

18 June 2025

The Hon. Sonya Kilkenny
Minster for Planning
Email: development.approvals@transport.vic.gov.au

Dear Minister

Planning Application PA2403346 – Kiewa Valley BESS – 1402 & 1452 Yackandandah – Dederang Road, Dederang

I refer to the above-mentioned application for the use and development of the land for a utility installation (Battery Energy Storage System), removal of native vegetation, development of signage and ancillary buildings and works on the land known as 1402 and 1452 Yackandandah – Dederang Road, Dederang.

Council was given notice of the application under section 52(1)(b) of the Act by the Department on 4 April 2025.

The application was presented to Council to determine a position on the proposal, at the Council Meeting held on 27 May 2025.

At this meeting, Council determined to object to the proposal on the following grounds:

1. Insufficient information has been provided with the application to make an informed and complete assessment as to the potential impact the proposed use and development may have on the visual landscape and natural environment.
2. The development will cause a detrimental visual intrusion on the significant Kiewa Valley landscape as a consequence of its scale and siting in an elevated area of the property which is inconsistent with Clause 02.03-2 - 'Environmental and landscape values' and 'Landscapes' of the Municipal Strategy; Clause 12.05 - 'Significant environments and landscapes' and Clause 12.05-2S - 'Landscapes' of the Planning Policy Framework; and purpose and objectives of Clause 42.03 - Significant Landscape Overlay.
3. The proposal fails to provide justification to the siting of the development proximate to the Bushfire Management Overlay or articulate how bushfire risk will be mitigated and managed both internally to and externally to the site, contrary to Clause 02.03-3 - 'Environmental risk and amenity' of the Municipal Planning Strategy and Clause 13.02-1S - 'Bushfire planning' of the Planning Policy Framework.

At this meeting Council also resolved that should the Minister for Planning approve the development that specific conditions are included on any planning permit issued. These conditions relate to: Bushfire Risk, Environmental Management, External Materials, Lighting and Decommissioning.

These proposed conditions are provided in the attachment to this correspondence.

If you would like any further information, please contact Rebecca Mouy, Manager Regulatory Service, by email rebeccam@alpineshire.vic.gov.au or by calling 03 5755 0555.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'S. Nicholas', with a stylized flourish at the end.

Cr. Sarah Nicholas
Mayor

Attachment 1

Bushfire Risk

1. Prior to the development commencing, that the Risk Management Plan prepared by Fire Risk Consultants dated April 2025 be amended to include provision for:
 - a. Firefighting personnel and appliances to patrol and respond to any incidents of fire both internal or external to the site on days identified as being of high risk bushfire days.
 - b. Monitoring of the impact of smoke and fumes in the event of a fire incident involving the facility both during and post fire.
 - c. Monitoring of the impact of water run off and potential contamination in the event of a fire incident involving the facility both during and post fire.To the satisfaction of Alpine Shire Council and the Responsible Authority. All expenses associated with the above are to be borne by the operator.

Environmental Management Plan

2. Prior to the development commencing, an Environmental Management Plan (EMP) must be submitted to and approved by the responsible authority. The EMP must be prepared to the satisfaction of the responsible authority. The EMP must:
 - a. Include measures to avoid and minimise amenity and environmental impacts during the operation of the battery energy storage system.
 - b. Include design measures and / or procedures to manage dust, odour, light spill, mud, flood, surface water quality and stormwater run-off.
 - c. Include response measures to environmental incidents, including a program for recording and reporting environmental incidents.
 - d. Include organisational responsibilities, and procedures for staff training and communication.

Construction Environment Management Plan

3. Prior to the development commencing, a Construction Environmental Management Plan (CEMP) must be submitted to and approved by the responsible authority. The CEMP must be prepared to the satisfaction of the responsible authority and must include:
 - a. Measures to avoid and minimise amenity and environmental impacts during construction of the facility.
 - b. Procedures to manage construction noise and vibration in accordance with the requirements of the Civil construction, building and demolition guide (EPA Publication 1834).
 - c. Procedures to manage mud and debris on the surrounding road network which may occur during construction.
 - d. Procedures to remove temporary works, plant, equipment, buildings and staging areas, and reinstate the affected parts of the land, when construction is complete.
 - e. A construction timetable, including typical daily start and end times.
 - f. The person(s) responsible for implementation and compliance of each of the CEMP requirements, including details of a site contact / site manager.
 - g. Measures to protect native vegetation proposed to be retained during construction works. These measures must:

- a) Include the erection of native vegetation protection fencing around all native vegetation to be retained (including tree protection zones), to the satisfaction of the responsible authority.
- b) Comply with Australian Standard 4970 Protection of Trees on Development Sites.

Predictive Noise Assessment

- 4. Before the endorsement of development plans, a Predictive Noise Assessment must be submitted to the responsible authority and must:
 - a. Model the final design layout and all electrical components of the facility and assess this against EPA Publication 1826.4.
 - b. Demonstrate compliance of the proposal with EPA Publication 1826.4.
 - c. Include details of any mitigation measures that will be implemented to achieve compliance with EPA Publication 1826.4, to the satisfaction of the responsible authority.
- 5. All measures relied on to achieve compliance with the EPA Publication 1826.4 must be shown on the development plans endorsed by the Responsible Authority and implemented to the satisfaction of the Responsible Authority.
- 6. The predictive noise assessment must be made available to the public.

Stormwater Management Strategy

- 7. Prior to the development commencing, a Stormwater Management Strategy must be submitted to and approved by the responsible authority. The Stormwater Management Strategy must be prepared to the satisfaction of the responsible authority and must:
 - a. Include details (and computations) of how the works on the land are to be drained, including drains conveying stormwater to the legal point of discharge.
 - b. Include details of how the drainage design affects the continuation of existing overland flow paths and flood patterns across the land.
 - c. Assess impacts on site infiltration and surface water quality, including adjacent land and waterways.
 - d. Include details about how polluted or contaminated runoff is to be managed.

Landscape Plan

- 8. Before the development starts, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, and must include the following:
 - a. Layout of landscaping and planting on the north, east and south interface areas of the BESS to provide visual screening of the facility when viewed from the road and adjoining properties.
 - b. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - c. The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.
 - d. Details of all ground surface finishes including internal access tracks, pathways, laydown areas, and driveways including how these areas will be maintained at a reasonable level.
 - e. A landscape management plan.

- f. Details of how the project responds to the recommendations of the Stormwater Management Strategy approved under condition 7.

Complaints Register

9. Before development starts, a Complaints Register must be established which records:
 - a. The complaints' 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 complainants' concerns.
 - e. The process for investigating the complaint, and the outcome of the investigation, including the actions taken to resolve the complaint.

This register must be maintained and made available as requested by the Alpine Shire Council.

External materials and finishes

10. All external materials of the battery units and ancillary buildings must be constructed of non reflective and of natural and muted tones to minimise visual impact to the satisfaction of the Responsible Authority.

Lighting

11. All external lights must be of a limited intensity and baffled to ensure to the satisfaction of the Responsible Authority, that no nuisance is caused due to direct light or glare emitted outside the site.

Implementation of Fire Protection Measures

12. 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 including provision of firefighting personal and appliances on high risk days, must be maintained on a continuing basis for the life of the permit, to the satisfaction of the responsible authority.

Post-construction Noise Assessment

13. Within six (6) months of the use commencing and at other times as requested by Alpine Shire Council, a Post-Construction Noise Assessment must be prepared by a suitably qualified acoustic engineer and must be submitted to the Minister for Planning and Alpine Council, demonstrating compliance with EPA Publication 1826.4 at all times. The Post-Construction Noise Assessment must:
 - a. Assess the compliance of the use with EPA Publication 1826.4.
 - b. If necessary, make recommendations to achieve compliance with EPA Publication 1826.4, to the satisfaction of the responsible authority.
 - c. Be made available to the public.

Post-construction Noise Assessment Implementation

14. Where the Post-Construction Noise Assessment recommends measures to achieve compliance with EPA Publication 1826.4, the measures must be:
 - a. Implemented within 2 months of the Post Construction Noise Assessment being submitted to the Minister for Planning.
 - b. Assessed within 2 months of implementation to demonstrate compliance with EPA Publication 1826.4.

Decommissioning Management Plan

15. Within six months of the facility being permanently close, the operator must prepare and submit for approval a Decommission Management Plan (DMP) prepared by a suitably qualified and experienced person must be submitted to and approved by the responsible authority. The DMP must be prepared to the satisfaction of the responsible authority. The DMP must include:
 - a. Identification of all aboveground and below ground infrastructure, equipment, buildings, and structures to be removed, and details of how these will be removed.
 - b. Identification of any areas of potential contamination and details of remediation works.
 - c. Details of to what degree and how the site will be rehabilitated and reinstated to the condition it was in prior to the start of development.
 - d. Remediation works to restore the site to a state which can reinstate the land for the purpose of agriculture.
 - e. 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.