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PREPARED FOR



Wimmera Plains Energy Facility

Section 72 amendment
Planning Report

BayWa r.e.

DATE
30 August 2024

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0711332



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SIGNATURE PAGE

Wimmera Plains Energy Facility

Section 72 amendment – Planning Report

0711332

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ACRONYMS AND ABBREVIATIONS

Acronyms	Description
AH Act	Aboriginal Heritage Act 2006 (Vic)
AHD	Australian Height Datum
BAM	Bats and Avifauna Management Plan
BayWa	BayWa r.e. Projects Australia Pty Ltd
BESS	Battery Energy Storage System
BUS	Bird Utilisation Survey
CHMP	Cultural Heritage Management Plan
AHD	Australian Height Datum
BMO	Bushfire Management Overlay
CHMP	Cultural Heritage Management Plan
CHS	Cultural Heritage Sensitivity
DCCEEW	Department of Climate Change, Energy, the Environment and Water

Acronyms	Description
dB	Decibels
DEECA	Department of Energy, Environment and Climate Action
DTP	Department of Transport and Planning
EE Act	Environment Effects Act 1978 (Vic)
EES	Environmental Effects Statement
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (Cth)
ERM	Environmental Resources Management Australia Pty Ltd
FFG Act	Flora and Fauna Guarantee Act 1988 (Vic)
FZ	Farming Zone
GWh	Gigawatt Hours
ha	Hectares
kV	Kilovolt
LVIA	Landscape and Visual Impact Assessment
LGA	Local Government Area
LSIO	Land Subject to Inundation Overlay
MNES	Matters of National Environmental Significance
MW	Megawatt
MV	Medium Voltage
NVR	Native Vegetation Removal
P&E Act	Planning and Environment Act 1987 (Vic)
PPF	Planning Policy Framework
RET	Renewable Energy Target
TEC	Threatened Ecological Communities
TRZ2	Transport Zone 2 Principal Road Network
VRET	Victorian Renewable Energy Target
VQA	Vegetation Quality Assessment
WTG	Wind Turbine Generator

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1. INTRODUCTION

Environmental Resources Management Australia Pty Ltd (**ERM**) has been engaged by BayWa r.e. Projects Australia Pty Ltd (**BayWa**) to facilitate a planning permit amendment required to support the development and delivery of the Wimmera Plains Energy Facility, herein referred to as “**the Project**”.

In support of this request to amend the existing planning permit, the following documents are enclosed:

- Development Plans (BayWa, Revision C, June 2024);
- Ecological Assessment (ERM, 2024);
- Landscape and Visual Assessment (Landform Architects, 2024);
- Shadow Flicker Assessment (BayWa, 2024);
- Blade Throw Assessment (Middleton Group, 2024); and
- Noise Impact Assessment (ERM, 2024).

The following planning report provides an assessment against the relevant provisions of the Horsham Planning Scheme and the *Planning and Environment Act 1987 (Vic)* (**P&E Act**).

1.1 EXISTING PLANNING PERMIT

Ministerial Planning Permit no. PA2000877 was issued on 20 July 2021 for the ‘*Use and development of the land for a wind energy facility and utility installation, the removal of native vegetation, the creation and alteration of access to a Road Zone Category 1 and the construction of business identification signage*’.

This existing planning permit generally allows for the following:

- A maximum of 52 Wind Turbine Generators (**WTGs**);
- Associated permanent infrastructure, including two substations, overhead power lines, underground cabling, internal access tracks and four permanent met masts;
- Associated temporary infrastructure, including a construction compound and two concrete batching plants;
- Road upgrades, including roads that intersect with Henty Highway;
- Up to 0.296 hectares of native vegetation removal; and
- Display for business identification signage.

Also of relevance to the proposed amendment is Ministerial Planning Permit No. PA1800346 that was issued on 8 October 2018 for the ‘*Use and development of a wind energy facility with associated works and removal of native vegetation*’, which allowed for a maximum of two WTGs on a single parcel of land that adjoins the boundary of land associated with Planning Permit no. PA2000877. This permit has now expired. The land associated with this permit is hereafter referred to as the ‘Jung’ land.

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1.2 PROPOSED CHANGES AS PART OF THE AMENDMENT

The application to amend Planning Permit no. PA2000877 is made on the basis of the following key changes:

- Inclusion of the 'Jung' land – this land is to accommodate ancillary components of the Project (no WTGs);
- Inclusion a Battery Energy Storage System (BESS) facility (defined as a Utility Installation within the Horsham Planning Scheme);
- Changes to the specifications of the proposed WTGs, including:
 - Reduction of the minimum blade tip clearance to 44 metres (from the originally approved 75 metres); and
 - Increases to the maximum rotor diameter to 180 metres (from the originally approved 162 metres).
- Increases to the amount of native vegetation removal within the Project boundary to 0.951 ha (from the originally approved 0.296 hectares); and
- Changes to locations of ancillary infrastructure within the site, including:
 - Re-location of permanent infrastructure such as the switchyard, substations, operations and maintenance building; and
 - Re-location of temporary infrastructure such as the concrete batching plant, construction compounds and laydown areas.

The number of WTGs and the locations in which they were approved are not proposed to change as part of this application, ensuring that there are no new amenity impacts for consideration (beyond those where revised Assessments to determine the potential for new impacts have been provided) as part of this application.

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1.3 RATIONALE FOR SECTION 72 AMENDMENT

Section 72 of the P&E Act provides the legislative framework for amending existing planning permits. A section 72 amendment to a permit can include:

- a change to the property address to which the permit applies;
- a change to what the planning permit allows (preamble);
- a change to the planning permit conditions; and
- a change to the endorsed plans and/or associated documentation.

In line with the proposed changes outlined in **Section 1.2** of this report, BayWa seeks an amendment to Planning Permit no. PA2000877 as per the following table:

TABLE 1-1 PROPOSED CHANGES TO PA2000877

Proposed change to PA2000877	Type of change
Inclusion of the 'Jung' land – specifically Lot 192/PP2811 (Banyena Road, Jung)	Change to the property address to which the permit applies
Inclusion of a BESS facility (Utility Installation)	Change to what the planning permit allows (preamble)

Proposed change to PA2000877	Type of change
Revisions to preamble wording to reflect current planning scheme controls (replace Road Zone Category 1 with Transport Zone 2)	Change to what the planning permit allows (preamble)
Reduction of the minimum blade tip clearance	Change to the planning permit conditions – Condition 1.a.ii
Increases to the maximum rotor diameter	Change to the planning permit conditions – Condition 1.a.iii
Removal of minimum setback requirement for WTGs to external property boundaries or roads	Change to the planning permit conditions – Condition 1.b
Increases to the amount of native vegetation removal within the Project boundary	Change to the planning permit conditions – Condition 53, Condition 54.a, Condition 54.b
Revisions to endorsed plan set to reflect changes to Project design	Change to the endorsed plans and/or associated documentation
Revisions to endorsed Ecological Assessment	Change to the endorsed plans and/or associated documentation
Revisions to endorsed Landscape and Visual Assessment	Change to the endorsed plans and/or associated documentation
Revisions to endorsed Shadow Flicker Assessment	Change to the endorsed plans and/or associated documentation
Provision of Blade Throw Assessment	Change to the endorsed plans and/or associated documentation
Revisions to endorsed Noise Impact Assessment	Change to the endorsed plans and/or associated documentation

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If approved following this amendment, the preamble for Planning Permit no. PA2000877 would allow for (with revisions in bold) the 'Use and development of the land for a wind energy facility and utility installation (**BESS facility**), the removal of native vegetation, the creation and alteration of access to a **Transport Zone 2** and the construction of business identification signage'.

1.4 REVISED PLANNING PERMIT CONDITIONS

The below table provides further analysis of the proposed changes as part of the amendment and the impact these changes have on the relevant conditions of approval.

Where changes are proposed to the condition of approval, the revised text has been bolded or deleted with a strikethrough.

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TABLE 1-2 PROPOSED CHANGES TO CONDITION OF APPROVAL

Proposed change to PA2000877	Condition	Rationale	Proposed change to condition
Reduction of the minimum blade tip clearance	Condition 1.a.ii	<p>The minimum blade tip clearance is proposed to be reduced to allow for the most recent WTG technology and specifications.</p> <p>In support of this change, a revised ecological assessment was prepared that incorporated two rounds of Bird Utilisation Surveys (BUS) to determine whether lowering of the minimum blade height could result in additional avifauna being at risk of impact when compared to the approved WTG specifications under the original planning permit.</p> <p>A revised shadow flicker assessment was also provided to determine whether there would be any amenity impacts to nearby dwellings that is greater than those already considered as part of the original planning permit.</p> <p>A summary of the relevant assessments is provided within Section 7 of this report.</p>	<p><u>Reword</u> condition to:</p> <p><i>Minimum blade tip clearance of 44 metres from ground level</i></p>
Increases to the maximum rotor diameter	Condition 1.a.iii	<p>The maximum rotor diameter is proposed to be increased to allow for the most recent WTG technology and specifications.</p> <p>In support of this change, a revised ecological assessment was prepared that incorporated two rounds of Bird Utilisation Surveys (BUS) to determine whether increasing the maximum rotor could result in additional avifauna being at risk of impact when compared to the approved WTG specifications under the original planning permit.</p> <p>A revised shadow flicker assessment was also provided to determine whether there would be any amenity impacts to nearby dwellings that is greater than those already considered as part of the original planning permit.</p> <p>A summary of the relevant assessments is provided within Section 7 of this report.</p>	<p><u>Reword</u> condition to:</p> <p><i>Maximum rotor diameter of 180 metres</i></p>
Removal of minimum setback requirement for	Condition 1.b	<p>The requirement for a 225 metre setback for WTGs to external property boundaries or roads is proposed to be deleted, noting that adherence to this</p>	<p><u>Delete</u> condition on basis of the Blade Throw Assessment that is provided for</p>

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Proposed change to PA2000877	Condition	Rationale	Proposed change to condition
WTGs to external property boundaries or roads		<p>condition would render the Project unfeasible for BayWa.</p> <p>In support of the removal of this condition, a blade throw assessment was provided to determine the level of risk to life and property in the event of structural failure of a WTG.</p> <p>Further to the pre-application consultation undertaken, we have not been able to ascertain why this condition was originally placed on the planning permit, and we note that the current model conditions for wind farms in Victoria do not contain any standard conditions relating to setbacks to property boundaries or roads to mitigate the risks of WTG structural failure.</p> <p>A summary of this assessment is provided within Section 7 of this report.</p>	endorsement, making this condition redundant
Increases to the amount of native vegetation removal within the Project boundary	Condition 53	<p>This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright</p> <p>The original native vegetation removal assessment endorsed under the previous planning permit outlined a removal of 0.296 hectares (including 0.009 ha of past removal) of native vegetation, which was subsequently adopted by the planning permit within Condition 53.</p> <p>Upon further assessment by ERM, it was found that the extent of native vegetation to be removed was understated due to cadastre errors which excluded sections of the land, previously thought to sit outside the Project boundary. In addition, the 0.009 ha of vegetation that was previously thought to be removed had never eventuated.</p> <p>In correcting these errors, the calculated area of native vegetation to be removed has increased from the existing planning permit to a total of 0.951 hectares (which includes the 0.009 ha referenced above).</p> <p>Therefore, updates to Condition 53 are sought to ensure that the true extent of vegetation loss from the site is reflected within the planning permit, which also influences the amount of offset credits that BayWa must secure under Condition 54.</p>	<p><u>Reword</u> condition to:</p> <p><i>The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.951 hectares of native vegetation (of which 0.009 hectares is past removal)</i></p>
	Condition 54.a Condition 54.b	<p>Condition 54.a</p> <p>Condition 54.b</p> <p>Condition 54.a</p> <p>Condition 54.b</p>	<p><u>Reword</u> condition to:</p> <p><i>To offset the removal of 0.951 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure the following offsets:</i></p> <p><i>a) A general offset of 0.164 general habitat units:</i></p> <p><i>i. located within the Wimmera Catchment Management</i></p>

Proposed change to PA2000877	Condition	Rationale	Proposed change to condition
		A summary of this assessment is provided within Section 6.6 and Section 7 of this report.	<i>Authority (CMA) or Horsham Rural City municipal area</i> <i>b) with a minimum strategic biodiversity value of at least 0.092.</i>

1.5 PRE-APPLICATION CONSULTATION

Consultation with the Department of Transport and Planning (**DTP**) and the Department of Energy, Environment and Climate Action (**DEECA**) was undertaken on 27 November 2023 and 15 May 2024 on a pre-application basis.

Within these meetings it was generally agreed that a Section 72 amendment was the most suitable course of action in allowing for the proposed changes to the original planning permit as outlined.

Given the extent of changes proposed and when noting that there are no changes to the number of WTG on the site or to the position in which they were previously approved, it was also generally agreed that a number of supporting reports that formed part of the original application did not need to be amended on the basis of the changes provided, and that new/amended assessments were only required for those that have been previously described within this report.

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2. SITE CONTEXT

2.1 SUBJECT SITE

The Project is to be located in the Wimmera region of Western Victoria, approximately 3 km north-west of the township of Jung and 6 km north of Dooen. The Project is situated entirely within the Horsham Rural City Council Local Government Area (**LGA**) with a total Project site of approximately 3,800 hectares (**ha**). Refer to **Figure 2-1** for the existing conditions of the site.

The Project site is bounded by Kalkee East Road and Mokepilly Road to the north, Dogwood Road, Dooen-North Road and Kelly Road to the west, Ladlows Road and Johns Road to the south and Jung Wheat Road and Jung North Road to the east.

Situated within the Wimmera Plains, the site is predominantly flat and lies at an approximate average elevation of 140 metres Australian Height Datum (**AHD**). The landscape is characterised by large agricultural fields (wheat and canola) and treeless or planted road reserves. Native vegetation is limited to low-quality linear road reserves of degraded natural and derived plains savannah and grassland, with infrequent scattered trees (River Red-gum, Buloke, and introduced Sugar Gum) or small Buloke woodlands with a mostly non-native understorey occurring in pockets on private land.

While there are small areas of Cultural Heritage Sensitivity (**CHS**) mapping in the site, there are no areas of CHS directly impacted by the Project footprint, and there are no known historical heritage places located on the site. Notwithstanding the above, a voluntary Cultural Heritage Management Plan (**CHMP**) has been prepared and construction works will not commence until the CHMP is approved.

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2.2 TITLE AND PARCELS

The Project site comprises of 45 parcels of land comprising 43 parcels of privately owned farming land (primarily used for broad acre cropping) and two parcels of crown land. Refer to **Figure 2-2** for the land details.

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These land parcels are shown within **Table 2-1**.

There are no restrictions on title that would prevent the site from being developed for the purpose of a wind energy facility and/or utility installation.

TABLE 2-1 LAND ALLOTMENTS

Address	Description
1648 Henty Highway Dooen 3401	Lot 1 TP160623
132 Ladlows Road Kalkee 3401	Lot 1 TP181102
466 Kelly Road Kalkee 3401	Lot 1 TP240472
Dogwood Road Kalkee 3401	Lot 1 TP248895
Henty Highway Jung 3401	Lot 1 TP398880
466 Kelly Road Kalkee 3401	Lot 1 TP515586
Henty Highway Jung 3401	Lot 1 TP567605
Finlaysons Road Kalkee 3401	Lot 1 TP663294
1648 Henty Highway Dooen 3401	Lot 1 TP675930

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Address	Description
1648 Henty Highway Dooen 3401	Lot 1 TP742692
2387 Henty Highway Jung 3401	Lot 1 TP830187
1797 Henty Highway Jung 3401	Lot 2 PS306972
Henty Highway Kalkee 3401	Lot 2 PS746710
466 Kelly Road Kalkee 3401	Lot 2 TP240472
Henty Highway Jung 3401	Lot 2 TP567605
Finlaysons Road Kalkee 3401	Lot 2 TP663294
Smiths Road Jung 3401	Lot 2 TP878608
530 Banyena Road Kalkee 3401	Lot 99 PP2820
Finlaysons Road Kalkee 3401	Lot 101A PP2820
Finlaysons Road Kalkee 3401	Lot 103 PP2820
Finlaysons Road Kalkee 3401	Lot 105A PP2820
132 Laddows Road Kalkee 3401	Lot 107 PP2820
Greenhills Road Jung 3401	Lot 166 PP2811
Greenhills Road Jung 3401	Lot 167 PP2811
Greenhills Road Jung 3401	Lot 168 PP2811
Greenhills Road Jung 3401	Lot 169 PP2811
Greenhills Road Jung 3401	Lot 170 PP2811
Bells Road Jung 3401	Lot 172 PP2811
1648 Henty Highway Dooen 3401	Lot 173 PP2811
1648 Henty Highway Dooen 3401	Lot 186 PP2811
1648 Henty Highway Dooen 3401	Lot 187 PP2811
Henty Highway Jung 3401	Lot 188 PP2811
1797 Henty Highway Jung 3401	Lot 189 PP2811
1797 Henty Highway Jung 3401	Lot 190 PP2811
Henty Highway Jung 3401	Lot 191 PP2811
Henty Highway Jung 3401	Lot 192 PP2811
Banyena Road Jung 3401	Lot 193 PP2811
Bells Road Jung 3401	Lot 194 PP2811
Bells Road Jung 3401	Lot 195 PP2811
Bells Road Jung 3401	Lot 195A PP2811
Bells Road Jung 3401	Lot 196 PP2811
Jung Wheat Road Jung 3401	Lot 199 PP2811
Jung Wheat Road Jung 3401	Lot 201 PP2811
Henty Highway Jung 3401	Lot 224 PP2811
Henty Highway Jung 3401	Lot 227 PP2811

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The Project area also continues to encompass land within nineteen (19) separate road reserves, which are listed in the existing planning permit and within **Table 2-2**. This amendment does not propose any changes to the land listed within the existing planning permit.

TABLE 2-2 LAND ALLOTMENTS (ROAD RESERVES)

Address	Description
Western Highway Reserve	Road Reserve
Dimboola- Minyip Road Reserve	Road Reserve
Henty Hwy Reserve	Road Reserve
Wail-Kalkee Road Reserve	Road Reserve
Wail-Dooen Road Reserve	Road Reserve
Blue Ribbon Road Reserve	Road Reserve
Rules E Road Reserve	Road Reserve
Ladlows Road Reserve	Road Reserve
Smiths Road Reserve	Road Reserve
Shearwoods Road Reserve	Road Reserve
Unnamed road reserve (adjacent to 1\TP830187)	Road Reserve
Banyena Road Reserve	Road Reserve
Dogwood Road Reserve	Road Reserve
Dooen N Road Reserve	Road Reserve
Finlaysons Road Reserve	Road Reserve
Max Johns Road Reserve	Road Reserve
Bells Road Reserve	Road Reserve
Whytes Road Reserve	Road Reserve
Jung Wheat Rd Reserve	Road Reserve

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2.3 LOCATIONAL CONTEXT

The area within and immediately surrounding the Project site is sparsely populated with a number of small townships located within approximately 10 km from the site, including Jung and Dooen, with each town having a population of less than 250 people. Horsham is the largest regional centre within proximity of the site, located approximately 12 km south of the Project. Refer to **Figure 2-3** for the locational context of the site.

The area immediately surrounding the site is primarily utilised for broad acre cropping and some quarrying activity. Further afield there are small pockets dedicated to other land uses, such nature reserves and townships, however these areas make up a very small component of the broader region surrounding the Project, which is dominated by agriculture.

The Avonbanks Mineral Sands project is proposed to the south of the Project site. The report and decision on the proposal (following public enquiry) is awaiting release. The Project is

planned on land located entirely outside the Avonbanks project area, mineral resource area and mine footprint (refer to **Figure 2-4**)

2.4 DWELLINGS WITHIN PROXIMITY OF THE SITE

A total of thirty-four (34) dwellings are located within proximity of the Project. Importantly, the distance of WTGs from these dwellings remains unchanged as part of this amendment from the original planning permit application.

As per the requirements of Clause 52.32-3, there are no non-stakeholder dwellings within 1 km of a proposed turbine location, with the only dwelling (Dwelling ID no.4) within 1 km having consented to this within the previous planning permit application.

Further, there are 22 non-stakeholders located within 3 km of a wind turbine.

The number and locations of dwellings in the vicinity of the Project are shown in the table below and are also presented in **Figure 2-5**.

TABLE 2-3 DWELLINGS WITHIN PROXIMITY OF THE PROJECT

Distance from nearest turbine	Dwellings	Non-stakeholder dwellings	Stakeholder dwellings
0 – 1 km	1	0	1
1 – 1.5 km	11	6	5
1.5 – 2 km	7	5	2
2 – 3 km	15	11	4

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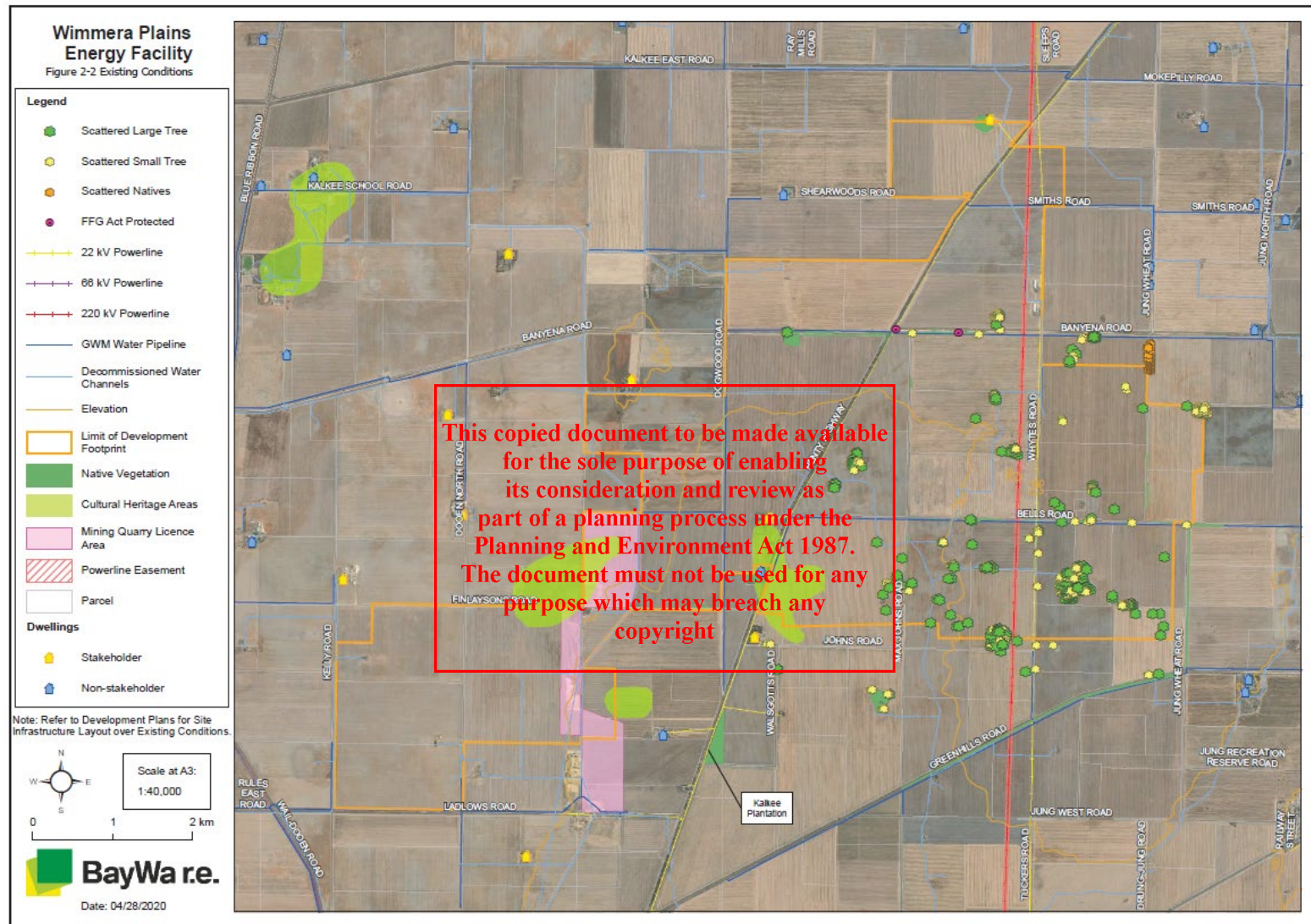
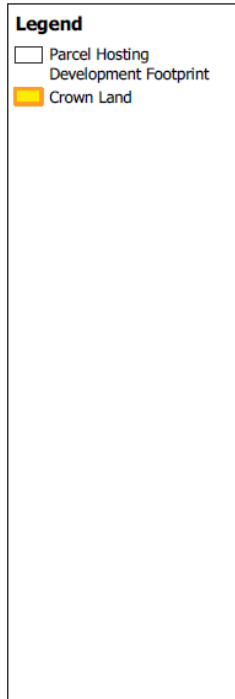


FIGURE 2-1 EXISTING CONDITONS PLAN

Wimmera Plains Energy Facility

Figure 2-2 Land Details



Scale at A3:
1:35,000

0 1 km

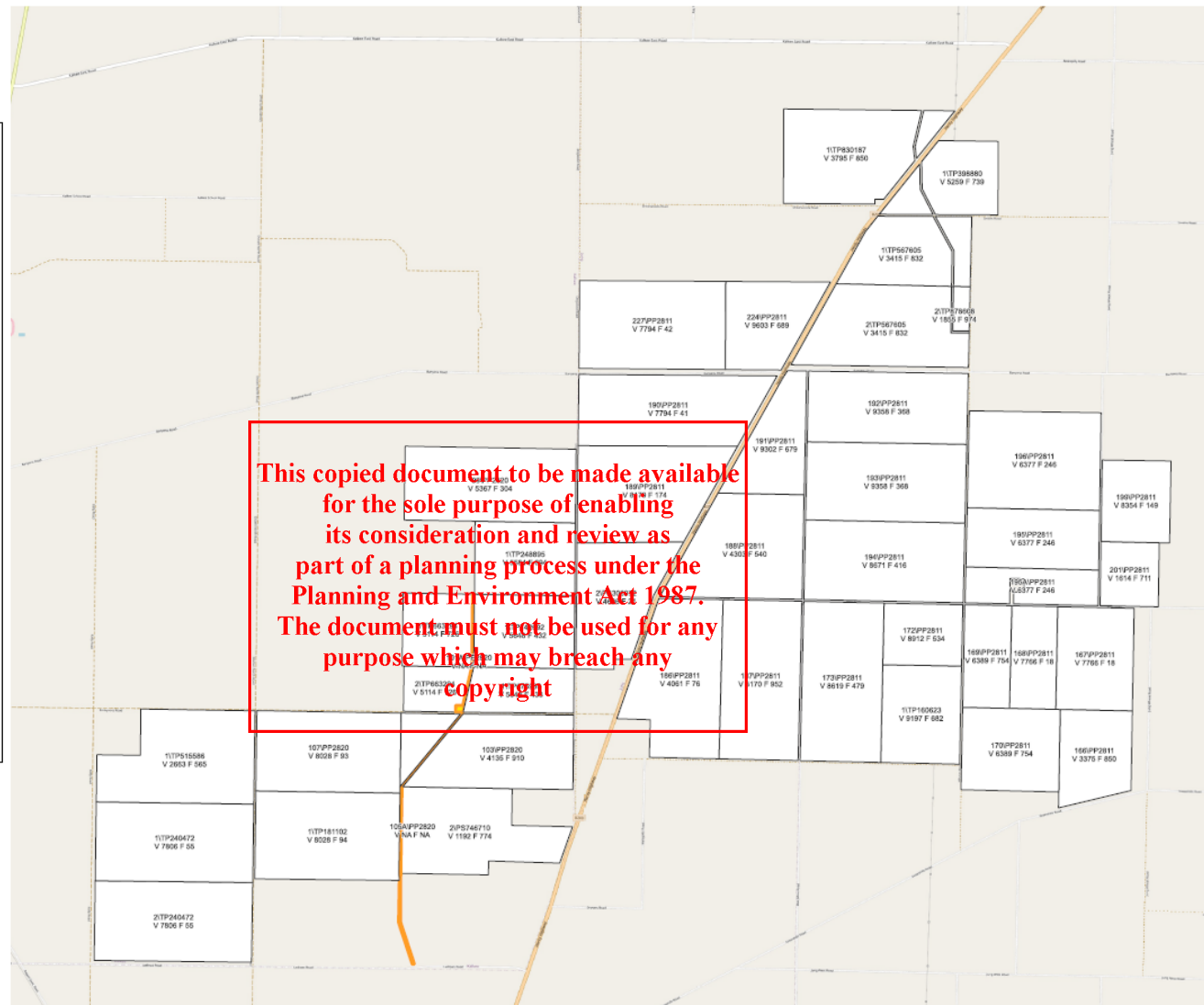


FIGURE 2-2 PROJECT LAND PARCEL PLAN

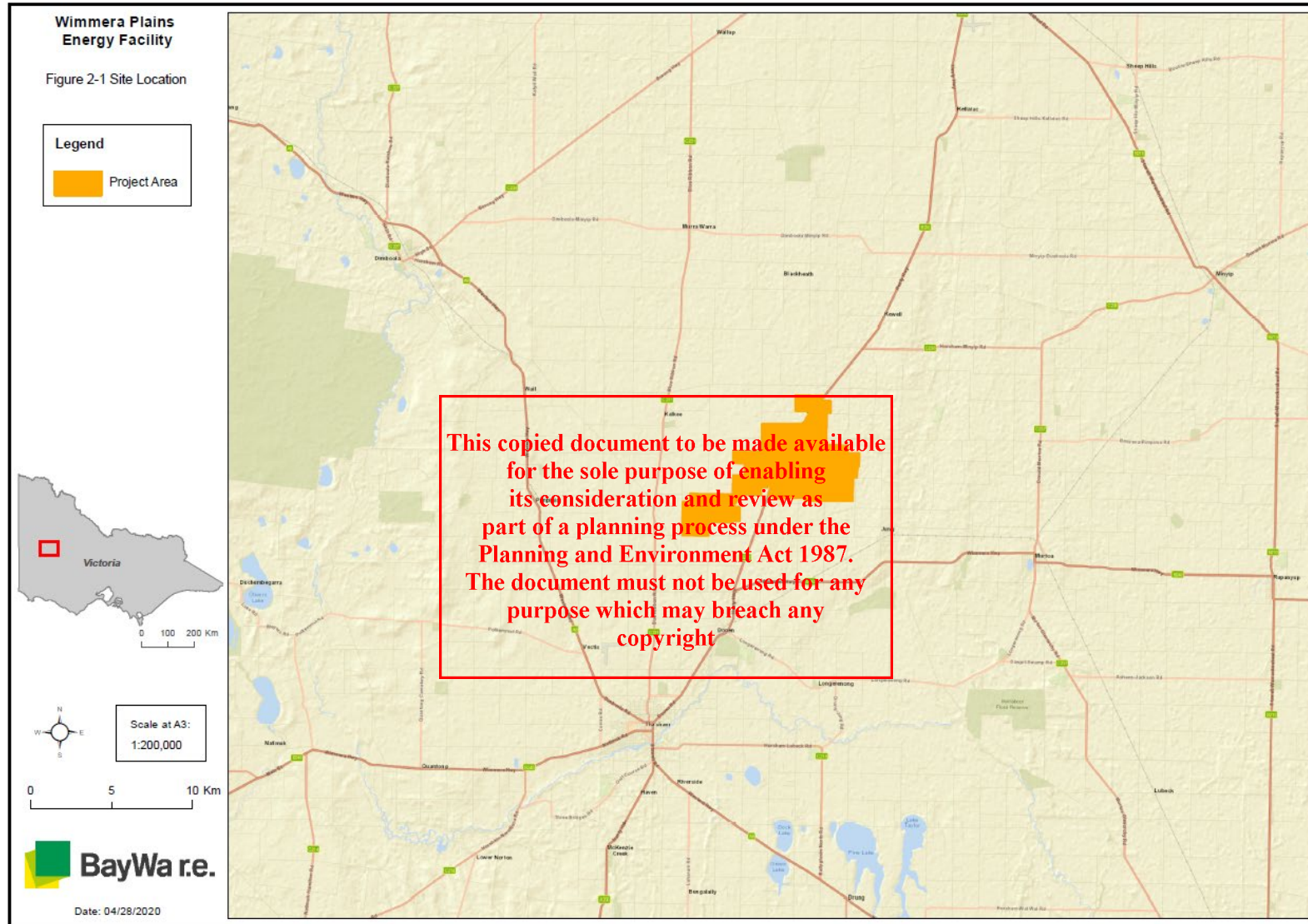


FIGURE 2-3 LOCATIONAL CONTEXT PLAN

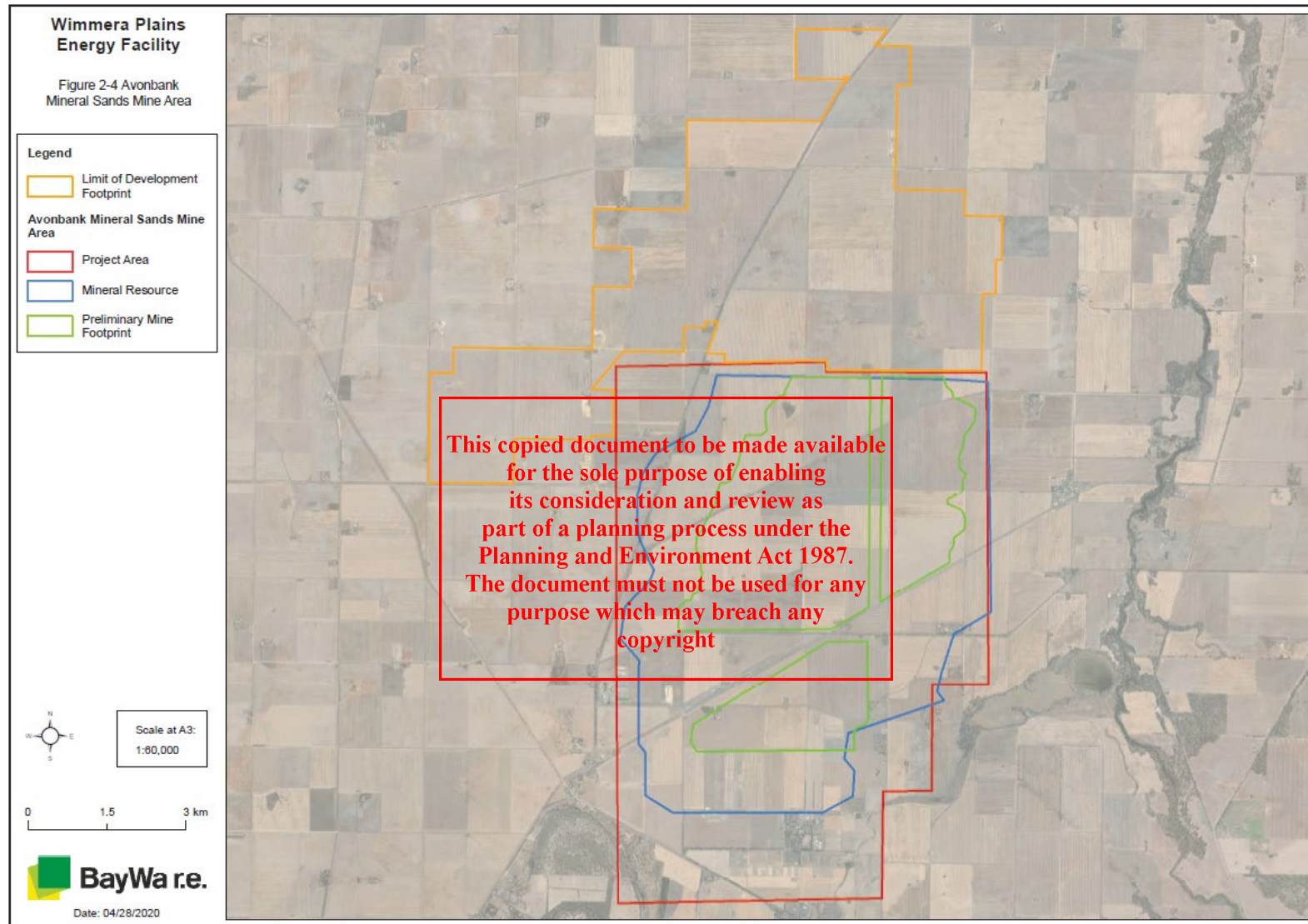


FIGURE 2-4 AVONBANK MINERAL SANDS MINE AREA PLAN

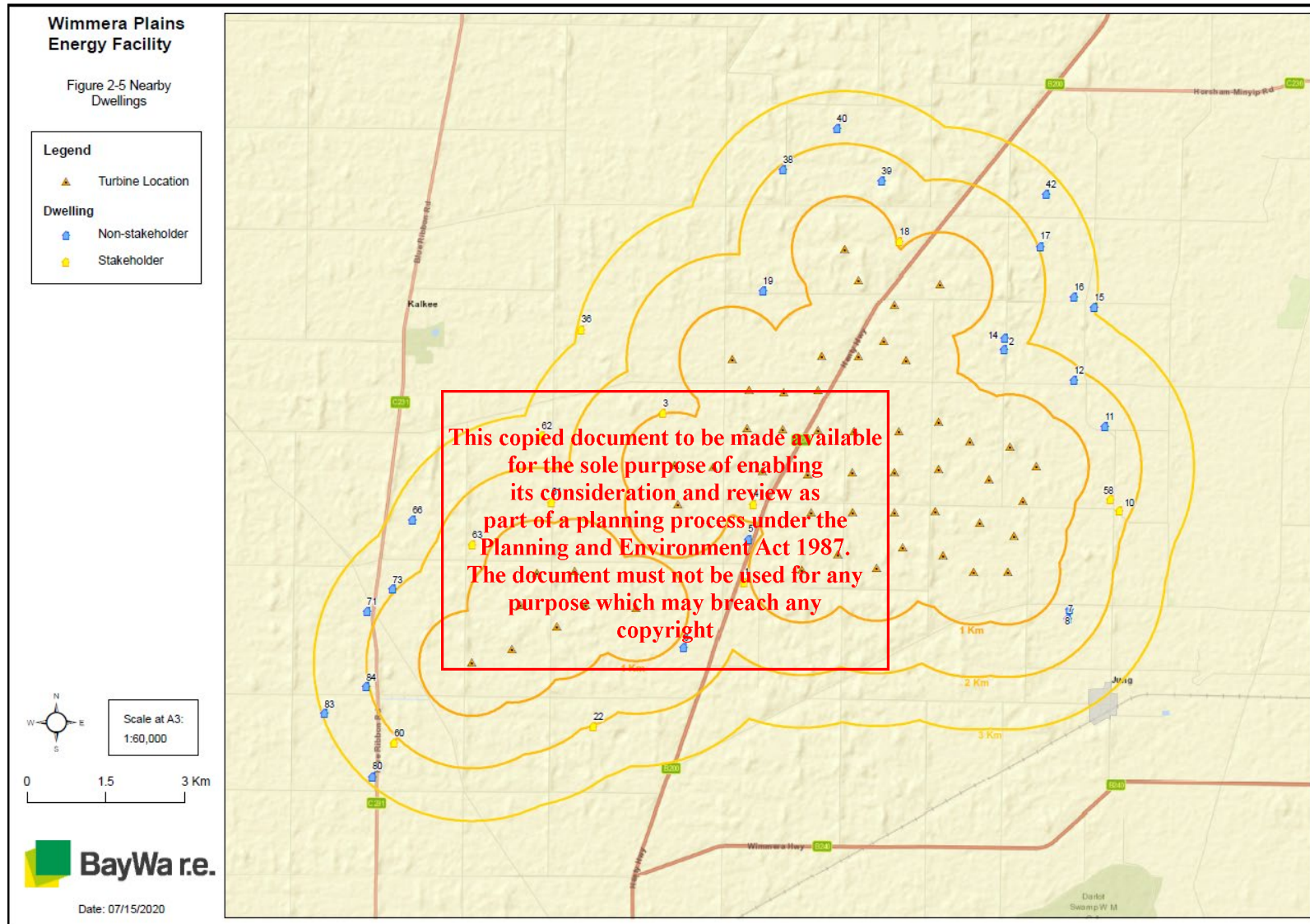


FIGURE 2-5 NEARBY DWELLING PLAN

3. THE PROJECT

3.1 SITE SELECTION

The Project site was previously identified as (and remains) an ideal site for a wind energy facility for the following reasons:

- It receives undisturbed wind flow with strong, consistent wind speeds;
- It is relatively distant from residences, tourist attractions and major roadways;
- The predominant land use is cropping, meaning there will be minimal effects on sensitive flora or fauna;
- It is in close proximity to the national electrical grid; and
- It is well served by road infrastructure.

3.2 PROJECT DESCRIPTION

The Project comprises the planning and development, construction, operation and decommissioning of a wind energy facility and BESS with generating capacity of up to 312 MW connected to the existing electricity network. The facility (including the BESS facility) will connect to the national electricity grid at the 220 kV power line which currently transverses the site.

The Project is to consist of the following key elements:

- 52 WTGs;
- Turbine foundations;
- Hard stand areas;
- Two onsite substations;
- One onsite BESS;
- Underground cable reticulation;
- Construction compound, including site offices, storage and carparking;
- Concrete batching plants and temporary water supply infrastructure; and
- One meteorological mast.

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The proposed Project site layout plan with development footprint is provided in **Figure 3-1**, and an indicative elevation of the proposed WTG is provided in **Figure 3-2**.

The extent of works required for local roads, as well as an indication of internal roads to be utilised for transport of the WTG blades during the construction phase of the Project is provided within **Figure 3-3**.

3.2.1 BATTERY ENERGY STORAGE SYSTEM

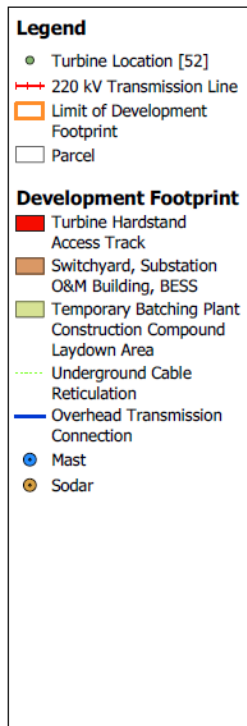
The BESS facility will be located within the Project site and will have a capacity of up to 100MW and store up to 400 megawatt hours (MWh) of dispatchable energy.

The BESS facility will cover up to 4 ha, consisting of up to 216 battery containers, and associated hardstand and ancillary components.

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Wimmera Plains Energy Facility

Figure 3-1 Site Plan



Scale at A3:
1:35,000

0 1 km

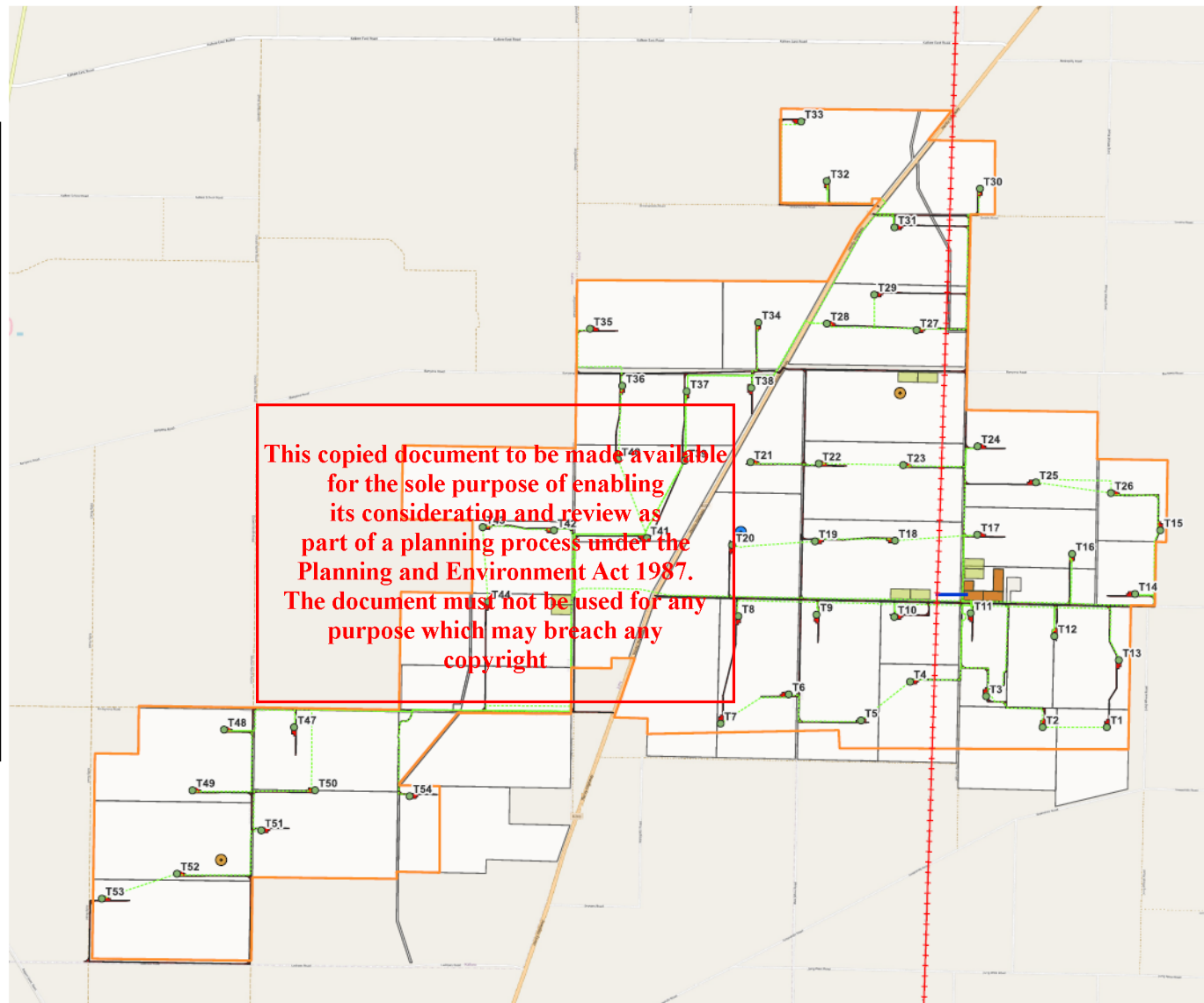


FIGURE 3-1 SITE LAYOUT PLAN

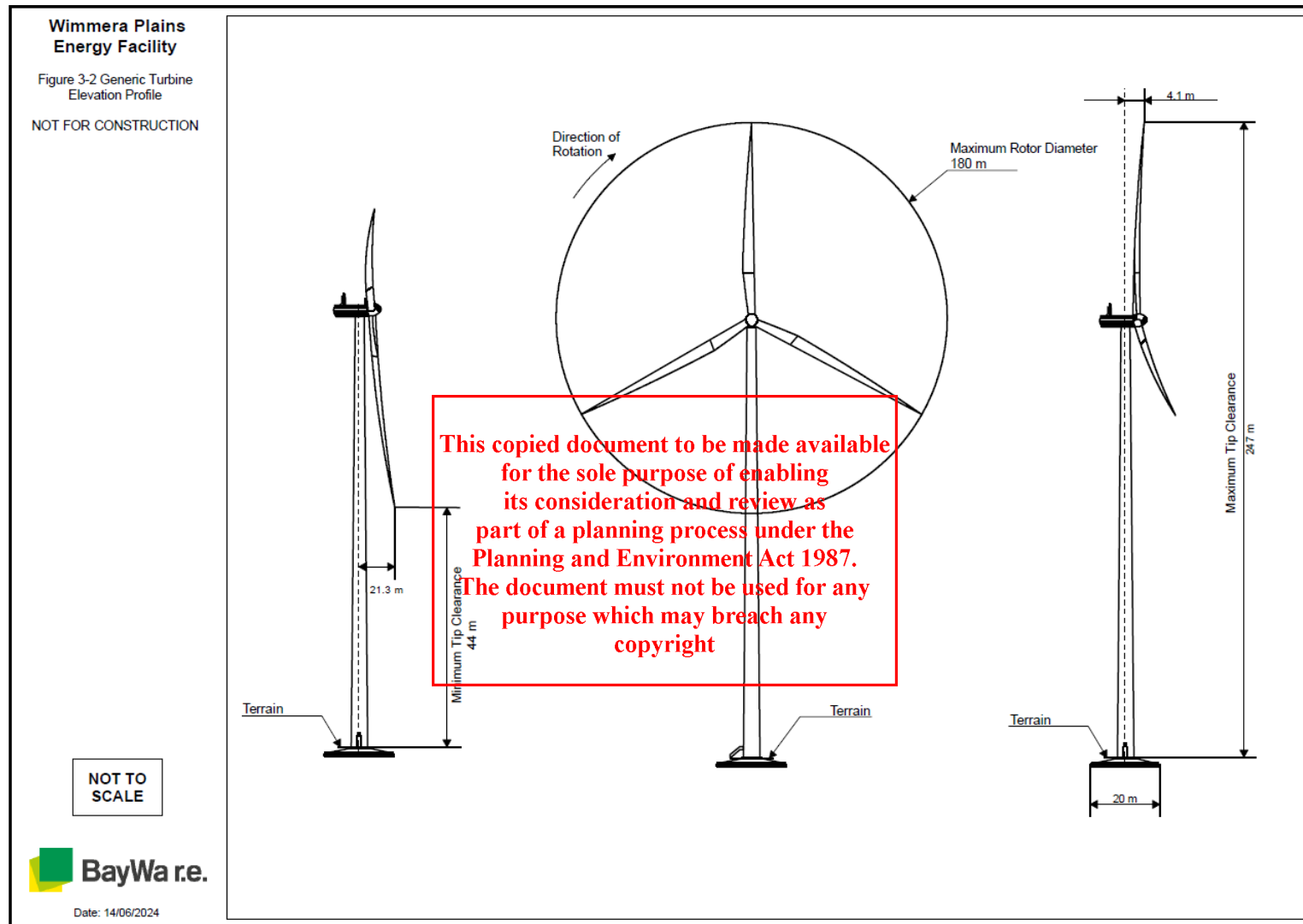


FIGURE 3-2 WTG ELEVATION

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Wimmera Plains Energy Facility

Figure 3-3 Local Roads for Site Traffic

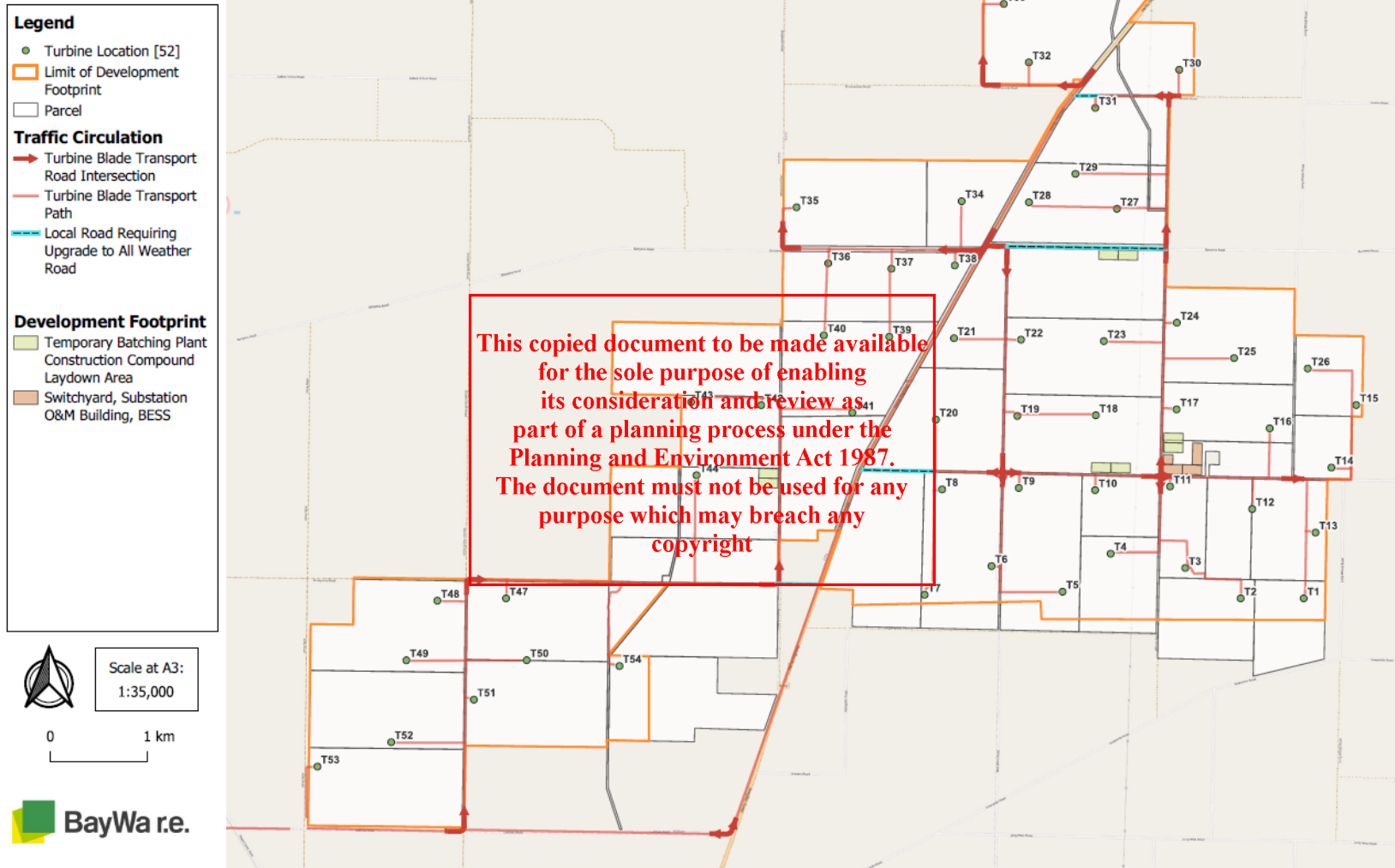


FIGURE 3-3 LOCAL ROADS AND TRANSPORT PLAN

4. PLANNING CONTEXT

The following planning controls and policy of the Horsham Planning Scheme is relevant to the Project, noting that there are no additional planning permit triggers when compared to the previous approval on the site.

4.1 ZONE

The Project site is entirely within the Farming Zone (**FZ**), with all wind turbine locations being located within FZ. Refer to **Figure 4-1** for the zoning context of the site.

TABLE 4-1 ZONING ASSESSMENT

Clause	Relevant purposes	Permit trigger analysis
35.07 Farming Zone (FZ)	<ul style="list-style-type: none"> To implement the Municipal Planning Strategy and the Planning Policy Framework. To provide for the use of land for agriculture. To encourage the retention of productive agricultural land. To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture. To encourage the retention of employment and population to support rural communities. To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision. To provide for the use and development of land for the specific purposes identified in a schedule to this zone. 	<p>A planning permit is required under Clause 35.07-1 for the use of land for a Wind Energy Facility. A proposal must meet the requirements of Clause 52.32.</p> <p>A planning permit is also required under Clause 35.07-1 for the use of land for a Utility Installation (BESS).</p> <p>A planning permit is required under Clause 35.07-4 for buildings or works associated with a Section 2 use (both for a Wind Energy Facility and a Utility Installation).</p> <p>A Planning Permit for the use and development of a Wind Energy Facility and a Utility Installation is therefore required under the Farming Zone.</p>

4.2 OVERLAYS

A small part of the site is affected by the Land Subject to Inundation Overlay (**LSIO**), occurring in the vicinity of Finlayson Road. Refer to **Figure 4-1** for the overlay context of the site.

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TABLE 4-2 OVERLAY ASSESSMENT

Clause	Purpose	Permit trigger analysis
44.04 Land Subject to Inundation Overlay – Schedule 1 (LSIO1)	<ul style="list-style-type: none"> To implement the Municipal Planning Strategy and the Planning Policy Framework. To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority. To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity. To minimise the potential flood risk to life, health and safety associated with development. To reflect a declaration under Division 10 of Part 10 of the Water Act, 1989. To protect water quality and waterways as part of a planning process by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater. To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health. 	<p>Under the LSIO1, a permit is not required to construct or carry out works on land subject to an existing planning permit, if land has been developed in accordance with a planning permit, restriction or section 173 agreement requiring its ground level to be finished at least 300 millimetres above the 100-year ARI (average recurrence interval) flood level.</p> <p>Condition 1.e. of the existing planning permit requires confirmation that any required road upgrade works for the section of Finlayson Road affected by the LSIO1 will not change the finished level of the road surface.</p> <p>The amended proposal does not alter to vary this condition and it is confirmed that Condition 1.e. will be met.</p> <p>On this basis, a planning permit is not required for buildings and works under the LSIO1.</p>

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4.3 PARTICULAR PROVISIONS

TABLE 4-3 PLANNING PROVISIONS ASSESSMENT

Clause	Purpose	Permit trigger analysis
52.05 Signs	<ul style="list-style-type: none"> To regulate the development of land for signs and associated structures. To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character. To ensure signs do not contribute to excessive visual clutter or visual disorder. 	<p>Clause 35.07-7 specifies sign requirements under Category 4 of Clause 52.05.</p> <p>Under Category 4, a permit is required to construct or put up for display a business identification sign. The total display area to each premises must not exceed 3sqm.</p>

Clause	Purpose	Permit trigger analysis
	<ul style="list-style-type: none"> To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road. 	A Planning Permit for the display of business identification signage is therefore required.
52.06 Car Parking	<ul style="list-style-type: none"> To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework. To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality. To ensure that car parking does not adversely affect the amenity of the locality. 	<p>Under Clause 52.06-2, the number of car parking spaces required under Table 1 at Clause 52.06-5 must be provided before a new use commences.</p> <p>If the use of the land is not specified in Table 1, pursuant to Clause 52.06-6 car parking spaces must be provided to the satisfaction of the responsible authority.</p> <p>A Wind Energy Facility and Utility Installation are not listed uses under Table 1.</p> <p>Therefore, a planning permit is required under Clause 52.06-3, and parking spaces must be provided to the satisfaction of the responsible authority.</p>
52.17 Native Vegetation	<p>This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.</p> <ul style="list-style-type: none"> To ensure that the removal, destruction or lopping of native vegetation is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines): Avoid the removal, destruction or lopping of native vegetation. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation. To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation. 	<p>A permit is required to remove, destroy or lop native vegetation, including dead native vegetation under Clause 52.17-1. This does not apply if the table to Clause 52.17-7 specifically states that a permit is not required.</p> <p>There are no exemptions for the native vegetation that is proposed for removal from the site. A planning permit is therefore required under Clause 52.17-1.</p>
52.29 Land adjacent to the Principal Road Network	<ul style="list-style-type: none"> To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network. To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network. 	<p>A permit is required to create or alter access to a road in a TRZ2.</p> <p>Creation of access and alterations to the roads that intersect with Henry Highway therefore requires a planning permit under Clause 52.29-2.</p>

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Clause	Purpose	Permit trigger analysis
52.32 Wind Energy Facility	<ul style="list-style-type: none"> To facilitate the establishment and expansion of wind energy facilities, in appropriate locations, with minimal impact on the amenity of the area. 	<p>A permit is required to use and develop land for a Wind Energy Facility under Clause 52.32-2.</p> <p>The assessment of the proposal against the Clause 52.32 requirements is contained within this report.</p>

4.4 PLANNING POLICY FRAMEWORK

TABLE 4-4 PLANNING POLICY FRAMEWORK ASSESSMENT

Clause	Objective / Strategies
02.02 Vision	<p>Council seeks to manage land use and development in a manner that:</p> <ul style="list-style-type: none"> Recognises the significance of our agricultural community. Protects and promotes the municipality as a safe place to live. Respects and protects our natural environment. Considers the impact of climate change.
02.03 Strategic Directions	<p><u>Environmental and landscape values (02.03-2)</u></p> <p>This copied document to be made available for the sole purpose of enabling its consideration and use as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright</p> <ul style="list-style-type: none"> Protect the quality of the land and water resources of the municipality through sound environmental management. Reverse the long-term decline in terrestrial vegetation and associated biodiversity. Assist in the re-establishment of native vegetation across the region within identified locations. Protect the habitat of the Red-tailed Black Cockatoo. Protect surface and ground water quality. Preserve important wetlands and areas of environmental significance. Protect the landscape character, environmental features and scenic qualities of the Grampians National Park, Black Ranges and Mount Arapiles-Tooan State Park. <p><u>Environmental risks and amenity (02.03-3)</u></p> <ul style="list-style-type: none"> Minimise flood risk and maintain the capacity of the floodplain. <p><u>Natural resource management (02.03-4)</u></p> <ul style="list-style-type: none"> Protect productive agricultural land for agriculture and sustainable resource use. Avoid the fragmentation of productive agricultural land. Develop a more diverse and productive intensive agriculture industry. Encourage land use and development that facilitates value adding, new commodities, specialist services, research and education and improved transport connections to export markets.
11.03-5S Distinctive areas and landscapes	<p>To recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.</p>

Clause	Objective / Strategies
12.01-1S Protection of Biodiversity	To protect and enhance Victoria's biodiversity.
12.01-1R Protection of biodiversity - Wimmera Southern Mallee	Facilitate greater connectivity between areas of medium to high natural value to improve ecosystem resilience. Protect and manage environmental assets as cropping expands in the southern parts of the region.
12.01-1L Protection of biodiversity - Horsham	Protect and enhance native vegetation, biodiversity and ecological processes and endeavour to achieve no net loss of native vegetation in the municipality. Protect remnant vegetation on private land and in road and railway reserves. Conserve suitable nesting sites for the Red-tailed Black Cockatoo through the protection of live and dead hollow bearing trees and other suitable trees within the bird's known nesting area. Conserve the feeding habitat of the Red-tailed Black Cockatoo through the retention of Buloke and Stringybark trees.
12.01-2S Native vegetation management	To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation, by: <ul style="list-style-type: none"> • Avoid the removal, destruction or lopping of native vegetation. • Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided. • Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.
12.05-2S Landscape	To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.
13.01-1S Natural hazards and climate change	To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.
13.02-1S Bushfire Planning	To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
13.05-1S Noise Abatement	To assist the management of noise effects on sensitive land uses.
13.07-1S Land use compatibility	To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.
14.01-1S Protection of agricultural land	To protect the state's agricultural base by preserving productive farmland.
14.01-1L Protection of agricultural land - Horsham	Avoid the fragmentation of productive agricultural land by non-farm related subdivision and development.

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Clause	Objective / Strategies
14.01-2S Sustainable agricultural land use	To encourage sustainable agricultural land use.
14.01-2R Agricultural productivity – Wimmera Southern Mallee	Support local industries, activities and infrastructure that complement and enhance the region's agricultural sector. Facilitate the economic opportunities presented by the Wimmera Mallee Pipeline taking advantage of water security to encourage more intensive agriculture.
15.03-2S Aboriginal Cultural Heritage	To ensure the protection and conservation of places of Aboriginal cultural heritage significance.
17.01-1R Diversified economy – Wimmera Southern Mallee	Capitalise on economic development opportunities through building on the region's assets, particularly agriculture, energy, mining and tourism. Facilitate the use of secure water supplies to develop the region's economy.
18.02-4S Roads	To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.
18.02-7S Airports and airfields	To strengthen the role of Victoria's airports and airfields within the state's economic and infrastructure development, their siting and expansion, and safeguard their ongoing, safe and efficient operation.
19.01 Energy Supply	To facilitate appropriate development of energy supply infrastructure. Support the development of energy generation, storage, transmission, and distribution infrastructure to transition to a low-carbon economy. Ensure energy generation, storage, transmission and distribution infrastructure and projects are resilient to the impacts of climate change. Support energy infrastructure projects in locations that minimise land use conflicts and that take advantage of existing resources and infrastructure networks.
19.01-2S Renewable Energy	To support the provision and use of renewable energy in a manner that ensures appropriate siting and design considerations are met. Facilitate renewable energy development in appropriate locations. Protect renewable energy infrastructure against competing and incompatible uses. Set aside suitable land for future renewable energy infrastructure. Consider the economic, social and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment. Support wind energy facilities in locations with consistently strong winds over the year.
19.01-2R Renewable Energy – Wimmera Southern Mallee	Support the development of locally generated renewable energy, including bioenergy clusters.

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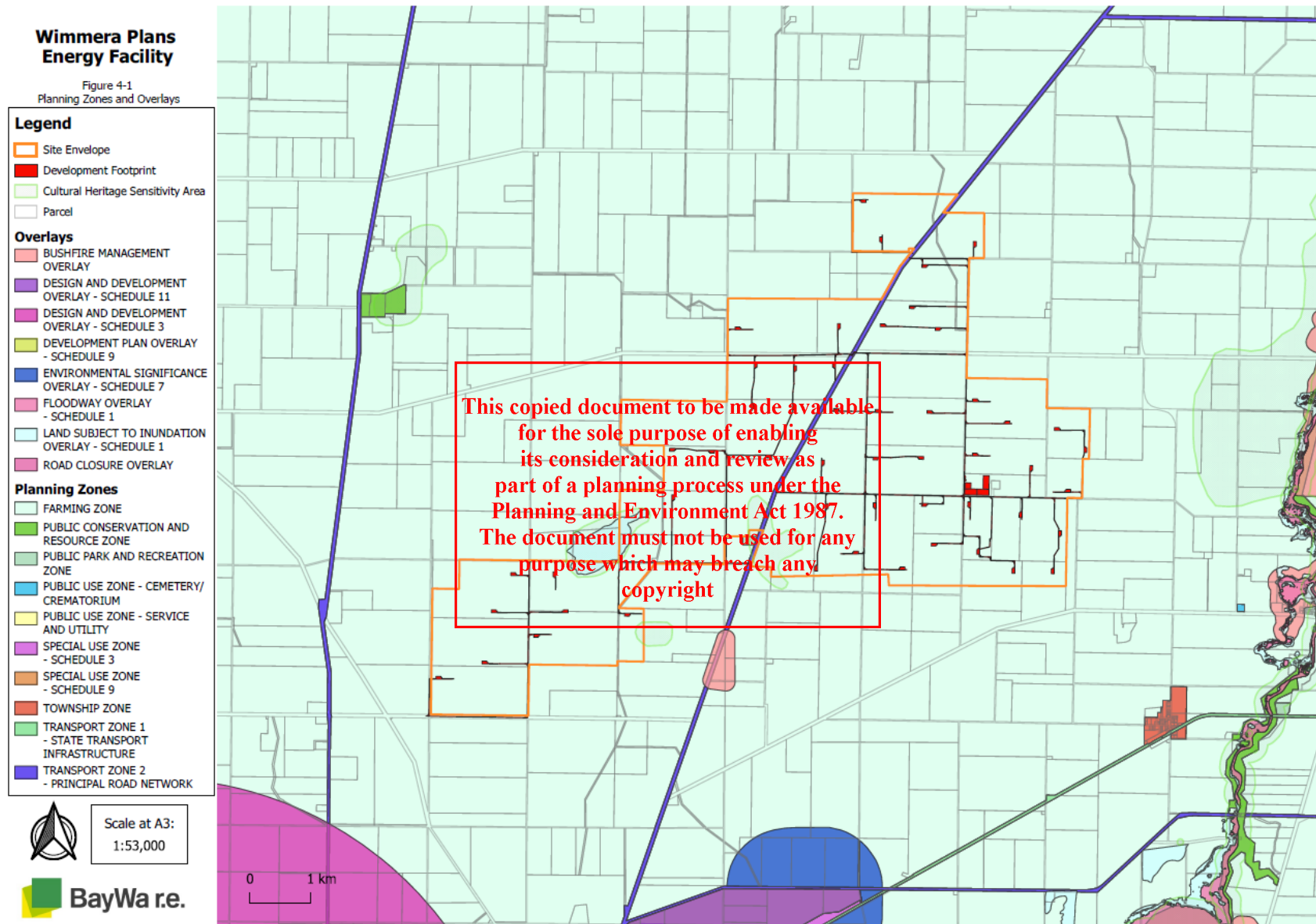


FIGURE 4-1 ZONING AND OVERLAY MAP

5. OTHER RELEVANT LEGISLATION

5.1 ABORIGINAL HERITAGE ACT 2006 (VIC)

Aboriginal cultural heritage is primarily protected by the *Aboriginal Heritage Act 2006 (Vic)* (**AH Act**) and the *Aboriginal Heritage Regulations 2018 (Vic)*. Under this legislation Aboriginal cultural heritage is protected by requiring planning permit applicants to prepare a CHMP if and when their proposed actions pose a risk to Aboriginal cultural heritage. Under the AH Act actions are considered to pose a risk to Aboriginal cultural heritage, and therefore require the preparation of a mandatory CHMP, when they are both a “high impact activity” and occur in an “area of cultural heritage sensitivity”.

It was determined that the Project under the existing planning permit did not require a mandatory CHMP as the Project failed to satisfy both triggers for the preparation of a plan.

Given that the proposed design changes as part of this application occur outside of areas mapped within an area of CHS, the Project continues to not trigger a requirement for a mandatory CHMP requirement.

Notwithstanding the above, a voluntary CHMP has been prepared and no construction works will commence until the CHMP is approved.

5.2 ENVIRONMENT EFFECTS ACT 1978 (VIC)

The *Environment Effects Act 1978 (Vic)* (**EE Act**) provides for assessment of proposals that have the potential to have a significant effect on the environment. The Ministerial Guidelines for Environment Effects Statements under the EE Act provide criteria to determine whether a referral should be made to the Victorian Minister for Planning.

The previous project did not submit an EES referral.

As part of this amendment application, a self-assessment was undertaken under the Ministerial Guideline criteria, which determined that the Project does not trigger a referral under the EE Act.

5.3 ENVIRONMENT PROTECTION AND BIODIVERSITY ACT 1999 (Cth)

The *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* (**EPBC Act**) protects Matters of National Environmental Significance (**MNES**). The objectives of the EPBC Act are as follows:

- *To provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;*
- *To promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources;*
- *To promote the conservation of biodiversity;*
- *To provide for the protection and conservation of heritage;*
- *To promote a cooperative approach to the protection and management of the environment involving governments, the community, landholders and Indigenous peoples;*
- *To assist in the cooperative implementation of Australia’s international environmental responsibilities;*

- *To recognise the role of Indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and*
- *To promote the use of Indigenous peoples' knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.*

While a self-assessment of the Project (undertaken as part of this amendment) indicated that MNES were unlikely to be impacted, and hence the threshold for referral under the EPBC Act was not met, the Project was referred under the EPBC Act to the federal Minister for the Department of Climate Change, Energy, the Environment and Water (**DCCEEW**) on 30 May 2024. The referral was submitted as a precautionary measure with the view of obtaining a 'non-controlled action' outcome. A determination from the Minister is pending.

5.4 FLORA AND FAUNA GUARANTEE ACT 1988 (VIC)

Victoria's *Flora and Fauna Guarantee Act 1988* (**FFG Act**) provides a framework for biodiversity conservation in Victoria. The FFG Act provides for the listing of threatened species, communities of flora and fauna and potentially threatening processes. A number of non-threatened flora species are also protected under the Act.

A Protected Flora Permit is to be acquired prior to the removal of any flora listed as protected or threatened under the FFG Act. This permit may be obtained from DEECA upon evidence of approval of a planning permit to remove the associated native vegetation.

As detailed in the Ecological Assessment provided with the application, an FFG permit will be required to remove protected flora post-planning approval.

5.5 RENEWABLE ENERGY TARGET (RET)

The Renewable Energy Target (**RET**) sets a target to deliver an extra 33,000 gigawatt-hours (**GWh**) of electricity from renewable sources every year from 2020 to 2030.

The Clean Energy Regulator oversees the operation of the RET scheme in accordance with the RET legislation.

The RET includes legislated annual targets which will require significant investment in new renewable energy generation capacity in coming years.

5.6 VICTORIAN RENEWABLE ENERGY TARGET (VRET)

The Victorian Renewable Energy Targets are legislated under the *Renewable Energy (Jobs and Investment) Act 2017 (Vic)* and legislates the following targets for renewable generation:

- 40% by 2025;
- 65% by 2030 (previously 50%); and
- 95% by 2035.

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6. PLANNING ASSESSMENT

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6.1 LAND USE DEFINITION

Under Clause 73.03 – Land Use Terms of the Horsham Planning Scheme, the proposed use of the land is a ‘wind energy facility’, defined as:

- *Land used to generate electricity by wind force. It includes land used for:*
 - a) *any turbine, building or other structure or thing used in or in connection with the generation of electricity by wind force*
 - b) *an anemometer.*

This planning permit application does not propose to alter the primary use of the proposal for a wind energy facility.

The proposed amendment application seeks to introduce a BESS facility on the site, which introduces a second use consideration that is best defined as a ‘utility installation’, defined as:

- *Land used:*
 - c) *to transmit, distribute or store power.*

As per Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible authority for any planning applications for the use and development of land for a:

- *Energy generation facility with an installed capacity of 1 megawatt or greater.*

The Minister for Planning therefore remains the decision maker for this permit amendment application.

6.2 FARMING ZONE (FZ)

The proposed addition of the BESS to the previously approved Wind Energy Facility remains compatible and will not adversely affect the existing agricultural uses on the site and within the area.

It is submitted that the Project as constituted in this amendment meets the relevant purposes and decision guidelines of FZ as follows:

- The retention of productive agricultural land on the site is encouraged by the strategic siting of wind turbine generators and access tracks to minimise the total development footprint;
- Agricultural production is supported by the Project, with farming operations able to continue uninterrupted throughout the operation of the Wind Energy Facility;
- The Project will have a negligible impact on net productivity of farms within the site area, noting that uses within the area are of predominantly low intensity agricultural uses;
- The Project will provide a continual stable source of income to the participating land holders, while also occupying comparatively small areas of land for the Project’s infrastructure; and
- The proposed amendments (including the addition of a BESS on the site) increase the renewable energy generation capacity on the site to ensure that the Project can contribute to Victoria’s renewable energy and emissions reduction targets.

The Project complies with the objectives and decision guidelines of Farming Zone.

6.3 LAND SUBJECT TO INUNDATION OVERLAY – SCHEDULE 1 (LSIO1)

Condition 1.e. of the existing planning permit requires confirmation that any required road upgrade works for the section of Finlayson Road affected by the LSIO1 will not change the finished level of the road surface.

As the amended proposal does not alter to vary this condition and it is confirmed that Condition 1.e. will be met, a planning permit is not required for buildings and works under the LSIO1. The Project therefore remains consistent with the purposes of the LSIO1.

6.4 SIGNS – CLAUSE 52.05

There are no changes proposed to the existing planning permit in relation to signage. The Project therefore remains consistent with the purposes of Clause 52.05.

6.5 CAR PARKING - CLAUSE 52.06

There are no changes proposed to the existing planning permit in relation to on-site car parking or internal access roads. The Project therefore remains consistent with the purposes of Clause 52.06.

6.6 NATIVE VEGETATION - CLAUSE 52.17

The original native vegetation removal assessment endorsed under the previous planning permit outlined a removal of 0.296 hectares of native vegetation (of which 0.009 hectares is past removal) from the site to accommodate the Project. This amount was subsequently adopted by the planning permit within Condition 53.

As part of this proposal to amend the existing planning permit, further assessment was undertaken on the site, which included site surveys to ground-truth the existing conditions of the site due to the time elapsed (over 3 years) since the original assessment.

This assessment also included a renewed Vegetation Quality Assessment (**VQA**) of patches proposed to be removed, which found that the extent of native vegetation to be removed was understated due to cadastre errors that excluded sections of the land that were previously thought to sit outside the Project boundary.

The calculated area of native vegetation to be removed has increased from the existing planning permit to a total of 0.951 hectares (which includes the 0.009 ha referenced above), as a result of corrections to the alignment of previously mapped vegetation within road reserves and through the identification of overlooked patches of native vegetation.

Under Clause 52.17, any changes to the development footprint resulting in the need for additional removal of native vegetation require a reassessment of impacts and associated offsets as part of a permit application that satisfies the requirements of the *Guidelines for the removal, destruction or lopping of native vegetation*. Such an application must include, among other elements:

- A new Native Vegetation Removal (**NVR**) Report issued by DEECA;
- A new Avoid and Minimise Statement, outlining how any alterations to the development footprint have adhered to the overarching principles of the Guidelines with respect to avoiding and minimising impacts to native vegetation;
- A new Offset Statement, indicating how the required offsets will be secured; and

- Evidence of offset availability.

The above requirements are satisfied via the provision of the Ecological Assessment provided in **Appendix B**.

It is considered that the site meets the purpose and decision guidelines of Clause 52.17, noting the below Avoid and Minimise Statement as extracted from the Ecological Assessment:

TABLE 6-1 AVOID AND MINIMISE STATEMENT TABLE

Avoid and Minimise aspect	Project Response
Strategic level planning	<p>The Project area has long been Farming Zone that has been historically cleared for agriculture.</p> <p>Due to the paucity of biodiversity values in the locality, no strategic level planning relating to native vegetation has been undertaken</p>
Site level planning	<p>As with the development footprint associated with the existing permit, the new layout has maintained avoidance based on initial ecological surveys as part of the existing planning permit, which includes placing the WTGs, set-down areas, the BESS, and related construction infrastructure in areas devoid of native vegetation (within existing crop fields).</p> <p>New access roads have also been designed to avoid native vegetation, and swept areas for delivery of WTG components have been chosen to avoid trees.</p> <p>Impacts have been limited to the avoidable requirements for widening of existing public road to allow heavy vehicle access where alternatives are not available. The location of internal roads and WTGs has also been designed to provide the greatest setback from areas of higher quality vegetation and fauna habitat.</p> <p>All impacts to large remnant patches and scattered trees have been avoided, which corresponds to retention of all areas of higher biodiversity value throughout the Project area.</p> <p>The slight increase in impacts to native vegetation due to the revised layout is primarily attributable to recognition of misalignment of the cadastre, noting that the location and extent of previously mapped roadside vegetation and additional patches overlooked in the initial native vegetation assessment, (the actual impacts determined in the existing permit) do not reflect on-ground reality. In any event, this vegetation is of consistently low quality, already highly fragmented and isolated with a high perimeter to area ratio (very narrow linear strips) with high cover of perennial and annual weeds that is likely to further degrade without management actions to improve its condition. Ongoing disturbance within the road reserves, such as clearing for maintenance of firebreaks between the remnant patches and adjacent crops is likely to promote weed establishment over native species. This vegetation offers little in the way of habitat for fauna or threatened flora.</p> <p>The proponent advises that no feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal.</p>

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6.7 LAND ADJACENT TO THE PRINCIPAL ROAD NETWORK – CLAUSE 52.29

There are no proposed changes to the proposed access points to/from Henty Highway from the approved access changes within the previous approval. The Project therefore remains consistent with the purposes of Clause 52.29.

6.8 WIND ENERGY FACILITY – CLAUSE 52.32

The proposed amendment to the approved Project continues to comply with the key purposes of Clause 52.32. **Table 6-2** below provides the Project's response to the requirements of the clause.

TABLE 6-2 CLAUSE 53.32 ASSESSMENT TABLE

Aspect of Clause	Project Response
Clause 53.32-2 – Use and development of land	<p>The location of the Project area continues to be an allowable use given that:</p> <ul style="list-style-type: none"> It is on land where any turbine (measured from the centre of the tower at ground level) is located within one kilometre of an existing dwelling (see Section 2.4 of the report). This is assessed under the Clause 53.32.3 section below It is not on land described in a schedule to the National Parks Act 1975 It is not on land declared a Ramsar Wetland It is not on land within five kilometres of a residential zone, an industrial zone, a business zone or a special purpose zone in the urban area of Horsham (as per the schedule to Clause 52.32)
Clause 53.32-3 – Turbines within one km of a dwelling	<p>As per Section 2.4 of this report, there are no non-stakeholder dwellings within 1 km of a proposed turbine location, with the only dwelling (Dwelling ID no.4) within 1 km having consented to this within the previous planning permit application.</p> <p>The application meets this section of the clause given that:</p> <ul style="list-style-type: none"> A plan showing all dwellings within one kilometre of a proposed turbine (measured from the centre of the tower at ground level) is provided within the development plan package Evidence of this consent as part of this Section 72 amendment is not specifically required given that: <ul style="list-style-type: none"> there are no increases to the number of turbine there is no change the location of a turbine so that the centre of the tower (at ground level) is located closer to an existing dwelling (within one kilometre of a permitted turbine) than the centre of the tower (at ground level) of the closest permitted turbine to that dwelling <p>Notwithstanding the above, the written consent from Dwelling ID no.4 can be found in Appendix F.</p>
Clause 53.32-4 – Application requirements	<p>All application requirements have been met, specifically:</p> <ul style="list-style-type: none"> The site and context analysis has been provided within Section 2 and Section 3 of this report

Aspect of Clause	Project Response
	<ul style="list-style-type: none"> The design response has been provided within the development plan set and within the range of existing and new/amended supporting assessments, noting that new/amended assessments have been provided as part of this application where changes to the Project may result in impacts that require further assessment
Clause 53.32-5 – Decision guidelines	<p>The decision guidelines continue to be met by the proposal, noting that:</p> <ul style="list-style-type: none"> The Project provides a suitable response to the Municipal Planning Strategy and the Planning Policy Framework, as per Section 6.9 of this report The effect of the proposal on the surrounding area in terms of noise, blade glint, shadow flicker and electromagnetic interference is unchanged from the existing approval (noting updated shadow flicker assessment summary provided at Section 7.3 of this report) The impact of the development on significant views, including visual corridors and sightlines is unchanged from the existing approval (noting updated LVIA summary provided at Section 7.2 of this report) The impact of the facility on the natural environment and natural systems is unchanged from the existing approval (noting updated Ecology summary provided at Section 7.1 of this report) The impact of the facility on cultural heritage is unchanged from the existing approval, however a voluntary CHMP will be approved prior to construction on the site to provide for appropriate management of any potential impacts to CHS matters. The impact of the facility on aircraft safety is unchanged from the existing approval, noting that there are no changes to WTG numbers or heights as part of this amendment. The Project continues to comply with the Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria
Clause 53.32-7 – Application to amend a permit under section 72 of the Act	<p>Under this section of the clause, any application to amend a permit made under section 72 of the Act is exempt from the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if the amendment of the permit does not:</p> <ul style="list-style-type: none"> increase the number of turbines; or increase the maximum height of a turbine. <p>Given that both of the above criteria are met with this amendment, it is submitted that there are no third-party review rights for this application.</p>

6.9 PLANNING POLICY FRAMEWORK

The Project continues to meet a number of key policies within the Planning Policy Framework (**PPF**), including:

- The significance of the agricultural community of Horsham Rural City Council is recognised, the natural environmental is protected and respected and the impact of climate change is considered (Clause 02.02);
- Sound environmental management techniques will ensure that the quality of land and water resources, significant ecological areas including the habitats of significant species (such as the Red-tailed black Cockatoo) and the landscape character of significant national and state parks in the municipality are protected (Clause 02.03);

- Agricultural land is protected with fragmentation minimised (Clause 02.03);
- Valued attributes of significant or distinctive landscapes are enhanced or protected due to their importance and contribution to character, identity and sustainable environments (Clause 11.03-5S and Clause 12.05-2S);
- Native and remnant vegetation on private land and in road and railway reserves is protected as much as feasibly possible, with vegetation that is unable to be retained to be suitably offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation (Clause 12.01-1L and Clause 12.01-2S);
- Waterways and wetlands are protected from development impacts that would impact the water flow within the wider catchment and flora and fauna populations (Clause 12.03-1L);
- Best practice bushfire protection measures will mitigate bushfire risk and provide protection to human life, property and community infrastructure (Clause 13.02);
- Productive agricultural land is preserved and enhanced while sustainable land uses are encouraged (Clause 14.01-1S, Clause 14.01-1L, Clause 14.01-2S, Clause 14.01-2R);
- Land use compatibility is demonstrated, with the protection of amenity, human health and safety prioritised by the Project, which assists the management of noise effects on sensitive land uses, while facilitating appropriate development of infrastructure (Clause 13.05-1S and Clause 13.07-1S);
- Places of potential heritage significance, including Aboriginal Cultural Heritage, will be protected and managed appropriately through the preparation of a voluntary CHMP (Clause 15.03-1S, Clause 15.03-1L and Clause 15.03-2S);
- The Project contributes to the strengthening of the Victorian economy through the diversifying and strengthening of the regional economy economic by capitalising on development opportunities, particularly through region's energy assets (Clause 17.01-1S and Clause 17.01-1R);
- The safe and efficient access and use of the regions transport assets are ensured, including major rail and road corridors and highways and airports and airfields (Clause 18.02-4S and Clause 18.02-7S); and
- The Project, particularly the proposed changes to increase the generation and storage capacity, supports the transition to a low-carbon economy, the provision and use of renewable energy with the appropriate siting and design considerations and the development of locally generated renewable energy (Clause 19.01, Clause 19.01-2S, Clause 19.01-2R).

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7. PROJECT IMPACT ASSESSMENT

There are numerous provisions of the Horsham Planning Scheme that requires a permit applicant to address a range of impacts associated with wind farms. The potential impacts identified in Clause 52.32 of the Horsham Planning Scheme and in the *Planning Guidelines for Development of Wind Energy Facilities* (DTP, 2023) (the **Guidelines**) are listed below and were assessed as part of the original planning permit application:

- Visual impact;
- Impacts on native flora and fauna;
- Impacts on cultural and historical heritage;
- Noise levels at dwellings, school and places of accommodation;
- Shadow flicker levels at dwellings;
- Blade glint;
- Electromagnetic interference;
- Aircraft safety; and
- Traffic impacts.

In support of this request to amend the existing planning permit, the following potential impacts were assessed to confirm that the proposed changes continue to be consistent with the Horsham Planning Scheme and the *Planning Guidelines for Development of Wind Energy Facilities* (DTP, 2023):

- Impacts on native flora and fauna;
- Visual impact;
- Shadow flicker;
- Safety (Blade Throw);
- Noise; and
- Fire risk.

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Each of these potential impacts is addressed below.

7.1 FLORA AND FAUNA IMPACTS

7.1.1 BACKGROUND

The existing planning permit on the site contains a number of conditions relating to biodiversity. As part of this amendment, it was considered that there was additional research and documentation required to support the revised design, including alterations to the development boundary and layout, lowering of the minimum rotor height and increasing the rotor diameter. The work undertaken on the site also included commencement of additional Bird Utilisation Surveys (**BUS**) as part of the existing permit conditions.

The site assessment was conducted to ground truth the findings of the endorsed ecological assessment (under the previous permit) with respect to the potential for the Project to affect any ecological matters of importance, and if so, to assess the potential impacts.

The ecological assessment therefore addresses matters as relevant to flora (including native vegetation) and fauna under a range of different acts. This assessment can be found in **Appendix B**, with the results summarised below.

7.1.2 ASSESMENT METHODOLOGY

Site surveys were undertaken by ERM ecologists during 12 February – 16 February 2024 (Summer) and 6 May – 10 May 2024 (Autumn), with these surveys being conducted to assess the following aspects of the site:

- Bird Utilisation Surveys (**BUS**) – to identify avifauna that may utilise the Project area with a focus on listed threatened and migratory species. Listed threatened avifauna include those taxa listed as threatened under the FFG Act and the EPBC Act;
- Habitat assessments – undertaken opportunistically and involved evaluation of habitat quality and macro/micro features necessary to support general biodiversity as well as specific target species. Survey techniques were non-invasive and aimed to provide a high-level assessment of the type and condition of potential fauna habitat present and identify areas of priority for further assessment; and
- Native vegetation – native vegetation proposed for removal was assessed as per the Guidelines, following the method detailed in *Native vegetation: sustaining a living landscape, Vegetation Quality Assessment Manual – Guidelines for applying the habitat hectares scoring method Version 1.3* by an accredited ecologist.

7.1.3 IMPACT ASSESSMENT

Flora

Both the existing ecological assessment and new assessment and analysis conducted in the current investigation (including additional site surveys) determined that the presence of any nationally listed flora species within the Project area was unlikely.

This includes the patches of native vegetation proposed for removal, whereby it was considered that should any threatened flora be present, the potential for a significant impact is highly unlikely due to the small removal amount and the location of removal areas at the fringes of patches adjacent to unsealed roads where disturbance from vehicles is ongoing.

The native vegetation assessment as relevant to Clause 52.17 is contained with **Section 6.6** of this report.

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Fauna

The assessment found that the Project area supports poor quality fauna habitats that are also prevalent throughout the greater landscape, with no proximity or connectivity to areas of greater habitat value. No changes to implications for non-listed species are likely to be relevant regardless of any proposed new development layout.

The changes proposed in the amendment, including lowering of the minimum blade tip clearance height to 44 m, was found to be unlikely to result in an increase of or any additional impacts to fauna listed as threatened under the FFG Act than that posed by the approved Project.

Of the two FFG-listed fauna species corded, Diamond Firetail (*Stagonopleura guttata*) is considered unlikely to be impacted by the Project due to a paucity of habitat within the Project area and being unlikely to fly at heights creating risk of blade strike.

The other species, Black Falcon (*Falco subniger*), has potential to be impacted by the proposal due to mortality or injury from interaction with turbine blades, however, the utilisation of the

Project area by this species is likely to be low due to the presence of higher quality habitat and abundant similar habitat in the broader landscape, and significant impacts to this species are considered unlikely. Additional BUS underway in the Project area will provide greater understanding of the presence of this species in Project area and inform the development of the Bats and Avifauna Management (**BAM**) Plan (which is required by Condition 41 of the existing permit which is not proposed to be varied).

The assessment also found that the amendment to the Project is unlikely to have any implications on Brolga due to a paucity of habitat and previous records in the Project area and surrounding landscape, and the risk to this species is considered to remain low, with no further assessment required.

Summary of alterations to turbine design sought under permit amendment

The specific implications of changes to the physical specifications of the WTG design and Project layout (as sought by this application) were considered.

While it was found that the lowering of the minimum blade height to a height of 44 m may result in additional birds and bats being at risk of impact, or those already at risk under the existing permit being impacted more frequently, the results of BUS and new analysis of earlier surveys indicate that significant changes to impacts from the Project when compared to the existing Permit are highly unlikely.

It was also noted that any increase in rotor diameter will result in a larger rotor swept area, which will be incorporated into collision risk modelling as part of the preparation of the BAM Plan under existing Permit Condition 41.

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7.2 VISUAL IMPACT

7.2.1 BACKGROUND

Clause 52.32 and the associated Guidelines requires a decision maker to consider the impact of the development on significant views, including visual corridors and sightlines. In demonstrating this, a permit applicant is to provide accurate visual simulations illustrating the development in the context of the surrounding area and from key public viewpoints.

Accordingly, a Landscape and Visual Impact Assessment (**LVIA**) for the previous iteration of the Project was prepared to support the approved permit application. Further to the design changes proposed as part of this amendment, it was determined that the landscape and visual considerations may be affected, and as such a new LVIA was commissioned to support the application.

This assessment can be found in **Appendix C**. The results of the LVIA are summarised below.

7.2.2 ASSESSMENT METHODOLOGY

The LVIA is based on the change in views between the modifications proposed by this amendment and the views of the existing planning permit.

This has been undertaken via provision of comparative photomontages based on a site visit, taken at the following seven locations:

- WREP PM 1 Wimmera Highway;
- WREP PM 2 Jung;

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- WREP PM 3 Bells Road / Jung N Road;
- WREP PM 4 Dooen N / Banyena Road;
- WREP PM 5 Henty Highway / Greenhills Road;
- WREP PM 6 Jung Wheat Road; and
- WREP PM 7 Kalkee Road.

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The overall visual impact from each viewpoint was assessed based on a set of six criteria, including visibility, distance, duration, landscape character/sensitivity, viewer numbers and landscape change.

7.2.3 IMPACT ASSESSMENT

The assessment found that there would be no discernible change in landscape and visual impact between the approved Project and the proposed Project based on the following conclusions:

- The location and height of the turbines and proposed layout of the transmission line remain unchanged from the previously approved Project;
- There have been no material changes in the landscape character, use or setting within the 5 km of the Project site; and
- There have been no changes in either the land-use zones or schedules to the Environment and Landscape overlays of the Horsham or Yarriambiack (the adjoining LGA) Planning Schemes.

Additionally, the LVIA considered Condition 7 of the existing planning permit, which sets out the requirements for the permit holder to manage the landscape and visual impacts of the project.

The assessment found that there were no alterations required to the condition given that the proposed changes do not result in a material change in views or visual impact from the originally approved Project.

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Therefore, the proposed design changes are considered acceptable given that they comply with Condition 7 of the existing planning permit, and are not anticipated to result in any additional adverse landscape and visual impacts.

7.3 SHADOW FLICKER

7.3.1 BACKGROUND

In accordance with Clause 52.32 and the associated Guidelines, shadow flicker from a wind energy facility must not exceed 30 hours per annum at any pre-existing dwelling unless an agreement has been entered into with the relevant landowner waiving this requirement.

This requirement has been reinforced by Condition 23 of the existing planning permit.

Further to the design changes proposed as part of this amendment, it was determined that increases to shadow flicker may be apparent, and as such a new Shadow Flicker Assessment was commissioned to support the application.

This assessment can be found in **Appendix D**. The results of the Shadow Flicker Assessment are summarised below.

7.3.2 ASSESMENT METHODOLOGY

The Guidelines do not specify a method of assessment for shadow flicker. Therefore, the assessment has followed the guidance and recommendations given in the Draft *National Wind Farm Development Guidelines* (Environment Protection and Heritage Council, 2010).

The Shadow Flicker Assessment at the Project site has been undertaken using the *windPRO 4.0* modelling software and was based on a worst-case scenario.

7.3.3 IMPACT ASSESSMENT

A summary of the results of the worst-case scenario shadow flicker assessment for the Project are presented in the table below. The assessment found that only one receptor (Dwelling ID no.4 – a participating landowner who has entered into agreement with BayWa) is above the limit of 30 hours of shadow flicker per year. The agreement with Dwelling ID no.4 (which provides signed consent for a WTG within 1 km from the dwelling) can be found in **Appendix F**.

All non-participant landowners were found to be below the 30 hours of shadow flicker per year limit.

This result is consistent with the outcome of the previous assessment that was prepared to support the application of the existing planning permit, with no additional landowners to experience more than 30 hours of shadow flicker per year.

Therefore, the Project continues to comply with the Guidelines and Condition 23 of the existing planning permit.

TABLE 7-1 SHADOW FLICKER ASSESSMENT RESULTS

Modelled Shadow Flicker (hours/year)	Involved Landowner	Non-involved Landowner	TOTAL
Below 30	2	0	2
Equal or greater than 30	1	0	1
Total	3	0	3

7.4 SAFETY (BLADE THROW)

7.4.1 BACKGROUND

Safety from structural failures from WTGs are typically measured via a Blade Throw Assessment. Blade throw is the instance where a turbine loses all or part of a turbine blade, which can occur for a variety of reasons including the WTGs age as well as extreme weather conditions such as lightning events, high wind speeds and natural disasters.

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In support of removing Condition 1.b, which relates to the requirement for a 225 metre setback for WTGs to external property boundaries or roads (which renders the Project unfeasible), a Blade Throw Assessment has been undertaken for the Project to estimate the risk to human life associated with a blade failure event, based on likelihood of a human occupying space within the potential impact zone and the likelihood of blade failure.

This assessment can be found in **Appendix E**. The results of the Blade Throw Assessment are summarised below.

7.4.2 ASSESMENT METHODOLOGY

The Blade Throw Assessment has considered two risks, being the risk of blade throw to nearby dwellings/roads and the risk of fatality by blade throw to people within the surrounding land.

For the purposes of this study, blade throw was divided into two types of events:

- Blade drop – where the whole blade or the majority of the blade detaches from the WTG's hub; and
- Blade fragmentation – where a smaller blade fragment such as a blade tip or part of the shell detaches from the blade.

Specific to the Project, the following two blade throw impact radii was considered:

- a 300 metre radius to account for blade drop events; and
- an 800 metre radius to account for fragmentation.

7.4.3 IMPACT ASSESSMENT

Risk to dwellings

With regards to dwellings, there are no dwellings located within a 2 km radius of the proposed WTGs, with one (1) dwelling (Dwelling ID no. 4) located within 800 metres of a WTG (WTG ID no. 41), placing it within blade fragmentation zone. No dwellings are located within blade drop radius of the WTGs. This is presented in **Table 7-2**, which provides the distances between the closest dwellings to the nearest WTG.

TABLE 7-2 RISK TO DWELLINGS

Dwelling ID	Closest Turbine ID	Distance from Nearest WTG	Impact Radius
4	41	658 metres	Blade drop: No Blade fragmentation: Yes
3	43	1,010 metres	Blade drop: No Blade fragmentation: No
18	33	1,040 metres	Blade drop: No Blade fragmentation: No
1	7	1,117 metres	Blade drop: No Blade fragmentation: No

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Based on the available data, it is estimated that there is a 3.0-trillion-year return period for a blade failure impacting Dwelling ID no. 4 located near WTG ID no. 41, resulting in the likelihood of such an event occurring being extremely low, and the level of risk being well within the bounds of being considered broadly acceptable.

Thus, the WTGs are appropriately located from the dwellings and the removal of Condition 1.b of the existing planning permit based on the risk to dwellings is not anticipated to result in an increased risk to human life associated with a blade failure event.

Risk to roads

Three WTGs were found to be within the 225 m blade throw impact radius to the Henty Highway, which intersects the Project site.

Table 7-3 provides a summary of the distance of each turbine and the corresponding required offset. The Project has adopted minimum setbacks of at least 100 metres from Henty Highway, which is above the recommended offset.

Additionally, the assessment estimated a 7.9-million-year return period risk to road for a blade failure, which is considered to be an extremely low likelihood of such an event occurring.

TABLE 7-3 DISTANCE TO PUBLIC ROAD

WTG	Distance to Henty Highway	Offset Required
28	165 metres	60 metres
38	180 metres	45 metres
21	182 metres	43 metres

Based on the risk analysis prepared, it is considered that the removal of Condition 1.b of the planning permit based on the risk to roads is acceptable, and is not anticipated to result in an increased risk to human life associated with a blade failure event.

7.5 NOISE

7.5.1 BACKGROUND

Clause 52.32 requires the permit applicant of a wind energy facility to consider the potential of the Project to generate operational noise impacts to the nearest sensitive receivers in the surrounds of the Project.

Accordingly, a Noise Impact Assessment (**NIA**) for the previous iteration of the Project was prepared to support the approved permit application. Further to the design changes proposed as part of this amendment, including the addition of a BESS facility, it was determined that the noise considerations may be affected, and as such a new NIA has been undertaken to support the application.

This assessment can be found in **Appendix G**. The results of the Noise Impact Assessment are summarised below.

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7.5.2 ASSESSMENT METHODOLOGY

The NIA is based on the potential change in operational noise impacts between the modifications proposed by this amendment and the impacts of the existing planning permit.

The wind turbines, BESS and the substations are the only Project noise sources with the potential to generate operational noise impacts to the nearest sensitive receivers in the surrounds of the Project.

Noise Criteria

Operational wind turbine noise associated with the Project is assessed in accordance with:

- New Zealand Standard NZS6808:2010, Acoustics - Wind Farm Noise (Standards New Zealand, 2010), as required by Part 5.3 Division 5 of the *Environment Protection Regulations 2021* (the Regulations); and
- Publication 2061: Wind Energy Facility Turbine Noise Regulation Guidelines (EPA Victoria, 2021).

Operational BESS and Substation noise associated with the Project is assessed in accordance with:

- *Environment Protection Regulations 2021* under the *Environment Protection Act 2017* (Victorian Legislation, 2021); and
- Noise Limit and Assessment Criteria for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues Publication 1826 (EPA Victoria, 2021)

Due to the different noise criteria and limits, two separate noise models were created to assess wind turbine noise, and BESS and Substation noise.

7.5.3 IMPACT ASSESSMENT

Wind Turbine Noise

The NIA was prepared on the basis of the Nordex N163-5.X turbine (52 turbines), with a maximum sound power level of 109.2 decibels (**dB**) at hub height.

Stakeholder Dwelling ID no. 4 located near WTG ID no. 41, was modelled to encounter the highest predicted noise level of 42.2 dB, which is compliant with the turbine noise criteria limit of 45 dB for stakeholder dwellings.

The modelled wind turbine noise results indicate that compliance with the applicable Project wind turbine criteria is predicted at all dwellings, once the relevant mitigation measures have been provided and are adhered to.

BESS and Substation noise

With regards to the BESS and Substation, the NIA was prepared based on:

- 216 *Tesla Megapack 2XL* BESS containers and an associated Medium Voltage (**MV**) Transformer.
- Two Substation Areas with 160 MVA – 250 MVA transformers.

Non-stakeholder Dwelling ID no. 2 was modelled to encounter the highest predicted noise level of 37.7 dB during the day, well below the daytime noise criteria limit of 46 dB.

The modelled BESS and Substation noise results indicate that compliance with the applicable Noise Protocol noise limits is predicted at all dwellings.

Conclusion

The specific implications of the physical changes to the WTG design, addition of the BESS, and overall Project layout (as sought by this application) were considered.

In summary, the NIA found that:

- The modelled wind turbine noise results indicate that compliance with the applicable Project wind turbine criteria is predicted at all dwellings with mitigation measures in place. These mitigation measures include Serrated Trailing Edge (STE) technology and higher modes (lower rated power output) applied to specific wind turbines which enable Project criteria compliance at the worst-affected sensitive receptors.
- The modelled BESS and Substation noise results indicate that compliance with the applicable Noise Protocol noise limits is predicted at all dwellings, without the need for any mitigation measures.
- Implementation of a Sector Management system involving curtailment and the use of higher modes (lower rated power output) at key wind speeds and wind sectors for wind turbines contributing to noise criteria exceedances should be considered at the detailed design stage to achieve compliance with NZS 6808 noise limits, if there are changes to the wind turbine layout or candidate wind turbine.
- The following general noise mitigation measures should be considered as best practice for the BESS and Substation during the detailed design stage:
 - Selection of quieter equipment to minimise noise emissions;
 - Orientation and positioning of equipment to minimise noise propagation towards nearest the nearest sensitive receptors; and
 - Installation of near-source barriers or berms to provide noise attenuation, where required.

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The NIA demonstrates that full criteria compliance with the legislation and guidelines for wind turbine noise, BESS and Substation noise is achievable, subject to adherence to the recommended mitigation measures. Therefore, the proposed design changes are considered acceptable and not anticipated to result in any additional adverse operational noise impacts.

7.6 FIRE RISK

7.6.1 BACKGROUND

The 'Design Guidelines and Model Requirements for Renewable Energy Facilities' v4 (2023) (**CFA Guidelines**) provides guidance in relation to bushfire risk and fire safety for proposed renewable energy facilities.

Clause 52.32 requires a decision maker to consider bushfire risks associated to a development. As such, a permit applicant is to provide context of the bushfire risk within the Project site and surrounding area.

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Further to the design changes proposed as part of this amendment, including the addition of a BESS facility, it was determined that fire risk considerations may be affected. As such an assessment of the BESS facility against the CFA Guidelines has been undertaken to support the application. This has been provided in the sections below.

7.6.2 ASSESSMENT METHODOLOGY

The Project layout (as sought by this application) has considered the CFA Guidelines including location, design, and the required safety and protective measures.

Under the CFA Guidelines, the site and location of the BESS has been assessed to be within the 'Low-Risk Environment Attributes' category, given that:

- The site is not within the Bushfire Management Overlay (**BMO**);
- The site is largely free from the Land Subject to Inundation Overlay (**LSIO**);
- There is good road access with multiple routes to and from the project site; and
- The site exhibits a generally flat topography, with any slopes less than 5 degrees.

Section 4.2 (Facility Design) outlines the specific requirements and recommendations for BESS facilities (as relevant):

- Emergency Vehicle (Fire Truck) Access – the guidelines state that at least two access points are to be provided into each section where battery energy storage systems are located. The plans have been updated to show these access points. The remaining requirements recommended in this section of the guidelines already form part of the existing planning permit (conditions 78-80).
- Firefighting Water Supply – the guidelines state that fire hydrants must be provided and located so that every part of the BESS is within reach of a 10m hose stream issuing from a nozzle at the end of a 60m length of hose connected to a fire hydrant outlet. They also require that the fire water supply is reasonably adjacent to the battery energy storage system and shall be accessible without undue danger in an emergency. The plans have been updated to show these requirements via plan notations. The remaining requirements recommended in this section largely form part of the existing planning permit (condition 77).
- Fire Detection and Suppression Equipment – the guidelines state that suitable fire detection and suppression equipment must be provided at the facility. In our view, this requirement is not relevant for the planning permit application.
- Landscape Screening and On-Site Vegetation – the guidelines state that proposed or existing vegetation must be considered in the Risk Management Plan for its potential to intensify and propagate fire within and away from the site. In our view, this requirement is not relevant for the planning permit application, as there is no existing or proposed vegetation in close proximity of the BESS (or any other co-located infrastructure).
- Fire break – the guidelines state that a fire break is to be provided around the perimeter of control rooms, electricity compounds, substations and all other buildings onsite. The width of fire breaks must be a minimum of 10m. The plans have been updated to show these requirements via plan notations.

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7.6.3 IMPACT ASSESSMENT

In alignment with the CFA Guidelines, the specific requirements and recommendations for BESS facilities are:

- At least two access points are to be provided into each section of the site where the BESS are located.
- Fire hydrants are to be provided and located so that every part of the BESS is within reach of a 10m hose stream issuing from a nozzle at the end of a 60m length of hose connected to a fire hydrant outlet.
- Fire water supply is to be located adjacent to the BESS and shall be accessible without undue danger in an emergency.
- A Fire break is to be provided around the perimeter of the BESS, with the width of fire breaks to be a minimum of 10m.

These requirements have been shown on the plans, largely in the form of plan notations.

As the BESS is proposed to be sited in low-risk location, and with the Project's commitment to the fire safety measures (as outlined above), the application meets all the relevant requirements of the CFA Guidelines.

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8. CONCLUSION

The proposal to amend the existing planning permit is strongly supported by the policies and objectives of the Horsham Planning Scheme, as follows:

- The Project remains consistent with the Planning Policy Framework, Municipal Strategic Statement and relevant Particular Provisions;
- The Project responds to key purposes of the Farming Zone by way of being compatible and not adversely affecting the existing agricultural uses on the site and within the area;
- The Project will not impact on the existing environmental values of the subject site or the adjoining or surrounding properties;
- The Project continues to comply with the requirements of Clause 53.32 and the associated *Guidelines for the Development of Wind Energy Facilities in Victoria*; and
- The proposed amendments for the Project have been assessed and are considered to be acceptable within the site and planning context, including:
 - The additional vegetation removal from the site is largely a consequence of previous cadastre errors which excluded sections of the land that were previously thought to sit outside the Project boundary. Notwithstanding this, the Project (as amended) is considered to provide an appropriate response to the relevant policy and guidelines within the Horsham Planning Scheme as well as other Acts that govern the protection of flora and fauna;
 - The proposed design changes will not result in any unreasonable or unexpected impacts on the landscape and the visual amenity from any public viewing locations;
 - The proposed design changes will not result in an additional shadow flicker (or any other adverse amenity impacts) towards nearby dwellings;
 - The proposed design changes and incorporation of a battery energy storage system has been appropriately sited with suitable measures to mitigate against any increased fire risks; and
 - The proposed design changes will not result in any safety impacts associated with a structure failure (blade throw) event that would result in increased risk to human life.

On balance, the proposal is strongly supported by the suite of policies that seek to facilitate renewable energy provided there are minimal adverse impacts. The proposal is in a high-quality location for a wind energy facility and battery energy storage system, with minimal and acceptable impacts on landscape, environment and residential amenity.

It is respectfully submitted that the Section 72 amendment application warrants approval resulting in the issue of an amended planning permit.

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APPENDIX A

DEVELOPMENT PLANS (BAYWA R.E., REVISION C, 2024)

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APPENDIX B

ECOLOGICAL ASSESSMENT (ERM, 2024)

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APPENDIX C

LANDSCAPE AND VISUAL IMPACT ASSESSMENT (LANDFORM ARCHITECTS, 2024)

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APPENDIX D

SHADOW FLICKER ASSESSMENT (BAYWA R.E., 2024)

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APPENDIX E

BLADE THROW ASSESSMENT (MIDDLETON GROUP, 2024)

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APPENDIX F

SIGNED LANDOWNER AGREEMENT (DWELLING ID NO. 4)

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NOISE IMPACT ASSESSMENT (ERM,
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