

PRELIMINARY PLANNING REPORT

Moreton Hill Wind Farm

FINAL

October 2023

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Prepared by
Umwelt (Australia) Pty Limited
on behalf of
MHWF Nominees Pty Ltd

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Report No. **22923/R03**
Date: **October 2023**



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Document Status

Rev No.	Reviewer		Approved for Issue	
	Name	Date	Name	Date
V1	Lockie Curran	23/03/2023	Caroline Funnell	29/03/2023
V2	David Knight	31/10/2023	David Knight	31/10/2023
V3	Emily Scott	10/11/2023	David Knight	10/11/2023

Executive Summary

Umwelt (Australia) Pty Ltd (Umwelt) has been engaged by MHWF Nominees Pty Ltd (MHWF Nominees) to prepare a Preliminary Planning Report to accompany the submission of a referral under the Victorian *Environment Effects Act 1978* (EE Act) for the proposed Moreton Hill Wind Farm (the Project).

The purpose of this report is to provide MHWF Nominees with an understanding of the Project's permissibility under the relevant planning scheme and the Victorian *Planning and Environment Act 1987*. The report also summarises the assessment and approval pathway for the Project and other permits, consents or approvals required under relevant Commonwealth and State legislation. This report also provides an overview of the possible assessment requirements under the EE Act, should an EES be required, as well as potential implications under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The preliminary planning review identified the primary approval pathway for the Project is a Ministerial planning permit application to be submitted to the Department of Transport and Planning (DTP) for assessment and decision making in accordance with the Victorian *Planning and Environment Act 1987* (P&E Act). In accordance with the P&E Act, planning requirements for the Project are subject to the policies and clauses of the Corangamite Planning Scheme and Golden Plains Planning Scheme (the Project includes land subject to both planning schemes).

The Project is located within agricultural land in the Farming Zone, which is generally considered a compatible land use for wind farms. Both Corangamite Shire Council and Golden Plains Shire Council support the investigation and development of renewable energy projects in the region. At this stage, it is not considered likely that the Project would impede on achieving the objectives of the zones and overlays present on site.

An initial review of the Project against the relevant particular provisions of each planning scheme that require, enable, or exempt a permit, including Clause 52.32 (Wind energy facility), identified that the use and development of the Project is not prohibited. The Project is expected to be able to satisfy the objectives of relevant particular provisions.

A Cultural Heritage Management Plan (CHMP) is currently being prepared for the Project as it is a high impact activity, and the Project intersects with areas of cultural heritage sensitivity. The CHMP must be approved by the relevant authority, being First Nations – State Relations, before planning approval can be issued for the Project.

The Project is being referred under the EE Act and EPBC Act to determine if an EES is required for the Project, and if the Project is a controlled action that requires approval under the EPBC Act.

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1.0 Introduction

1.1 Background

Umwelt (Australia) Pty Ltd (Umwelt) has been engaged by MHWF Nominees Pty (MHWF Nominees) to prepare a Preliminary Planning Report to accompany the submission of a referral under the Victorian *Environment Effects Act 1978* (EE Act) for the proposed Moreton Hill Wind Farm (the Project).

The purpose of this report is to provide an understanding of the Project's permissibility under the relevant planning scheme and the *Planning and Environment Act 1987*, as well as an overview of the assessment and approval pathway for the Project and any other permits, consents or approvals required under relevant Commonwealth and State legislation. This report also provides an overview of the possible assessment requirements under the EE Act, should an EES be required, as well as potential implications under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

1.2 Project Overview

The Project is located in the Central Highlands region of western Victoria, within the Golden Plains Shire and the Corangamite Shire, approximately 35 km southwest of Ballarat. The wind farm site is largely bound by the Glenelg Highway in the north, Linton-Mannibadar Road in the east, Lismore-Pittong Road in the south and Mount Bute Road in the west. Rokewood Skipton Road bisects the Project site from east to west. The closest towns to the Project are Skipton and Linton, approximately 5 km to the west and east of the Project, respectively (see **Figure 1.1**).

The Project involves a renewable energy facility comprising a wind farm, a battery energy storage facility and a transmission line to connect the Project to the electricity network, and includes (but is not limited to):

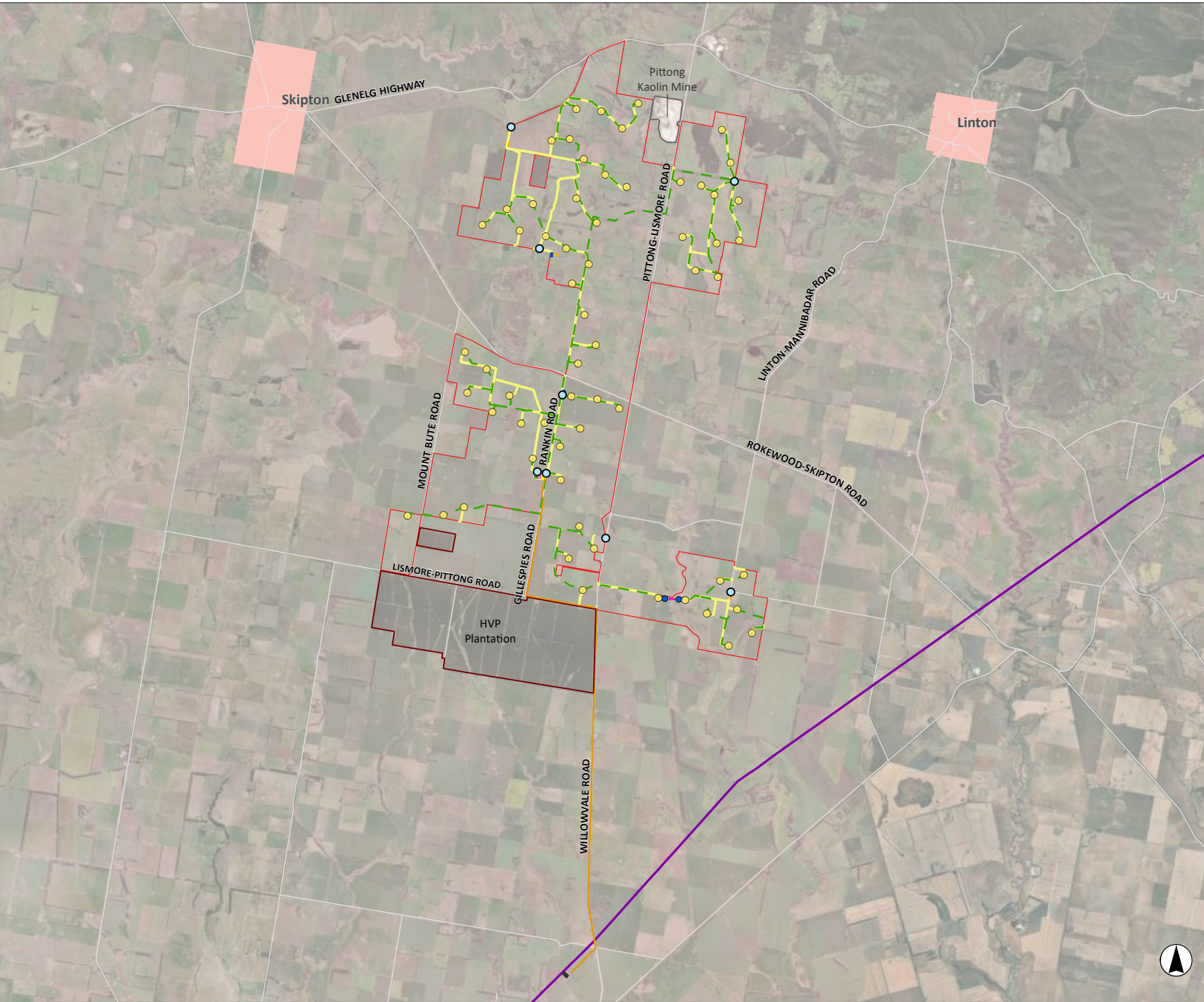
- Up to 62 wind turbines, each with a generation capacity of 6.8 MW and a maximum overall tip height of 252m.
- Hardstands at the base of each turbine.
- Underground and overhead reticulation cabling between turbines.
- Onsite electrical substation.
- A 220 kV underground transmission line connecting the Project from the onsite substation into the electricity network at Berrybank Terminal Station.
- Battery Energy Storage System (BESS) with a storage capacity of approximately 150 MW and associated water storage tanks.
- 45,000 litre water tanks at the main site entrance locations or as recommended by the Country Fire Authority (CFA) or Bushfire Risk Assessment (Fire Risk Consultants, 2023).
- Internal site access tracks.

- Up to four permanent meteorological monitoring masts.
- Operations and maintenance facilities.
- Other permanent ancillary works, including road upgrades.

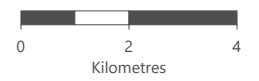
The Project also requires temporary infrastructure including two construction compounds, temporary laydown areas and two concrete batching plants.

FIGURE 1.1
Project Location

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- Legend**
- Wind Turbines
 - Water Tank Location
 - Overhead Electrical Reticulation Poles
 - - - Overhead Electrical Reticulation
 - - - Underground Electrical Reticulation
 - Access Tracks
 - Underground Transmission Line
 - Ballarat to Terang 220 kV Existing Transmission
 - Pittong Kaolin Mine
 - HVP Plantation
 - Berrybank Substation
 - Site Substation
 - Site Office Compound
 - Laydown Areas
 - Hardstand
 - Battery 150MW
 - Batching Plant
 - Wind Farm Site
 - Township



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GDA2020 MGA Zone 54



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2.0 Scope of Work

The preliminary planning report identifies the statutory requirements and approvals pathway for the Project, as well as the planning controls relevant to the Project site. This report has been informed by preliminary environmental, heritage and social assessments completed in support of the Project referrals under the EE Act and EPBC Act. No public or stakeholder consultation regarding the Project has been undertaken to inform this report.

The following approach was undertaken for the preliminary planning report:

- Identify the relevant planning schemes and associated State and local planning policies applicable to the Project and the required approval pathway.
- Provide an overview of the planning and environmental assessment framework, approval pathways and regulatory framework for the Project. This included consideration of:
 - the Victorian Planning Provisions, including local and state policies and planning provisions of the Golden Plains Planning Scheme and Corangamite Planning Scheme, particularly the zones and overlays affecting the Project site.
 - An overview of the possible assessment requirements under the EE Act, should the Project require an EES.
 - Potential implications under the EPBC Act.
- Review the Planning Guidelines for Development of Wind Energy Facilities in Victoria (DTP, 2023) identifying any implications or constraints of relevance to the Project.
- Provide an overview of the recommended approval pathway and an estimation of the application timeframes.
- Identify any additional environmental approvals and legislative obligations that may be required for the Project.

3.0 Planning Context and Approval Pathway

3.1 Planning Context

The *Planning and Environment Act 1987* (the P&E Act) provides the legislative framework for Victoria's planning system and governs the use, development, and protection of land in Victoria. The P&E Act provides the framework for planning schemes which contain state and local policies that apply to each municipality in Victoria. The Project site is located within both the Corangamite Shire and Golden Plains Shire and is subject to both the Corangamite Planning Scheme and Golden Plains Planning Scheme.

Under **Clause 73.03** (Land Use Terms) of the Victorian Planning Provisions, the Project is defined as a renewable energy facility, where land is used *'to generate energy using resources that can be rapidly replaced by an ongoing natural process... It includes any building or other structure or thing used in or in connection with the generation of energy by a renewable resource.'* Renewable energy resources include wind, as relevant to this Project. The land use definition of renewable energy facility includes the land use terms for a wind energy facility.

A wind energy facility is defined as 'land used to generate electricity by wind force'. It includes land used for:

- a. *'Any turbine, building or other structure or thing used in or in connection with the generation of electricity by wind force*
- b. *An anemometer.'*

The transmission line infrastructure and Battery Energy Storage System (BESS) are defined as utility installations which include land used:

- c. *'to transmit, distribute or store power'.*

3.2 Planning Controls

Planning controls include zones, overlays, and particular provisions of the Planning Scheme, which provide for any permit requirements and prohibitions on land use and development.

A Ministerial Planning Permit application under each Planning Scheme will be prepared to satisfy all the relevant planning control and permit requirements. A summary of the relevant planning controls applicable to the Project site under each planning scheme is provided in **Table 3.1**.

An assessment of the Project against the identified planning controls is provided in **Table 4.1**.

Table 3.1 Summary of Planning Controls

Planning control	Golden Plains Planning Scheme	Corangamite Planning Scheme
Planning Zones		
Farming Zone (FZ)	✓	✓
Transport Zone 2 (TRZ2)	✓	✓
Planning Overlays		
Environmental Significance Overlay – Schedule 1 (ESO1)		✓
Environmental Significance Overlay – Schedule 2 (ESO2)	✓	
Vegetation Protection Overlay – Schedule 2 (VPO2)	✓	
Land Subject to Inundation Overlay (LSIO)	✓	
Salinity Management Overlay (SMO)	✓	
Bushfire Management Overlay (BMO)	✓	✓
Particular Provisions		
Clause 52.05 – Signs	✓	✓
Clause 52.17 – Native vegetation	✓	✓
Clause 52.29– Land adjacent to Principal Road Network	✓	✓
Clause 52.32 –Wind Energy Facility	✓	✓

3.2.1 Zoning

3.2.1.1 Clause 35.07 – Farming Zone

The Project site (wind farm site and transmission line) is located within the Farming Zone (FZ) under both Planning Schemes, as shown in **Figure 3.1** and **Figure 3.2**, and is therefore subject to **Clause 35.07** of each Planning Scheme. Pursuant to **Clause 35.07**, the purpose of the FZ, of relevance to the Project is:

- *‘To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To encourage use and development of land for the specific purposes identified in a schedule to this zone.’*

In accordance with **Clause 35.07-1** (Table of Uses) of each Planning Scheme, a permit is required for the use of a wind energy facility and utility installation (identified as Section 2 uses) in the FZ which is subject to

meeting the requirements of **Clause 52.32** (Wind Energy Facility) for the wind farm component of the Project.

Pursuant to **Clause 35.07-4** (Buildings and Works), a permit is required to construct or carry out building or works associated with a use in Section 2 of **Clause 35.07-1**.

It is also noted that under the Corangamite Planning Scheme, the Project site lies specifically within Farming Zone - Schedule 1 (FZ1). In addition to the requirements under **Clause 35.07**, a permit is required for earthworks which change the rate of flow or the discharge point of water across a property boundary, or earthworks which increase the discharge of saline groundwater.

3.2.1.2 Clause 36.04 – Transport Zone 2

Several electrical reticulation cables for the Project are proposed to go under roads within the Project site, including Rokewood-Skipton Road, as shown in **Figure 3.1**, which is subject to Transport Zone 2 (TRZ2) under both Golden Plains and Corangamite Planning Schemes. Pursuant to **Clause 36.04**, the purpose of the TRZ2, of relevance to the Project is:

- *To provide for the use and development of land that complements, or is consistent with, the transport system or public land reservation.*
- *To ensure the efficient and safe use of transport infrastructure and land comprising the transport system.'*

In accordance with **Clause 36.04-1** (Table of Uses) a permit is not required for a Section 1 use provided the specified conditions are met (the use must be for a transport purpose and carried out by or on behalf of a relevant transport manager). Given the conditions cannot be met, a permit is required for the use of land for a wind energy facility (Section 2 use). Pursuant to **Clause 36.04-2** (Permit Requirements), a permit is required to construct or carry out building or works associated with a use in Section 2 of Clause 36.04-1.

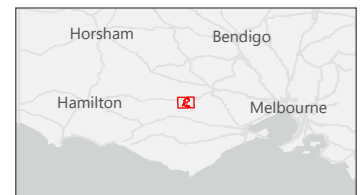
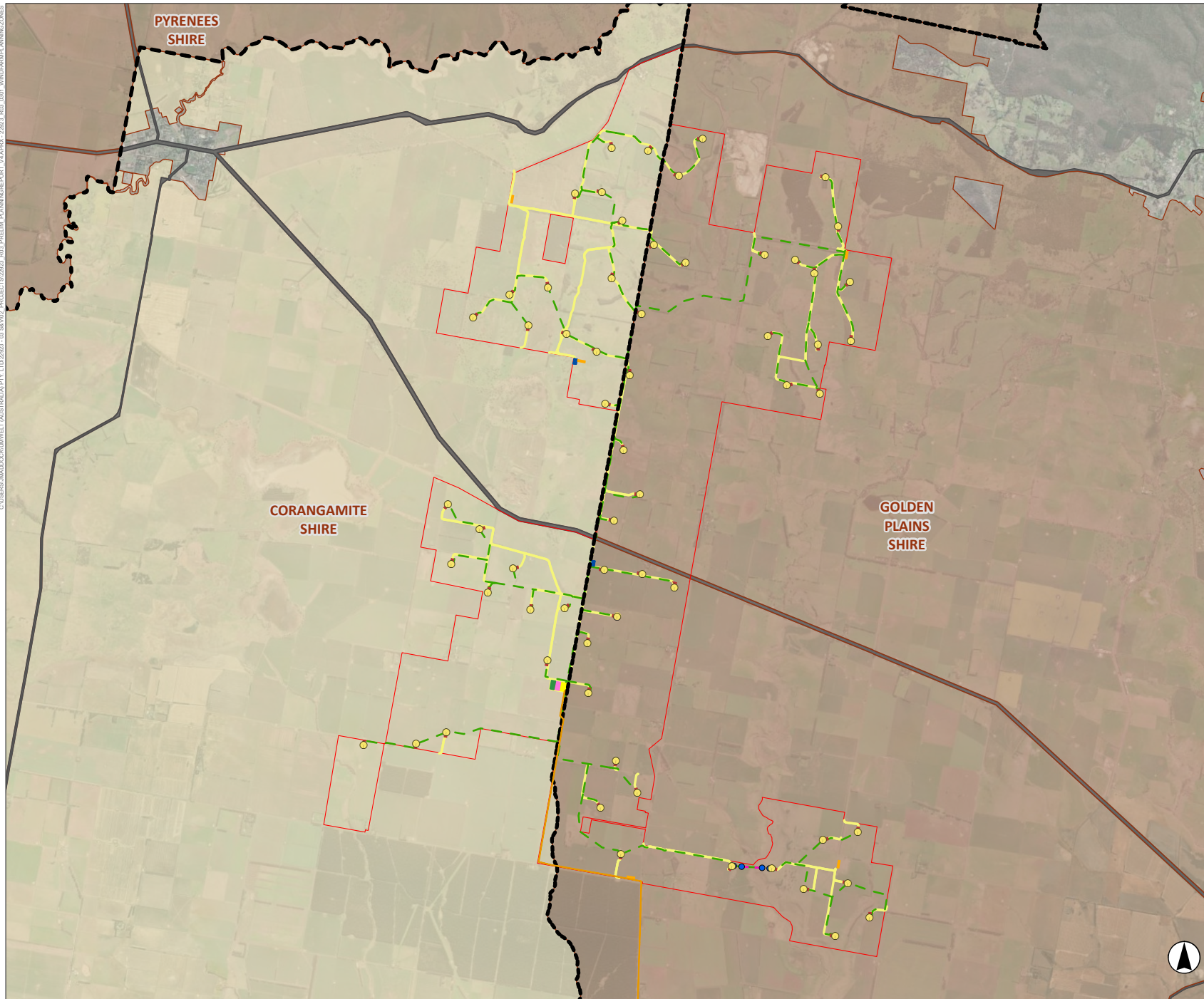
Furthermore, **Clause 52.29** (Land Adjacent to the Principal Road Network) seeks to ensure that appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network is made. This clause applies to the land adjacent to Rokewood-Skipton Road, where a permit is required to create or alter access to this road which is in a Transport Zone 2. A permit will be required under Clause 52.29 as the Project proposes to upgrade Rankin Road located off Rokewood-Skipton Road. See **Section 3.2.3** Particular Provisions.

FIGURE 3.1

Wind Farm Planning Zones

Legend

- Wind Turbines
 - Overhead Electrical Retiulation Poles
 - Overhead Electrical Retiulation
 - Underground Electrical Retiulation
 - Access Tracks
 - Underground Transmission Line
 - Site Substation
 - Site Office Compound
 - Laydown Areas
 - Hardstand
 - Batching Plant
 - Battery 150MW
 - Wind Farm Site
 - LGA Boundary
- Planning Zone**
- FARMING ZONE
 - FARMING ZONE - SCHEDULE 1
 - TRANSPORT ZONE 2 - PRINCIPAL ROAD NETWORK



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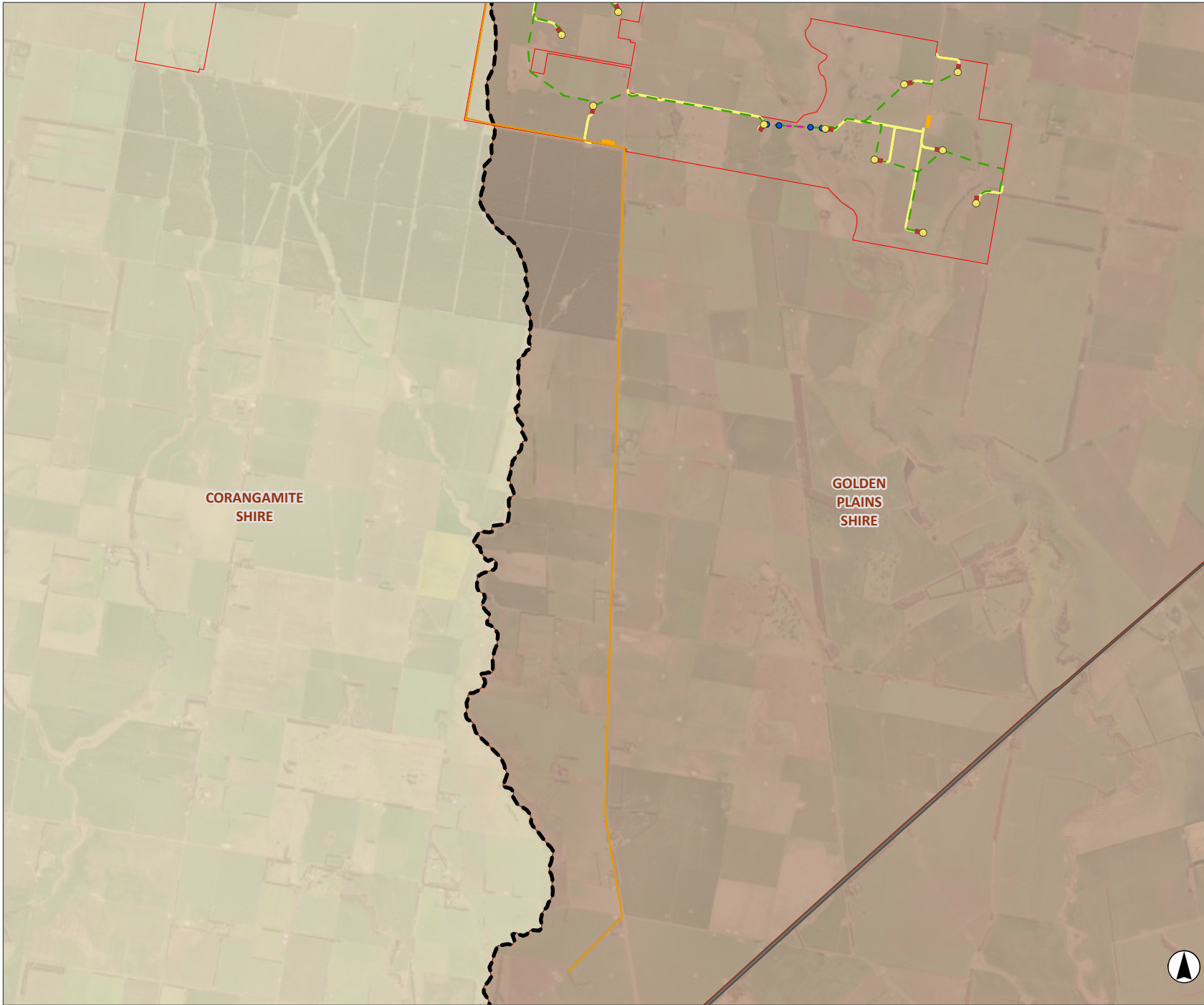
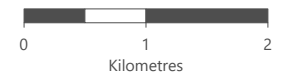
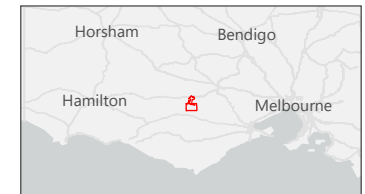


FIGURE 3.2

Transmission Line Planning Zones

Legend

- Wind Turbines
- Overhead Electrical Reticulation Poles
- - - Overhead Electrical Reticulation
- - - Underground Electrical Reticulation
- Access Tracks
- Underground Transmission Line
- Laydown Areas
- Hardstand
- Wind Farm Site
- LGA Boundary
- Planning Zone**
- FARMING ZONE
- FARMING ZONE - SCHEDULE 1
- TRANSPORT ZONE 2 - PRINCIPAL ROAD NETWORK



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3.2.2 Overlays

3.2.2.1 Clause 42.01 – Environmental Significance Overlay

The Project site is affected by the Environmental Significance Overlay (ESO) – Schedule 2 under the Golden Plains Planning Scheme and ESO - Schedule 1 (ESO2) under the Corangamite Planning Scheme, as shown in **Figure 3.3** and **Figure 3.4**, and is subject to **Clause 42.01** of the Planning Schemes. The purpose of the ESO, of relevance to the Project is:

- *‘To identify areas where the development of land may be affected by environmental constraints.*
- *To ensure that development is compatible with identified environmental values.’*

Pursuant to **Clause 42.01-2** (Permit Requirements), a permit is required to construct a building or carry out works and to remove, destroy or lop any vegetation within the ESO. This does not apply if a schedule to this overlay specifically states that a permit is not required.

Environmental Significance Overlay – Schedule 1 (Corangamite Planning Scheme)

A small section of Schedule 1 to ESO (ESO1) is intersected by the underground transmission line on Lismore Pittong Road, which is associated with the upper catchment of the Gnarkeet Chain of Ponds. ESO1 aims to protect watercourses, waterbodies and wetlands within the Shire.

Under the ESO1, a permit is required to:

- Construct a building or carry out works
- Remove, destroy or lop any vegetation (including dead vegetation), subject to certain exemptions set out in the table at Clause 42.01-3.

The table of exemptions at **Clause 42.01-3** identifies that a permit to remove, destroy or lop vegetation that is planted vegetation, including cropped areas or areas that are direct seeded for grazing, is not required. The area of the Project site covered by ESO1 is wholly within a cropped paddock, therefore a permit would not be required for the removal of vegetation.

A permit is required to construct a building or carry out works within ESO1 associated with the underground transmission line.

ESO1 identifies the following environmental objectives to be achieved in relation to the Project:

- *‘To maintain the biological, physical and chemical quality and quantity of water within the watercourse, water body or wetland.*
- *To maintain the ability of streams and watercourses to carry natural flows.*
- *To ensure development does not occur on land liable to flooding.*
- *To prevent waste discharge, nutrients and other pollutants from entering watercourses and water bodies.*

- *To prevent increased surface runoff or concentration of surface water runoff leading to erosion or siltation of watercourses.*
- *To conserve existing wildlife habitats close to natural watercourses and encourage regeneration of riparian and fringing vegetation.*
- *To restrict the intensity of use and development of land and to activities which are environmentally sensitive and which are compatible with potential drainage or flooding hazards.*
- *To promote the use and environmental solutions in siting and design in preference to modification of natural systems through technical and engineering measures.*
- *To protect and ensure the long term future of fauna and flora habitats in wetland and estuarine areas.'*

The planning application must demonstrate how the sections of the Project located within the ESO1 achieves the above objectives.

Environmental Significance Overlay – Schedule 2 (Golden Plains Planning Scheme)

Schedule 2 to ESO (ESO2) aims to protect watercourses within the Shire and prevent degradation of the environment, with respect to water quality, habitat, vegetation, and erosion. ESO2 affects areas to the southeast of the Project along Hoyles Creek, Naringhil Creek and Gnarkeet Chain of Ponds. The small section of overhead reticulation between turbines 57 and 58 crosses Hoyles Creek and Naringhil Creek. However, no project infrastructure will be located within the watercourse, with overhead poles to be located either side of the waterway to limit direct impacts on ESO2. Consultation with the Corangamite Catchment Management Authority would be required to determine the need for a Works on Waterways permit.

The underground transmission line also crosses Gnarkeet Chain of Ponds on Gillespies Road and Lismore-Pittong Road, which is affected by ESO2.

Under the ESO2, a permit is required to:

- Construct a building or carry out works.
- Remove, destroy or lop any vegetation (including dead vegetation), subject to certain exemptions set out in the table at **Clause 42.01-3**.

The table of exemptions at **Clause 42.01-3** identifies that a permit to remove, destroy or lop vegetation that is planted vegetation, including cropped areas or areas that are direct seeded for grazing, is not required. The area of the Project site covered by ESO2 is wholly within a cropped paddock, therefore a permit would not be required for the removal of vegetation.

A permit is required to construct a building or carry out works within ESO2.

- ESO2 identifies the following environmental objectives to be achieved in relation to the Project:
- *'To maintain the quality and quantity of water within the watercourse.*
- *To maintain the ability of streams and watercourses to carry natural flows.*

- *To prevent erosion of banks, streambeds and adjoining land and the siltation of watercourses, drains and other features.*
- *To protect and encourage the long term future of fauna and flora habitats along watercourses.*
- *To prevent pollution and increased turbidity of water in natural watercourses.*
- *To prevent increased surface runoff or concentration of surface water runoff leading to erosion or siltation of watercourses.*
- *To conserve existing wildlife habitats close to natural watercourses and, where appropriate, to allow for generation and regeneration of habitats.*
- *To restrict the intensity of use and development of land and to activities which are environmentally sensitive and which are compatible with potential drainage or flooding hazards’.*

The planning application must demonstrate how the sections of the Project located within the ESO2 achieves the above objectives.

3.2.2.2 Clause 42.02 – Vegetation Protection Overlay

Underground reticulation cables and the proposed underground transmission line cross parts of Rokewood-Skipton Road, Rankin Road, Pittong-Lismore Road, and Willowvale Road which are subject to sections of Vegetation Protection Overlay (VPO2) under the Golden Plains Planning Scheme shown in **Figure 3.3**, and is subject to **Clause 42.02**.

Pursuant to Clause **42.02**, the purpose of the VPO, as relevant to the Project, is to:

- *‘Protect areas of significant vegetation.*
- *Ensure the development minimises loss of vegetation.*
- *Preserve existing trees and other vegetation.*
- *Recognise vegetation protection areas as locations of special significance, natural beauty, interest and importance.*
- *Maintain and enhance habitat and habitat corridors for indigenous fauna.’*

Pursuant to **Clause 42.02-2** (Permit Requirement), a permit is required to remove, destroy, or lop any vegetation specified in a schedule to this overlay. This does not apply:

- *‘If the table to Clause 42.02-3 specifically states that a permit is not required.*
- *To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.’*

Four locations of native vegetation removal within the VPO are required for the Project. Two of these locations are exempt under **Clause 42.02-3** as these locations are cropped areas or areas that are direct seeded for grazing. Two locations of removal of native vegetation will trigger the requirement for a permit under the VPO as no exemptions apply.

A permit will also be required to construct a building or carry out works in the VPO.

Vegetation Protection Overlay – Schedule 2 (Golden Plains Planning Scheme)

Schedule 2 to the VPO (VPO2) identifies the nature and significance of bushland reserves and roadside vegetation to be protected. These areas contain significant remnant vegetation located within bushland reserves and government road reserves such as areas that include significant species of:

- *‘Red Ironbark, Yellow Box and Red Stringy Bark eucalyptus species.*
- *Rare and endangered flora and fauna species of regional significance.’*
- *VPO2 identifies the following vegetation protection objectives to be achieved:*
 - *‘To protect the conservation values of the above areas.*
 - *To protect significant remnant vegetation species.’*

A permit is required to construct a building or carry out works and to remove, destroy or lop any vegetation the VPO2.

3.2.2.3 Clause 44.04 – Land Subject to Inundation Overlay

The Project site is affected by the Land Subject to Inundation Overlay (LSIO) along waterways intersecting the eastern side of the site, as shown in **Figure 3.3** and **Figure 3.4**, and is therefore subject to **Clause 44.04** of the Golden Plains Planning Scheme.

Pursuant to **Clause 44.04**, the purpose of the LSIO, of relevance to the Project is to:

- *‘To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To minimise the potential flood risk to life, health and safety associated with development.*
- *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.*
- *To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.’*

Pursuant to **Clause 44.04-2** (Buildings and Works), a planning permit is required to construct a building or to construct or carry out works within the LSIO.

Pursuant to **Clause 44.04-7** (Referral of Applications) an application must be referred to the relevant floodplain management authority under Section 55 of the P&E Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

3.2.2.4 Clause 44.02 – Salinity Management Overlay

The Project site is affected by the Salinity Management Overlay (SMO) in the north-east, primarily associated with waterways as shown in **Figure 3.3**, and is therefore subject to **Clause 44.02** of the Golden Plains Planning Scheme.

Pursuant to **Clause 44.02**, the purpose of the SMO, of relevance to the Project is to:

- *‘To facilitate the stabilisation of areas affected by salinity.*
- *To encourage development to be undertaken in a manner which brings about a reduction in salinity recharge.*
- *To ensure development is compatible with site capability and the retention of vegetation and complies with the objectives of any salinity management plan for the area.’*

Pursuant to **Clause 44.02-2** (Permit Requirements), a permit is required to construct a building or construct or carry out works and to remove, destroy or lop any vegetation within the SMO. This does not apply:

- *If a schedule to this overlay specifically states that a permit is not required.*
- *If the table to Clause 44.02-5 specifically states that a permit is not required.*
- *To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16.’*

The Project does not meet any of the above exemptions. A permit is required to build or construct within the SMO.

Pursuant to **Clause 44.02-8** (Referral of Applications) an application under this overlay and any site capability report must be referred to the specified referral authority in accordance with Section 55 of the P&E Act, unless in the opinion of the responsible authority the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the referral authority.

3.2.2.5 Clause 44.06 – Bushfire Management Overlay

The Project site is affected by the Bushfire Management Overlay (BMO) across several sections of the site, as shown in **Figure 3.3** and **Figure 3.4**, and is therefore subject to **Clause 44.06** of the Corangamite Planning Scheme and Golden Plains Planning Scheme. Pursuant to **Clause 44.06**, the purpose of the BMO, of relevance to the Project is to:

- *‘To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.’*

Clause 44.06-2 (Permit Requirements) outlines specific land uses which require a permit for buildings and works on land affected by the BMO. A renewable energy facility is not listed under this clause. A permit is not required for buildings and works under the BMO.

Areas affected by the BMO in the north-west of the Project site, in Corangamite, were originally applied to land that was covered by forest. However, the majority of this forestry land has been removed since before 2015. The Project will comply with the Design Guidelines and Model Requirements for Renewable Energy Facilities (CFA, 2022), which provides standard considerations and measures in relation to fire safety, risk and emergency management to be considered when designing, constructing and operating new renewable energy facilities. Such measures that the Project has adopted include applicable wind turbine spacings, and installation of water tanks at all site entrances and the substation and BESS.

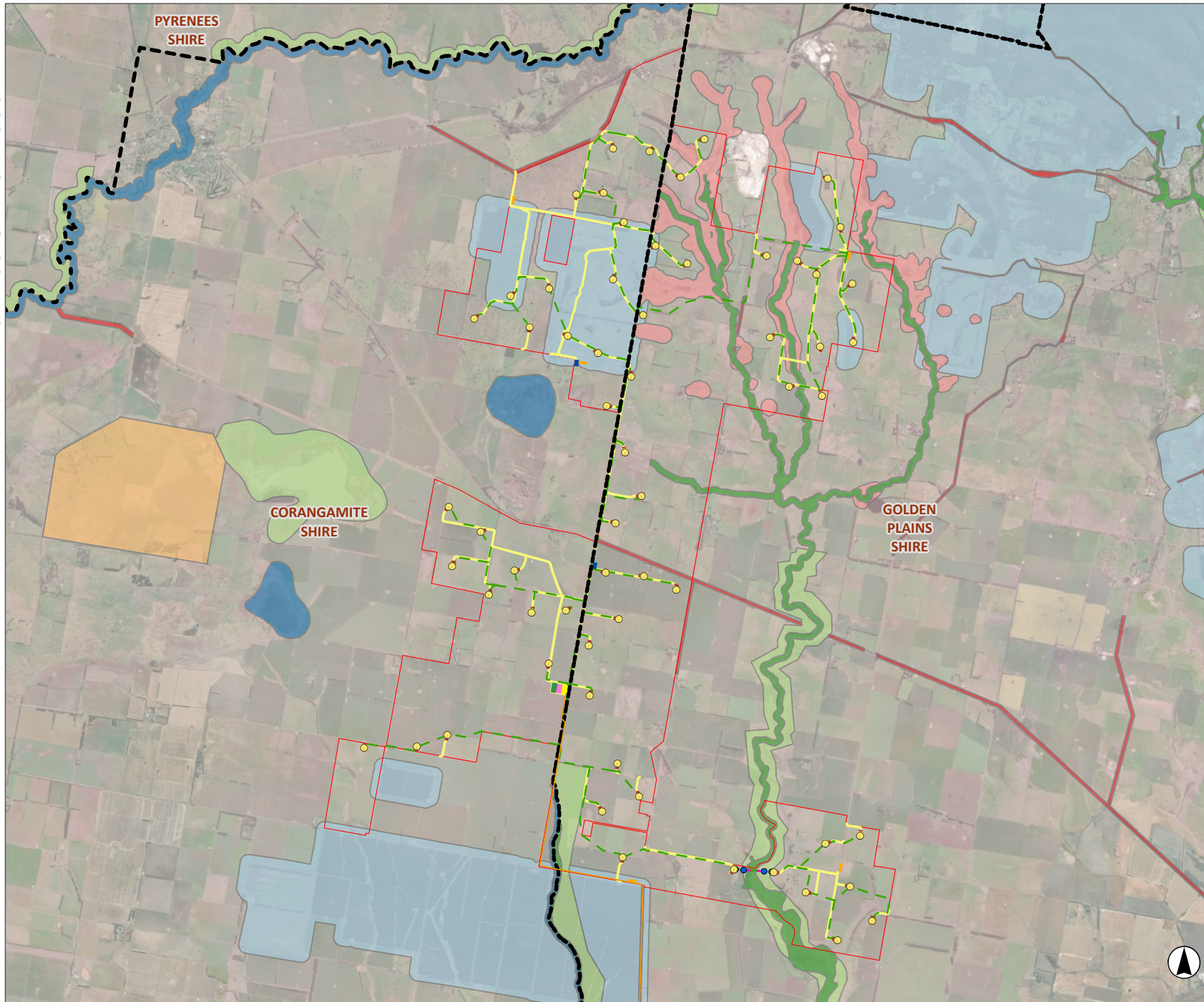
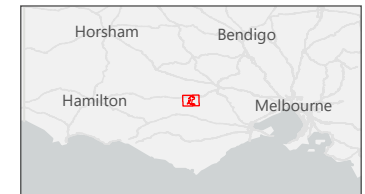


FIGURE 3.3

Wind Farm Planning Overlays

Legend

- Wind Turbines
 - Overhead Electrical Reticulation Poles
 - Overhead Electrical Reticulation
 - Underground Electrical Reticulation
 - Access Tracks
 - Underground Transmission Line
 - Site Substation
 - Site Office Compound
 - Laydown Areas
 - Hardstand
 - Batching Plant
 - Wind Farm Site
 - LGA Boundary
- Planning Overlays**
- Bushfire Management Overlay
 - Environmental Significance Overlay - Schedule 1
 - Environmental Significance Overlay - Schedule 2
 - Land Subject to Inundation Overlay
 - Salinity Management Overlay
 - Significant Landscape Overlay - Schedule 1
 - Vegetation Protection Overlay - Schedule 2



Scale 1:95,000 at A4
GDA2020 MGA Zone 54

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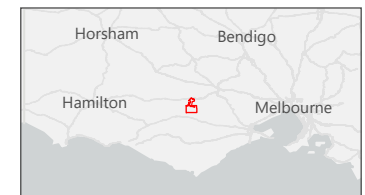
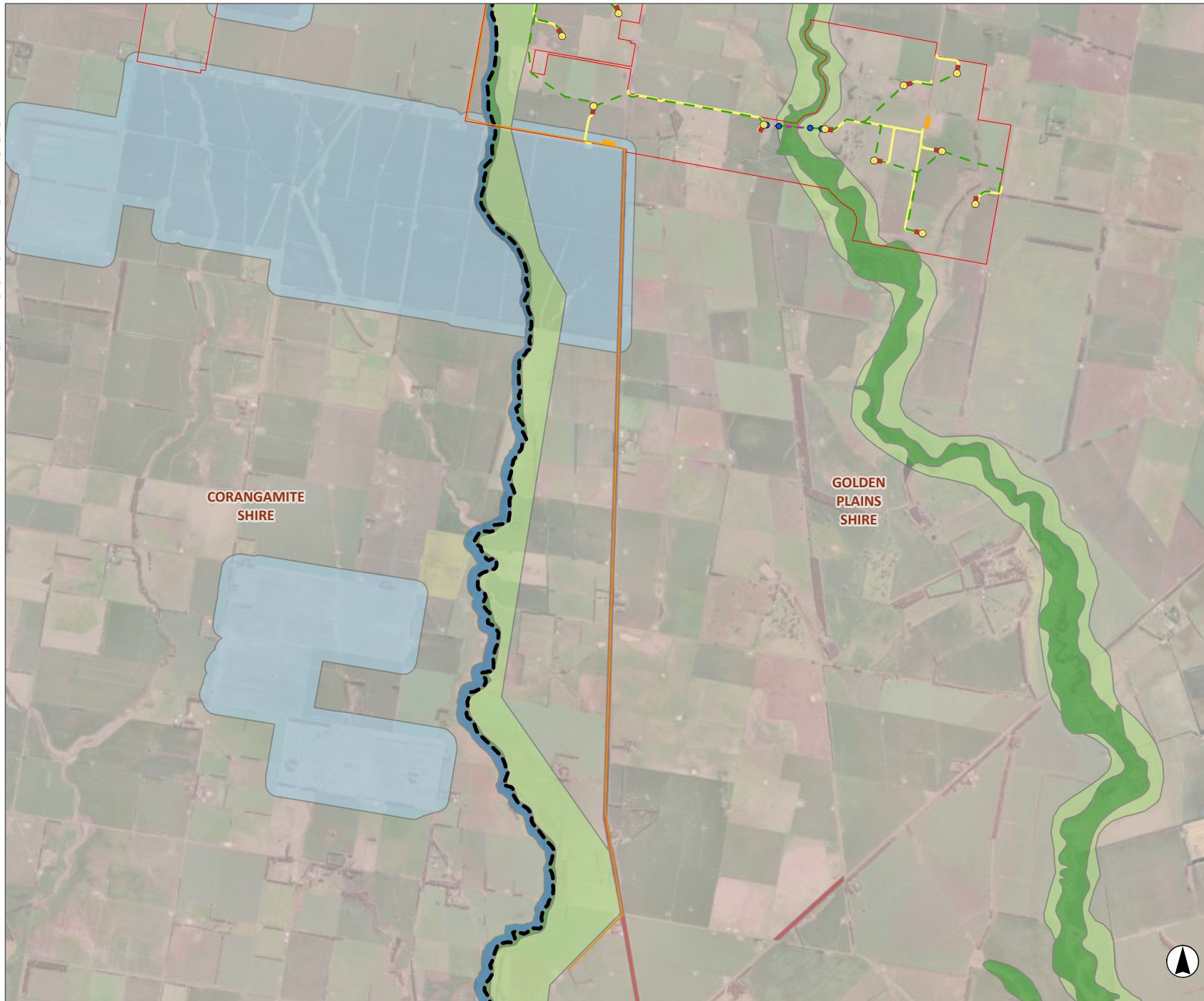


FIGURE 3.4

Transmission Line Planning Overlays

Legend

- Wind Turbines
 - Overhead Electrical Reticulation Poles
 - - - Overhead Electrical Reticulation
 - - - Underground Electrical Reticulation
 - Access Tracks
 - Underground Transmission Line
 - Site Substation
 - Site Office Compound
 - Laydown Areas
 - Hardstand
 - Battery 150MW
 - Batching Plant
 - Wind Farm Site
 - LGA Boundary
- Planning Overlays**
- Bushfire Management Overlay
 - Environmental Significance Overlay - Schedule 1
 - Environmental Significance Overlay - Schedule 2
 - Land Subject to Inundation Overlay
 - Vegetation Protection Overlay - Schedule 2



Scale 1:62,000 at A4
GDA2020 MGA Zone 54

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3.2.3 Particular Provisions

Particular provisions are planning controls that apply only to certain uses and development or to particular aspects of certain uses and development. They apply to a use or development irrespective of the zone or overlay that applies to the land.

The following particular provisions are likely to, or have potential to apply to the Project, subject to further investigation and detailed design:

Clause 52.05 – Signs

The clause seeks to regulate the development of land for signs and associated structures, and to ensure signs are compatible with the amenity and visual appearance of an area. Zone provisions specify the category of sign control that applies to the zone. A permit is required for a business identification sign that does not exceed three square metres in total display area.

Clause 52.17 – Native vegetation

This clause seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation, by applying the three-step approach in accordance with the native vegetation guidelines (avoidance of impact, minimisation of impacts, and provision of offsets). This clause requires a planning permit to remove, destroy or lop native vegetation, including dead native vegetation.

Clause 52.29– Land adjacent to Principal Road Network

This clause seeks to ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network. This clause applies to land adjacent to a road in the Transport Zone 2 (TRZ2). Rokewood-Skipton Road is zoned TRZ2 and bisects the Project site east to west. The Project proposes to upgrade Rankin Road located off Rokewood-Skipton Road, which would be classified as altering access. A permit is required to create or alter access to a road in a TRZ2.

Clause 52.32 –Wind Energy Facility

This clause seeks to facilitate the establishment and expansion of wind energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

Clause 52.32-2 (Use and Development of Land) stipulates a permit is required to use and develop land for a wind energy facility.

Clause 52.32-2 also stipulates the use and development of land for a wind energy facility is prohibited at the following locations if the conditions outlined in the table at **Clause 52.32-2** are not met:

- Land described in a schedule to the Victorian *National Parks Act 1975*.
- Land declared a Ramsar wetland as defined under section 17 of the EPBC Act.
- Land listed in a schedule to **Clause 52.32-2**.
- on land where any turbine (measured from the centre of the tower at ground level) that forms part of the facility is located within one kilometre of an existing dwelling.

The Project is not located within any of the areas listed above and MHWF Nominees have designed the Project to avoid dwellings less than kilometre from a turbine. However, should a turbine be relocated within one kilometre of a dwelling the application must meet the requirements of **Clause 52.32-3** (Turbine Within One Kilometre of a Dwelling), which requires the following to accompany the planning permit application:

- ‘A plan showing all dwellings within one kilometre of a proposed turbine (measured from the centre of the tower at ground level).
- Evidence of the written consent of any owner as at the date of that application of an existing dwelling located within one kilometre of a proposed turbine (measured from the centre of the tower at ground level) that forms part of a wind energy facility.’

Pursuant to Clause **52.32-4**, (Application Requirements), a planning permit for the use and development of land for a wind energy facility must be accompanied by information relating to site and context analysis, design response and a mandatory noise assessment. The planning permit application is required to consider the *Planning Guidelines for Development of Wind Energy Facilities in Victoria* (DTP, 2023).

3.2.4 Summary of Permit Requirements

Table 3.2 provides summary of the permit requirements under each of the zones, overlays, and particular provisions applicable to the Project site. A tick (✓) indicates a permit is required, and a cross (X) indicates a permit is not required.

Table 3.2 Permit Requirements

Planning control	Golden Plains Planning Scheme	Corangamite Planning Scheme
Planning Zones		
Farming Zone (FZ)	✓	✓
Transport Zone 2 (TRZ2)	✓	✓
Planning Overlays		
Environmental Significance Overlay – Schedule 1 (ESO1)	N/A	✓ (Buildings and works)
Environmental Significance Overlay – Schedule 2 (ESO2)	✓ (Buildings and works)	N/A
Vegetation Protection Overlay – Schedule 2 (VPO2)	✓	N/A
Land Subject to Inundation Overlay (LSIO)	✓	N/A
Salinity Management Overlay (SMO)	✓	N/A
Bushfire Management Overlay (BMO)	X	X
Particular Provisions		
Clause 52.05 – Signs	✓	✓
Clause 52.17 – Native vegetation	✓	✓
Clause 52.29– Land adjacent to Principal Road Network	✓	✓
Clause 52.32 –Wind Energy Facility	✓	✓

3.3 Policy Documents

The following policy documents are included in the Planning Schemes and are relevant to the Project:

- **Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017)** - The Guidelines for the removal, destruction, or lopping of native vegetation (the native vegetation guidelines) stipulate the application of Victoria's policy for assessing and compensating for the removal of native vegetation. The guidelines ensure that the proposed removal of native vegetation is appropriately assessed, opportunities to avoid and minimise removal are considered, and appropriate offsets are secured.
- **Planning Guidelines for Development of Wind Energy Facilities in Victoria (DTP, 2023)** - The Planning Guidelines for Development of Wind Energy Facilities in Victoria (the wind energy guidelines) provide advice to inform the planning decisions about a wind energy facility proposal. The purpose of these guidelines is to set out a framework to provide a consistent and balanced approach to the assessment of wind energy projects across the state, a set of consistent operational performance standards to inform the assessment and operation of a wind energy facility project, and guidance as to how planning permit application requirements might be met.
- **Design Guidelines and Model Requirements for Renewable Energy Facilities 2022 (CFA, 2022)** - Design Guidelines and Model Requirements for Renewable Energy Facilities provides standard considerations and measures in relation to fire safety, risk and emergency management to be considered when designing, constructing and operating new renewable energy facilities, and upgrading existing facilities.

3.4 Council Documents

The following Council strategies are relevant to the Project and should be considered in the planning assessment:

Corangamite Shire Council Plan 2021-2025 (Corangamite Shire Council, 2021) –

The council plan is a four-year strategy that sets the agenda for the council long term, enabling the council to respond to long-term challenges and opportunities. This includes partnering with community, business and industry to take action on and adapt to climate change and to investigate and advocate for new energy opportunities. **Corangamite Shire Environment & Sustainability Strategy 2014-2019**

This strategy identifies the approach that Corangamite Council will take to protect and enhance the environment and sustainability of Corangamite Shire. The strategy focuses on Council managed land and will be Council's guiding document for decision-making and delivery of environmental services and programs. An objective of this strategy is to increase the production and diversity of renewable energy in the Shire, and improve energy efficiency within homes, providing support and leadership to the community in these areas. It involves Council taking a leadership role in the areas of land management, waste reduction, renewable energy, weed management and the protection of its natural assets.

Corangamite Shire Economic Development Strategy 2017-2021

Corangamite Shire has a history in proactively encouraging business networking and industry development via its Economic Development and Tourism Unit. Opportunities to leverage growth in Corangamite have

been actively pursued to the betterment of the region. Corangamite Shire has several unique strengths that make it attractive for large-scale renewable energy investment, including strong wind in the region and the presence of key energy infrastructure. The actions from this strategy aim to support renewable energy projects throughout the Shire and investigate sustainable energy projects.

Golden Plains Shire Council Plan 2021-2025 (Golden Plains Shire Council, 2021)

The council plan is a four-year strategy that sets the agenda for the council long term, enabling the council to respond to long-term challenges and opportunities. One of Councils objectives is 'Mitigating climate change and promoting clean / green technology' which aims to promote, encourage and advocate the use and development of renewable energy projects.

Golden Plains Shire Council Climate Emergency Plan 2022-2032

Golden Plains Shire Council (Council) declared a Climate Emergency, a resolution for immediate and urgent action to reverse global warming and adapt to changes that society cannot avoid. As part of this resolution, Council committed to preparing a 10-year Climate Emergency. Included in the plan is the desire for Golden Plains Shire Council to lead action on climate change, where they will support renewable energy, facilitate sustainable transport and development, and develop adaptation focussed land management strategies. The Council will work to build understanding and resilience amongst the community and advocate for urgent and bold climate action from both State and Federal Governments.

Golden Plains Shire Council Economic Development, Tourism & Investment Attraction Strategy 2022-2032

Golden Plains Shire Council has prepared an Economic Development Strategy for its community, noting a major asset for the Shire is its abundant land supply which can be leveraged for economic development most notably for renewable energy.

As part of the strategy, the Shire has put emphasis on the benefits for their economy from wind farm developments including:

- Leveraging windfarm projects to provide training and upskilling in renewable energy to local residents and workers.
- Leverage the Community Enhancement Funds/ Community Benefit Funds from windfarm projects to fund upgrades and additions to local community spaces identified in future Community Plans.
- Leverage the Community Enhancement Funds/Community Benefit Funds from windfarm projects to fund improvements to local roads and other projects identified in the Community Plans.
- Provide advice to landowners and neighbours of windfarms on how to invest financial incentives from windfarm projects to boost production and regeneration.

3.5 Assessment and Approval Process

3.5.1 Planning and Environment Act 1987

The P&E Act provides planning requirements for the Project which are subject to the policies and clauses of the relevant Planning Scheme. The primary method of managing use and development in Victoria is through zoning, overlays, and particular provisions (outlined above in **Section 3.2**). The applicable planning controls to the Project site trigger the need for planning approval under the Planning Scheme (see **Section 4.0** for a summary of the Project permit triggers).

Pursuant to **Clause 72.01-1** (Responsible Authority for this Planning Scheme) of the Planning Scheme, the Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the P&E Act, in relation to the use and development of land for an (and as applicable to this Project):

- Energy generation facility with an installed capacity of 1 megawatt or greater.
- *Utility* installation used to:
 - Transmit or distribute *electricity*.
 - Store electricity if the installed capacity is 1 megawatt or greater.

As such, the approval pathway for the Project is a Ministerial planning permit application to be submitted to the Victorian Department of Transport and Planning (DTP) (formally DEWLP) for assessment and decision making.

The Minister for Planning has the power, under Section 97B of the P&E Act, to ‘call-in’ a planning permit application before a responsible authority decides in respect of an application in accordance with Section 61 of the P&E Act. As the Minister for Planning is the responsible authority for the use and development of the Project, this would involve the Minister for Planning ‘calling in’ the application from themselves.

MHWF Nominees can write to the Minister for Planning and request that the planning permit application be called in, using the reason(s) set out in Section 97B of the Act as rationale. This occurs once the application is lodged. Although the decision is the Minister’s as to whether to exercise this ‘call-in’ power, this approach is common for wind farms in Victoria.

This would give grounds for the planning application to be dealt with and determined under Division 6 of Part 4 of the P&E Act. This approach has several differences to the standard planning permit process, including:

- The statutory requirement for a responsible authority to decide upon a planning application within 60 days (generally referred to as ‘the statutory clock’) from the day the application is received does not apply. Section 97D of the P&E Act ‘switches off’ the timing for decisions specified under Section 59 of the P&E Act. Decisions under Division 6 of Part 4 are subject to a separate assessment and decision process, including the timeframes outlined in Section 97E of the P&E Act (noted below).
- Appeal rights to VCAT do not apply pursuant to Section 97M of the P&E Act. This means an objector may not apply to VCAT for review of a permit issued by the Minister for Planning. In addition, a proponent may not apply to VCAT for review if the application is refused.

A planning application to be dealt with under Division 6 of Part 4 of the P&E Act involves:

- The Minister for Planning would appoint a panel, under Section 97E of the P&E Act, to consider objections and submissions received in respect of the planning permit application following public notification. Objections and submissions must be referred to the panel by the Minister within two weeks after the conclusion of the notice period pursuant to Section 97E(1)(a) of the P&E Act. If no objections are received, the Minister is not required to refer any submission to the panel. However, wind farm developments are likely to receive objections given the contentious nature of such developments.
- The panel will report its findings and provide recommendations on the application¹.
- After considering the report of the panel, the planning scheme, and any matters to be considered under Section 60 of the P&E Act, the Minister may:
 - a. Grant the permit
 - b. Grant the permit subject to conditions, or
 - c. Refuse to grant the permit on any ground he or she thinks fit.

The process can be categorised into two phases as shown in **Figure 3.3**:

- **Pre-lodgement:** from project inception to submission of the planning permit application to the Minister for Planning, along with the completion of relevant technical studies. Pre-lodgement includes a pre-application meeting with DTP and relevant agencies (such as Council and referral authorities) to introduce the project and provide them with the opportunity to raise any concerns or matters that are required to be considered in preparing the planning permit application documentation. For wind energy facilities, there are likely to be several agency meetings during this phase to ensure application requirement and decision guidelines under the planning scheme(s) are met.
- **Post-lodgement** relates to the assessment and determination of the planning permit application, including the planning panel process. Permits decided on under Division 6, Part 4 of the P&E Act (via the ‘call-in’ process described above) are not subject to the same statutory timeframes as planning permit applications considered under Division 1, Part 4 of the P&E Act.

3.5.1.1 Other Statutory Approvals

Aboriginal Heritage 2006

In Victoria, Aboriginal cultural heritage (tangible and intangible) is protected under the *Aboriginal Heritage Act 2006* (the AH Act). The associated Aboriginal Heritage Regulations 2018 give effect to the AH Act. The Regulations specify that a Cultural Heritage Management Plan (CHMP) is required when:

- a. All or part of the activity area for the activity is in an area of cultural heritage sensitivity (CHS); and
- b. All or part of the activity is a high impact activity.

¹ In accordance with Section 97E(5)(c)(i) of the P&E Act, the Minister is not required to consider the panel report if it is not received at the end of three months from the panel’s appointment or one month from the date on which the panel completed its hearing (whichever is the earlier).

The Project is considered a high impact activity according to Division 5, Regulation 46 of the Aboriginal Heritage Regulations 2018, which state:

- (1) The construction of a building or the construction or carrying out of works on land is a high impact activity if the construction of the building *or the construction or carrying out of the works*—
 - a. *Would result in significant ground disturbance; and*
 - b. *Is for, or associated with, the use of the land for any one or more of the following purposes –*
 - i. *(xxx) land used to generate electricity, including a wind energy facility.*

Significant ground disturbance is defined as disturbance to “(a) the topsoil or surface rock layer of the ground by machinery in the course of grading, excavating, digging or deep ripping.” Deep ripping is defined as “the ploughing of soil using a ripper or subsoil cultivation tool to a depth of 60 centimetres or more”. It is expected that these activities will be required for the Project’s construction.

- ii. *The Project is also considered a high impact activity according to Division 5, Regulation 58 of the Aboriginal Heritage Regulations 2018 which state:*

- (2) *The use of land for a purpose specified in regulation 46(1)(b) is a high impact activity if a statutory authorisation is required to change the use of the land for that purpose.*

A CHMP is currently being prepared for the Project as it is a high impact activity, and the Project intersects with areas of cultural heritage sensitivity. The CHMP must be approved by the relevant authority, being Wadawurrung Traditional Owners Aboriginal Corporation as the Registered Aboriginal Party (RAP) for the Project site, before planning approval can be issued for the Project.

Section 52(1) of the AH Act states that, “the decision maker must not grant a statutory authorisation for the activity unless a cultural heritage management plan is approved under this Part in respect of the activity”.

Section 52(2) of the AH Act states that, “If the decision maker is required to decide whether to grant the statutory authorisation within a certain period, that period is deemed not to commence until the decision maker receives a copy of the approved cultural heritage management plan”.

As a CHMP is required for the Project:

- the ‘statutory clock’ does not commence until the approved CHMP is provided to the Minister for Planning, and
- the Minister for Planning cannot issue a planning permit unless they receive a copy of the approved Cultural Heritage Management Plan.

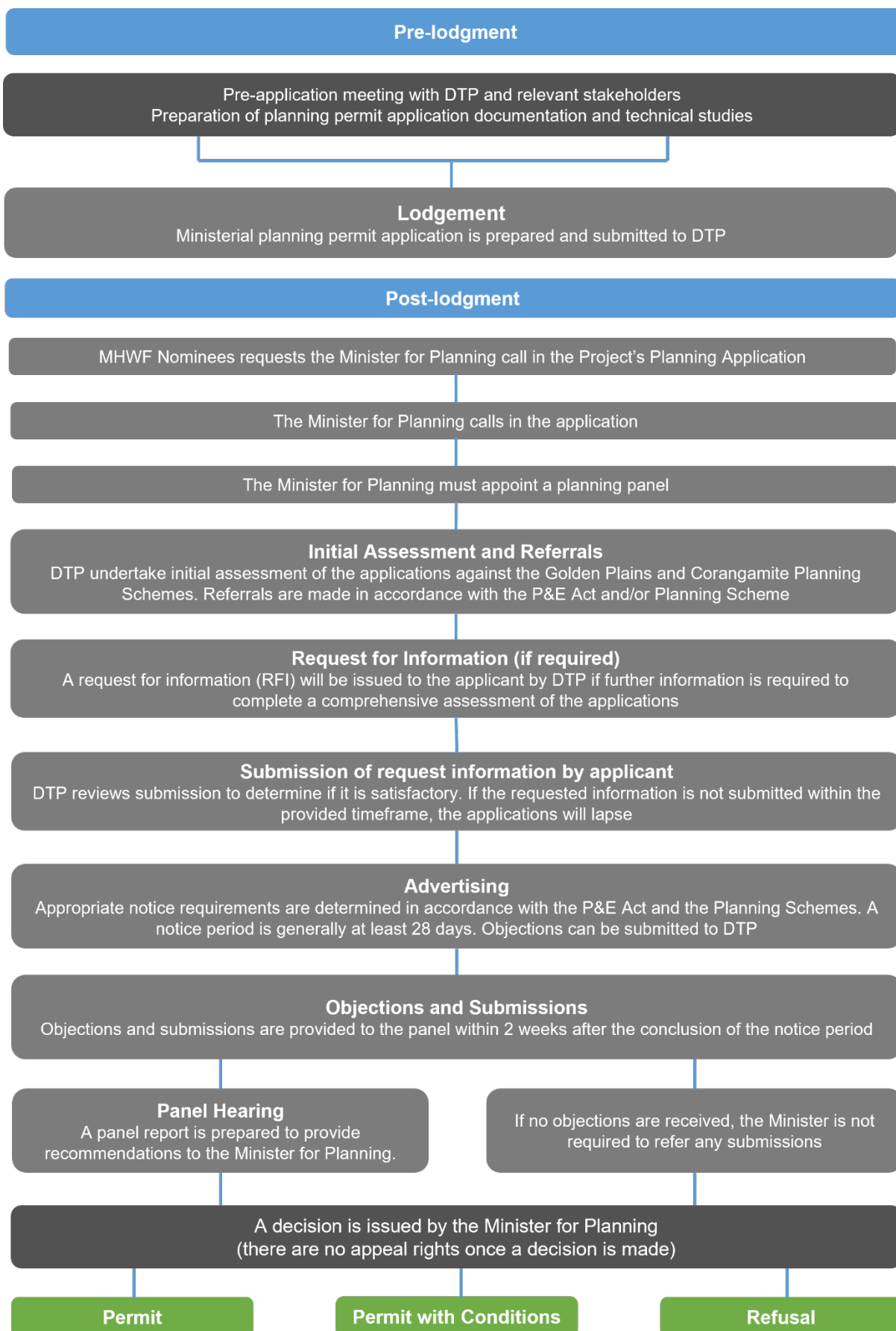


Figure 3.5 Planning Permit Application Assessment Process

3.5.1.2 Notice Requirements

Section 52 of the P&E Act relates to notice of application requirements, a response to which is provided in **Table 3.3**.

Table 3.3 Summary of Referral and Notice Requirements

P&E Act Requirements	Response
52(1)(a) Notice of an application must be given to the owners and occupiers of allotments or lots adjoining the land to which the application applies unless the responsible authority is satisfied that the grant of the permit would not cause material detriment to any person.	The responsible authority is likely to require notice to be given to owners and occupiers of allotments or lots adjoining the site. This will largely depend on the outcomes of the impact assessments.
52(1)(b) Notice of an application must be given to a municipal council if the application applies to or may materially affect land within its municipal district.	The Project applies to and has potential to materially affect land within the municipal district of Corangamite Shire Council and Golden Plains Shire Council. As such, notice of the application must be given to Corangamite Shire Council and Golden Plains Shire Council.
52(1)(c) Notice of an application must be given to any person to whom the planning scheme requires it to give notice	Clause 66.05 and Clause 66.06 do not include additional notice requirements relevant to this planning permit application.
55 (1) A responsible authority must give a copy of an application, together with the prescribed information, to every person or body that the planning scheme specifies as a referral authority for applications of that kind without delay unless the applicant satisfies the responsible authority that the referral authority has (a) considered the proposal for which the application is made within the past three months; and (b) stated in writing that it does not object to the granting of the permit for the proposal.	<p>Referral requirements set out in Clause 66.02:</p> <ul style="list-style-type: none"> • If the Project will require the removal, destruction, or lopping of native vegetation in the Detailed Assessment pathway as defined in the <i>Guidelines for the removal, destruction or lopping of native vegetation</i> (DELWP, 2017), a referral is required to the Secretary to DELWP (as constituted under Part 2 of the <i>Conservation, Forests and Lands Act 1987</i>) as recommending referral authority. • If the Project is located within 60 metres of the 220kV transmission line traversing the site or an electricity transmission easement, the relevant electricity transmission authority would be a determining referral authority. • Referral requirements set out in Clause 66.03: <ul style="list-style-type: none"> ○ An application under the SMO and any site capability report must be referred to the Secretary to the Department of Environment, Land, Water and Planning as a determining authority. ○ An application under the LSIO must be referred to Melbourne Water Corporation as a determining authority. Corangamite Catchment Management Authority is also a recommending referral authority for applications under the LSIO. ○ An application to create or alter access to a TRZ2 must be referred to the Head, Transport for Victoria as a determining authority.

3.5.2 Environment Effects Act 1978

Under the EE Act, a project is referred to the Minister for Planning (the Minister) where there is potential for significant environmental effects to occur as a result of the project. The Minister then assesses the referral and makes a decision on whether an EES is required for the project.

The EES process under the EE Act is not an approval process, but rather a robust assessment to help inform decision makers on whether to grant statutory approvals for a project (i.e. a planning permit or CHMP). The role of the EES is to describe the project and its potential environmental effects to enable the Minister to make an assessment on whether the project would have acceptable environmental outcomes. The EES and the Minister's assessment of the EES determines the Project's acceptability. Statutory decision makers then consider the EES and the Minister's assessment of the EES when determining whether to grant statutory approvals.

MHWF Nominees is referring the Project to the Minister for Planning under the EE Act to obtain a determination as to whether an EES is required. Once the referral has been formally accepted, the Minister for Planning will make a decision (generally within 20 business days). The referral decision will indicate either:

- an EES is required;
- an EES is not required but subject to conditions (which typically takes the form of an Environment Report); or,
- an EES is not required.

A self-assessment of the Project against the EE Act referral criteria will be undertaken for the Project following completion of the technical assessments. This will help to understand if the Project meets any of the criteria that may trigger the requirement for an EES.

Should the Minister determine an EES is required for the Project, MHWF Nominees would be required to prepare an EES including supporting technical assessments. The matters to be investigated and addressed within an EES are set out in the 'scoping requirements' issued by the Minister, which are project specific. Once the EES is completed it is released for public review and comment. Submissions can be made on the EES during this time. Submissions are considered by way of an inquiry for wind farms, this is done through a formal hearing. The inquiry will be a joint or combined inquiry/planning panel process that will also meet the requirements set out in the P&E Act. The report of any inquiry will be provided to the Minister for Planning for consideration.

The final step in the EES process is an assessment of the environmental effects of a proposal by the Minister for Planning. This step will determine whether the likely environmental effects of a project are acceptable. This step involves the release to the public of the 'Minister's assessment'. The inquiry report will be made available to the public at the same time.

If an EES is required, a Ministerial planning permit under the P&E Act would still be the primary approval required for the Project. The planning permit application would be prepared alongside the EES and placed on public exhibition at the same time as the EES.

Following the Minister's Assessment of the EES, Wadawurrung Traditional Owners Aboriginal Corporation would decide on whether to approve the CHMP. An approval decision on the planning permit application can then be made by the Minister once they receive a copy of the approved CHMP, as outlined in **Section 3.5.1.1**.

3.5.3 Environment Protection and Biodiversity Conservation Act 1999

If a project is considered likely to have a significant impact on Matters of National Environmental Significance (MNES), a referral under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) may be required. MNES include Ramsar wetlands, nationally threatened species and ecological communities and migratory species. Following submission of a referral, a decision will then be made by the Minister for the Environment and Water as to whether the project requires approval under the EPBC Act. If a project is deemed a controlled action by the Minister, it would require formal assessment.

The proponent would then be required to undertake a full assessment of the project and its likely impacts on MNES. The Minister for the Environment (DCCEE) would then assess the project and its likely impacts, and decide whether to approve the project, approve the project with conditions or not approve the project.

MHWF Nominees is preparing a referral under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) for the Project. Following submission of the referral, a decision will be made by the Commonwealth Minister for the Environment and Water as to whether the Project requires approval under the EPBC Act. There are five forms of response that the Minister for Environment and Water can make to a referral:

- the action is controlled and subject to further assessment and approved under the EPBC Act
- the action is not controlled subject to being done in a particular manner
- the action is not controlled, and approval is not required under the EPBC Act if the action is undertaken in accordance with the referral
- the action is clearly unacceptable. There is the option to (1) withdraw referral, (2) modify and resubmit new referral or (3) request the Minister for Environment and Water to reconsider the decision
- if the proposed action appears to be part of a larger action, under section 74A of the EPBC Act, the Minister for Environment and Water or their delegate may refuse, at the referral decision stage, to accept it.

If a proposed action is determined likely to have a significant impact on a MNES, it is referred to as a 'controlled action' and is subject to further assessment under the EPBC Act. The method of assessing the potential impacts of the controlled action is determined by the Minister for the Environment and Water.

If the Project requires assessment under both the EE Act and the EPBC Act, the relevant process can be accredited under the Assessment Bilateral Agreement between the Commonwealth and Victorian Governments. This agreement allows the Victorian State Government to conduct a single environmental assessment process for matters of both State and Commonwealth importance, including MNES. Following the Minister's assessment of the Project, the Victorian and Commonwealth statutory authorities will make

separate approval decisions on the acceptability of the Project. This means that proponents will not have to undertake two separate assessment processes, minimising duplication and saving them time and resources.

An overview of the EES process, including the assessment under the Bilateral Agreement, is provided in **Figure 3.6**. This represents the most thorough assessment process that the Project could be subject to, if the Minister for Planning determined an EES is required under the EE Act, and the Minister for the Environment and Water (DCCEEW) determined the Project to be a controlled action.

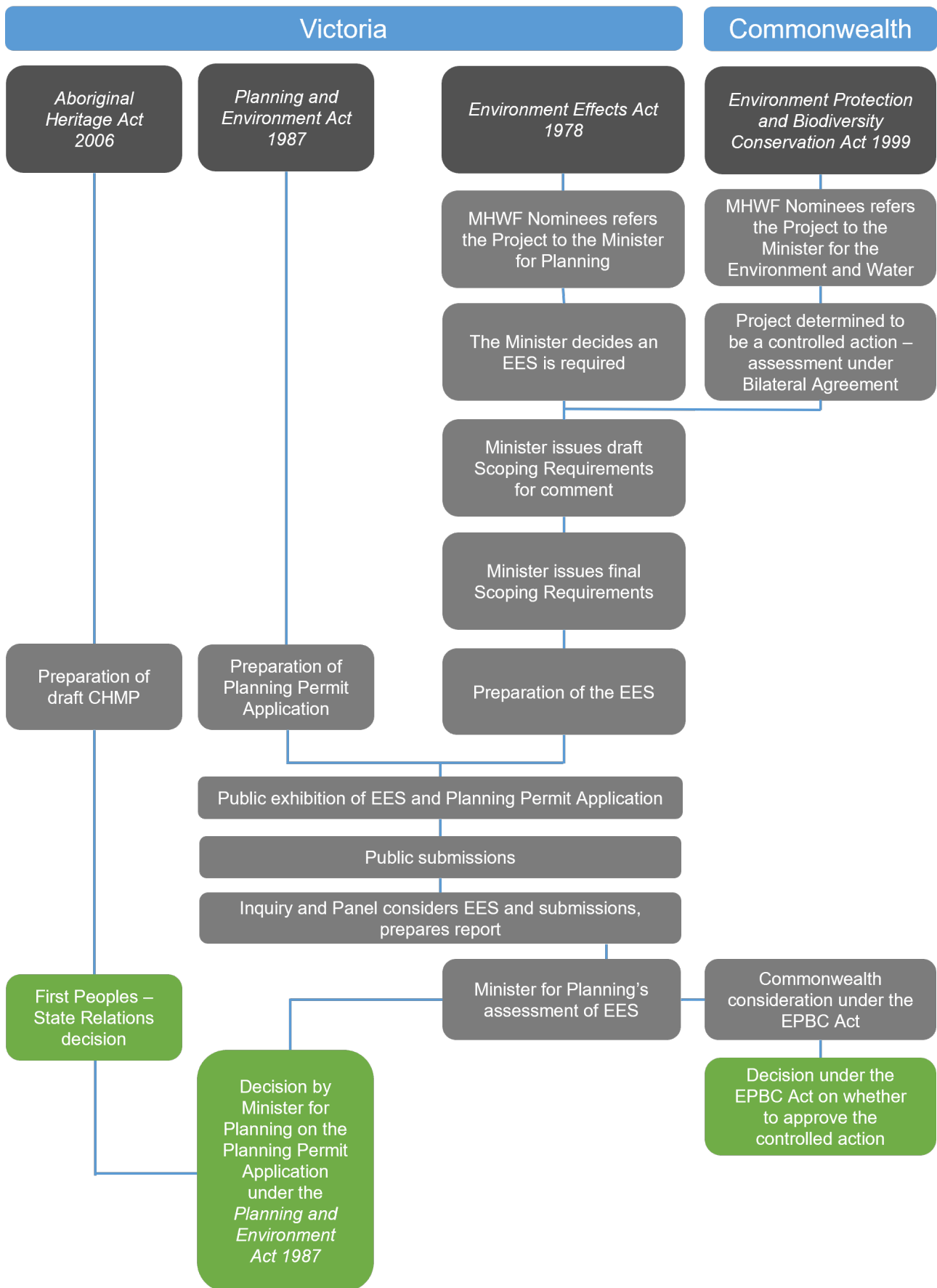


Figure 3.6 Assessment and Primary Approval Process for the Project with EES and EPBC

4.0 Planning Permissibility

A preliminary planning review was undertaken to identify the relevant planning controls within the Corangamite Planning Scheme and Golden Plains Planning Scheme applicable to the Project site and to provide an initial assessment on the permissibility of the Project. An assessment of the Project against the relevant planning controls is provided in **Table 4.1**.

A planning permit application under each Planning Scheme will be prepared to satisfy all the relevant planning control and permit requirements.

Table 4.1 Assessment of the Project against relevant planning controls

Planning Control	Planning Scheme		Assessment	Wind Farm	Transmission Line
	Corangamite	Golden Plains			
Clause 35.07 Farming Zone (FZ)	✓	✓	<p>A planning permit will be required for the use and development of a renewable energy facility within the FZ. Detailed environmental, social, and amenity impact assessments would demonstrate whether the Project would impede on achieving the purpose of the zone and to inform regulatory decision making. The Project would need to demonstrate consistency with the decision guidelines of Clause 35.07, in particular agricultural issues and the impacts of non-agricultural uses, including:</p> <ul style="list-style-type: none"> • The capacity of the site to sustain the agricultural use during operation of the Project. • Whether the use of development will support and enhance agricultural production / adversely affect soil quality or permanently remove land from agricultural production. • Potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural use. <p>These factors would influence decision making by regulatory authorities as to whether the Project can meet the objectives and purpose of the FZ. It is likely the Project would be considered a compatible land use.</p>	✓	✓
Clause 36.04 Transport Zone (TR22)	✓	✓	<p>A planning permit will be required to construct a building or construct or carry out works within the TR22. The Project would need to demonstrate consistency with the decision guidelines pursuant to Clause 36.04, including:</p> <ul style="list-style-type: none"> • The effect of the proposal on the development, operation, and safety of the transport system. • Whether the development is appropriately located and designed, including in accordance with any relevant use, design, or siting guidelines. <p>The additional traffic anticipated to be generated by the Project during construction can comfortably be accommodated by the external road network. Local gravel roads will also be upgraded to an all-weather standard during the construction period. A Traffic Management Plan would be prepared and implemented to ensure any potential impacts on the transport network during construction are managed. The Project is therefore not anticipated to impede on achieving the objectives and purpose of the TZ.</p>	✓	✓

Planning Control	Planning Scheme		Assessment	Wind Farm	Transmission Line
	Corangamite	Golden Plains			
Clause 42.01 Environmental Significance Overlay Schedule 1 (ESO1)	✓		<p>A permit is required for buildings and works on areas of the Project site affected by ESO1. The Project would need to demonstrate consistency with the decision guidelines of Clause 42.01, including consideration of the environmental objectives outlined under ESO1 (see Section 3.2.2.1). ESO1 identifies additional decision guidelines to be considered by the responsible authority, including:</p> <ul style="list-style-type: none"> • Existing use of land and the reason for the development in relation to that use. • Possible effect of the development on the quality and quantity of water. • Effect of any development on the flow of flood waters and flood control measures. • The need for fencing off of waterways and other land management measures. <p>The underground transmission line intersects with a small section of ESO1 associated with Gnarkeet Chain of Pond. Potential impacts on these non-perennial waterways and ESO2 would be minor and temporary during construction. Erosion and sediment control measure would be implemented to ensure the objectives of ESO2 are achieved.</p> <p>Comments on any application to develop land may be obtained from:</p> <ul style="list-style-type: none"> • Department of Energy, Environment and Climate Change Action • Southern Rural Water. • Relevant water board or water supply authority (Corangamite Catchment Management Authority). 	✓	

Planning Control	Planning Scheme		Assessment	Wind Farm	Transmission Line
	Corangamite	Golden Plains			
Clause 42.01 Environmental Significance Overlay Schedule 2 (ESO2)		✓	<p>A permit is required for buildings and works in areas affected by ESO2.</p> <p>The Project would need to demonstrate consistency with the decision guidelines of Clause 42.01, including consideration of the environmental objectives outlined under ESO2. Schedule 2 (ESO2) to Clause 42.01, identifies additional decision guidelines to be considered by the authority, including:</p> <ul style="list-style-type: none"> Existing use of land and the reason for the development in relation to that use. Possible effect of the development on the quality and quantity of water. Effect of any development on the flow of flood waters and flood control measures. The need for fencing off waterways and other land management measures. <p>The small section of overhead reticulation between turbines 57 and 58 crosses Hoyles Creek and Naringhil Creek. This section is proposed to be overhead to protect vegetation and avoid direct potential impacts on the creek. No project infrastructure will be located within the watercourse, with overhead poles to be located either side of the waterway. The underground transmission line also crosses Gnarkeet Chain of Ponds on Gillespies Road and Lismore-Pittong Road, which is affected by ESO2. Potential impacts on these non-perennial waterways and ESO2 would be minor and temporary during construction. Erosion and sediment control measure would be implemented to ensure the objectives of ESO2 are achieved.</p> <p>Any application to develop land may be referred for comment to:</p> <ul style="list-style-type: none"> DEECA The relevant water board or water supply authority (Corangamite Catchment Management Authority) 	✓	✓

Planning Control	Planning Scheme		Assessment	Wind Farm	Transmission Line
	Corangamite	Golden Plains			
Clause 42.02 Vegetation Protection Overlay Schedule 2 (VPO2)		✓	<p>A permit is required to remove, destroy, or lop any vegetation within VPO2.</p> <p>The Project would need to demonstrate consistency with the decision guidelines of Clause 42.02, including:</p> <ul style="list-style-type: none"> • The effect of the proposed use, building, works or subdivision on the nature and type of vegetation to be protected. • The need to retain native or other vegetation if it is rare, supports rare species of flora or fauna or forms part of wildlife corridor. <p>The Project design has sought to minimise impacts on native vegetation over the years through extensive discussion, Project site layout revision and collaboration. A small amount of native vegetation removal is required along Willowvale Road and an area of exotic vegetation requires removal at the Lismore-Pittong Road and Rokewood Skipton Road intersection.</p> <p>As well as the decision guidelines specified in Schedule 2, including (but not limited to):</p> <ul style="list-style-type: none"> • The sensitive siting and construction of driveways and crossings over roadsides. • Works in roadside areas will have regard to the need to undertake preventative measures to prevent the spread of pest plants. 	✓	✓

Planning Control	Planning Scheme		Assessment	Wind Farm	Transmission Line
	Corangamite	Golden Plains			
Clause 44.04 – Land Subject to Inundation Overlay (LSIO)		✓	<p>A planning permit is required to construct a building or to construct or carry out works on land affected by the LSIO.</p> <p>Pursuant to Clause 44.04-8, decision guidelines specify requirements for the responsible authority to consider, including:</p> <ul style="list-style-type: none"> • Whether the proposed use or development could be located on flood-free land or land within a lesser flood hazard outside this overlay • The susceptibility of the development to flooding and flood damage. • The effect of the development on redirection or obstruction floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and velocities <p>Derived flood mapping within the preliminary hydrology assessment indicates that flooding within the Project site is relatively confined along the watercourses for a 1% AEP flood event. Accordingly, it is considered there are no major constraints on the Project site with regard to flood risk. The Project is not considered likely to impede on achieving the purpose and objectives of the overlay. A detailed surface water impact assessment for the Project would demonstrate whether the Project would impede on achieving the objectives of the overlay and to inform regulatory decision making.</p>	✓	✓
Clause 44.02 – Salinity Management Overlay (SMO)		✓	<p>A permit is required for buildings and works, as well as removal of vegetation within the SMO as specified under Clause 44.02.</p> <p>The planning permit application would also be required to meet the application requirements at Clause 44.02-6 and consider the decision guidelines at Clause 44.02-9.</p> <p>Minimal project infrastructure intersects with the SMO, with some access tracks and underground reticulation crossing areas of SMO in the north of the Project site. The Project would not impede on achieving the objectives of the overlay, with any potential impacts on salinity to be managed through a Construction Environmental Management Plan.</p>	✓	
Clause 44.06 Bushfire Management Overlay (BMO)	✓	✓	<p>A permit is required to construct a building or construct or carry out works associated with the land uses specified under Clause 44.06-2 on land affected by the BMO. A renewable energy facility is not listed under this clause and as such, a permit is not required for buildings and works under the BMO.</p>	✓	✓

Planning Control	Planning Scheme		Assessment	Wind Farm	Transmission Line
	Corangamite	Golden Plains			
Clause 52.05 Signs	✓	✓	<p>A planning permit is required to construct or put up a business identification sign (that must not exceed three square metres in total display area) within the FZ or TRZ2.</p> <p>Should MHWF Nominees seek to construct business identification on the Project site, the planning permit application would be required to meet the application requirements at Clause 52.05-6 and consider the decision guidelines at Clause 52.05-8.</p>	✓	✓
Clause 52.17 Native Vegetation	✓	✓	<p>A planning permit is required to remove, destroy, or lop native vegetation, including dead native vegetation.</p> <p>Pursuant to Clause 52.17-2, an application must comply with the application requirements identified the native vegetation guidelines. The permit application should also demonstrate the three-step approach outlined in the native vegetation guidelines has been followed:</p> <ul style="list-style-type: none"> • Avoid the removal, destruction or lopping of native vegetation. • Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided. • Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation. <p>Pursuant to Clause 52.17-5 the conditions of the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and the timing to secure the offset.</p> <p>The Project’s infrastructure footprint has sought to avoid impacts to native vegetation throughout much of the Project site. The dominance of existing modified land conditions throughout the landscape has resulted in the overall impacts to native vegetation being minimal and have allowed for flexibility in design to further avoid values such as native scattered trees in paddocks.</p> <p>The Ecological Assessment (EHP, 2023) has determined 0.330 hectares of native vegetation is proposed to be removed for the Project, and therefore will require a permit under Clause 52.17. The permit application falls under the intermediate assessment pathway under the native vegetation guidelines.</p>	✓	✓

Planning Control	Planning Scheme		Assessment	Wind Farm	Transmission Line
	Corangamite	Golden Plains			
Clause 52.29 Land adjacent to the principal road network	✓	✓	<p>The Project proposes to upgrade Rankin Road located off Rokewood-Skipton Road, which would be classified as altering access. Therefore, a planning permit is required to create or alter access to a road in a TRZ2.</p> <p>The planning permit application would be required to consider the decision guidelines at Clause 52.29-6, which includes the effect of the proposal on the operation of the road and on public safety, and consideration of the views of the relevant road authority.</p> <p>Rankin Road located off Rokewood-Skipton Road is proposed to be used as a site access point for the Project. The additional traffic anticipated to be generated by the Project during construction can comfortably be accommodated by the external road network. The Project is not anticipated to impede on achieving the objectives and purpose of this particular provision.</p>	✓	
Clause 52.32 Wind Energy Facility	✓	✓	<p>A planning permit would be required for the use and development of the wind farm within the Project site. The Project meets the conditions of Clause 52.32-2, which stipulates locations where the use and development of land for a wind energy facility is prohibited, if:</p> <ul style="list-style-type: none"> • The wind energy facility is located within land described in a schedule to the <i>National Parks Act 1975</i>, or land declared a Ramsar wetlands as defined under section 17 of the EPBC Act. • All turbines that forms part of the facility is located within one kilometre of an existing dwelling. • Should a turbine be located within 1 km of a dwelling, the planning permit application will require evidence of written consent of any owner of an existing dwelling within 1 km of a proposed turbine, in accordance with Clause 52.32-3. • If the above conditions are not met, the use and development of land for a wind energy facility at this location is prohibited. <p>The planning permit application would also be required to meet the application requirements at Clause 52.32-4 and consider the decision guidelines at Clause 52.32-5.</p>	✓	

5.0 Other Considerations

5.1 Planning Guidelines for Development of Wind Energy Facilities in Victoria

A preliminary review of the Planning Guidelines for Development of Wind Energy Facilities in Victoria (DTP, 2023) has been undertaken to identify any implications or constraints of relevance to the Project which may preclude development.

The wind energy guidelines provide advice on locations across the State that are not appropriate for wind energy facilities, as well as identify matters that need to be considered in identifying suitable locations for new wind energy facilities.

The wind energy guidelines specify that wind energy facilities are not permitted in the following areas, in recognition of their landscape and environmental values or requirement for future population growth:

- National Parks and other land subject to the *National Parks Act 1975*.
- Ramsar wetlands as defined under the EPBC Act.
- Yarra Valley and Dandenong Ranges, Bellarine and Mornington Peninsula, The Great Ocean Road area within five kilometres of the high-water mark, and Macedon and McHarg Ranges.
- The land within five kilometres of the high-water mark of the Bass Coast, west of Wilsons Promontory.
- All land west of the Hume Freeway and the Goulburn Valley Highway (this specifically refers to all land west of the Hume Freeway and the Goulburn Valley Highway in the Mitchell Planning Scheme, and all land within the area bounded by the McIvor Highway and the Calder Highway and Calder Freeway in the Greater Bendigo and Mount Alexander Planning Schemes).
- All land within five kilometres of the high-water mark of the coast east of the urban area of Warrnambool.
- Any other areas as identified in the schedule to **Clause 52.32** in the relevant planning scheme.
- Within an Urban Growth Zone and within five kilometres of major regional cities and centres specified in the Regional Victoria Settlement.

The Project is not located within any prohibited areas recognised above.

Furthermore, if an existing dwelling is located within one kilometre of any turbine that forms part of a proposed wind energy facility, the permit application must be accompanied by evidence of the written consent of the owner of the dwelling. If written evidence is not provided with the permit application, the use and development of land for a wind energy facility is considered prohibited at this location.

5.2 Amendment VC212

The purpose of Amendment VC212 is to support the ongoing operation of wind energy facilities and increases amenity protections for nearby accommodation uses, by amending **Clause 35.07** (Farming Zone) of the Victoria Planning Provisions (including the Corangamite and Golden Plains Planning Scheme). The amendment implements the objectives in section 4 of the P&E Act, and supports these objectives by:

- Protecting the health and wellbeing of residents of accommodation uses in the Farming Zone.
- Ensuring accommodation buildings are appropriately located and designed to avoid adverse amenity impacts arising from the operation of a nearby wind energy facility.
- Strengthening amenity provisions to ensure wind energy facilities can be developed and operated in the Farming Zone without risk from encroachment by as-of-right accommodation uses on adjoining land in the Farming Zone.

Clause 35.07 has been amended to introduce permit requirements to use land for bed and breakfast, dependent person's unit, dwelling and rural worker accommodation, as well as buildings and works associated with accommodation, located within one kilometre from the nearest title boundary of land subject to:

- A permit for a wind energy facility; or
- An application for a permit for a wind energy facility; or
- An incorporated document approving a wind energy facility; or
- A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the EE Act.

Therefore, as-of-right accommodation uses in the Farming Zone will be required to locate the use more than one kilometre from a wind energy facility. If this distance is not achieved, a planning permit will be required, and a full planning assessment will be undertaken, including giving public notice. The amendment has also introduced decision guidelines that require consideration of noise and shadow flicker impacts on accommodation and impacts to the operation of a wind energy facility if the accommodation is located within one kilometre from the nearest title boundary of land subject to one of the above.

Section 8 of the EE Act states:

Advice of Minister as to whether statement required

- (1) If a person or body (the relevant decision-maker) is required by any Act or law to make a decision in respect of works that could have a significant effect on the environment, the relevant decision-maker may seek the advice of the Minister as to whether a statement should be prepared for the works.*
- (2) The relevant decision-maker must seek the advice of the Minister under subsection (1) if requested to do so by the Minister responsible for the administration of the Act or law under which the decision is made.*

- (3) A proponent of works that could have a significant effect on the environment may seek the advice of the Minister as to whether a statement should be prepared for the works.*
- (4) If the Minister considers that a decision is required by an Act or law in respect of works that could have a significant effect on the environment, the Minister may by notice in writing, require the person or body required to make that decision (the relevant decision-maker) to refer the matter to the Minister for advice as to whether a statement should be prepared for the works.*

Preparation and submission of a referral under the EE Act is considered to satisfy section 8(3) of the EE Act. Therefore, a permit would be required to use land for bed and breakfast, dependent person's unit, dwelling and rural worker accommodation, as well as buildings and works associated with accommodation, located within one kilometre from the nearest title boundary of land subject to a proposed wind energy facility for which a referral has been submitted under the EE Act.

This means that once a referral under the EE Act has been submitted to DTP for the Project, landowners wishing to place a new dwelling or as-of-right accommodation, or undertake buildings and works for existing accommodation, within one kilometre of the Project site boundary would require a planning permit.

6.0 Conclusion

This preliminary planning review involved a desktop assessment to identify the relevant planning controls applicable to the Project site and provide an understanding of the permissibility of the Project and approvals required under the Planning Schemes and the P&E Act. There are no planning permissibility constraints identified at this time that would preclude the development of a wind energy facility and utility installation on the Project site. The following conclusions are made regarding the planning permissibility of the Project:

- The Project is not within a location prohibited under **Clause 52.32-2** (use and development of land for a wind energy facility).
- Design and development of the Project has considered the objectives and decision guidelines set out in the relevant policies of the planning scheme.
- The Project is located within agricultural land in the FZ, which is generally considered a compatible land use for wind farms. It is not likely that the Project would impede on achieving the objectives of the FZ present on site.
- The Project intersects with land zoned TR22. The additional traffic anticipated to be generated by the Project during construction can be accommodated by the external road network, and local gravel roads will be upgraded to an all-weather standard during the construction period. Implementation of a TMP will ensure impacts on the transport network during construction are managed effectively. The Project is therefore not anticipated to impede on achieving the objectives and purpose of the TR22.
- The Project proposes to upgrade Rankin Road located off Rokewood-Skipton Road, which would be classified as altering access to TR22, requiring planning approval under **Clause 52.29-6**. The additional traffic anticipated to be generated by the Project during construction can comfortably be accommodated by the external road network. The Project is therefore not likely to impede on achieving the purpose and objectives of this particular provision.
- Two locations of vegetation removal within the VPO2 trigger the requirement for a planning permit under the Golden Plains Planning Scheme. In addition, a permit will be required to construct a building or carry out works in the VPO2. The Project design has sought to minimise impacts on native vegetation over the years through extensive consultation, assessment, Project site layout revision and collaboration.
- The Ecological Assessment (EHP, 2023) has determined 0.330 hectares of native vegetation is proposed to be removed for the Project, and therefore a permit under **Clause 52.17** will be required. The permit application falls under the intermediate assessment pathway under the native vegetation guidelines.
- A small section of reticulation crosses Hoyles Creek and Naringhil Creek, affected by ESO2. It is proposed to be overhead to protect vegetation and avoid direct impacts on the creek. No project infrastructure will be located within the watercourse, with overhead poles to be located either side of the waterway.
- The underground transmission line also crosses Gnarkeet Chain of Ponds on Gillespies Road and Lismore-Pittong Road, which is affected by ESO2. Potential impacts on these non-perennial waterways

and ESO2 would be minor and temporary during construction. Erosion and sediment control measure would be implemented to ensure the objectives of ESO2 are achieved.

- The underground transmission line intersects with a small section of ESO1 associated with Gnarkeet Chain of Ponds, however the Project would not impede on achieving the objectives of the overlay.
- Derived flood mapping within the preliminary hydrology assessment (Umwelt, 2023) indicates that flooding within the Project site is relatively confined along the watercourses for a 1% AEP flood event. Accordingly, it is considered there are no major constraints on the Project site with regard to flood risk. The Project is not considered likely to impede on achieving the objectives of the LSIO.
- Minimal project infrastructure intersects with the SMO, with some access tracks and underground reticulation crossing areas of SMO in the north of the Project site. The Project would not impede on achieving the objectives of the overlay, with any potential impacts on salinity to be managed through a Construction Environmental Management Plan.
- An initial review of the Project against the relevant particular provisions of each planning scheme that require, enable, or exempt a permit, including Clause 52.32 (Wind energy facility), identified that the use and development of the Project is not prohibited. The Project is expected to be able to satisfy the objectives of relevant particular provisions.

It is recommended MHWF Nominees engage with relevant State and local government agencies and impacted communities and interest groups throughout the development of the Project to facilitate the early consideration and management of potential issues and impacts.

The approval pathway for the Project is a Ministerial planning permit application, one per Planning Scheme, to be submitted to the Department of Transport and Planning (DTP) for assessment and decision making. Each permit application would encompass all the permit triggers listed in **Section 3.2** of this report.

It is recommended that the MHWF Nominees request the Minister for Planning to 'call-in' the Project's planning permit application.

A CHMP is currently being prepared for the Project as it is a high impact activity, and the Project intersects with areas of cultural heritage sensitivity. The CHMP must be approved by the relevant authority, being Wadawurrung Traditional Owners Aboriginal Corporation, before planning approval can be issued for the Project.

The Project is being referred under the EE Act and EPBC Act to determine if an EES is required for the Project, and if the Project is a controlled action that requires approval under the EPBC Act.

