

For Public Notice via Internet**REASONS FOR DECISION UNDER *ENVIRONMENT EFFECTS ACT 1978*****Title of proposal:** Delburn Wind Farm**Proponent:** Delburn Wind Farm Pty Ltd**Description of project:**

Delburn Wind Farm Pty Ltd proposes to develop a wind energy facility in Central Gippsland, Victoria, 8km south of Moe. The project will provide 620 GWh of electricity per year and is proposed to comprise 35 turbines, with an overall height of up to 250 m, located on a total footprint area of approximately 210ha. The project infrastructure includes:

- hardstand areas of approximately 80m x 50m;
- 30km of road upgrades and 11km of new road construction;
- approximately 120km of underground cabling;
- electrical substation;
- battery storage facility;
- connection to overhead 220kv transmission line;
- operations and maintenance facility; and
- three anemometer masts.

Temporary infrastructure associated with the project will include site and construction compounds, turbine component lay down areas and two concrete batching plants. Delburn Wind Farm will be located within an existing timber plantation of approximately 4985ha.

Decision:

The Minister for Planning has decided that an environment effects statement (EES) under the *Environment Effects Act 1978* **is not required, subject to the following conditions**, for Delburn Wind Farm, as described in the referral accepted on 11 May 2020.

- a) An environment report** must be prepared in consultation with DELWP and completed to the satisfaction of the Minister for Planning. The report needs to examine and document:
- i.** the predicted impacts (direct and indirect), on native vegetation and biodiversity values, particularly associated with
 - Growling Grass Frog and Strzelecki Gum and listed flora and fauna species under the *Flora and Fauna Guarantee Act 1988* and *Environment Protection and Biodiversity Conservation Act 1999*
 - endangered ecological vegetation classes
 - wetlands, waterways and waterbodies
 - large trees and large hollow-bearing trees; and
 - ii.** the assessment of alternatives, including project layout refinements and siting of infrastructure, as well as mitigation measures, to avoid and minimise adverse environmental effects on matters listed in condition (a.i).
- b) A flora and fauna management plan** must be prepared in consultation with DELWP and completed to the satisfaction of the Secretary of DELWP, prior to the commencement of any works. The flora and fauna management plan needs to be informed by the assessments included within the final environment report (under condition (a)) and must include specific measures to avoid, minimise and mitigate potential impacts on flora and fauna within the project site during construction and operation of the project, including but not limited to:
- i.** measures to further minimise and mitigate impacts to retained vegetation, in particular endangered ecological vegetation classes;

- ii. measures to further minimise and mitigate the removal of large trees and large hollow-bearing trees;
 - iii. measures to further minimise and mitigate impacts on native fauna during construction and habitat clearance;
 - iv. measures to prevent and control pathogens, weeds (non-native species) and pest (non-native) animals;
 - v. a program for on-going monitoring and adaptive management of listed communities and listed species of flora and fauna within the project site; and
 - vi. measures to avoid pollutants, contaminated run-off and sediment from entering waterways and waterbodies.
- c) If the proposal requires upgrades to Nursery Track, the design of the waterway crossing needs to be completed to the satisfaction of the Secretary of DELWP and be consistent with the design guidelines specified within the Melbourne Strategic Assessment publication "Growling Grass Frog Crossing Design Standards" (DELWP, 2017).
- d) The environment report is to be completed to inform the proposed project that is subsequently considered through planning and approval processes, particularly under the *Planning and Environment Act 1987*.

Reasons for decision:

- There is potential for significant effects to biodiversity values, particularly associated with the removal of native vegetation, large trees and impacts to habitat for some listed species such as the Growling Grass Frog. Except for potential adverse effects on native vegetation and biodiversity values, the environment effects of the project are unlikely to have the extent or complexity to warrant an environment effects statement.
- The project size and layout has been revised to avoid key areas of listed fauna habitat and reduce the amount of native vegetation to be removed. However, uncertainties remain regarding the extent of potential adverse effects on key biodiversity values and the efficacy of the project's proposed avoidance, mitigation and management measures.
- The conditions set out through this decision, together with the permit application process under the *Planning and Environment Act 1987*, provide the most appropriate and targeted means for ensuring adequate rigour is applied to the examination of these potentially significant effects on key biodiversity of the project area, as well as to the development of further avoidance and mitigation measures.
- There is potential for significant effects to Aboriginal cultural heritage and historic heritage values that will need to be addressed under existing statutory requirements under the *Aboriginal Heritage Act 2006* and *Heritage Act 2018*.
- The potential effects to surface water and groundwater during construction can be managed by the implementation of a Construction Environmental Management Plan, which will be required as a condition of a planning permit under the *Planning and Environment Act 1987*.
- The potential effects on visual amenity, shadow flicker, noise, traffic and electromagnetic interference can be adequately addressed through the planning permit process under the *Planning and Environment Act 1987*.
- Other residual potential effects should be readily addressed through respective statutory requirements, including under the *Planning and Environment Act 1987*, *Water Act 1989* and *Environment Protection Act 1970* (to be superseded by the *Environment Protection Amendment Act 2018* from 1 July 2021).

Date of decision: 16 / 07 / 2020