no long grass or deep leaf litter in areas where plant and heavy equipment will be working.

Conditions Specific to Battery Installations

44. Containers/infrastructure for battery installations are to be located so as to be directly accessible to emergency responders (e.g., provided with a suitable access road).

45. Adequate ventilation of the battery container/storage area is to be provided where required under AS/NZS 5139-2019; the manufacturer’s requirements and/or Safety Data Sheet(s) for battery storage.

46. Containers/infrastructure for battery installations are to be provided with appropriate spill containment/oil tray.

47. Battery installations that contain dangerous goods may have to comply with the requirements of the Dangerous Goods Act 1985; the Dangerous Goods (Storage and Handling) Regulations 2012; and relevant Australian Standards.

48. Battery storage manufacturers must provide specifications for safe operating conditions for temperature and the effects on battery storage if involved in fire. This information must be provided within the content of the Emergency Information Book at the main entrance of the BESS facility.

49. Battery installations are to be kept free of extraneous materials and combustible materials of all kinds. Regular inspections and housekeeping is to be conducted to ensure materials do not accumulate.

50. Battery installations are to be serviced/maintained as per the manufacturer’s requirements.

51. Containers/infrastructure for battery installations must be clear of vegetation for ten (10) metres on all sides, including grass. CFA requires non-combustible mulch such as stone or mineral earth within this ten (10) metre area.

AusNet

52. No part of the proposed development is permitted on AusNet Transmission Group’s easement unless otherwise agreed to in writing by AusNet Transmission Group.

53. Access to and along the easement must be maintained at all times for AusNet Transmission Group’s vehicles, staff and contractors.

54. Parking, loading, unloading and load adjustment of large commercial vehicles is not permitted on the easement.

55. Fuelling of any vehicles, equipment or plant is not permitted on the easement

56. 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.

57. 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.
58. All trees and shrubs planted on the easement must not exceed 3 metres maximum mature growth height.

59. 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.

60. All services traversing the easement must be installed underground.

61. 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.

Decommissioning

62. Once the BESS facility permanently ceases operation, the Minister for Planning and Council must be notified within three months.

63. Subject to condition 64, once the BESS facility permanently ceases operation, all infrastructure, equipment, buildings, structures 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 to allow it to be used for agricultural purposes (or any proposed alternative use). This includes, but is not limited to, all battery storage containers, inverters/transformer containers, control building, substation, switchyard, and above and below ground electrical infrastructure and equipment.

64. If the landowner requests, items of infrastructure or other works (such as access tracks or the control building) that are suitable for the ongoing agricultural use of the land (or proposed alternative use) may be retained, subject to the written consent of Minister for Planning.

65. Within three months of the BESS 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 Minister for Planning. Once endorsed, the DMP will form part of the incorporated plans for this document.

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 63.

c) A requirement that a Decommissioning Traffic Management Plan (DTMP) be submitted to, approved and endorsed by the Minister for Planning prior to decommissioning works starting. The DTMP must be approved by the relevant road management authority (or authorities) prior to submission to the Minister for Planning 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 Minister for Planning.

d) A requirement that all decommissioning works identified in the DMP be completed to the satisfaction of the Minister for Planning as soon as practicable, but no later than 12 months after the DMP is endorsed, or such other period approved by the Minister for Planning.
66. The endorsed DMP must be implemented to the satisfaction of the Minister for Planning.

Expiry

67. Notwithstanding any other provisions of this document, this Incorporated Document will expire if one of the following circumstances applies:

   a) The development is not commenced within four years from the date of the gazettal of Amendment C135surf.
   b) The development is not completed within six years from the date of the gazettal of Amendment C135surf.
   c) The use of the battery energy storage system is not commenced within six years from the date of the gazettal of Amendment C135surf.

The Minister for Planning may extend these periods if a request is made in writing before the expiry date or within six months afterwards.

End of Document