

Energy Assessment  
PA2503835

# Gelliondale Wind Farm

 Officer Assessment



Department  
of Transport  
and Planning



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### Disclaimer

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## Executive Summary

Key Information	Details
<b>Application No:</b>	PA2503835
<b>Received:</b>	25 August 2025
<b>Statutory Days:</b>	211
<b>Applicant:</b>	Alberton Renewable Energy Pty Ltd c/- Beveridge Williams
<b>Planning Scheme:</b>	Wellington
<b>Land Address:</b>	Various parcels, generally located off the South Gippsland Highway in Gelliondale, Victoria. Refer to body of report for a full description.
<b>Proposal:</b>	Use and development of a wind energy facility and utility installation, associated buildings and works, removal of native vegetation and alteration of access to a road in a Transport Zone 2.
<b>Project Description:</b>	80 megawatt (MW), 13-turbine wind farm 40MW battery energy storage system (BESS) Underground cabling and a substation to connect into the existing grid Permanent metrological masts Operation and maintenance facilities, construction compound, access tracks, handstand and associated buildings and works Removal of 1.244 hectares (ha) of native vegetation
<b>Development Value:</b>	\$388 million
<b>Why is the Minister responsible?</b>	Clause 72.01-1 – Energy generation facility and utility installation used to transmit and store electricity with an installed capacity of 1 MW or greater and where clause 53.22 applies.
<b>Planning Controls:</b>	<p>Zones: Farming Zone (FZ), Public Conservation and Resource Zone (PCRZ), Industrial Zone Schedule 1 (IN1Z), Transport Zone 2 (TRZ2)</p> <p>Overlays: Bushfire Management Overlay (BMO), State Resource Overlay Schedule 1 (SRO1), Design and Development Overlay Schedule 1 (DDO1), Heritage Overlay Schedule 81 (HO81), Land Subject to Inundation Overlay (LSIO), Floodway Overlay (FO), Environmental Significance Overlay Schedule 2 (ESO2)</p>
<b>Why is a permit required?</b>	33.01-1 (IN1Z) - Use of land for a wind energy facility and utility installation. 33.01-4 (IN1Z) - Construct a building or construct or carry out works. 35.07-1 (FZ) - Use of the land for a wind energy facility and utility installation. 35.07-4 (FZ) - Construct a building or construct or carry out works associated with a use in section 2 of clause 35.07-1 and for a building setback less than 20m from a road

Key Information	Details
	<p>36.04-1 (TRZ2) - Use of land for utility installation.</p> <p>36.04-2 (TRZ2) - Construct a building or construct or carry out works for any use in section 2 of clause 36.04-1.</p> <p>36.03-1 (PCRZ) – Use of land for utility installation.</p> <p>36.03-2 (PCRZ) – Construct a building or construct or carry out works.</p> <p>43.02-2 (DDO1) - Construct a building or construct or carry out works.</p> <p>52.17-1 (Native vegetation) - Remove native vegetation.</p> <p>52.29-2 (Land adjacent to the principal road network) - Create or alter access to a road in a Transport Zone 2.</p> <p>52.32-2 (Wind energy facility) - Use and develop land for a wind energy facility.</p>
<b>Cultural Heritage:</b>	Amended Cultural Heritage Management Plan (CHMP) 15167 was approved on 27 October 2022.
<b>Referral Authorities:</b>	<p>Secretary to the Department of Energy, Environment and Climate Action (DEECA) (Section 55 recommending)</p> <ul style="list-style-type: none"> <li>- WorkSafe (Section 55 determining)</li> <li>- Head, Transport for Victoria (Section 55 determining)</li> </ul>
<b>Public Notice:</b>	<p>Notice was given between 2 December 2025 and 13 February 2026.</p> <p>133 submissions including 126 objections have been received at the time of writing this assessment.</p>
<b>Dwellings within 1km of turbines</b>	Ten dwellings are located within 1 kilometre (km) of a turbine (H02, H03 H05, H06, H07, H08, H09, H10, H11 and H13). Evidence of written consent from the landowners was provided with the application in accordance with clause 52.32-3.
<b>Delegation:</b>	Permission to determine under delegation received on 14 April 2026.
<b>Recommendation:</b>	Issue a planning permit subject to conditions.

## Process and Documentation

### Planning Process

1. The key milestones in the application process were as follows:

Milestone	Date
Application lodgement	25 August 2025
Public notice	2 December 2025 - 13 February 2026

### Project Background and Planning History

2. This is the third planning application that has been submitted to and considered by the Minister for Planning for a wind energy facility in Gelliondale/Alberton, Victoria. A summary of the previous applications is provided below:

#### PA1700284 (Alberton Wind Farm – first application)

3. Planning permit application PA1700284 was received on 15 September 2017 for the former Alberton Wind Farm project (34 turbines). A notice of decision to grant a planning permit (NOD) for the Alberton Wind Farm was issued on 22 December 2019 by the Minister for Planning.
4. The NOD was appealed to the Victorian Civil and Administrative Tribunal (VCAT) by objectors.
5. Throughout the VCAT process, it was discovered that there were dwellings within 1 km of the proposed turbines and that the proponent had failed to comply with the mandatory application requirements of clause 52.32-3. As such, VCAT determined the application to be for a prohibited land use, and a permit was not issued.

#### PA2302394 (Gelliondale Wind Farm – second application)

6. Planning permit application PA2302394 was received on 31 July 2023 for the Gelliondale Wind Farm (13 turbines). The wind farm proposed by this application was the same as the current proposal of 13 turbines.
7. Application PA2302394 was withdrawn on 25 August 2025 at the request of the proponent.

### Decision Documents

8. The subject of this report is the decision documents (as advertised with the application and described below):

#### Decision Documents

- Gelliondale Wind Farm Town Planning Report, prepared by Beveridge Williams, revision 4, dated 10 July 2025.
- Planning Context plans and site plans titled 'Gelliondale Wind Farm', dated between December 2024 and May 2025 (15 pages).
- Area Layouts, specifications and elevations, prepared by Sustainable Energy Transition Partners, dated 15 August 2022 (9 pages).
- Certificates of Titles produced 7 July 2025.
- Landowner written consents, signed between 1 February 2023 and 13 November 2024.
- Flora and Fauna Assessment prepared by Nature Advisory, dated June 2025.

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## Decision Documents

- Draft Bat and Avifauna Management Plan, version 1.1, prepared by Nature Advisory, dated December 2024.
- Landscape and Visual Impact Assessment prepared by Hansen Partnership Pty Ltd, dated June 2023.
- Aviation Impact Assessment prepared by Chiron Aviation Consultants, dated 22 August 2024.
- EMI Assessment prepared by DNV, dated 18 October 2024.
- Background Noise Monitoring, prepared by Marshall Day Acoustics, dated 9 June 2023.
- Environmental Noise Assessment prepared by Marshall Day Acoustics, dated 26 September 2024.
- Verification of Environmental (Predictive) Noise Assessment – Wind Turbine Generators, prepared by ARUP, revision 02, dated 1 October 2024.
- Shadow Flicker and Blade Glint Assessment, prepared by DNV, dated 18 October 2024.
- Traffic Impact Assessment, prepared by Stantec, dated 27 May 2025.
- Project Layout Co-ordinates titled ‘Proposed GWF Wind Turbine Locations’, undated and submitted with the application.
- Risk Management Plan (including Fire Safety Study), prepared by Fire Risk Consultants, dated September 2024.
- Historical Heritage Letter of Advice, prepared by Biosis, dated 31 May 2023.
- Licensed Surveyor Distance Survey Reports, dated 22 December 2022.
- Wellington Shire Council consent for the application to be made in the PCRZ, dated 13 June 2025.
- Head, Transport for Victoria consent for the application to be made in the TRZ2, dated 6 June 2023.
- Legal advice on outbuildings, prepared by White and Case, dated 17 April 2025.

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## Proposal

9. The application proposes the use and development of an 80MW, 13-turbine wind energy facility (wind farm) and a 40MW battery energy storage system (BESS).
10. The project can be summarised as follows:
  - 13 wind turbines with a maximum height of 210 metres (m) and a maximum rotor diameter of 164 m
  - Hardstand construction pads beside each turbine of approximately 60 m x 90 m in size
  - 14 kilometres (km) of underground cabling and access tracks between turbine locations
  - Approximately 20 BESS units, located near the corner of Coal Mine Road and the Great Southern Rail Trail
  - Substation located immediately south of the BESS connecting the project into the existing 66 kilovolt (kV) grid
  - Two operation and maintenance facility areas:
    - 1.2 ha, located immediately south of the substation and BESS on Coal Mile Road
    - 7 ha, located near wind turbine 13 in the south-eastern area of the site
  - Two temporary construction compounds of approximately:
    - 2.75 ha, accessed from Coal Mine Road
    - 4.7 ha, accessed from South Gippsland Highway and/or internal access tracks
  - Two permanent metrological masts of approximately 120 m in height
  - Six 45,000 litre (L) firewater tanks
  - Associated buildings and works to facilitate construction including road and intersection upgrades
  - Removal of 1.244 ha of native vegetation including two large trees

11. The project is anticipated to generate 300 GWh of electricity per year, reducing 320,000 tonnes of CO<sub>2</sub> emissions annually.
12. The applicant has provided the following concept plans and images of the proposal:

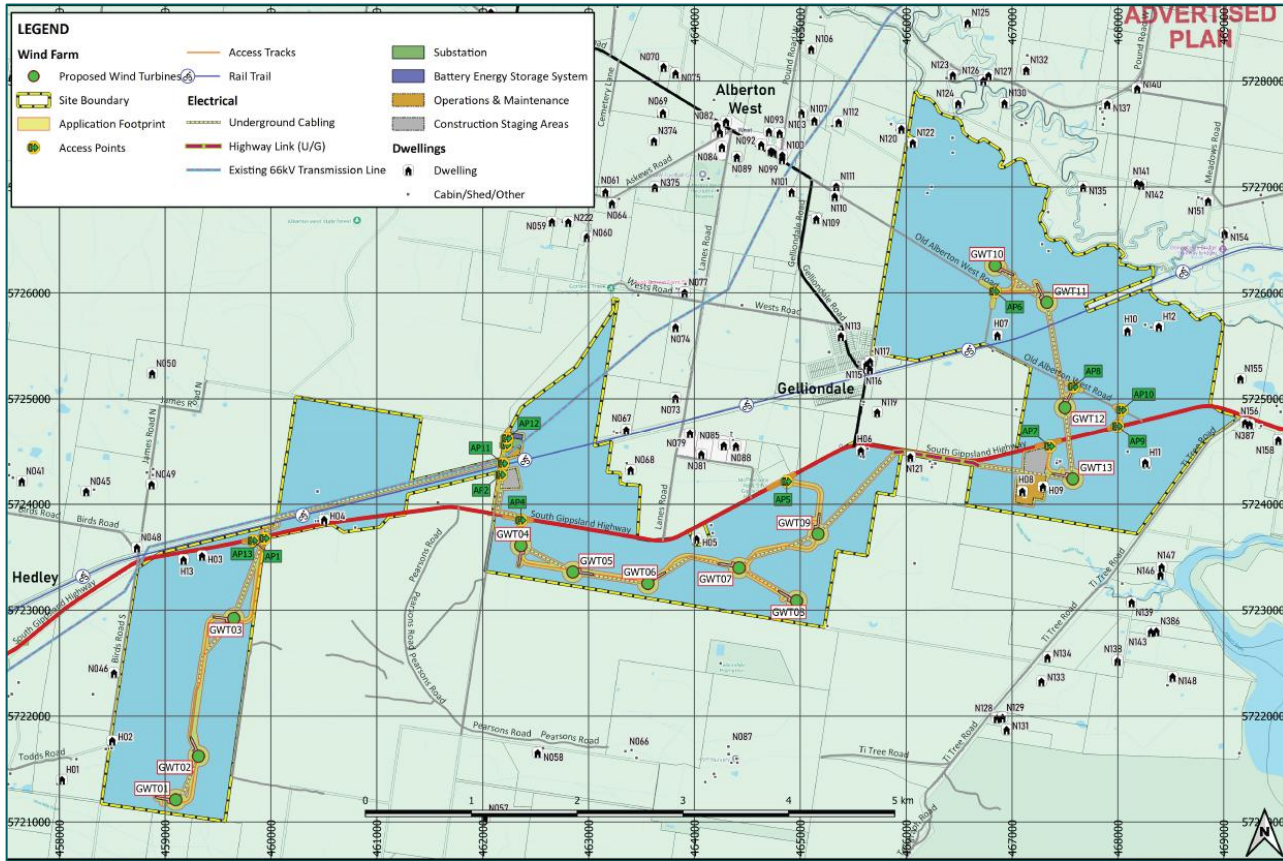


Figure 1: Site plan of the proposed wind farm, turbines shown in green. Source: Advertised documents.

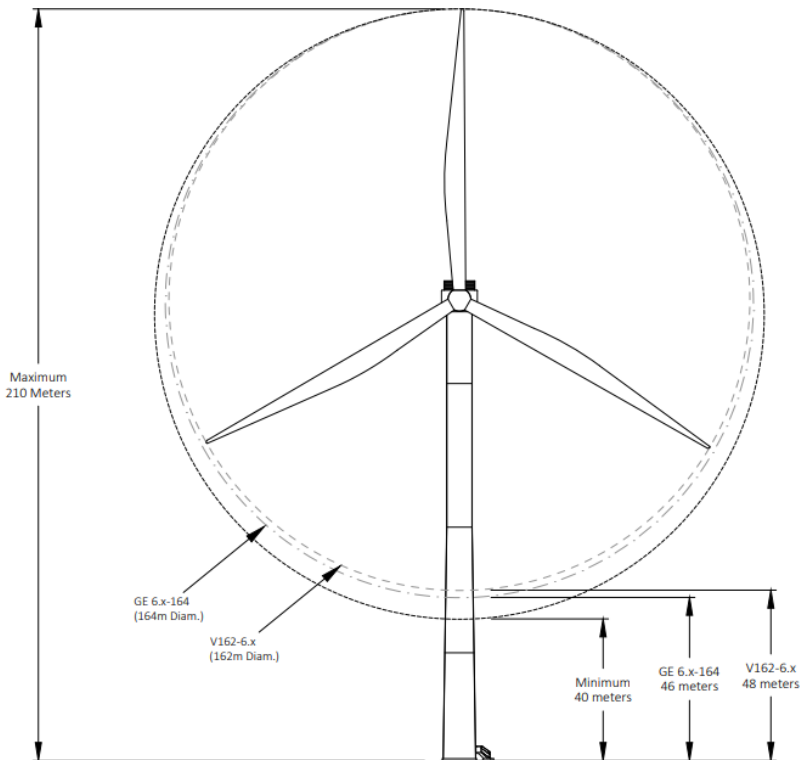


Figure 2: Elevation of the proposed turbines. Source: Advertised documents.


## Subject Site and Surrounds

### Site Description

13. The site comprises approximately 1,500 ha of predominately private agricultural land in Gelliondale and Alberton, located approximately 7 km south-west of Yarram.
14. The site is located along the South Gippsland Highway, between Birds Road South (most western boundary) and Ti Tree Road (most eastern boundary), spanning approximately 11 km east to west.
15. The site is primarily used for agricultural stock grazing. However, the proposed underground cabling crosses under the South Gippsland Highway and the Great Southern Rail Trail, which are used for transportation and recreational purposes, respectively.
16. There are twelve dwellings within the project boundary, including ten dwellings which are located within 1 km of a proposed turbine (stakeholder dwellings). Consent from these landowners was provided with the application in accordance with clause 52.32-3, and the proposed minimum setback distances to turbines are listed below:
  - H02 – 814 m setback
  - H03 – 660 m setback
  - H05 – 482 m setback (owned by proponent, to be decommissioned/repurposed prior to operation)
  - H06 – 872 m setback
  - H07 – 562 m setback
  - H08 – 484 m setback (owned by proponent, to be decommissioned/repurposed prior to operation)
  - H09 – 282 m setback (owned by proponent, to be decommissioned/repurposed prior to operation)
  - H10 – 801 m setback
  - H11 – 690 m setback
  - H13 – 729 m setback
17. The site is relatively flat, rising slightly to the north towards the Alberton West State Forest.



18. The site has been historically cleared of native vegetation for grazing pasture, though some remnant vegetation exists along roadsides, including along the South Gippsland Highway and the Great Southern Rail Trail.
19. An existing 66 kV transmission line passes through the north-western portion of the site.
20. The site is located in the Farming Zone (FZ), Public Conservation and Resource Zone (PCRZ), Industrial Zone Schedule 1 (IN1Z) and Transport Zone 2 (TRZ2).
21. The site is affected by the following overlays:
  - Bushfire Management Overlay (BMO)
  - State Resource Overlay Schedule 1 (SRO1)
  - Design and Development Overlay Schedule 1 (DDO1)
  - Heritage Overlay Schedule 81 (HO81)
  - Land Subject to Inundation Overlay (LSIO)
  - Floodway Overlay (FO)
  - Environmental Significance Overlay Schedule 2 (ESO2)
22. The site is located within a Bushfire Prone Area (BPA).
23. The site is formally described as comprising the following land parcels:
  - Crown Allotment 23B, Section A, Parish of Alberton West, Vol 06276 Fol 023
  - Crown Allotment 23A, Section A, Parish of Alberton West, Vol 08418 Fol 802
  - Crown Allotment 1, Section A, Parish of Alberton West, Vol 10360 Fol 155
  - Lot 1 on Title Plan 578219F Vol 09793 Fol 782
  - Crown Allotment 24B, Section A, Parish of Alberton West, Vol 09406 Fol 296
  - Lot 1 on Title Plan 110485V, Vol 10183 Fol 193
  - Lot 1 on Title Plan 754717H, Vol 08603 Fol 663
  - Lots 1 and 2 on Title Plan 865659A, Vol 04729 Fol 636
  - Crown Allotment 78C, Parish of Alberton West, Vol 08617 Fol 567
  - Lot 2 on Plan of Subdivision 092727, Vol 09060 Fol 386
  - Crown Allotment 55A, Parish of Alberton West, Vol 10684 Fol 163
  - Lot 1 on Title Plan 578908F, Vol 09810 Fol 905
  - Lot 1 on Plan of Subdivision 506513A, Vol 10685 Fol 365
  - Crown Allotments 62 & 62A Parish of Alberton West Vol 10890 Fol 142
  - Crown Allotments 53, 54, 59 & 60 Parish of Alberton West Vol 05387 Fol 290
  - Crown Allotment 49B, Parish of Alberton West, Vol 03387 Fol 244
  - Lot 2 on Plan of Subdivision 404524N, Vol 10316 Fol 253
  - Lots 1,2 & 3 on Title Plan 943340C, Vol 08820 Fol 377
  - Plan of Consolidation 362145 Vol 10415 Fol 520
  - Crown Allotment 12A Parish of Alberton West Vol 08137 Fol 959
  - Lot 1 on Title Plan 109933C, Vol 10060 Fol 723
  - Lot 1 on Title Plan 221442V Vol 08137 Fol 957
  - Lot 1 on TP004297P Vol 10233 Fol 349
  - Lot 1 on TP221443T Vol 08137 Fol 958
  - Lot 1 on Plan of Subdivision 714292D Vol 11439 Fol 675
  - Lot 2 on Plan of Subdivision 714292D Vol 11439 Fol 676
  - Lot 7 on Plan of Subdivision 004703 Vol 03173 Fol 544
  - Lot 2 on the Plan of Subdivision 617385M Vol 11082 Fol 236
  - Lot 1 on Title Plan 864748G Vol 06410 Fol 974
  - Lot 1 on Title Plan 128952Q Vol 09083 Fol 984
  - Lot 1 on Title Plan 222737U Vol 05824 Fol 685
  - Lot 3 on Plan of Subdivision 004703 Vol 03437 Fol 310

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- Lot 5 on Plan of Subdivision 004703 Vol 03141 Fol 079
  - The site also includes the road/reserves of the:
    - South Gippsland Highway
    - Old Alberton West Road
    - Great Southern Rail Trail
    - Unnamed Government Roads

24. There are no covenants or restrictions on any of the titles that would prohibit the proposed use or development of the land for a wind energy facility or utility installation. However, several of the land titles are subject to section 173 agreements that restrict further subdivision of the land and/or the construction of additional dwellings.
25. The land is affected by several utility easements, including those for the distribution of electricity, water, and communications. The project has been designed to account for the constraints imposed by the easements.

## Site Surrounds

26. Much like the subject site, the surrounding area is largely flat, has been cleared of vegetation and is used for agricultural purposes, primarily grazing on introduced pasture grasses.
27. Several farm/rural dwellings are scattered throughout the surrounding area.
28. The closest township to the site is Alberton, located approximately 2 km to the east. Yarram is located approximately 7 km to the north-east.
29. There are large, extensive remnant forests, woodlands, heathlands, sedgeland and areas of scrub near the subject site, including:
- Alberton West State Forest to the north-west;
  - Gelliondale State Forest to the immediate south;
  - Corner Inlet Marine and Coastal Park and Wilsons Promontory National Park to the south-west; and
  - Nooramunga Marine and Coastal Park to the south.
30. These areas contain a range of habitat values and actual or potential presence of various flora and fauna species, including species listed as endangered or vulnerable. Corner Inlet is a RAMSAR wetland of international importance.
31. The Great Southern Rail Trail (cycle track) runs through the site and extends from Leongatha to Welshpool.
32. The operational Toora Wind Farm is approximately 15 km to the west of the site, while the operational Bald Hills Wind Farm is about 50 km to the south-west.
33. A site inspection of the subject site and surrounds was undertaken on 27 March 2024. Images of the site and surrounds are shown in Figures 3-9.



*Figure 3: View north towards the corner of Gelliondale Road and Simons Street.*



*Figure 4: View northeast towards dwelling H07 and proposed location of turbines 10 and 11. Photo taken from Old Alberton West Road.*



Figure 5: View northeast along the rail trail. North-eastern portion of the site visible in the background. Photo taken from Gelliondale Road.



Figure 6: View south towards location of proposed turbines 8 and 9. Photo taken from South Gippsland Highway.



*Figure 7: View south towards the proposed location of turbines 4 and 5. Photo taken from South Gippsland Highway.*



*Figure 8: View east towards the location of proposed turbines 1 and 2. Photo taken from Birds Road South.*



*Figure 9: View north-east towards the location of the BESS, substation and operations and maintenance area. Photo taken from Coal Mine Road.*

## Referrals

34. The application was referred to the following authorities under section 55 of the *Planning and Environment Act 1987* (PE Act), as summarised below:

Organisation	Referral Type	Clause	Response Date	Response	DTP Officer Comment
<b>WorkSafe Victoria</b>	Determining	66.02-7	23/09/25	No objection, subject to conditions requiring: <ul style="list-style-type: none"> <li>- Risk Management Plan</li> <li>- Fire Management Plan</li> <li>- Emergency Management Plan</li> </ul> all in line with CFA guidelines	These conditions have been included on the permit.
<b>Secretary to the Department of Energy, Environment and Climate Action (DEECA)</b>	Recommending	66.02-2	25/11/25	No objection, subject to conditions requiring: <ul style="list-style-type: none"> <li>- Amended plans showing the location of retained and removed vegetation and protection measures</li> <li>- Native vegetation fencing</li> <li>- Offset of removed vegetation</li> <li>- Construction Environment Management Plan (CEMP)</li> </ul>	These conditions have been included on the permit.
<b>Head, Transport for Victoria (TfV)</b>	Determining	66.03	30/04/26	No objection, subject to conditions requiring: <ul style="list-style-type: none"> <li>- Traffic Asset Management Plan (TAMP)</li> <li>- Head, TfV approval of the road pavement engineer who will undertake the actions in the TAMP</li> <li>- Freight Victoria approval for the over dimensioned vehicle roads to the site</li> <li>- Functional layout plans for the approved transport route</li> <li>- Existing conditions surveys</li> <li>- Dilapidation report</li> </ul> all in consultation with and to the satisfaction of Head, TfV.	These conditions have been included on the permit.

## Public Notice

35. In accordance with Section 52 of the PE Act, public notice of the application was given between 9 January 2026 and 13 February 2026. Notice was given in the following manner:

<b>Section of PE Act:</b>	<b>Notice was given to:</b>	<b>Given by:</b>
<b>52(1)(a)</b>	Owners and occupiers of adjoining land	Permit applicant
<b>52(1)(b)</b>	Wellington Shire Council	DTP
<b>52(1)(c)</b>	N/A – The scheme does prescribe any notice	
<b>52(1)(d)</b>	<b>In accordance with section 52(2) of the PE Act, notice under 52(1)(d) was given in the following ways:</b>	<b>Given by:</b>
<b>52(2)(a)(ii)</b>	Notice was given in the South Gippsland Sentinel Times, Gippsland Times and Bridge News newspapers for one issue.	Permit applicant
<b>52(2)(a)(iii)</b>	Owners and occupiers of all land within 5 km of the project boundary	Permit applicant
<b>52(2)(b)</b>	<ul style="list-style-type: none"> <li>– Country Fire Authority (CFA)</li> <li>– Energy Safe Victoria (ESV)</li> <li>– Bureau of Meteorology (BoM)</li> <li>– Gunaikurnai Land and Waters Aboriginal Corporation</li> <li>– Emergency Management Victoria (EMV)</li> <li>– South Gippsland Shire Council</li> <li>– Civil Aviation Safety Authority (CASA)</li> <li>– Airservices Australia</li> <li>– Environment Protection Authority (EPA)</li> <li>– West Gippsland Catchment Management Authority (CMA)</li> <li>– VicGrid</li> </ul>	DTP

36.133 submissions (including 126 objections) have been received at the time of writing this report (as of 06/05/2026).

## Objections

37. The following key concerns were raised in the objections:

- Visual impact
- Noise impact
- Shadow flicker
- Reduction of agricultural land
- Financial concerns, including impacts on property values
- Project is not supported by the planning policy framework (PPF)
- Fire risk and emergency response
- Lack of community consultation
- Gelliondale is not the right location for wind turbines
- Project will result in planning/building restrictions on neighbouring properties located near wind turbines
- Biodiversity impacts, including impacts on:
  - Threatened bird and bat species such as the Swift Parrot, Orange-Bellied Parrot, Grey-Headed Flying Fox, Gang-gang Cockatoo, Sea Eagles, Wedge Tailed Eagles
  - Wildlife corridors and migratory species



- Bee populations and pollination of plants
- Koalas
- Jack and Albert River
- Nine Mile Creek
- Nooramunga Marine and Coastal Park
- Gelliondale State Forest
- Corner Inlet
- Ephemeral wetlands
- Flood and hydrology impacts
- Supporting documentation is not accurate
- Impacts to the users of the Great Southern Rail Trail, including noise and shadow flicker
- Project has created division in the local community
- Cumulative amenity impacts of noise, shadow flicker and visual impact
- Electromagnetic interference
- Project is not in a Renewable Energy Zone (REZ)
- Biosecurity concerns
- Tourism impacts
- Questions about the legality of the application, including:
  - Concern that outbuildings associated with non-stakeholder dwellings, located within 1 km of proposed turbines, are defined as 'dwellings' in the planning scheme and that the application is therefore prohibited by clause 52.32-3; and
  - Concern that a landowner of two stakeholder dwellings (both located within 1 km of a turbine) provided their consent under clause 52.32-3 and died prior to the submission of the application
- Lack of community benefit from the project
- No local employment opportunities
- Requests for the project to be heard at an independent planning panel
- Traffic impacts on the regional road network during construction
- Health impacts from wind turbines
- Concerns about the reputation of the proponent
- Safety issues, including blade detachment
- EPBC controlled action process is still underway
- Impacts on students at Alberton Primary School
- Concern that the provisions of clause 53.22 exempt the decision from review at the Victorian Civil and Administrative Tribunal (VCAT)

38. An officer assessment relating to matters of site suitability, noise, shadow flicker, flooding, fire risk, landscape and visual impact, agriculture, traffic, ecology and biodiversity impacts is detailed in the assessment section of this report. A response to some of the other prominent matters raised in the objections is provided in the table below:

Objector Concern	DTP Officer Response
<b>Property values</b>	The consideration of property values and land devaluation is not included within the decision guidelines of the Wellington Planning Scheme and cannot be considered as part of the assessment and determination of the project.
<b>Site not located within a Renewable Energy Zone (REZ)</b>	In 2025, VicGrid released the Victorian Transmission Plan (VTP), a 15-year strategic plan outlining the infrastructure required to transition Victoria's electricity system to renewable energy. The VTP identifies draft proposed



Objector Concern	DTP Officer Response
	<p>Renewable Energy Zones (REZs), which indicate preferred locations for new renewable energy generation and supporting transmission infrastructure.</p> <p>Once declared, REZs will identify preferred locations for renewable energy development; however, neither the Victoria Planning Provisions nor the VTP will require that all new projects be located exclusively within these areas. Planning permit applications are assessed on their individual merits against the relevant planning legislation and policy.</p> <p>Separate to this planning permit application, the proponent would be required to seek access and connection into the grid which is a separate regulatory process.</p>
<b>Lack of consultation</b>	<p>As outlined in this report, public notice of the application was given in three newspapers and to all properties within 5 km of the site, in accordance with the requirements of s52 of the PE Act.</p> <p>Additionally, it is understood that Alberton Renewable Energy Pty Ltd undertook extensive consultation with the community prior to the lodgement of the application, including phone calls, doorknocking, project advertisements and other correspondence.</p>
<b>No VCAT review rights</b>	<p>As the application is one to which clause 53.22 applies, it is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the PE Act.</p>
<b>Legality of the application regarding clause 52.32-3 requirements</b>	<p>Clause 52.32-3 requires applications that include a proposed turbine within 1 km of an existing dwelling to be accompanied by written consent of the landowner at the date of that application. Objectors to the application raised concern that:</p> <ol style="list-style-type: none"><li>1. Outbuildings from non-stakeholder dwellings are located within 1 km of proposed turbines and should be defined as 'dwellings' in the scheme and the application is therefore prohibited by clause 52.32-3; and,</li><li>2. A landowner of two stakeholder dwellings (both located within 1km of a turbine) provided their consent under clause 52.32-3 and died prior to the submission of the application, rendering the application as prohibited due to the clause 52.2-3 requirements not being met 'at the time of the application'.</li></ol> <p>Regarding these two concerns, DTP submits that:</p> <ol style="list-style-type: none"><li>1. The structures in question are not 'outbuildings or works normal to a dwelling' as defined in clause 73.03 and therefore the 1 km requirement of clause 52.32-3 is satisfied; and,</li><li>2. The landowner who provided consent under clause 52.32-3 was the registered proprietor and owner of the property on the date that they signed the statement of consent and remained the registered proprietor on the date that the application was made, which was some 9 days after they had passed away. A current title search of the land (register search statement) also confirms that the landowner who signed the consent</li></ol>



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**Objector Concern****DTP Officer Response**

continues to be the registered proprietor. Therefore, the requirement of clause 52.32-3 is considered satisfied.

**Planning panel**

This application was not called in by the Minister for Planning under section 97B of the PE Act, nor has the Minister established an advisory committee under section 151 of the PE Act. Therefore, the application will not be heard at a planning panel.

39. Overall, DTP submits that the matters raised in the objections which are relevant to the planning assessment are suitably addressed by the application, subject to the recommended conditions.



## Submissions

40. Six submissions were received from government agencies and authorities (who were not referral authorities under s55 of the PE Act), as summarised below:

Submitter	Date received	Summary of submission	DTP Officer Response
<b>CFA</b>	05/01/2026 (first submission) 18/03/2026 (final submission)	No objection, subject to conditions requiring: <ul style="list-style-type: none"><li>– Turbines located outside of the BMO</li><li>– Turbines located at least 500 m from fire stations</li><li>– Dedicated water supply (288kL for the BESS and 45,000L for the wind energy facility)</li><li>– Risk Management Plan (RMP)</li><li>– Emergency Plan (EP) and Fire Management Plan (FMP)</li></ul>	These conditions will be included on any permit issued. The proponent has confirmed that they will be able to microsite turbines 5 and 6 outside of the BMO without any unreasonable knock-on effects (e.g. noise exceedances or dwelling setbacks).
<b>CASA</b>	14/01/2026	No objection, and recommended that: <ul style="list-style-type: none"><li>– If wind monitoring masts are proposed to be taller than 100 m, they should be marked in accordance with NASF Guideline D and that the base around the outer guy wires should be marked in a contrasting colour to the ground.</li><li>– Wind monitoring masts to be lit with aviation hazard lighting at least until the turbines are constructed.</li><li>– All permanent obstacles 100 m or higher be reported to Airservices Australia.</li></ul>	The recommendations will be incorporated into the conditions of any permit issued.
<b>Secretary to DEECA</b>	25/11/2025	Under s52 of the PE Act, DEECA recommended that conditions be included on the permit requiring a Bat and Avifauna Management (BAM) Plan to be prepared in consultation with DEECA, including a five-year monitoring a reporting program.	These conditions will be included on any permit issued.
<b>EPA</b>	24/12/2025	No objection, but recommended conditions and permit notes requiring: <ul style="list-style-type: none"><li>– Construction Environmental Management Plan (CEMP), that includes construction noise mitigation measures and management of any waste soil.</li><li>– Compliance with the requirements of the RMP.</li></ul>	Conditions and notes to this effect will be included in the recommendation.



Submitter	Date received	Summary of submission	DTP Officer Response
<b>Wellington Shire Council</b>	13/02/2026	<p>– Permit note that identifies the proponent’s responsibilities under the general environmental duty (GED) of the <i>Environment Protection Act 2017</i>.</p> <p>Council’s submission expresses general support for renewable energy investment and recognises the economic and climate benefits of the project. However, the council outlined that this support is conditional on thorough consideration of community concerns and environmental impacts. Council emphasised the importance of meaningful community engagement and careful assessment to ensure impacts are avoided or minimised. Concerns were raised about the removal of third-party VCAT appeal rights under clause 53.22, arguing this reduces transparency, procedural fairness and community participation in the planning process.</p> <p>Council identified several key issues that should be carefully assessed and managed through permit conditions if the project proceeds. These included:</p> <ul style="list-style-type: none"><li>– Impacts on flora and fauna, Ramsar wetlands and marine environments. including Corner Inlet and the Nooramunga Coastal and Marine Park</li><li>– Noise</li><li>– Traffic and road infrastructure</li><li>– Visual amenity</li><li>– Shadow flicker</li><li>– Cultural heritage</li><li>– Coastal inundation risk</li><li>– Aviation impacts on Yarram Aerodrome</li><li>– Tourism impacts on the Great Southern Rail Trail</li></ul> <p>Council recommended that the conditions of the recommendation include requirements for:</p> <ul style="list-style-type: none"><li>– Environmental management plans</li><li>– Monitoring</li></ul>	<p>The concerns raised by the council have been considered in the assessment of this application, as elaborated throughout this report.</p> <p>Conditions and notes will be included on the permit requiring:</p> <ul style="list-style-type: none"><li>– Native vegetation offsets</li><li>– BAM plan (including a five-year monitoring program)</li><li>– CEMP and Operational Environmental Management Plan (OEMP)</li><li>– Updated predictive noise assessment</li><li>– TMP</li><li>– Decommissioning Management Plan</li><li>– Complaints register</li><li>– Note outlining the proponent’s obligation to obtain a Works in Road Reserve Permit for works in council-managed roads</li></ul>



Submitter	Date received	Summary of submission	DTP Officer Response
		<ul style="list-style-type: none"><li>- Road agreements</li><li>- Complaint procedures</li><li>- Decommissioning obligations</li></ul>	The permit conditions are considered to suitably cover the matters requested by the council.
<b>West Gippsland CMA</b>	12/12/2025	<p>The CMA did not object to the project but outlined that their flood modelling predicts:</p> <ul style="list-style-type: none"><li>- Turbines 1, 2, 3, 9 and 13 are likely to be in the 1% flood extent but are unlikely to impact on flood behaviour due to their small footprint within the floodplain.</li><li>- The operations and maintenance area (near turbine 13) is likely to be subject to inundation from Muddy Creek with flood depth of up to 0.2 m during a 1 % Annual Exceedance Probability (AEP) flood event. The buildings and storage of goods at this site will need to take this into consideration.</li><li>- The BESS, substation and operation and maintenance area on Coal Mile Road are likely to remain flood free.</li></ul> <p>As such, conditions were recommended requiring:</p> <ul style="list-style-type: none"><li>- CEMP to be prepared in consultation with the CMA.</li><li>- Finished floor level of all buildings within the 1% AEP flood extent to be at or above the existing ground surface level.</li><li>- Permit note identifying that a Works on Waterways permit is required for vehicle access over a designated waterway.</li></ul>	These conditions and note will be included on any permit issued.

## Assessment

### Key Considerations

41. The Wellington Planning Scheme (the scheme) contains policies and controls that guide the assessment of wind energy facilities and utility installations. These are found in the state, regional and local planning policies, the relevant zone and overlays, and other relevant provisions. The assessment below addresses the relevant sections of the scheme and has regard to all matters which must be considered in accordance with section 60 of the PE Act.
42. The following are deemed to be the key considerations in assessing the acceptability of the proposal:
- Strategic policy context and planning controls
  - Whether the proposal responds to the vision and strategic directions of the Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF)
  - Suitability of the land use in the FZ and impacts on agricultural land
  - Suitability of the land use in the IN1Z, TRZ2 and PCRZ
  - Suitability of the proposal against the relevant overlays and particular provisions
  - Biodiversity and native vegetation impacts
  - Bushfire risk and emergency management
  - Vehicle access, road and traffic considerations
  - Amenity impacts in terms of noise, light spill, visual impact, shadow flicker, electromagnetic interference and construction impacts
  - Flooding and hydrology impacts

### Permit Triggers

43. A planning permit for the project is triggered by the following clauses of the scheme:

Clause	Permit Trigger
33.01-1 (INZ1)	Use of land for a wind energy facility and utility installation.
33.01-4 (INZ1)	Construct a building or construct or carry out works.
35.07-1 (FZ)	Use of the land for a wind energy facility and utility installation.
35.07-4 (FZ)	Construct a building or construct or carry out works associated with a use in section 2 of clause 35.07-1. Building setback less than 20m from a road.
36.04-1 (TRZ2)	Use of land for utility installation.
36.04-2 (TRZ2)	Construct a building or construct or carry out works for any use in section 2 of clause 36.04-1.
36.03-1 (PCRZ)	Use of land for utility installation.
36.03-2 (PCRZ)	Construct a building or construct or carry out works.



Clause	Permit Trigger
43.02-2 (DDO2)	Construct a building or construct or carry out works.
52.17-1	Remove, destroy or lop native vegetation, including dead native vegetation.
52.29-2	Create or alter access to a road in a Transport Zone 2.
52.32-2	Use and develop land for a wind energy facility.

44. There are no works proposed in the HO81, LSIO, FO, ESO2, BMO or SRO1 that trigger a permit.

### Strategic Direction and Policy Context

45. Overall, the Purpose and Vision for Victoria (clause 01), Municipal Planning Strategy (clause 02) and the Planning Policy Framework (PPF) of the scheme encourage the development of renewable energy and battery storage projects to support responses to climate change, on balance with the protection of the environment, communities and agricultural land. In particular, clause 01.01 (Purposes of this Planning Scheme) identifies that a key purpose of the scheme is “to support responses to climate change”.
46. The project is supported by Plan for Victoria (DTP, 2025), which seeks to ensure that ‘Regional Victorian communities will attract and benefit from investment in renewable energy – wind, solar and battery storage – projects’.
47. Additionally, *Victoria’s Renewable Energy Action Plan, 2018* and *Victoria’s Climate Change Strategy, 2021* both outline the importance of renewable energy generation and battery storage projects in Victoria’s renewable energy transition.

### Municipal Planning Strategy (MPS)

48. An assessment against the relevant objectives and strategies of the Municipal Planning Strategy (MPS) of the scheme is provided in the table below:

Clause	Description	Assessment
02.01	Context	<p>The MPS acknowledges Wellington’s established settlements, natural features and ecosystems, National Parks and the importance of agriculture as a major industry.</p> <p>Council’s vision for 2031 is: <i>Happy people, healthy environment and thriving communities.</i></p> <p>The Council Plan 2025-29 seeks to diversify the economy and be a climate resilient community.</p> <p>The application provides for a \$388M project within the municipality, creating approximately 60 jobs during construction and operation and allowing for the diversification of the local economy.</p> <p>The project has generally been sited to protect the key biodiversity values of the region, respond to bushfire risks and ensure the continued use of the site for agricultural purposes.</p> <p>Conditions of the recommendation will require additional protection of the sites retained environmental values during construction.</p>
02.02	Vision	
02.03	Strategic Directions	
02.04	Strategic Framework Plans	

Clause	Description	Assessment
		The use is discretionary in the FZ, IN1Z and PCRZ; however, it is considered appropriate, as a wind farm could not reasonably be located within an urban zone.

## Planning Policy Framework (PPF)

49. An assessment of the project against the relevant objectives and strategies of the PPF is provided in the table below:

Clause	Description	Assessment
<b>Clause 12</b>	<b>Environment and Landscape Values</b>	
<b>12.01-1S</b>	Protection of biodiversity	<p>Clause 12 focuses on the protection of ecological systems, native vegetation, biodiversity, and identified environments or landscapes. Where possible, the project has avoided impacts to ecological values, including:</p> <ul style="list-style-type: none"> <li>- Siting the project in cleared agricultural land</li> <li>- Reducing the number of turbines from 34 to 13</li> <li>- Utilising existing access tracks (where possible)</li> <li>- Preparing a draft Bat and Avifauna Management Plan (BAM Plan) to manage risk of bird and bat collisions during operation</li> </ul> <p>Refer to the biodiversity section of the report below for a more detailed discussion of these matters. Conditions of the recommendation will further minimise impacts to biodiversity values during construction.</p>
<b>12.01-1L</b>	Protection of biodiversity - Wellington	
<b>12.01-2S</b>	Native vegetation management	
<b>12.01-2L</b>	Native vegetation management - Wellington	
<b>12.05-2S</b>	Landscapes	It is acknowledged that the project will have moderate visual impacts on the landscape, however this is considered acceptable on balance with the benefits of the provision of a renewable energy generation and storage facility. Refer to the relevant section of this assessment for further detail.
<b>Clause 13</b>	<b>Environmental Risks and Amenity</b>	
<b>13.02-1S</b>	Bushfire	The facility has been developed in accordance with the <i>CFA's Guidelines and Model Requirements for Renewable Energy Facilities</i> (the CFA Guidelines) to appropriately respond to bushfire risk. Refer to the bushfire section of the report for additional information.
<b>13.03-1S</b>	Floodplain management	The application process included giving notice to the West Gippsland CMA who did not object to the proposal subject to conditions that are included in the recommendation. Subject to these conditions, it is considered that the risk posed by the project in relation to flood hazards is appropriately avoided.
<b>13.05-1S</b>	Noise management	The project is predicted to achieve compliance with the relevant noise limits. Conditions of the recommendation will require the preparation of a final predictive noise assessment, measuring the impact of the final chosen turbines and BESS units.


Clause	Description	Assessment
		Refer to the noise section of the report below for additional information and assessment.
<b>13.07-1S</b>	Land use compatibility	As discussed further below in this assessment, the proposed use is considered acceptable with appropriate mitigation measures in place, on balance with the generation and storage of renewable energy.
<b>Clause 14</b>	<b>Natural resource management</b>	
<b>14.01-1S</b>	Protection of agricultural land	These provisions seek to protect the state's agricultural base by preserving productive farmland and facilitating diversified agricultural uses. The facility will provide supplementary income and increase the resilience of the land's agricultural activities.
<b>14.01-1R</b>	Protection of agricultural land - Gippsland	
<b>14.01-1L</b>	Protection of agricultural land - Wellington	The development will not unreasonably impact agricultural activities on surrounding land.
<b>14.01-2L</b>	Diversifying Agriculture - Wellington	
<b>Clause 17</b>	<b>Economic Development</b>	
<b>17.01-1S</b>	Diversified economy	The proposed wind energy facility and BESS meet the objectives of clause 17 by creating jobs during the construction and operation of the facility, and by supporting the rural economy to grow and diversify without unreasonably affecting the existing agricultural use.
<b>17.01-1R</b>	Diversified economy - Gippsland	
<b>17.01-1L</b>	Diversified economy - Wellington	
<b>Clause 19</b>	<b>Infrastructure</b>	
<b>19.01-1S</b>	Energy supply	The proposal is consistent with clause 19 which supports the renewable energy led transition to a low-carbon economy with reduced greenhouse gas emissions. The proposed facility is estimated to generate approximately 80MW of wind energy and store 40MW of electricity, reducing 320,000 tonnes of CO <sub>2</sub> emissions per year.  The proposed BESS will also assist in the delivery of power during peak times to the network to meet community demand for energy needs.
<b>19.01-1R</b>	Energy supply - Gippsland	
<b>19.01-2S</b>	Renewable energy	

50. Overall, the proposal is consistent with the relevant planning policies within the MPS and PPF.

## Zones and Overlays

### Farming Zone (FZ)

51. The substation, BESS, and 12 of the proposed turbines are located within the FZ.

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52. The FZ seeks to (as relevant) provide for the use of land for agriculture, encourage the retention of productive agricultural land, ensure that non-agricultural uses do not adversely affect the use of land for agriculture, encourage the retention of employment and population to support rural communities, and encourage the use and development of land based on comprehensive sustainable land management practices and infrastructure provision.
53. Additionally, clauses 14.01-1S, 14.01-1R, 14.01-1L, and 14.01-2L seek to protect the state's agricultural base by preserving productive farmland and facilitating diversified agricultural uses.
54. Having regard to the relevant decision guidelines at clause 35.07-6, the proposed use and development is an appropriate outcome in the FZ as follows:
- The site is situated near a 66kV powerline allowing for a connection from the site into the existing electricity network.
  - The facility will provide supplementary income to stabilise and increase the resilience of agricultural activities.
  - The facility supports the diversification of the local economy and the sustainability of the rural community.
  - The facility is located adjacent to the South Gippsland Highway, allowing the consolidation of infrastructure provision. The traffic impacts of the construction and use of the facility are discussed further in the relevant section of this report and are acceptable subject to standard conditions.
  - The proposal has considered potential fire hazards and incorporates fire safety design recommendations in accordance with CFA requirements.
55. It is acknowledged that there will be a minor reduction in the extent of land available for agricultural production as a result of the footprint of the turbines, access tracks, and ancillary infrastructure. However, this will be a negligible impact on the agricultural function and potential of the land and its capacity to support viable agriculture and associated communities. Conditions of the recommendation will require the facility to be decommissioned at the end of its operational life.

### **Industrial Zone (IN1Z)**


56. Turbine 4 is located within the IN1Z.
57. The IN1Z seeks to 'provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.'
58. The IN1Z is located on the site of the former Gelliondale brown coal mine. DTP notes that the land is no longer used for mining (or industrial purposes), but is currently used for agriculture.
59. The application has been assessed against the decision guidelines of the IN1Z and it is considered that the use and development of the land for a wind energy facility is consistent with the purpose of the zone and will not unreasonably affect the safety and amenity of the local community.

### **Transport Zone (TRZ2)**

60. The application proposes underground cabling in the South Gippsland Highway road reserve, which triggers a permit in the TRZ2 for the use and development of a utility installation.
61. The application is supported by written consent from the Head, Transport for Victoria pursuant to the application requirements of clause 36.04-3.
62. The proposed underground cabling (utility installation) is compatible with the purpose of the TRZ2, and as discussed in the Traffic and Transport section of this assessment, will not adversely affect the safe and efficient operation of the transport system.

### **Public Conservation and Resource Zone (PCRZ)**

63. The application proposes underground cabling in the Great Southern Rail Trail, which triggers a permit requirement in the PCRZ for the use and development of a utility installation.

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64. The application is supported by the written consent of Wellington Shire Council (the public land manager) pursuant to the application requirements of clause 36.03-3.
65. The proposed underground cabling (utility installation) is compatible with the purpose of the PCRZ, will not impact the function of the rail trail and is considered acceptable. Conditions of the permit will require the proponent to prepare a CEMP to ensure that construction impacts at the rail trail are appropriately managed.

## Overlays

### Design and Development Overlay Schedule 1 (DDO1)

66. Turbine 4 is located within the DDO1.
67. The design objectives of the DDO1 (Industrial Areas) are:
- *To provide well planned industrial estates which are suitable for a wide range of industry users.*
  - *To encourage quality development within the industrial zones which results in a neat appearance whilst also providing for the practical and efficient use of the land and is compatible with its surrounds.*
68. The application has been assessed against the relevant decision guidelines of the DDO1 and as discussed further throughout this assessment, the design and appearance of the project is considered acceptable on balance with the benefits of the provision of a renewable energy and storage facility. An assessment of the project's car parking and transport impacts is provided in the later sections of this report.


## Particular and General Provisions

### Clause 52.06 (Car parking)

69. Clause 52.06 seeks to ensure that an appropriate number of car parking spaces is provided for new uses.
70. Pursuant to clause 52.06-6, car parking must be provided to the satisfaction of the responsible authority.
71. A designated car parking area with 16 car spaces has been provided next to the operations and maintenance area (just south of the BESS). Additionally, the internal access roads will enable vehicles to park elsewhere onsite while undertaking maintenance activities, including closer to the turbines. This is considered acceptable given the low car parking demand during operations.

### Clause 52.17 (Native vegetation)

72. The application seeks the removal of up to 1.244 ha of native vegetation, including two large trees.
73. Pursuant to clause 52.17-1 of the scheme, a permit is required to remove, destroy or lop native vegetation.
74. The purpose of clause 52.17 is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.
75. The location of the proposed native vegetation to be removed can be found in Figures 2.1–2.8 of the Flora and Fauna Assessment.
76. As the site is located within Location 2, and the application proposes the removal of 1.244 ha of native vegetation, the application falls under the detailed assessment pathway of the DEECA Guidelines, requiring a referral to the Secretary to DEECA.
77. The Flora and Fauna Assessment contains the avoid and minimise statement for the project. The design and development of the facility have avoided and minimised impacts to native vegetation by:
- Siting most of the project components in cleared agricultural land;
  - Reducing the number of turbines from the previously proposed 34 to the currently proposed 13;
  - Utilising existing access tracks (where possible); and
  - Locating site access points to minimise native vegetation impacts.



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78. DEECA's referral response outlined that they do not object to the application, subject to conditions requiring:

- Amended plans showing the location of retained and removed vegetation and protection measures
- Native vegetation fencing
- Offset of removed vegetation
- A Construction Environment Management Plan (CEMP)

79. With these conditions included on the permit, the application is considered to meet the decision guidelines of clause 52.17 and the DEECA Guidelines. Refer to additional discussion of biodiversity matters further on in this assessment.

80. DTP notes that the proponent's Flora and Fauna Assessment outlines that native vegetation is proposed to be removed at two locations on Barry Road to enable the transportation of turbine components from Port Anthony to the site. However, as these patches are located within the South Gippsland Planning Scheme, their removal is not being considered by this application. A separate planning approval for the removal of these patches will need to be sought.

#### **Clause 52.29 (Land adjacent to the principal road network)**

81. The application seeks to create or alter access to the South Gippsland Highway (within the TRZ2) at 5 separate locations.

82. The application was referred to the Head, Transport for Victoria who did not object, subject to the inclusion of permit conditions requiring:

- Traffic Asset Management Plan
- Head, TfV approval of the road pavement engineer who will undertake the actions in the TAMP
- Freight Victoria approval for the over dimensioned vehicle roads to the site
- Functional layout plans for the approved transport route
- Existing conditions surveys
- Dilapidation report

all in consultation with and to the satisfaction of Head, TfV.

83. The proposed site access is considered acceptable, as established further in the Traffic and Transport section of this assessment.

#### **Clause 52.32 (Wind energy facility)**

84. The purpose of clause 52.32 is to facilitate the establishment and expansion of wind energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

85. The application meets the application requirements of clause 52.32-3 and 52.32-4.

86. Refer to the relevant thematic sections of this report for an assessment of the project against the decision guidelines of clause 52.32-5.

#### **Clause 53.22 (Significant Economic Development)**

87. Clause 53.22 seeks:

- To prioritise and facilitate the planning, assessment and delivery of projects that will make a significant contribution to Victoria's economy and provide substantial public benefit, including jobs for Victorians.
- To provide for the efficient and effective use of land and facilitate use and development with high quality urban design, architecture and landscape architecture.

88. This application is a Category 1 application under clause 53.22-1. As such it is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the PE Act.

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## Other Key Matters

### Bushfire Risk

89. The subject site is located within a Bushfire Prone Area (BPA) and partially within the Bushfire Management Overlay (BMO).
90. Clause 13.02-1S (Bushfire planning) and clause 52.34 (Wind energy facilities) require the consideration of bushfire risk to strengthen the resilience of settlements and communities and to prioritise the protection of human life.
91. The application is supported by a Risk Management Plan (including Fire Safety Study) which has been prepared in accordance with the CFA's *Design Guidelines and Model Requirements: Renewable Energy Facilities, v4.4, June 2025* (the CFA Guidelines).
92. The risk assessment found that the most likely bushfire scenario involves fire approaching the site from the north-west or south-west, although bushfires may also originate from other directions.
93. The project has incorporated bushfire mitigation measures in its design, including:
  - Static water supply tanks
  - Fire breaks
  - Smoke detection and fire suppression systems
  - Access tracks and overtaking bays
  - Ongoing maintenance programs for the life of the facility (e.g. vegetation management)
94. Notice of the application was given to the CFA who did not object to the application, subject to conditions that will be included in the recommendation requiring:
  - Turbines 5 and 6 to be relocated outside of the BMO
  - Turbines to be located at least 500 m from fire stations
  - Dedicated water supply (288 kL for the BESS and 45,000 L for the wind energy facility)
  - Risk Management Plan (RMP), Emergency Plan (EP) and Fire Management Plan (FMP)
95. The proponent confirmed that they can microsite turbines 5 and 6 out of the BMO without any significant knock-on effects or non-compliances.
96. DTP submits that, with the CFA's conditions, the application has appropriately responded to the bushfire risk.

### Noise

#### Wind Turbine Noise

##### *Findings in the ENA and VEPNA*

97. The application includes an Environmental Noise Assessment (ENA) prepared by Marshall Day Acoustics and a Verification of Environmental (Predictive) Noise Assessment – Wind Turbine Generators (VEPNA) prepared by ARUP.
98. In accordance with the requirements for a pre-construction (predictive) noise assessment at clause 52.32-4, the ENA provides an assessment of the proposed turbines in accordance with the *New Zealand Standard 6808:2010 Acoustics – Wind farm noise* (NZS 6808:2010), as required by the Victorian Government's *Planning Guidelines for Development of Wind Energy Facilities In Victoria* (September 2023) (the Wind Farm Guidelines).
99. The VEPNA concludes that the ENA has been conducted in accordance with the New Zealand Standard NZS6808:2010.
100. The noise modelling in the ENA was based on a candidate turbine model GE Cypress 6.0-164 with a rotor diameter of 164 m and hub height of 128 m. The noise modelling assumes that the wind turbines will operate

in an unconstrained mode of generation (i.e. without noise reduced operating modes) and with blade serrations.

101. The acoustic assessment identified 230 receivers located within 5 km of the proposed turbines as shown below in Figure 10. This includes 11 stakeholder receivers located within the project boundary (H02-H12), and one stakeholder receiver (H01) outside of the project boundary:

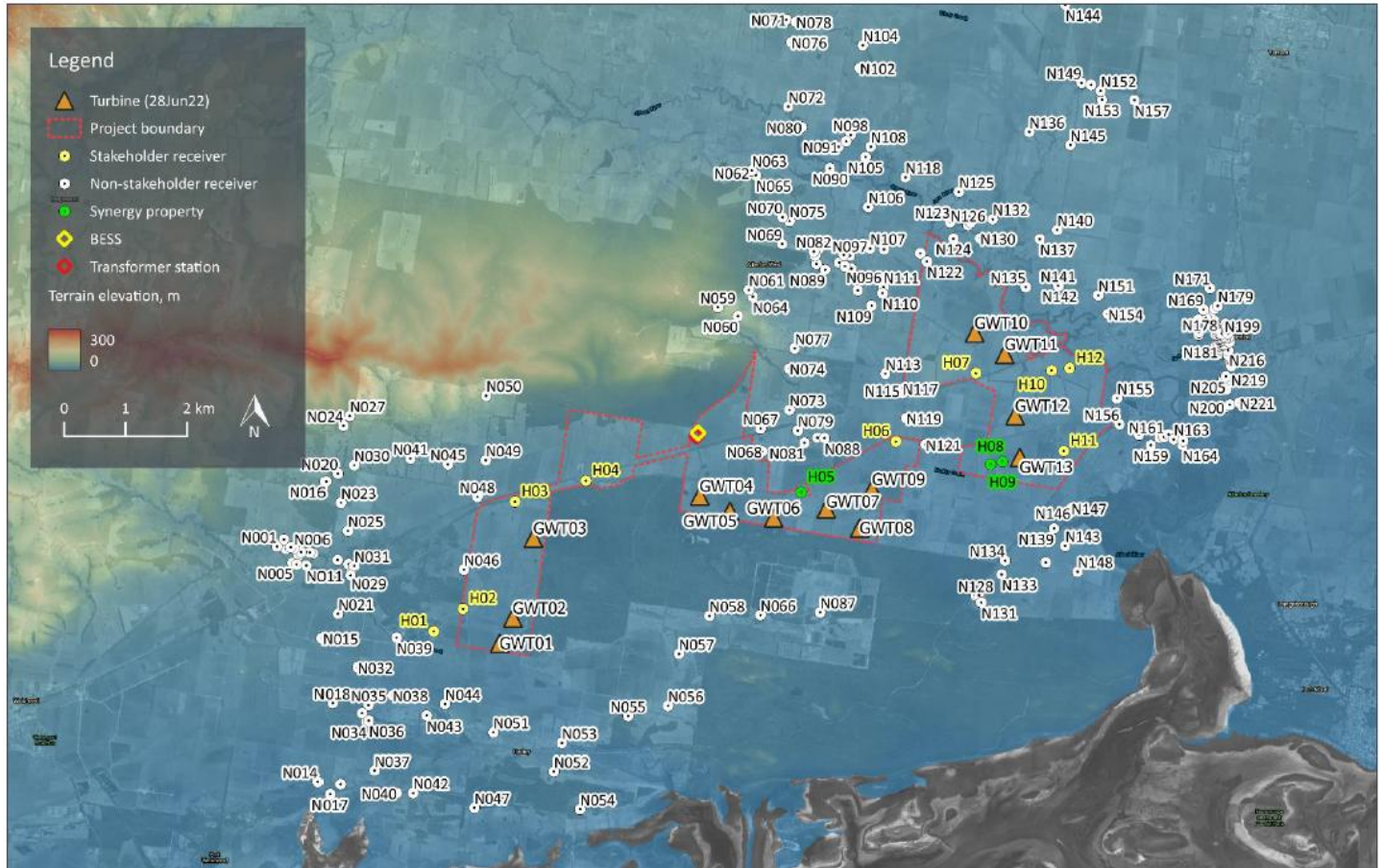


Figure 10: Noise receivers within 5 km of the wind farm. Source: ENA.

102. Noise agreements are in place or proposed between the proponent and the landowners of receivers H01, H02, H03, H04, H06, H07, H10, H11 and H12. Additionally, receivers H05, H08 and H09 are owned by the proponent and are not intended to be used as dwellings when the wind farm is operational.
103. The ENA has identified the noise limits applicable to stakeholder and non-stakeholder receivers as shown below:

Receiver	Noise limit
<b>Non-stakeholder</b>	40 dB or background $L_{A90} + 5$ dB, whichever is the greater
<b>Stakeholder with noise agreement</b>	45 dB or background $L_{A90} + 5$ dB, whichever is the greater

104. The ENA concludes that the proposal will comply with the New Zealand Standard 6808 and the noise limits determined in accordance with the *Environment Protection Regulations 2021* (EP Regulations). The highest predicted noise level at non-stakeholder receivers is 38.2 dB  $L_{A90}$  at N067. The highest predicted noise level at stakeholder receivers (with a noise agreement) is 43.0 dB  $L_{A90}$  at H07.
105. That said, the predicted noise level at receiver H09 is 46.6 dB  $L_{A90}$  exceeds the applicable noise limit. However, this dwelling is owned by the proponent and will not be used as a dwelling when the wind farm is

in operation as required in the proposed conditions. Therefore, this exceedance in the applicable noise limit does not impact the proposal's compliance with the New Zealand Standard.

106. Dwellings H05 and H08 are also owned by the proponent and are predicted to comply with the relevant noise limit. The proponent has also stated that these dwellings will be decommissioned prior to operation.
107. Since the ENA was written, dwelling H13 was constructed and is therefore not specifically assessed by the ENA. However, dwelling H13 is in the same ownership as dwelling H03, and the noise contours on page 55 of the ENA demonstrate that H13 is predicted to experience similar turbine noise to H03 at approximately 38dB, which would comply with the applicable noise limit. Conditions of the permit will require the proponent to prepare an updated pre-construction predictive noise assessment prior to the commencement of construction which will include an assessment of dwelling H13 to confirm compliance.

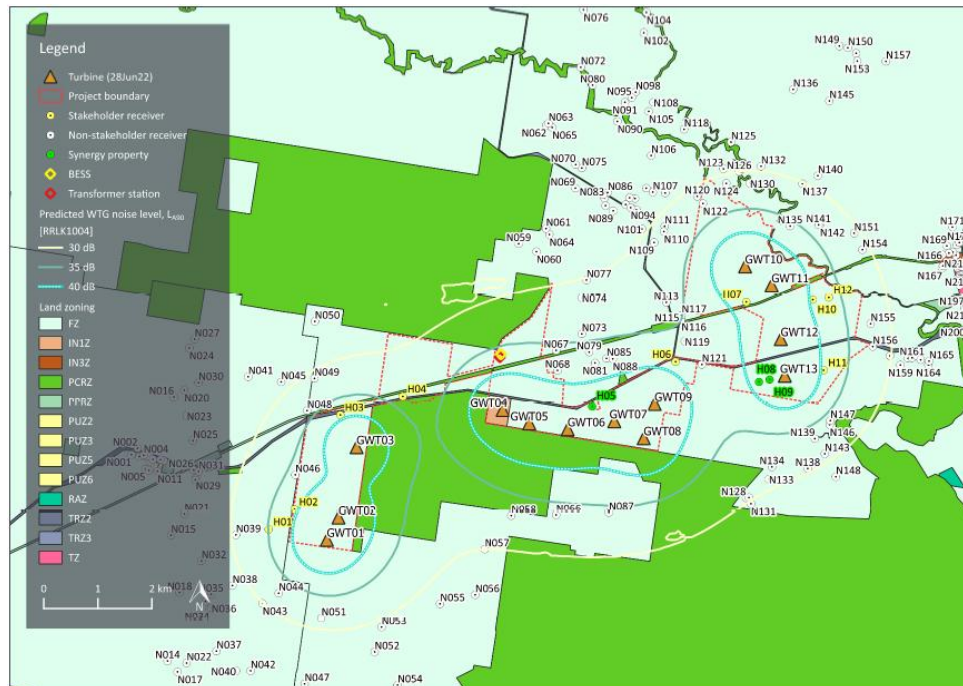


Figure 11: Excerpt of the ENA showing the noise contours. Source: ENA.

108. The ENA did not assess cumulative wind farm noise levels, as the closest approved/operating wind farm is the Toora Wind Farm located over 15 km to the west.

### Consideration of Noise

109. Clause 13.05-1S (Noise management) requires the consideration of noise effects on sensitive land uses, including the consideration of the noise requirements of the EP Regulations under the *Environment Protection Act 2017 (EP Act)* (as considered in the above paragraphs).
110. Additionally, clause 53.23-5 and clause 13.05-1S require consideration of matters in relation to the noise effects of the proposal.
111. The starting point for the assessment of the noise effects is that the proposal is expected to comply with the 2010 NZ Standard as confirmed above.
112. Division 5 of Part 5.3 of the EP Regulations provides a bespoke framework for wind turbine noise.
113. The EP Regulations use the 2010 NZ Standard as the default standard for operational noise limits which supports its use as a benchmark in a planning assessment. It is also relevant that the EP Act will prohibit unreasonable noise (s166), even where no condition is proposed in relation to management of operational noise in a planning permit. Noise emitted from turbines other than in compliance with the EP Regulations will be unreasonable noise. In addition, noise in compliance with the EP Regulations may still be



unreasonable noise in contravention of s166 of the EP Act based on factors set out in paragraph (a) of the definition of 'unreasonable noise' in s3 of the EP Act.

114. Since July 2021, the Victorian EPA is the primary regulator of operational wind farm noise. The standard practice since July 2021, is not to include noise regulation conditions on permits where the EPA regulatory framework is sufficient to manage noise impacts of wind farm proposals.
115. Therefore, the remaining issue is whether the proposal's demonstrated capacity to comply with the 2010 NZ Standard, and the requirement for the proposal to comply with other requirements of the EP Act framework, is sufficient to manage the noise effects of the proposal.
116. In *Uren v Bald Hills Wind Farm* [2022] VSC 145, the Supreme Court made findings or observations that suggest there are potential negative amenity impacts that the 1998 and 2010 NZ Standards do not address. That is, that even when these standards are complied with, impacts including the following may still arise:
  - The standards do not require differentiation between day and night hours, leaving the potential for disturbance of sleep at dwellings;
  - The standards do not adequately account for intermittent noises, and only assess continuous or ongoing wind turbine noise;
  - The 40dB(A) noise limit adopted by the 1998 NZ Standard is higher than most other jurisdictions, which prescribe 35dB(A) as an acceptable limit (either generally, or at specific locations or times).
117. In relation to the third matter, the 2010 NZ Standard introduces a 35dB(A) limit for 'high amenity areas' whereby 'a more stringent noise limit may be justified to afford a greater degree of protection of amenity during evening and night-time' (clause 5.3.1). Guidance on what areas should be characterised as high amenity areas is provided by the VCAT decision of *Cherry Tree Wind Farm Pty Ltd v Mitchell Shire Council & Ors* [2013] VCAT 521 and in EPA Guidance. The 'high amenity area' classification has been interpreted by VCAT as not generally applying to the FZ. This interpretation has been adopted by the EPA. The same interpretation has been adopted for the purposes of this decision. Because of that, there are many dwellings that do not have the benefit of the 35dB(A) limit.
118. The 2010 NZ Standard is designed to reduce noise effects, not eliminate all potential negative amenity impacts.
119. The application has been submitted with the ENA that predicts that of all surrounding non-stakeholder dwellings, the highest noise levels are predicted at receiver N067 (38.2 dB L<sub>A90</sub> predicted). It is unlikely that there will be adverse amenity impacts from noise from the facility.
120. Even if there are the possibility of adverse amenity impacts arising, notwithstanding the wind energy facility's expected compliance with the 2010 NZ Standard, that standard is still considered to achieve an appropriate balance of impacts from a planning perspective. The effects of the proposal and its noise on the environment and people, and the potential level of audible noise at dwellings permitted by the 2010 NZ Standard, is considered to be acceptable from a planning perspective when balanced against the benefits that the wind energy facility will produce. The benefits are addressed throughout this report.
121. It is considered that compliance with the 2010 NZ Standard and the unreasonable noise requirement of the EP Act framework provides a sufficient level of protection to human health, community amenity and the environment. The 2010 NZ Standard is considered to sufficiently manage the risk of wind turbine noise, whilst ensuring wind farm operators can operate responsibly and contribute to renewable energy generation in an economic manner.
122. Finally, clause 13.05-1S of the scheme relevantly contains a strategy, policy guidelines and policy documents regarding noise emissions.
123. Clause 13.05-1S also requires consideration as relevant of the *Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (Publication 1826.5, Environment Protection Authority, September 2025) (Noise Protocol). However, under the EP Regulations, the Noise Protocol does not apply to wind turbine noise, in lieu of the noise standards outlined above. Given the EP Regulations contains a bespoke framework for assessing wind turbine noise and appropriate noise limits, it is preferable to respond to that framework in this assessment.

124. Clause 13.05-1S also requires consideration as relevant of the Environment Reference Standard (Gazette No. S 245, 26 May 2021) (ERS).
125. The ERS sets out objectives for different land use categories. However, these are typical ambient sound level values and are neither noise limits nor noise design criteria. For the category of land that is of a kind likely to be affected by wind turbine noise, the ERS noise objectives are lower than the noise limits under the 2010 NZ Standard, particularly during the night. However, due to the unconventional way wind turbine noise propagates through environments (unconventional when compared to other commercial industrial or trade noise), it is appropriate to rely on a standard developed specifically for sound emitted from wind energy facilities.
126. For these reasons, it is considered that despite the potential for some limited negative amenity impacts, it is sufficient to rely on the 2010 NZ Standard for appropriate noise limits.
127. Additionally, the EPA-DTP Publication *3011 Wind Energy Facility Turbine Noise – Technical Guideline* provides guidance on the application of noise limits in high amenity areas, including circumstances where such limits may apply to campgrounds, caravan parks, and tourist establishments in natural areas where there is a high value placed on human tranquillity and outdoor enjoyment. DTP acknowledges that the site is located within proximity to various State Forests and the Great Southern Rail Trail (both located in the PCRZ).
128. The proponent has demonstrated that any nearby campground areas (including Gorden’s Track Camping Grounds and the ‘Forest Lodge Farm’ school camp) are predicted to receive less than 35dB of turbine noise impact from the project and comply with the 35dB high amenity noise limit.
129. DTP agrees with the proponent that the high amenity limit does not apply to the Great Southern Rail Trail, given that it is a transitory trail and not an area with any camping facilities that would invite prolonged occupation of the area.
130. DTP recommends that conditions be included on any permit issued requiring an updated pre-construction predictive noise assessment to be undertaken prior to the commencement of construction, to ensure that the final project design and turbine selection will demonstrate compliance with the applicable noise limits.
131. Further, DTP recommends that conditions be included on the permit requiring the proponent to enter into an agreement with the council pursuant to section 173 of the PE Act, requiring the cessation of use of H09 as a dwelling within six months of the commissioning of the first turbine.

**Noise from sources other than wind turbines**

132. Clause 13.05-1S also requires consideration, as relevant, of the Noise Protocol.
133. The ENA has also been prepared in line with the Noise Protocol for the BESS and substation.
134. As the battery and substation are proposed to operate 24 hours a day and 7 days a week, meeting the applicable night-time noise limit of 34dB, infers meeting the noise limits during all other time periods as modelled in the table below:

Period	Day of week	Start time	End time	Noise limit
Day	Monday- Saturday	0700 hrs	1800 hrs	45
Evening	Monday- Saturday	1800 hrs	2200 hrs	39
	Sunday, Public holidays	0700 hrs	2200 hrs	
Night	Monday-Sunday	2200 hrs	0700 hrs	34

135. The predicted noise levels at all receivers within 3 km of the BESS and substation are predicted to comply with the night period noise limit by at least 3 dB as shown below. The noise model assumes that all BESS modules are operating at 100% fan duty:



Receiver ID	BESS	Transformer station	BESS + Transformer station
<i>Non-stakeholder receivers</i>			
N058	23	10	23
N059	23	<10	23
N060	23	<10	23
N061	20	<10	21
N064	20	<10	20
N067	31	17	31
N068	30	17	30
N073	26	12	26
N074	24	10	24
N077	23	<10	23
N079	25	12	26
N081	25	11	25
N085	23	10	24
N088	23	<10	23
<i>Stakeholder receivers within the project boundary</i>			
H04	23	10	23
<i>Synergy properties</i>			
H05	28	15	28

<sup>1</sup> Includes +2 dB adjustment for tonality

136. Conditions have been included on any permit issued requiring an updated pre-construction predictive noise assessment be undertaken prior to the commencement of construction, to ensure that the final project design and BESS selection will demonstrate compliance with the Noise Protocol.

### **Landscape and Visual Impact, Shadow Flicker and Blade Glint**

137. Clauses 12.05-2S (Landscapes), 52.32-5 and the Wind Farm Guidelines require the consideration of the impact of the project on significant landscapes, open spaces, sightlines and views from dwellings. It is noted that the planning policies in the zones and PPF do not specifically require the consideration of the impact of the development on views from private properties, as similarly established in *Dance vs Colac Otway SC* [2024] VCAT 443.

138. The application is supported by a Landscape Visual Impact Assessment (LVIA) prepared by Hansen. The LVIA assesses the predicted visual impacts of the proposed facility from 10 different public viewpoints:



Figure 12: Location of the 10 public viewpoints assessed by the LVIA. Source: LVIA.

139. The viewpoints and receptors experiencing the greatest level of visual impact from the wind farm and BESS (rated as 'Moderate') will be view locations 2, 3, 4, 5, 6, 8, 9 and 10, as demonstrated in Figures 12-17 below. View locations 7 and 1 were rated as 'Low' and 'Nil' visual impact, respectively.



Figure 13: Photomontage of view location 3, James Road, facing north-east towards the turbines. Source: LVIA.



Figure 14: Photomontage of view location 5, South Gippsland Hwy facing south-east towards the turbines. Source: LVIA.



Figure 15: Photomontage of view location 6, South Gippsland Hwy facing south-west towards the turbines. Source: LVIA.



Figure 16: Photomontage of view location 8, South Gippsland Hwy facing south-west towards the turbines. Source: LVIA.



Figure 17: Photomontage of view location 9, Yarram Morwell Road facing south-west towards the turbines. Source: LVIA.



Figure 18: Photomontage of view location 10, South Gippsland Hwy facing south-east towards the turbines. Source: LVIA.



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140. The application is also supported by a Shadow Flicker and Blade Glint assessment, which demonstrates that:

- A total of 22 dwellings will experience some shadow flicker from the turbines: nine host dwellings and 13 neighbour dwellings.
- Of the nine host dwellings, eight will experience shadow flicker above the recommended limit of 30 hours per year. However, two of these dwellings are owned by the proponent and will not be occupied post construction, and the remainder are occupied by participating landowners who are aware of the potential for shadow flicker.
- Of the 13 affected neighbouring dwellings, none are predicted to experience shadow flicker durations above the recommended limit of 30 hours per year.
- Blade glint is not expected to be problematic, as modern wind turbines are generally finished with low reflectivity surfaces.

141. Overall, DTP submits that the proposed facility will have low to moderate visual impacts and is acceptable on balance with the benefits of the provision of a renewable energy generation and storage facility. Conditions of the recommendation will limit the amount of shadow flicker experienced at existing dwellings to less 30 hours per year, unless an agreement has been entered into with the affected landowner/s.

### **Electromagnetic Interference (EMI)**

142. The decision guidelines of clause 52.32 (Wind energy facility) and the Wind Farm Guidelines require the responsible authority to consider the effect of the proposal on electromagnetic interference (EMI).

143. The application is supported by an EMI assessment, which demonstrates that:

- Turbines may interfere with point-to-area style services such as mobile phone signals, radio broadcasting, and terrestrial television broadcasting, particularly in areas with poor signal coverage.
- Dwellings in the vicinity of the project may experience interference to digital television (DTV) signals from the Latrobe Valley broadcast transmitter.
- Interference is possible for satellite television and internet signals; although the signals that are likely to be intercepted by turbines are from satellites that do not provide services designed for Australian audiences.
- The project is unlikely to have a significant impact on point-to-multipoint links, emergency services, meteorological radar, wireless internet services, trigonometrical stations, and citizen's band (CB) radio.

144. The EMI assessment outlines that there are opportunities to mitigate the EMI from the project by:


- Realigning the affected television antenna more directly towards the existing transmitter.
- Tuning the affected antenna into alternative sources of the same television signal or a substitute signal.
- Installing a more directional or higher gain antenna at the affected dwelling.
- Relocating the antenna to a less affected position.
- Installing cable or satellite television at the affected dwelling.
- Installing a television relay transmitter.

145. Conditions have been included in the recommendation that require a telecommunications and EMI survey undertaken within 5 km of the site, including a procedure for investigating complaints and restoring any EMI or reception concerns to the receiver's pre-existing quality.

### **Traffic and Transport**

146. Clauses 18.01-1S, 18.01-2R, the decision guidelines of 35.07 (FZ) and 65.02 all require consideration of access and traffic impacts relating to the proposed use and development.

147. The project is located adjacent to the South Gippsland Highway, which is proposed to be the primary access route to the site.


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148. The application is supported by a Traffic Impact Assessment (TIA) which considers the traffic impacts of the proposed facility on local and state roads during construction and operation. The site is proposed to be accessed from 12 different locations:
- Five on the South Gippsland Highway
  - Four on Coal Mine Road
  - Three on Old Alberton Road
149. During construction, materials will be transported to the site on over-size over-mass (OSOM) vehicles from:
- Port Anthony (for the turbine components)
  - South Gippsland Quarries (near Leongatha)
  - Yarram Quarry
150. The TIA estimates that during construction, an additional 75 daily heavy vehicle trips will be generated from the project, plus 170 daily trips from construction personnel. The TIA demonstrates that the existing road network can accommodate this temporary traffic increase.
151. The largest vehicle expected to be accessing the site is turbine blade vehicle of 85 m in length. The TIA recommends intersection works and/or upgrades at the following locations to accommodate these vehicles:
- Barry Road – corner at Port Anthony entry gates
  - Barry Road – corner north of Barry Beach Engineering
  - Barry Road / South Gippsland Highway
  - South Gippsland Highway / Site Access 1
  - South Gippsland Highway / Site Access 5
  - South Gippsland Highway / Site Access 7
  - South Gippsland Highway / Old Alberton West Road
  - Old Alberton West Road / Site Access 8
  - Old Alberton West Road – corner near 174 Old Alberton West Road
  - Old Alberton West Road / Site Access 6
152. The application was referred to the Head, Transport for Victoria, who did not object subject to the inclusion of conditions on the permit requiring:
- Traffic Asset Management Plan (TAMP)
  - Head, TfV approval of the road pavement engineer who will undertake the actions in the TAMP
  - Freight Victoria approval for the over dimensioned vehicle roads to the site
  - Functional layout plans for the approved transport route
  - Existing conditions surveys
  - Dilapidation report
- all in consultation with and to the satisfaction of Head, TfV.
153. With these conditions, it is considered that the road network can satisfactorily accommodate the proposed facility.

## **Biodiversity**

154. Clauses 12.01-1S (Protection of biodiversity), 12.01-1S (Protection of biodiversity-Wellington), 12.021-2S (Native vegetation management), 12.021-2L (Native vegetation management-Wellington), 65.01, the Wind Farm Guidelines, and the PE Act seek to protect and enhance Victoria's biodiversity, including (but not limited to) the following strategies and objectives:
- *Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of:*



- *Cumulative impacts.*
  - *Fragmentation of habitat.*
  - *The spread of pest plants, animals and pathogens into natural ecosystems.*
  - *Avoid impacts of land use and development on important areas of biodiversity.*
  - *Consider impacts of any change in land use or development that may affect the biodiversity value of national parks and conservation reserves or nationally and internationally significant sites; including wetlands and wetland wildlife habitat designated under the Convention on Wetlands of International Importance (the Ramsar Convention) and sites utilised by species listed under the Japan-Australia Migratory Birds Agreement (JAMBA), the China-Australia Migratory Birds Agreement (CAMBA), or the Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA).*
  - *Assist in the identification, protection and management of important areas of biodiversity.*
  - *To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.*
  - *Conserve native vegetation on private land, Crown land, declared water stream-side reserves and roadsides.*
155. The application is supported by a Flora and Fauna Assessment prepared by Nature Advisory, including a draft Bat and Avifauna Management (BAM) plan.
156. As the majority of the site has been cleared for dairy farming, most of the remnant vegetation and fauna habitats have been removed. However, there are still some threatened flora and fauna species and biodiversity values present (or potentially present) on or surrounding the site. These include:
- Remnant native vegetation, including eucalypt forest, native (and introduced) treed vegetation-rows, heathy woodland, scattered trees, and aquatic habitats (e.g. wetlands, dams, drainage lines)
  - Threatened fauna species listed under the EPBC Act and/or FFG Act which have potential to occur at the site and fly at rotor swept area (RSA) height, including:
    - Grey-headed Flying Fox
    - Swift Parrot
    - Gang-gang Cockatoo
    - Powerful Owl
    - Eastern Bent-wing Bat
    - Blue-winged Parrot
    - White-throated Needletail
    - White-bellied Sea Eagle
    - Fork-tailed Swift
157. The key biodiversity impacts of the project are:
- Direct and indirect impacts to native vegetation (as already discussed and assessed at clause 52.17 above); and
  - Risk of bird and bat collisions with wind turbines.
158. Where possible, the project has been sited to avoid impacts to threatened bird and bat species by preparing a draft BAM plan in consultation with DEECA and the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEE). The BAM plan includes several mitigation measures to reduce the list of bird and bat collision with turbines. These measures include:
- Operational phase monitoring (e.g. bird utilisation surveys, bat surveys, carcass monitoring protocols)
  - Impact triggers for listed and non-listed bird and bat species (e.g. procedures for reporting, investigation and response to dead birds/bats)
  - Habitat modification (e.g. vegetation planting/removal)

- 
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- Changes in land use practices (including stock management, stock grain-feeding) near turbines (subject to ongoing negotiation with landowners)
  - Cessation or reduction of cropping/sowing around or near turbines
  - Bird deterrence
  - Increasing turbine and powerline detectability (e.g. visual or audio deterrents)
  - Restriction of turbine lighting
  - Temporary turbine curtailment for high-risk periods/locations
  - Using ultrasonic deterrents to deter bats at night
  - Bird protection systems that automatically curtail turbines on approach to reduce fatalities (e.g. IdentiFlight®).

159. Advice was sought from the Secretary to DEECA who did not object but recommended that conditions of any permit issued require a final BAM plan to be endorsed in consultation with DEECA, including a five-year monitoring a reporting program.

160. With these mitigation measures in place, the project will not have unreasonable impacts on biodiversity or threatened species.

161. On 17 October 2023, the project was determined to be a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) as it was considered to have a significant impact on the following matters of national environmental significant (MNES):

- The ecological character of a declared Ramsar wetland (sections 16 and 17B)
- Listed threatened species and communities (sections 18 and 18A)
- Listed migratory species (sections 20 and 20A)

162. The action is being assessed by the Commonwealth via a public environment report (PER).

163. Overall, it is considered that impacts to biodiversity values and threatened flora and fauna are acceptable, and that further detailed consideration of impacts to EPBC species can occur through the Commonwealth's EPBC assessment process.

164. It is noted that, if the EPBC decision requires changes to the design of the facility, any planning permit issued and any documents endorsed under the permit would be required to be amended, in line with the requirements of the EPBC decision.

## **Aviation**

165. Clause 18.02-7S and the decision guidelines of clause 52.32 (Wind energy facility) seek to assess the impacts of the project on aviation and safeguard the ongoing, safe and efficient operation of Victorian airports and airfields.


166. The closest airports, aerodromes and heliports to the project are:

- Yarram (approx. 13km northeast)
- Longford Heliport (approx. 35km northeast)
- West Sale (approx. 35km northeast)
- RAAF East Sale (approx. 40km northeast)
- Latrobe Valley (approx. 46km north)

167. The application is supported by an Aviation Impact Assessment, which demonstrates that the wind farm will not impact the operations of any of the airports, aerodromes or heliports as:

- By day, the wind turbines are conspicuous by their size and colour;
- Night operations of aircraft do not occur below published or calculated lowest safe altitudes (LSALT); and
- Aerodromes equipped for night operations will not be affected by the project.

168. It is noted that aviation obstacle lighting is not proposed for the turbines.



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169. Notice of the application was given to CASA and Airservices Australia who did not object to the application. The following requirements have been included as conditions of the recommendation, as requested by CASA:

- If wind monitoring masts are proposed to be taller than 100 m, they should be marked in accordance with NASF Guideline D and that the base around the outer guy wires should be marked in a contrasting colour to the ground.
- Wind monitoring masts to be lit with aviation hazard lighting at least until the turbines are constructed.
- All permanent obstacles 100 m or higher be reported to Airservices Australia.

### **Social and Economic Effects**

170. Sections 60(1)(f) and 60(1B) of the PE Act require the responsible authority to consider any significant social effects the use or development may have, including having regard to the number of objectors in considering whether the use or development may have a significant social effect.
171. The project will contribute to the local economy by creating up to 60 jobs during construction. The proponent has committed to a community benefit program for the life of the facility which is estimated to contribute between \$160,000 and \$240,000 a year to neighbours and community organisations.
172. It is considered that, on balance, the proposal achieves a net community benefit when balanced with its other social, economic and environmental outcomes.

### **Decommissioning**

173. The future decommissioning of the proposed facility can be adequately addressed via permit conditions requiring a decommissioning management plan (DMP). These conditions will require the infrastructure to be removed from the site and the land to be rehabilitated and reinstated to its prior condition, to ensure that there is no permanent loss of agricultural land.

### **Staging**

174. Given the scale of the proposed project, conditions have been included on the permit to allow the use and development to be completed in stages, providing that the corresponding permit conditions/obligations are also satisfied at each stage.

### **Other Victorian and Commonwealth legislation**

175. The subject of this report is the assessment of the project under the PE Act.
176. The table at Attachment 1 of this report provides an overview of the project's key approval and assessment requirements under other Victorian and Commonwealth legislation.



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## Recommendation

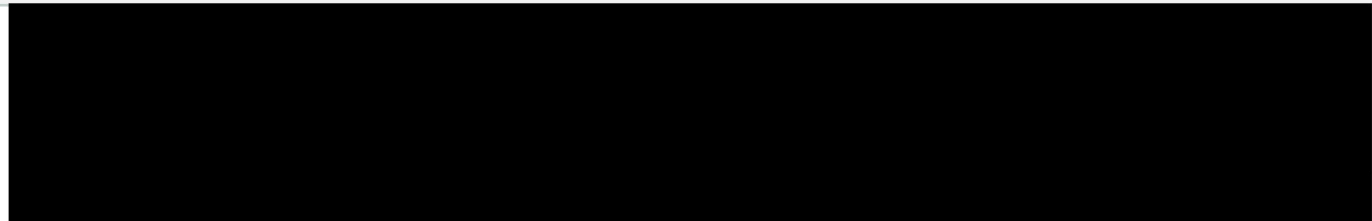
177. The proposal has been assessed against all matters at section 60 of the PE Act, is consistent with the relevant planning policies of the Wellington Planning Scheme and will contribute to the provision of renewable energy generation and storage within the Gippsland region.
178. The proposal is generally supported by the various referral agencies, subject to conditions which have been included in the recommendation.
179. It is recommended that Planning Permit No. PA2503835 for the use and development of the Gelliondale Wind Farm (as described in this report) be issued under delegation from the Minister for Planning, subject to conditions.
180. It is recommended that the following stakeholders be notified of the decision in writing:
- Permit applicant (Alberton Renewable Energy Pty Ltd c/- Beveridge Williams)
  - Wellington Shire Council
  - Objectors
  - All submitters, including the following agency submitters:
    - CFA
    - CASA
    - EPA
    - West Gippsland CMA
    - Secretary to DEECA
  - Referral authorities:
    - Secretary to DEECA
    - WorkSafe
    - Head, Transport for Victoria



**Prepared by:**

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict
- Conflict and have therefore undertaken the following actions:
  - Completed the Statutory Planning Services declaration of Conflict/Interest form.
  - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

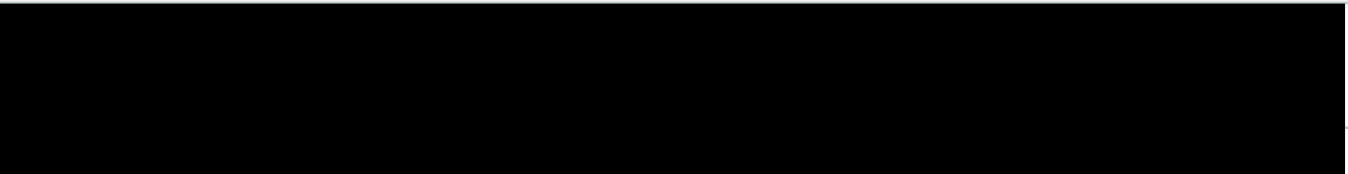


**Reviewed by:**



I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

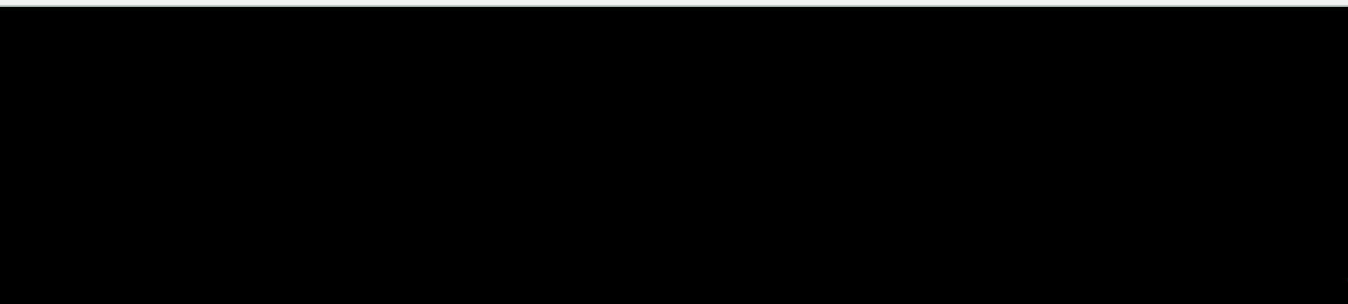
- No Conflict
- Conflict and have therefore undertaken the following actions:
  - Completed the Statutory Planning Services declaration of Conflict/Interest form.
  - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.



**Approved by:**

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict
- Conflict and have therefore undertaken the following actions:
  - Completed the Statutory Planning Services declaration of Conflict/Interest form.
  - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.



## Attachment 1: Other Legislative Requirements

Act	Discussion
<b>Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)</b>	<p>Under the EPBC Act, an action that has, will have, or is likely to have, a significant impact on matters of national environmental significance (MNES), must be referred to the Commonwealth Minister for Environment and Water.</p> <p>On 17 October 2023, the project was determined to be a controlled action as it was considered to have a significant impact on the following MNES:</p> <ul style="list-style-type: none"><li>– The ecological character of a declared Ramsar wetland (sections 16 and 17B)</li><li>– Listed threatened species and communities (sections 18 and 18A)</li><li>– Listed migratory species (sections 20 and 20A)</li></ul> <p>The action is being assessed by the Commonwealth via a public environment report (PER). This planning application can be determined prior to the Commonwealth's decision on the controlled action.</p>
<b>Environment Effects Act 1978 (EE Act)</b>	<p>The EE Act requires the preparation of an Environmental Effects Statement (EES) for activities considered to have, or to be capable of having, a significant effect on the environment. <i>The Ministerial Guidelines for Assessment of Environmental Effects under the Environment Effects Act 1978</i> (DTP 2023) outlines the criteria for referring a project to the Victorian Minister for Planning who will determine if an EES is required.</p> <p>The former (and larger) Alberton Wind Farm was referred under the EE Act and on 28 December 2017 the Minister for Planning decided that an EES was not required.</p> <p>The proponent did not refer this smaller project as they submitted that the project area was already assessed as not having a significant effect on the environment.</p>
<b>Aboriginal Heritage Act 2006 (AH Act)</b>	<p>The AH Act seeks to avoid adverse effects to Aboriginal cultural heritage values as far as reasonably practicable. Where adverse effects cannot be avoided, measures must be implemented to minimise and mitigate adverse effects.</p> <p>The subject site includes areas of Aboriginal cultural heritage sensitivity, and thus a mandatory Cultural Heritage Management Plan (CHMP) is required. An amended CHMP was approved on 22 October 2022 by the Gunaikurnai Land and Waters Aboriginal Corporation. The application is consistent with the activity described in the CHMP.</p>
<b>Flora and Fauna Guarantee Act 1988 (FFG Act)</b>	<p>Under the FFG Act a permit is required to take, kill, injure, disturb or collect threatened species or protected flora species from public land. There are permit exemptions under the FFG Act which apply to the non-commercial removal of protected flora from private land, unless there is 'critical habitat' that has been declared on the land.</p> <p>The Flora and Fauna Assessment outlines that the Swift Parrot, Powerful Owl, White-bellied Sea-eagle, White-throated Needletail, Grey-headed Flying Fox and Eastern Bent-wing Bat fauna species will likely be impacted by the project. However, as the project is on private land, an FFG permit is not required.</p>



Act	Discussion
	Refer to the biodiversity section of this assessment for further information.
<b>Climate Action Act 2017 (CA Act)</b>	<p>The purpose of the CA Act includes (but is not limited to):</p> <ul style="list-style-type: none"><li>– to facilitate the consideration of climate change issues in specified areas of decision making of the Government of Victoria; and,</li><li>– to set policy objectives and guiding principles to inform decision-making under this Act and the development of government policy in the State.</li></ul> <p>Section 20 of the CA Act states that: <i>The Government of Victoria will endeavour to ensure that any decision made by the Government and any policy, program or process developed or implemented by the Government appropriately takes account of climate change if it is relevant by having regard to the policy objectives and the guiding principles.</i></p> <p>This assessment has had consideration of the policy objectives and the guiding principles of the CA Act.</p> <p>The project is anticipated to generate 300GWh of electricity per year, reducing 320,000 tonnes of CO2 emissions annually which will help achieve the emissions reduction targets in Part 2 of the CA Act.</p> <p>It is noted that the community were invited to be involved in the decision-making process via public notice under s52 of the PE Act.</p>
<b>Charter of Human Rights and Responsibilities Act 2006 (the Charter)</b>	<p>The Charter gives legal recognition and protection in Victoria to many important human rights, particularly civil and political rights. DTP is committed to upholding its responsibilities under the Charter.</p> <p>This planning application has been assessed in a manner that is compatible with the human rights identified in the Charter.</p>
<b>Transport Integration Act 2010 (TI Act)</b>	<p>The purpose of the TI Act is to create a new framework for the provision of an integrated and sustainable transport system in Victoria.</p> <p>The assessment of this planning application has had regard to the transport system objectives and decision-making principals of the TI Act.</p>



Department  
of Transport  
and Planning