

## REASONS FOR DECISION TO EXERCISE POWER OF INTERVENTION

### UNDER SECTION 20(4) OF THE PLANNING AND ENVIRONMENT ACT 1987

#### GREATER GEELONG PLANNING SCHEME AMENDMENT C466ggee

The *Planning and Environment Act 1987* (the P&E Act), the *Heritage Act 2017* and the *Victorian Civil and Administrative Tribunal Act 1998* provide for the intervention of the Minister for Planning in planning and heritage processes.

In exercising the Minister's powers of intervention, including action taken under delegation from the Minister for Planning, the Minister has agreed to:

- make publicly available written reasons for each decision; and
- provide a report to Parliament at least every 12 months, detailing the nature of each intervention.

#### REQUEST FOR INTERVENTION

1. Spiire, on behalf of ACenergy Pty Ltd, has requested that I, the Minister for Planning, prepare, adopt and approve Amendment C466ggee to the Greater Geelong Planning Scheme and use my powers under section 20(4) of the P&E Act to exempt the amendment from the usual exhibition and notice requirements.
2. The amendment applies the Specific Controls Overlay to 405-455 Sandy Creek Road, Little River to introduce the '*Little River Battery Energy Storage System (BESS) Incorporated Document March 2025*' to facilitate and develop the land for a utility installation (770MWh Battery).

#### WHAT POWER OF INTERVENTION IS BEING USED?

1. I have decided to exercise the power to exempt myself from all the requirements of sections 17, 18 and 19 of the P&E Act and the Regulations in respect of Amendment C466ggee to the Greater Geelong Planning Scheme.
2. Section 20(4) of the P&E Act enables the Minister to exempt an amendment which the Minister prepares from any of the requirements of sections 17, 18 and 19 of the Act or the Regulations.
3. In seeking to exercise this power, section 20(4) of the Act requires that the Minister must consider that compliance with any of those requirements is not warranted or that the interests of Victoria or any part of Victoria make such an exemption appropriate.

#### BACKGROUND

1. On 1 February 2024, Spiire, on behalf of ACenergy, requested that I, the Minister for Planning, prepare, adopt, and approve Amendment C466ggee to the Greater Geelong Planning Scheme and use my powers under section 20(4) of the Act to exempt the amendment from the usual exhibition and notice requirements.
2. The amendment applies to the land at 405-455 Sandy Creek Road, Little River, and seeks to facilitate the use and development of the land for utility installations (770MWh BESS), subdivision of land less than 80 hectares in the Farming Zone and 0.069 hectares of native vegetation removal.
3. Consultation was undertaken under section 20(5) of the Act in August and September 2024 with adjoining landowners and occupiers, City of Greater Geelong Council, Country Fire Authority, WorkSafe Victoria, AusNet Services, Powercor, Corangamite Catchment Management Authority, Energy Safe Victoria, Wadawurrung Traditional Owners Aboriginal Corporation and Fire Peoples – State Relations.
4. A total of 140 submissions were received (135 objections) in response to the public notice process. Key issues raised in submissions related to visual and landscape impacts, noise, bushfire risk, flooding and stormwater management, biodiversity and environmental impacts, traffic and road safety, agricultural impacts, potential for future land contamination, rural subdivision,

potential for complaints about dust from quarrying operations, water supply and infrastructure capacity, pilot safety and concerns about the amendment and consultation process.

5. The concerns raised in submissions have been considered during the preparation of the amendment and generally addressed by way of conditions in the incorporated document.
6. The amendment will facilitate the development of a utility-scale battery, which will assist with grid stability and reliability and reduce the risk of blackouts. The existing national energy network is currently vulnerable due to periods of extreme heat creating unprecedented electricity demand, and ageing coal-fired generators are struggling to meet demand.
7. Large-scale batteries can store low-cost electricity, including from renewable sources, when there is an oversupply or during periods of low demand. This is made available when demand is higher or supply decreases. They also stabilise the grid during frequency disruptions. Large-scale batteries can also immediately dispatch stored electricity when there is a temporary loss of supply (either unexpected or regulated).

### **BENEFITS OF EXEMPTION**

6. The benefit of the exemption is that it will enable a prompt decision to be made on the adoption and approval of the amendment. The views of potentially affected parties are known, and the relevant planning policy issues have been taken into account during the preparation of the amendment. The prompt approval of the amendment will facilitate the delivery of a project that will provide grid stability and Victoria's transition to renewable energy.

### **EFFECTS OF EXEMPTION ON THIRD PARTIES**

8. The effect of the exemption is that third parties will not receive statutory notice of Amendment C466ggee and will not have the opportunity to make a submission or be heard by an independent planning panel in relation to the amendment.
9. However, consultation was undertaken under section 20(5) of the Act with 140 submissions received (135 raised concerns). The matters raised during the consultation process have been considered during the preparation of the amendment and generally addressed by way of conditions in the Incorporated Document. Additional plans and reports will be required to be submitted and approved prior to the commencement of the development.
10. Further exhibition and notice of the amendment would be unlikely to identify any additional matters for consideration.

### **ASSESSMENT AS TO WHETHER THE BENEFITS OF EXEMPTIONS OUTWEIGH EFFECTS ON THIRD PARTIES**

10. The exemption will enable a prompt decision to be made on the adoption and approval of an amendment.
11. The exemption will bring forward the delivery of the development which will improve the reliability of the electricity network and provide regional job opportunities. Delays in facilitating the amendment would impact realisation of the project's grid-reliability benefits, which include reducing the risk of blackouts by helping to manage supply and demand as well as frequency disruptions. These benefits are economic, social and environmental in nature.
12. In reaching my view, I have considered the planning framework established by the P&E Act including:
  - a. The objectives of planning in Victoria including section 4(1)(a), (c), (f) and (g) of the P&E Act.
  - b. The objectives of the planning framework established by the P&E Act including section 4(2)(c), (d), (e), (g), (h), (i) and (j).
  - c. The planning scheme seeks to ensure the objectives of planning fostered through appropriate land use and development planning policies which integrate, among other things, social, economic and environmental factors in the interest of net community benefit and sustainable development.

- d. The energy policies in clause 19.01 of the planning scheme which seek to provide back up and security of supply to Victoria's electricity network during periods when reliability is at risk.
13. Accordingly, I consider that the benefits of exemption from sections 17, 18 and 19 of the P&E Act outweigh any effects of the exemption on third parties.

#### **DECISION**

14. I have decided to exercise the power to exempt the Minister from all the requirements of sections 17, 18 and 19 of the P&E Act and the Regulations in respect of Amendment C466ggee to the Greater Geelong Planning Scheme.

#### **REASONS FOR INTERVENTION**

15. I provide the following reasons for my decision to exercise the power under section 20(4) of the P&E Act.

16. I, am satisfied that:

Compliance with any of the requirements of sections 17, 18 and 19 of the P&E Act and the Regulations is not warranted because:

- The requirements of sections 17, 18 and 19 are not warranted because consultation has occurred under section 20(5) of the P&E Act and the views of potentially affected parties are known. The concerns raised have been adequately addressed through conditions of the incorporated document.

#### **SIGNED BY THE MINISTER**

**HON SONYA KILKENNY MP**  
**Minister for Planning**

**Date: 8 May 2025**