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Planning Report

Woolsthorpe Wind Energy Facility

Woolsthorpe Asset Pty Ltd

July 2022

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Woolsthorpe Wind Energy Facility

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Document Control

Date Prepared	Version Number	Author	Reviewer	Distributed
24 June 2022	1	K Nash	L Lowe	Client
7 July 2022	2	K Nash	L Lowe	Client / DELWP

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Executive Summary

KLM Spatial acts on behalf of Woolsthorpe Asset Pty Ltd as trustee for Woolsthorpe Asset Trust in preparing and submitting this application to amend a planning permit under Section 97I of the *Planning and Environment Act 1987* (the Act).

An amendment to Planning Permit 2006/0220/B is proposed to alter the turbine type, as the proponent is no longer able to source the previously approved turbines. Through advances in technology, a more efficient turbine is now proposed. The proposed turbine is higher than that which has previously been approved. The increase in height however, is 'offset' through a significant reduction in the number of turbines from 20 to 13 turbines.

The overall energy export capacity of the wind farm remains unchanged; 73 MW.

Broadly, the amendment proposes the following changes;

- Alter the turbine model
- Individual turbine output is now 6.0 MW
- Increase the overall turbine height from 168 metres to 230 metres
- Ground level clearance of blades is increased from 35 metres to 66 metres
- Overall reduction in the number of turbines from 20 to 13
- Subsequent alterations to the siting of the turbines as a result of the above changes
- Update of the land description to reflect current Title particulars
- Amend and delete permit conditions broadly relating to;
 - o Native vegetation removal – updating the conditions to reflect the additional removal of native vegetation in the road side, adjacent to the site.
 - o Post construction acoustic assessment – deleting these conditions in light of Planning Scheme Amendment VC206 and the remit of the EPA under the new regulations.

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In support of this planning permit amendment request, the following assessment considers the impact of the changes and provides suitable justification for the changes.

It has already been determined that the use of the land for a wind energy facility is appropriate under Planning Permit 2006/0220/B, accordingly, this assessment focuses on the changes proposed to the development and buildings and works.

It is considered that the increase in turbine height and subsequent reduction in the number of turbines, does not result in an increase in cumulative impacts, over and above the existing approval. Indeed, as will be demonstrated through this report, the amendment results in;

- Greater efficiency in wind energy production resulting in the opportunity to reduce the number of turbines.
- A low to moderate change in the visual impact due to the increase in height but noting the significant reduction in turbine numbers.
- Less impact on the Southern Bent Wing Bat as a result of less turbines, maintaining the setbacks from their likely habitat (120 metres + blade length) and increasing the ground clearance of turbine blades (from 35 metres to 66 metres).
- Continued compliance, as demonstrated within the pre construction noise assessment and auditor report, with the New Zealand Standard 6808:2010.
- Increased setback of turbines to all dwellings which are within 1.5 kilometres of the subject land (excluding the dwelling on site) compared to the previously approved layout.

- Continued compliance with the shadow flicker requirements of the permit and DELWP Windfarm Guidelines, of not more than 30 hours per annum at any dwelling (excluding the dwelling on site).

The following specialist reports and plans support the application and are attached as follows;

- Copies of the Certificate of Title as at 25 May 2022.
- Letter of consent from the land owner dated June 2022.
- Track Changes Version of the Planning Permit, dated June 2022.
- Native Vegetation Removal Report prepared by Nature Advisory, version 1, dated 20 June 2022.
- EPBC Act Self Assessment prepared by Nature Advisory including additional assessment on Southern Bent Wing Bat, version 6.3, dated June 2022.
- Flora Reconnaissance prepared by Nature Advisory, dated 20 June 2022.
- Noise Assessment (pre construction) prepared by Resonate, revision B, dated 16 May 2022.
- Review of preconstruction environmental noise assessment prepared by Infotech Research, dated 3 June 2022.
- Shadow Flicker and Blade Glint Assessment prepared by DNV, revision D, dated 20 June 2022.
- Visual Impact Assessment prepared by Green Bean Design, version 5, dated 10 June 2022.
- Swept Path Assessment prepared by Ratio, revision A, dated 1 March 2022.
- Approved Cultural Heritage Management Plan Reference CHMP16507.
- Letter from Tardis Archaeology Pty Ltd regarding changes to the Activity, dated 8 March 2022.
- Addendum, Fire Emergency Response Plan, version 9, dated 17 June 2022.
- Addendum, Sediment, Erosion and Water Quality Management Plan prepared by Jacobs, version 5, dated 27 June 2022.
- Aviation Risk Assessment prepared by Argus Consulting, dated 14 June 2022.
- Correspondence from Air Services Australia relating to operations, dated 16 June 2022.
- Plans for assessment prepared by Woolsthorpe Wind Farm dated May 2022, including;
 - Plans 1 to 11 (inclusive) of 21, to replace Plans 1 to 11 (inclusive) of the previously endorsed plans
- Additional Plans to assist in the assessment prepared by Woolsthorpe Wind Farm dated June 2022;
 - Approved V Proposed Site Layout Comparison – broader context scale
 - Approved V Proposed Site Layout Comparison – site context scale
 - Proposed Layout Site Boundaries Only

Planning Controls

Pursuant to the Moyne Planning Scheme, the following planning controls apply to the subject land;

- Farming Zone
- Transport Road Zone 2 – Principal Road Network (Woolsthorpe-Heywood Road)
- Bushfire Management Overlay (southern part of the land only)

Key Issues

The key issues associated with the proposal which this report seeks to respond to are;

- Visual amenity
- Flora and fauna impacts
- Acoustic impacts
- Aircraft safety analysis

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We provide the below planning statement to assist in supporting this application.

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1.0 Background Information

1.1. Previous Planning Permit Amendments

Planning Permit 2006/0220/A was issued on 17 April 2008 under Section 97F of the *Planning and Environment Act*.

The planning permit is 'live' as a number of extensions of time to the permit have been granted, seeking to extend the completion date. The most recent extension was granted 10 June 2021 which requires works to be completed by 12 March 2024.

The below is a summary of the planning permit history;

- 17 April 2008 – Planning permit issued by the Minister for Planning.
- 15 November 2011 – date by which development to commence extended to 15 March 2012.
- 31 October 2013 – date for completion of development extended to 12 March 2016 (the development commenced prior to the 12 March 2016 with the construction of a road on the site).
- 25 October 2012 – VCAT decision *Woolsthorpe Wind Farm Pty Ltd v Minister for Planning [2012] VCAT 1634* determining that Council is not automatically party to application relating to endorsement of plans but joining it as party to those proceedings and allowing a submission to be made.
- 22 November 2012 – VCAT decision *Woolsthorpe Wind Farm Pty Ltd v Minister for Planning [2012] VCAT 1693*. Decision directed endorsement of plans and documents pursuant to Conditions 1 (development plans), 5 (visual amenity impacts), 11 (traffic management plan), 13 (environmental management plan), 15 (bats and avifauna management plan). The specific documents to be endorsed are listed within this decision.
- 4 June 2015 – Date for completion of development extended to 12 March 2018.
- 21 May 2017 – Permit amended under Section 97J of the *Planning and Environment Act 1987*. Resulted in an increase in turbine height, tower height and blade lengths, provision of a new site entrance, introduce a secondary consent mechanism and require noise to be compliance with the 2010 version of the New Zealand noise standard, and other minor changes.
- 9 January 2018 – Date for completion of development extended to 12 March 2020.
- 9 October 2018 – Date for completion of development extended to 12 March 2022.
- 20 September 2019 – Permit amended under Section 97J of the *Planning and Environment Act 1987* – to correctly identify the 'address of the land' and add a road reserve at the site entrance, remove native vegetation in the road reserve, change conditions to 1, 3, 4, 5, 11, 15, 18, 37 and 41 for developments, specifications, flora surveys, off-site landscaping, the traffic management plan, the environmental management plan, noise, aviation safety and expiry; delete conditions 1(h), 3(n), 8, 9, 10, 16 and 36 for aviation lighting, lighting and review of the environmental management plan and add new conditions 36-42 relating to a setback definition and native vegetation removal, including offset requirements.
- 18 October 2019 – Pursuant to Section 71 of the *Planning and Environment Act 1987* this permit was correct to resolve clerical mistakes with cross-referencing of conditions.
- 18 October 2019 – All amended reports and plans endorsed to achieve compliance with permit conditions.
- 10 June 2021 – Date for completion of development extended to 12 March 2024.

As a full set of plans and documents have been endorsed to achieve compliance with the current planning permit, these documents are sought to be amended and subsequently approved under the current amendment request.

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2.0 Previous Planning Scheme Amendments

The planning permit was most recently amended 20 September 2019. The amendment included updates to permit conditions to ensure the permit was consistent with the changes to acoustic reporting as a result of VC141.

A number of other changes to permit conditions were also made to ensure the wording of conditions was 'current' and consistent with the *Policy and Planning Guidelines -Development of Wind Energy Facilities in Victoria* (Department of Environment, Land, Water and Planning, November 2017) which were included as a reference document as part of amendment VC148. We note that since the granting of this amendment, the Guidelines have been further revised.

The below is a summary of those amendments to the Moyne Planning Scheme which have occurred post September 2019 requiring consideration in relation to the current application to amend the permit. This date is considered reasonable recognising that the most recent amendment to the permit had due regard to other changes in the planning scheme at that time.

- **VC161**, gazetted 17 September 2019, amends the Victoria Planning Provisions and all planning schemes to introduce new requirements for renewable energy facilities and a State planning policy for the protection of declared irrigation districts, and makes an administrative correction in relation to Amendment VC157.
- **VC160**, gazetted 24 January 2020, amends the Victoria Planning Provisions and all planning schemes to correct errors and omissions, clarify the operation of certain provisions, and implement planning reforms for extractive industries.
- **VC192**, gazetted 16 November 2020, amends clause 72.01-1 to the Victoria Planning Provisions and all schemes to make the Minister for Planning the responsible authority for all large energy generation facilities and electrical utility installations, including large renewable energy facilities and large scale battery facilities that store electricity from any source. This will increase clarity, provide for consistent and faster decision making and better oversight of Victoria's electricity generation, distribution and storage.
- **VC195**, gazetted 11 March 2021, the amendment changes the Victoria Planning Provisions and all planning schemes by modifying the particular provision at clause 52.32 (Wind energy facilities) to streamline the application process for minor changes to approved wind energy facilities, clarify consent requirements and simplify review and panel exemptions.
- **VC206**, gazetted 3 August 2021, the Amendment changes the VPP and all planning schemes in Victoria by aligning planning provisions for a wind energy facility with the requirements of the Environment Protection Act 2017 for the regulation of wind turbine noise. The Amendment also updates the licencing references in the Port Zone.
- **VC212**, gazetted 13 October 2021, the amendment makes changes to Clause 35.06 (Farming Zone) and to Clause 66.05 (Notice of permit applications under State standard provisions) to minimise the potential for land use conflict from as-of-right accommodation uses in the Farming Zone, in the vicinity of proposed and approved wind energy facilities.
- **VC205**, gazetted 20 January 2022, the amendment introduces a new Transport Zone to replace the Road Zone and Public Use Zone Schedule 4. The amendment also makes consequential changes.
- **VC216**, gazetted 10 June 2022, makes changes to the Planning Policy Framework (PPF) in the Victoria Planning Provisions (VPP) and all planning schemes to support Environmentally Sustainable Development (ESD).

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The above changes do not alter the permit triggers or the policy support for the proposal. Indeed, most recent changes to the Planning Policy Framework reinforce the need to facilitate the approval of renewable energy facilities to meet both State and Commonwealth targets.

We make specific reference to the following amendments and their impacts;

- **Planning Scheme Amendment VC195** has altered the process under which an amendment to a planning permit made under Section 97I is considered.

The current amendment request will be considered under this revised pathway.

- **Planning Scheme Amendment VC212** requires surrounding land owners to ensure any future planning applications for a new dwelling, be sited more than 1 kilometre from the title boundary of the subject land or, a planning permit will be required for the proposed dwelling.

It is prudent to note the subject land benefits from an existing planning permit prior to the commencement of this amendment hence the proposed amendment does not change this existing situation.

- **Planning Scheme Amendment VC206** amends planning provisions that regulate the development of renewable energy (wind energy facilities) in a manner that ensures appropriate siting and design considerations are met. Amendment VC206 removes the requirement for mandatory planning permit conditions relating to wind turbine noise as this is now regulated by the EPA in accordance with the Environment Protection Regulations.

The current amendment application is considered to be an appropriate time to delete conditions of the permit which relate to the post-construction noise monitoring (conditions 16, 17, 18 and 19) as this is now regulated by the EPA.

A note is proposed to be included on the planning permit to ensure it is clear to the community and authorities alike, of this legislative change and requirement.

The amendment does not change the requirement for wind energy facilities to comply with the New Zealand Standard 6808:2010, Acoustics—Wind farm noise.

There have been no changes to the planning controls as they apply to the land itself under the Moyne Planning Scheme since the most recent permit amendment.

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3.0 Proposal

The below outlines the specific changes to the planning permit sought;

3.1. Change to Turbine Height

It is proposed to increase the turbine height from 168 metres to 230 metres.

As the proponent is no longer able to source the currently approved turbines, new turbines are required. Due to significant advances in technology, turbines at the approved height are extremely difficult to procure.

It has therefore been determined that more efficient turbines should be procured. Whilst resulting in an increase in turbine height, because of the power generated by individual turbines (approximately 6.0 MW), less turbines are required overall.

3.2. Change to Development Plans - Siting and Number of Turbines

The proposal results in a 35% reduction in the number of turbines on the land; from 20 turbines to 13 turbines. Of the 12 houses within 2 kilometres, the distance to the closest turbine is reduced for 9 of the dwellings, with the remaining 3 dwellings having a separation of more than 1600 to over 2400 metres.

The table below refers to existing Houses and Turbines for ease of reference;

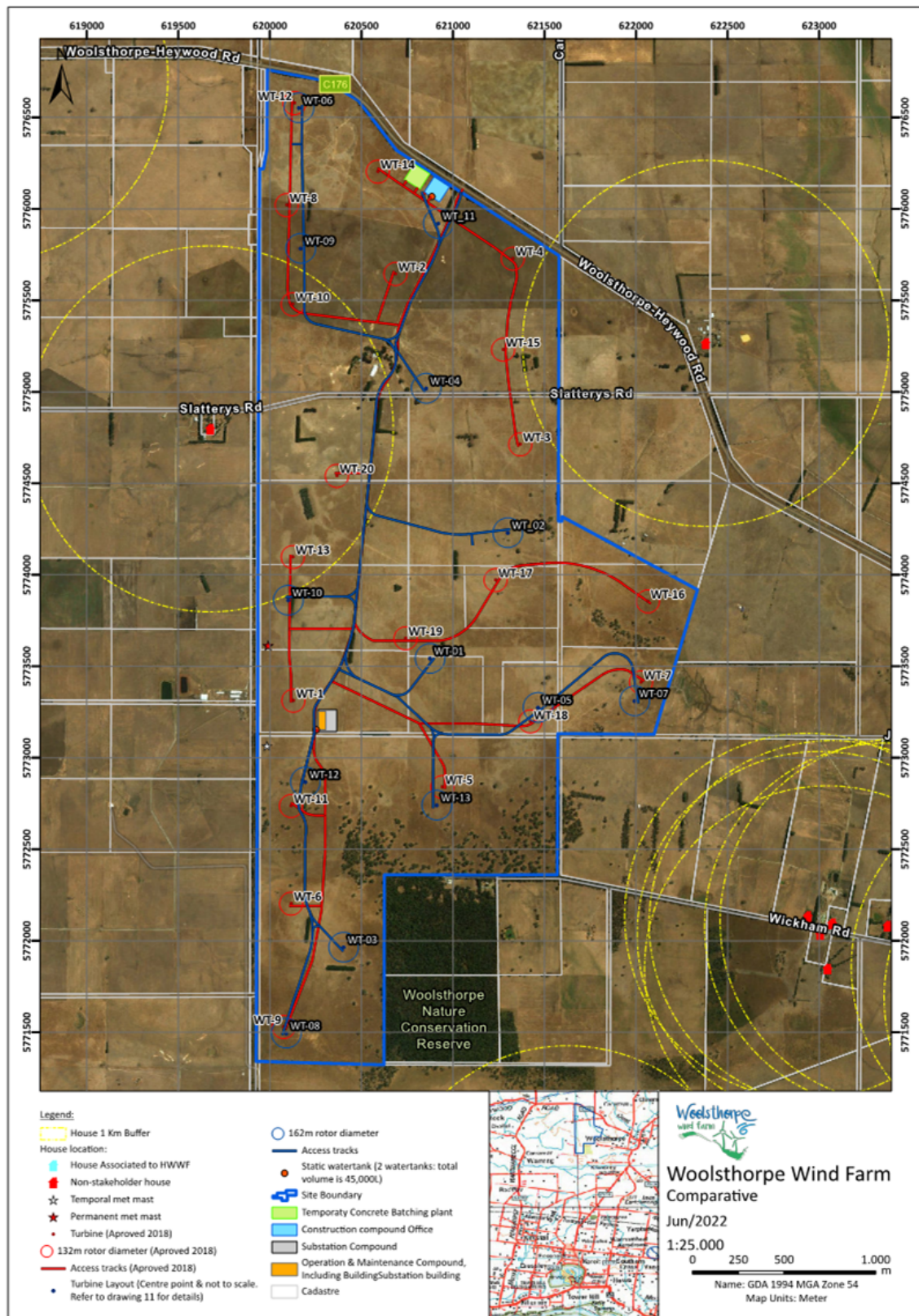
House	Nearest turbine	Approved distance to turbine (metres)	Proposed distance (metres)	Siting Change Impact (metres)
A	6	752	727	25
B	2	1,519	953	566
C	10	1,030	759	271
D	6	1,723	1,694	29
I	7	1,509	1,607	-98
J	7	1,803	1,694	109
K	8	1,872	1,948	-76
P	7	2,555	2,441	-114

Houses L, M, N, O and Q, have setbacks in excess of 2.5 kilometres and are not included in the above.

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The below plan excerpt provides a visual representation of the differences in layout described above (the 20 approved turbines are shown in red and 13 turbines now proposed are shown in blue);



Additional plans comparing the approved layout versus the proposed layout are provided under Attachment 6.

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The plans previous endorsed under this permit are required to be replaced as follows;

Plan Title	Reference	
Site Plan	1 of 20	Amended plan due to change in turbine siting
Site Plan (insert)	2 of 20	Amended plan due to change in turbine siting
Site Plan (insert)	3 of 20	Amended plan due to change in turbine siting
Site Plan (insert)	4 of 20	Amended plan due to change in turbine siting
Setback Plan	5 of 20	Amended plan due to change in turbine siting
Site Entrance Plan	6 of 20	Amended plan due to change in turbine, and specifically blade length, resulting in an altered swept path
Native Vegetation Plan	7 of 20	Amended plan due to change in turbine siting
High Habitat Plan	8 of 20	Amended plan due to change in turbine siting
Southern Bent Wing Bat Habitat Plan	9 of 20	Amended plan due to change in turbine siting
Designated Waterway Plan	10 of 20	Amended plan due to change in turbine siting (note no turbines are within 100 metres of the waterway)
Turbine Elevation	11 of 20	Amended plan noting new turbine type
Operation & Maintenance Building – Site Plan	12 of 20	No change proposed
Operation & Maintenance Building – Elevation	13 of 20	No change proposed
Substation & Associated Infrastructure Elevations	14 of 20	No change proposed
Substation & Associated Infrastructure Elevations	15 of 20	No change proposed
Temporary Concrete Batching Plan	16 of 20	No change proposed
Temporary Concrete Batching Plan – Elevation	17 of 20	No change proposed
Construction Compound Plan	18 of 20	No change proposed
Construction Compound Elevation	19 of 20	No change proposed
Main Signage – Roadway Entrance	20a of 20	No change proposed
Main Signage – Roadway Entrance	20b of 20	No change proposed

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3.3. Environmental Management Plans

Condition 13 of the planning permit requires various management plans to be prepared and subsequently endorsed under the permit. As a result of change in siting, some of the management plans are required to be amended. An overview of the management plans is provided below;

a) Construction and Work Site Management Plan	No change required
b) Sediment, Erosion & Water Quality Management Plan	Amended – the content of this plan remains the same. However, as no turbines are within 100 metres of the waterway, this is proposed to be updated as per the attached document (see Attachment B).
c) Blasting Plan	N/A – no blasting proposed
d) Hydrocarbon & Hazardous Substances Plan	No change required
e) Fire Emergency Response Plan	Amended – the content of this plan remains the same. However, an addendum is proposed to reflect the proposed layout (see Attachment N). Additional consultation with CFA has been undertaken and consent has been provided. This is included with the amended FERP.

f) Cultural Heritage and Archaeology Management Plan	No change required – the approved CHMP remains in place and is not required to be amended as a result of the changes to the turbine layout.
g) Pest Animal Management Plan	No change required
h) Pest Plant Management Plan	No change required
i) Training Program	No change required
j) Program for Reporting	No change required
k) Timetable for Implementation	No change required

3.4. Complaint Management Plans

Complaint management plans have been prepared and endorsed under the required conditions of the permit. Specifically;

Condition	Type	Change
20	Complaint Investigation and Response Plan (General)	No change required
19	Noise Complaint Investigation and Response Plan	Delete – proposed to be deleted to avoid duplication and confusion. The Environment Protection Regulations 2021 (Division 5), outline a framework for the handling of complaints as they related specifically to noise.
28	Shadow Flicker Complaint Investigation and Response Plan	No change required

3.5. Permit Conditions

The following permit conditions are requested to be amended or deleted;

- **Condition 1a** – amend condition to delete reference to turbine 14. Turbine 14 is no longer proposed within 100 metres of a waterway. This part of the condition is therefore considered to be superfluous. It is proposed to retain the other aspects of the condition which seek to ensure turbines are not located within 100 metres of a waterway.
- **Condition 3b** – amend to reflect the increased height proposed; 230 metres.
- **Conditions 16, 17, 18 and 19** – delete as these conditions relate to post construction noise assessment and ongoing compliance. These requirements are considered superfluous in light of changes to the remit of the EPA in regard to monitoring of post-construction noise compliance. This approach is consistent with the intent of VC206.
- **Conditions 39 and 40** – amend to reflect additional vegetation removal offset requirements.
- **New Note** – a new note is proposed to be included on the planning permit. The intention of the note is to make it clear to anyone who reads the planning permit, that matters relating to post-construction noise of the wind farm, are now legislated and prescribed under the Environment Protection Regulations 2021. As such, the wind farm operator is required to comply with these requirements which include ongoing monitoring requirements and documents submitted to the EPA.

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3.6. Land Address

Since the permit was granted, there has been a change to the Title particulars. It is proposed to update the address to reflect the new Title details for clarity. This change is not considered to be of consequence.

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The land can formally be described as;

Road reserve abutting Woolsthorpe-Heywood Road		
Lot 1 TP 5031A	Vol 10282	Folio326
Lot 2 TP 503 IA	Vol 10282	Folio327
Lots 1, 2 &3 on TP95438J	Vol 10129	Folio252
Crown Allotment 6, Section 21 Parish of Woolsthorpe	Vol 10129	Folio253
Crown Allotment 3B2, Section 21 Parish of Woolsthorpe	Vol 10129	Folio255
Lots 3, 4, 5, 6, 7, 8, 9, 10 and 11 on TP968406H	Vol 12188	Folio 439
<i>(formerly Lots 3, 4, 5, 6, 7, 8, 10 & 11 on TP005031A)</i>	<i>Vol 10129</i>	<i>Folio256</i>
Lot 9 on TP96840H	Vol 12188	Folio 482
<i>(formerly Lot 9 on TP005031A)</i>	<i>Vol 10129</i>	<i>Folio256</i>

The Certificate of Title for some of the previously identified land parcels have been cancelled. As a result, new lot and plan identifiers as well as volume and folios now apply. The land parcel and Title itself has not however changed. The Parent Title identifier is as per the volume and folio noted above.

Current copies of Title as identified above are attached (see Attachment **A**).

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4.0 Specialist Consultant Inputs

The following provides an overview of the key specialist and technical reports which accompany and support this planning permit amendment application.

4.1. Noise

A pre-construction noise assessment has been undertaken by Resonate given the change in turbine type and the changes in turbine siting (see Attachment G).

This report was informed by ongoing weather monitoring on the subject land (an 80 metre high mast is erected on site) as well as through monitoring undertaken at houses A, B and C during March 2017. These houses were originally selected as they were the nearest locations to the windfarm and were the only residences located within the predicted 35 dB L_{a90} contour. This selection criteria has not changed for the current amendment and continues to apply as it is the recommendation of the relevant Standard. The monitoring at these locations is still deemed sufficient for the purposes of the pre construction noise assessment as;

- Despite the noise monitoring being undertaken in 2017, it is still considered suitable to rely on as it presents a conservative baseline. It is likely the background noise level is higher now given the growth in foliage and vegetation around these locations.
- The predicted noise levels at all dwellings, as a result of Woolsthorpe Wind Farm only, are less than 35 dB. Had predicted noises levels been 'marginal', further onsite testing may have been warranted.
- In the cumulative assessment (assumes both Woolsthorpe and Hawkesdale Wind Farms are operational), only dwellings D and T are above 35 dB; 36.7 dB and 37.4 dB respectively.
- We note that dwelling D has had on site noise monitoring undertaken in 2020 as detailed in the Pre-Construction Noise Assessment for Hawkesdale Wind Farm as prepared by Marshall Day (report dated 6 June 2021, as advertised) – identified as dwelling 89 in the Marshall Day report. The Marshall Day report identifies the noise impacts for this dwelling as 35.5 dB as a result of the current amendment to Hawkesdale.

All dwellings comply with the minimum applicable noise limit of 40 dB, or 45 dB where the dwelling is a dwelling sited on a wind farm site (House V).

Notwithstanding the above compliance, a conservative approach has been undertaken recognising that Hawkesdale Wind Farm is approved and is located directly to the north of the subject site. As such, a cumulative impact assessment of noise has been undertaken assuming that Hawkesdale Wind Farm will be operating. In this assessment, all dwellings with the exception of House A, continue to remain compliant.

With regard to House A, it is owned by a Hawkesdale stakeholder. A stakeholder dwelling has a 45dB(a) limit applied. House A has a predicted cumulative noise level of 41.1 dB. Accordingly, it is considered compliant noting it is a stakeholder dwelling and that the noise level of 41.1. dB is only reached where the Hawkesdale wind farm is also in operation. It is also prudent to note that House A would only get noise from one wind farm at a time depending on which direction the wind is blowing.

An auditor has also been appointed to verify the acoustic assessment (see Attachment H). The auditor has confirmed the methodology and assumptions made within the Resonate report are sound. Indeed, the auditor notes that the report is likely to be conservative given that the background noise levels are likely to have increased since the time monitoring on site was originally undertaken due to the growth of foliage on vegetation.

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An alternate access location is unlikely to result in less native vegetation being removed. It is therefore considered that the proposal has reasonably tried to minimise impacts.

We refer to the attached assessment provided by Nature Advisory for further assessment on this matter (see Attachment D).

Within the site

Due to the change in turbine siting as well as cabling and access tracks, a further flora survey was undertaken. The purpose of the survey was to inspect the site and identify any specific flora (grasslands or trees) which may be impacted as a result of the turbines.

Where turbines are to be located in close proximity to scattered trees, appropriate tree protection zones have been adopted to limit the impacts. These tree protection zones have subsequently been notated on the plans submitted. No additional native vegetation removal is required to facilitate the alternative turbine siting.

We refer to the attached assessment provided by Nature Advisory for further assessment on this matter (see Attachment F).

4.4. Fauna Impacts – Southern Bent Wing Bat

It is acknowledged that the status of the Southern bent wing bat has been upgraded from “vulnerable” to “endangered” recently.

The impact of the wind farm on the Southern bent wing bat has been considered through previous planning applications and permit amendments. Previous Panel Reports for the subject site (the initial planning report, 2008, PPV 16 and subsequent permit amendment panel report, 10 April 2017) have considered this matter and the existing permit conditions therefore require;

- A 35 metre minimum ground clearance or greater (condition 3d)
- A Bat and Avifauna Management Plan (BAM Plan)
- A Bat strike monitoring plan
- A prescribed setback of turbines from the treed habitat located to the south-east of the land (120 metres plus the blade length) (condition 3e)

The proposed amendment seeks to retain the above conditions and will maintain compliance. Specifically;

- The proposed turbines have a 66 metre minimum ground clearance, well in excess of the 35 metres required under the permit.
- The setbacks of the turbines from the identified habitat of the southern bent wing bat complies with 120 metres plus 82 metres blade length.

The impact on the Southern bent wing bat as a result of this amendment is considered in the attached EPBC Act Self-Assessment provided by Nature Advisory (see Attachment E). Broadly, this concludes the proposed changes are likely to have less of an impact on the Southern bent wing bat than the current approved proposal.

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4.5. Blade and Shadow Flicker

The existing permit condition 27 requires '*shadow flicker from the wind energy facility must not exceed 30 hours per annum at any dwelling existing at 7 June 2016.....*'.

Where this is not met, there is a breach in the permit condition.

The report provided by DNV Energy Systems, outlines how compliance with this condition will be achieved for all dwellings excluding the existing dwelling on the subject land (see Attachment I). The existing dwelling on the subject land is exempt from this prescribed limit as it is a stakeholder dwelling.

4.6. Management Plans

Condition 13 of the planning permit requires a series of Environmental Management Plans to be prepared and approved under this permit. This condition has previously been satisfied. However, due to the changes in turbine size and siting, some amendments to the endorsed documents are required.

Below is a summary of the Plans and where changes are required;

- A. Construction and Work Site Management Plan
 - a. No change to the previously approved document required.
- B. Sediment, Erosion and Water Quality Management Plan
 - a. No change to the content of previously approved document required.
 - b. However, an addendum has been made to avoid confusion noting that all turbines are now located outside of the waterway and there is no longer a proposed turbine 14 (see Attachment O).
- C. Blasting Plan
 - a. Not applicable – no blasting is proposed.
- D. Hydrocarbon and Hazardous Substances Plan
 - a. No change to the previously approved document required.
- E. Fire Emergency Response Plan
 - a. The content and form of the Plan has not changed.
 - b. However, an addendum page has been included with the amended site plan referenced (see Attachment N).
- F. Cultural Heritage and Archaeology Management Plan
 - a. An approved Cultural Heritage Management Plan exists for the land and activity (see Attachment L).
 - b. Subsequent advice from Tardis Archaeology has been provided to confirm that the change in turbine location does not result in the need for any changes to the approved CHMP (see Attachment M).
- G. Pest Animal Management Plan
 - a. No change to the previously approved document required.
- H. Pest Plant Management Plan
 - a. No change to the previously approved document required.
- I. A Training Program
 - a. No change to the previously approved document required.
- J. A Program for Reporting
 - a. change to the previously approved document required.
- K. Timetable for Implementation
 - a. change to the previously approved document required.

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Not all documents are required to be amended given the comprehensive nature of the documents prepared which will continue to apply.

4.7. Aviation

A safety risk assessment has been prepared by Argus Consulting recognising that the subject site is within 15 kilometres of the Warrnambool Airport (see Attachment P).

The assessment acknowledges that the wind turbines are classified as a tall structure and current advisory information is that the turbines should be lit. However, lighting is also recommended to be avoided to minimise visual and fauna impacts.

A response to balancing these competing objectives is to provide sensor lighting for perimeter turbines only. This lighting would be activated when aircraft are proximate to a turbine. Given current flight data, it is understood that the type of flights which would activate this lighting would be infrequent being chartered flights or emergency flights primarily.

The raising of the Minimum Safe Altitude will also assist in mitigating risk.

Overall it has been concluded the proposal will have a negligible effect on aviation safety.

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5.0 Permit Condition Review

The following is a summary of the existing planning permit conditions and comment provided as to whether changes to the conditions are required as a result of the proposed amendment;

	Condition requirement	Existing compliance	Proposed changes	Condition changes
1	Development Plans	Plans Endorsed 18/10/2019	Amended plans submitted for review and assessment	Seek to amend condition (in part)
2	Micro Siting condition	Noted	Noted	
3	Specifications	Noted	Noted	Seek to amend condition (in part)
4	Flora Surveys	Report endorsed 18/10/2019	Amended report submitted for review and assessment	
5	Landscape/ Visual Amenity	Report endorsed 18/10/2019	No change required Existing conditions applies to 4km excluding township zone land	
6	Implementation of plan	Noted	Noted	
7	Access tracks construction	Noted	Noted	
8	Driver Distraction	Noted	Noted	
9	Traffic Management	Report endorsed 18/10/2019	Amended report will be required. This will be submitted at a later date.	
10	Traffic Management & Upgrades	Noted	Noted	
11	VicRoads – alter crossings	Noted	Noted	
12	VicRoads – prior to works	Noted	Noted	
13	EMP			
	a) CWSMP	Report endorsed 18/10/2019	No change required	
	b) SEWQMP	Report endorsed 18/10/2019	Addendum proposed to reflect revised layout (see Attachment O)	
	c) Blasting Plan	Not required – no blasting proposed	Not required	
	d) Hydrocarbon	Report endorsed 18/10/2019	No change required	
	e) Fire Emergency	Report endorsed 18/10/2019	Addendum proposed to reflect revised layout (see Attachment N)	
	f) Cultural Heritage	CHMP endorsed 18/10/2019	No change required – letter of confirmation provided	
	g) Pest Animal Management	Report endorsed 18/10/2019	No change required	
	h) Pest Plant Management	Report endorsed 18/10/2019	No change required	
14	Bats & Avifauna	Report endorsed 18/10/2019	No change required	
15	Noise Report Compliance requirements	Noted	Noted	
16	Pre-construction noise assessment	Report endorsed 18/10/2019	New report prepared by Resonate and auditor	

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			review provided (see Attachments G & H)	
17	Post-construction noise monitoring	Noted	Delete – no longer required due to VC206	
18	Noise compliance requirements	Noted	Delete – no longer required due to VC206	
19	Noise complaints evaluation	Noted	Delete – no longer required due to VC206	
20-22	Complaint Investigation & Response Plan	Report endorsed 18/10/2019	No change required	
23	Report to include map of locations of complaints	Noted	Noted	
24	Ongoing complaint register	Noted	Noted	
25	Ongoing compliance with Complaint Plan	Noted	Noted	
26	Preliminary investigative works	Enacted		
27	Blade Shadow Flicker	Report endorsed 18/10/2019	Amended report submitted for review and assessment (see Attachment I)	
28	Complaint evaluation response	Report endorsed 18/10/2019	No change required	
29	Pre-construction survey for tv and radio interference	Report endorsed 18/10/2019	No change required	
30	Complaints for tv and radio interference	Noted	Noted	
31	Post-construction survey	Noted	Noted	
32	Security	Noted	Noted	
33	Aviation Safety Clearances	Noted	Noted	
34	Decommissioning	Noted	Noted	
35	Operation ceasing	Noted	Noted	
36	Staging	Noted	Noted	
37	Setbacks	Noted	Noted	
38	Vegetation removal	Noted	Noted	
39 & 40	Vegetation removal offset requirements	Report endorsed 18/10/2019	Amended report submitted for review and assessment (see Attachment D)	To be amended
41-44	Offset evidence	Extract endorsed 18/10/2019	To be provided post-approval	
45	Permit expiry	Note	Note	

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6.0 Subject Site and Surrounds

The subject site is commonly identified as Woolsthorpe Wind Energy Facility and is located on either side of Slatterys Road, Woolsthorpe.

The subject land is located approximately 4 kilometres west of Woolsthorpe and 7.5 kilometres south-east of Hawkesdale. The land and surrounds are mostly cleared agricultural land with the exception of land to the south-east of the site which is a conservation area as well as rifle range.

The subject land abuts the approved Hawkesdale wind farm to the north.

Figure 1: Aerial image of site and surrounds as at 2005, as sourced from Nearmap, accessed on 27/01/2022.



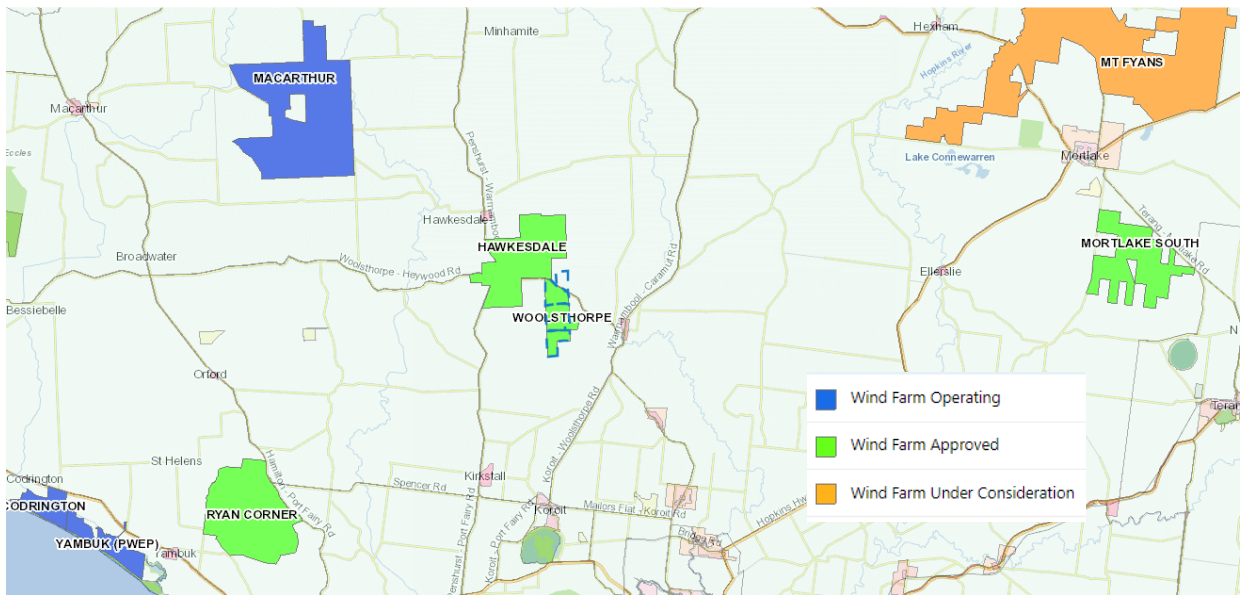
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6.1. Cumulative Assessment

The below map identifies the wind energy facilities which are proximate to the Woolsthorpe Wind Farm;

Figure 2: Status of wind energy facilities proximate to the subject site, sourced VicPlan, accessed 7 January 2022



For completeness, the reports prepared as part of the amendment application, such as acoustic and landscape visual impact assessment, have considered the impact of the approved Hawkesdale Wind Farm.

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7.0 Commonwealth Legislation

The Project has previously been the subject of a referral to the Commonwealth Government pursuant to the Environment Protection and Biodiversity Conservation Act 1999. It is determined by the Minister for Environment that the project was not a controlled action.

Due to the nature and extent of changes proposed, a further assessment under the EPBC Act has been (See Attachment E).

The report determines that;

- There are no new matters for consideration.
- The proposed changes are likely to reduce any potential impacts, compared to the approved layout and turbine height. This is particularly pertinent for the southern bent wing bat and grey-headed flying fox. This is largely due to the increase in ground clearance of the blades as well as the 35% reduction in turbine numbers for the project.

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8.0 State Legislation

8.1. Climate Change Act 2017

The Climate Change Act 2017 provides a foundation to manage climate change risks and support Victoria's transition to a net zero emissions climate resilient economy.

Section 20 of the Act requires the Victorian Government to ensure that its decisions appropriately take climate change into account.

Victoria's Climate Change Framework, prepared under the Climate Change Act, identifies four pillars that underpin the transition to a climate resilient and net zero emissions Victoria by 2050. The pillar relevant to this Project is;

- Move to a clean electricity supply by increasing renewable energy generation.

Victoria's Climate Change Strategy (May 2021) sets interim targets to reduce Victoria's emissions from 2005 levels 28-33 per cent by 2025, and 45-50 per cent by 2030 to achieve net zero emissions by 2050.

Point one of the strategy's five-point plan is to achieve the emissions reduction targets to transition to renewable energy. The strategy includes an 'Energy pledge' that 50 per cent of Victoria's electricity will come from renewable sources by 2030.

8.2. Environment Protection Act 2017

The EPA became the primary regulator for operational wind turbine noise in Victoria from 1 July 2021. New noise obligations now apply for all industries under the Environment Protection Act 2017 (EP Act).

Specific noise requirements apply to wind farm operators under the Environment Protection Amendment (Wind Turbine Noise) Regulations 2021 (Division 5). As a result, post-construction and operational noise conditions are no longer required in planning permit conditions.

The Public Health and Wellbeing Act 2008 was amended on 9 February 2021 to remove the overlap of wind farm noise regulation by excluding wind farm turbine noise from nuisance provisions.

8.3. Environment Protection Regulations 2021

The Environment Protection Regulations 2021 also commenced on 1 July 2021; the objectives of the regulations are to enable the management of pollution in accordance to the EP Act.

The Environment Protection Amendment (Wind Turbine Noise) Regulations 2021 commenced on 1 August 2021 and amended the initial Environment Protection Regulations 2021 so that wind turbine noise could be managed by the EPA.

As a result of the new regulations, the requirement in Clause 52.32 for post-construction noise in planning permit conditions for wind farms was removed through amendment VC206. The current amendment seeks to delete those permit conditions which relate to post-construction noise assessment to avoid confusion at a later stage.

Under the Environment Protection Regulations 2021, Division 5, 131E, requires a noise management plan to be developed by the owner / operator of the facility. Further requirements are also outlined regarding preparation of an annual statement, ongoing noise monitoring, amongst others.

For ease of reference, a new note is proposed to be included on the Permit. The intent of this note is to ensure readers of the permit are aware of this requirement under the relevant legislation.

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8.4. Planning and Environment Act 1987

The Planning and Environment Act (the Act) provides a framework for planning and regulating the use, development and protection of land in Victoria.

Section 4 of the Act contains the objectives of planning in Victoria that guide all planning decisions (including decisions on whether to issue a planning permit), including:

- to provide for the fair, orderly, economic and sustainable use, and development of land
- to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity
- to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- to balance the present and future interests of all Victorians
- to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.

In addition to the above, Section 60 of the Act outlines what matters must a responsible authority consider. This includes;

- The relevant planning scheme;
- The objectives of planning in Victoria; and
- All objections and other submissions it has received and which have not been withdrawn;
- Any significant effects the proposal may have
- Any significant social effects and economic effects the proposal may have
- Any relevant environment reference standard within the meaning of the Environment Protection Act 2017

These matters have been appropriately considered throughout this planning submission as well as through the supporting technical reports and documents.

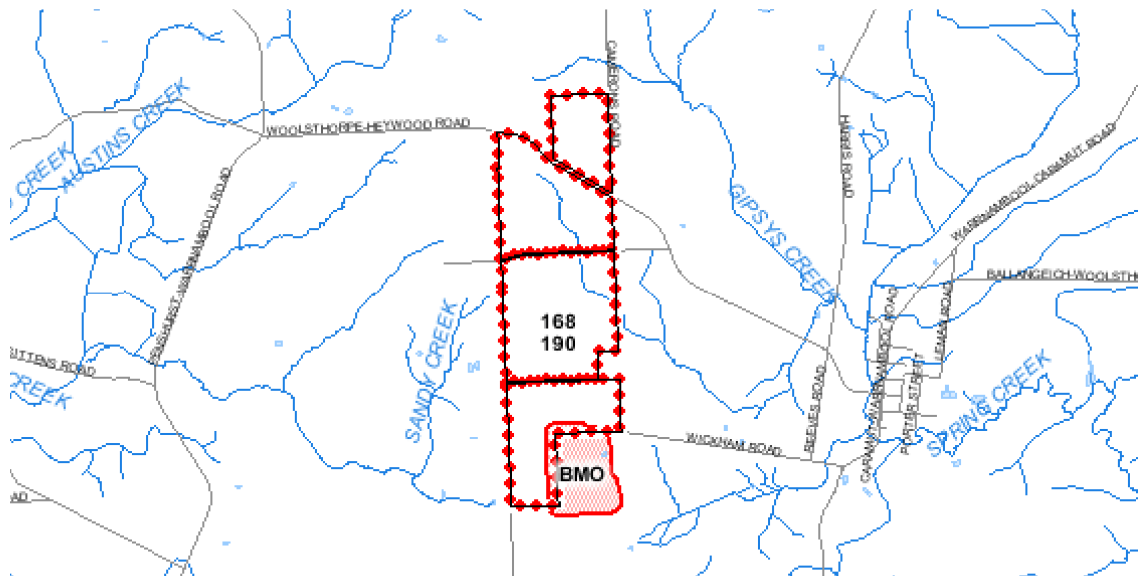
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9.2. Overlays

The subject land is partly covered by the Bushfire Management Overlay.

Figure 4: Overlay Map, sourced planning maps online 7 January 2022



Response

The Bushfire Management Overlay extents is approximate 130 metres along the southern boundary and 280 metres along the eastern boundary. Turbine 3 is located within this overlay.

All other turbines and cabling are further setback and are not within the extent of the bushfire management overlay.

A planning permit is not required under this overlay pursuant to Clause 44.06-2 as the use is not listed.

Notwithstanding the above, due consideration has been given to bushfire risk as detailed through the approved Fire Emergency Response Plan.

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9.3. Provisions That Require, Enable or Exempt a Permit

9.3.1. Clause 52.17 – Native Vegetation

A planning permit is required to remove, destroy or lop native vegetation, including dead vegetation.

Additional vegetation removal is required adjacent to the existing vehicle access from Woolsthorpe-Heywood Road as a result of the changes to the swept paths.

Offsets have already been secured for the removal of vegetation as previously approved.

The additional vegetation to be removed results in an additional 0.019 hectares of vegetation to be removed.

Response

It is considered that the application has sufficiently demonstrated avoidance and minimisation. This is evidenced through the use of the existing access rather than a new access which would have further impacts. Further, no native vegetation within the site is required to be removed to accommodate the revised location of the turbines.

Offsets for the removal of the native vegetation are readily able to be obtained. We refer to the attached report for further information (see Attachment F).

9.3.2. Clause 52.29 – Land Adjacent to the Principal Road Network

Pursuant to Clause 52.29-2, a planning permit is required to create or alter access to a road in a Transport Zone 2. Woolsthorpe-Heywood Road is designated as a Transport Zone 2.

Although the proposal seeks to utilise the existing access from Woolsthorpe-Heywood Road, this access is proposed to be widened to accommodate larger construction vehicles, as a result of the amendment. Specifically, the trucks transporting the blades result in the additional vegetation needing to be removed. As the blades cannot be reduced in size for transport, widening is required.

Response

The existing access is proposed to be widened as detailed in the submitted swept path analysis (see Attachment K).

The extent of works to widen the access are considered minimal. These works are necessary to ensure the safe and efficient movement of vehicles in and out of the site.

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9.3.3. Clause 52.32 – Wind Energy Facilities

Clause 52.32-2 specifies certain conditions which must be met for wind energy facility. These are summarised below including the level of compliance of the current proposal;

Location	Condition	Assessment
On land where any turbine (measured from the centre of the tower at ground level) that forms part of the facility is located within one kilometre of an existing dwelling. This does not apply to a wind energy facility that is located on land in a residential zone, an industrial zone, a commercial zone or a special purpose zone.	Must meet the requirements of clause 52.32-3.	Turbine 6 is within 1 kilometre of a dwelling (identified as dwelling A). Under the current endorsed plans, the closest turbine is 727 metres from this dwelling. Under the proposed plans, the closest turbine is 752 metres, an increase in the setback of 25 metres. Dwelling V is located on the subject land of the wind farm and Turbine 4 is closer than the previously approved turbines. The land owner is aware of this and has provided consent to the current layout as well as the application being made (Attachment B). The requirements of Clause 52.32-3 are therefore met.
Land described in a schedule to the National Parks Act 1975	Must be principally used to supply electricity to a facility used in conjunction with conservation, recreation, administration or accommodation use of the land.	Not applicable.
Land declared a Ramsar wetland as defined under section 17 of the Environment Protection and Biodiversity Conservation Act 1999 (Cwth)		Not applicable.
Land listed in a schedule to Clause 52.32-2	Must be on land in a residential zone, industrial zone, commercial zone or special purpose zone and must be integrated as part of the development of the land.	The land is not identified within the Schedule to the Clause (the land is more than 5 km from the Warrnambool high-tide mark).

Clause 52.32-3 – Turbine within one kilometre of a dwelling, requires that an application that includes a proposed turbine within one kilometre of an existing dwelling must be accompanied by:

Requirement	Comment
A plan showing all dwellings within one kilometre of a proposed turbine (measured from the centre of the tower at ground level).	See Plan – Project Boundaries (see Attachment S)
Evidence of the written consent of any owner as at the date of that application of an existing dwelling located within one kilometre of a proposed turbine (measured from the centre of the tower at ground level) that forms part of a wind energy facility. <u>This does not apply to an application to amend such a permit under section 72 or section 971 of the Act unless the amendment of the permit would:</u> <ul style="list-style-type: none"> – increase the number of turbines; or – 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. 	Notwithstanding the above, the proposed layout maintains turbines within 1 kilometre of an existing dwelling. Specifically; <ul style="list-style-type: none"> - Turbine 6, is within 1 kilometre of an existing dwelling not on the subject land (dwelling A). This dwelling, forms part of the Hawkesdale Wind Energy Facility. The proposed location of turbine 4 is further from dwelling A than what was previously approved (by 25 metres). Therefore, this requirement is satisfied. - Dwelling V is on the subject land. Turbine 4 is closer to this dwelling than what was previously approved. Acknowledging this, the land owner has provided written consent for the turbine layout as proposed

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	(Attachment B). It is therefore considered that this requirement is satisfied.
This does not apply to a wind energy facility that is located on land in a residential zone, an industrial zone, a commercial zone or a special purpose zone.	Not applicable.

Application Requirements

The application requirements provided under Clause 52.32-4 are satisfied as follows;

Requirement	Comment
Site and context analysis	See Plan 1 (Attachment S)
Design response	See attached plans and specialist reports as listed below; <ul style="list-style-type: none"> – Visual impact assessment – Noise impact assessment – Cultural heritage management plan – Written assessment of the proposal and its impact (within this report)
Mandatory noise assessment	A pre-construction noise assessment demonstrating compliance with NZS6808:2010 is attached (see Attachment G) An environmental auditor has been appointed and review the pre-construction noise assessment (see Attachment H)

Response

The proposal is considered to satisfy the decisions guidelines of this Clause as follows;

- An assessment of the proposal against the planning policy framework is provided in Section 10 of this report.
- It has been demonstrated that the proposed reduction in turbines and increase in turbine height will not have an unreasonable impact on;
 - o Noise
 - o Blade glint and shadow flicker
 - o Visual impacts
 - o Natural systems (flora and fauna)
 - o Cultural heritage
 - o Aircraft safety
- Appropriate evidence has been submitted from the land owner of Dwelling V noting the proximity of the turbines to this dwelling is less than what was previously approved.

On balance, the proposal achieves an appropriate planning outcome in the context of the outcomes sought under the policy context and this provision.

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10.0 Planning Policy Review and Assessment

The Planning Policy Framework (PPF) is in place to ensure that the objectives of Section 4 of the Planning and Environment Act 1987 are implemented through appropriate land use and development planning policies. These policies incorporate environmental, social and economic factors that contribute towards the achievement of net community benefit and sustainable development. These provisions are either state-wide or regional.

The following policies are of relevance to the current proposal:

Clause 11 – Settlement

- Clause 11 – Settlement –
 - o *Planning is to prevent environmental harm, human health and amenity problems caused by siting incompatible land uses close together.*
 - o *Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.*
- Clause 11.01 – Settlement
 - o *Objective – to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*
- Clause 11.01 – R – Settlement – Great South Coast
 - o *Objective – to attract more people to the region.*
 - o *Strategies – support development and investment in small towns that are facing economic and population challenges.*

Response

The proposal maintains its setbacks from the Woolsthorpe township and it has been demonstrated through the submitted reports, that the proposed changes will not result in unreasonable amenity impacts to the surrounds. More specifically, matters relating to noise and blade shadow flicker have been appropriately considered.

The proposal will directly support investment in Woolsthorpe both during construction and through its operation as is encouraged under Clause 11.01-R-Settlement.

Clause 12 – Environmental and Landscape Values

- Clause 12 – Environmental and Landscape Values
 - o *Planning should help to protect the health of ecological systems and the biodiversity they support...and conserve areas with identified environmental and landscape values.*
- Clause 12.01-1S – Biodiversity
 - o *Objective – to assist the protection and conservation of Victoria’s biodiversity.*
 - o *Strategies – Ensure that decision making takes into account the impacts of land use and development on Victoria’s biodiversity, including consideration of;*
 - *Cumulative impacts.*
 - *Fragmentation of habitat.*
 - *The spread of pest plants, animals and pathogens into natural ecosystems.*
- Clause 12.01-2S – Native Vegetation Management
 - o *Objective – to ensure there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.*
- Clause 12.05-2S – Landscapes
 - o *Objective – to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.*

Response

The change in turbine siting will not have a further impact on any flora or fauna. Appropriate tree protection zones have been identified to ensure works will not impact scattered trees on site.

The additional vegetation required to be removed at the site entry to enable vehicle access has been kept to a minimum by utilising the existing access. Further, it has been demonstrated that third party offsets are readily able to be obtained to ensure there is no net loss to biodiversity.

The impact of the wind farm on the Southern bent wing bat has been reviewed and considered in previous amendments to the permit. The subsequent conditions which resulted from these amendment (ie. minimum 35 metre ground clearance and setback from identified habitat at 120 metres plus the blade length) are to be retained and the proposed amendments seek to maintain compliance with these conditions.

The Woolsthorpe landscape is not specifically identified as a significant landscape. A visual impact assessment has been prepared to demonstrate the difference in the current permitted height versus the proposed height. This assessment concludes that the visual impact as a result of the increase in height and reduction in turbines, is low to moderate impact.

It is worth noting the initial assessment undertaken to support the original application also concluded that the general visual impact as a result of the wind farm on the landscape would be 'low to moderate' impact, and therefore the proposal does not result in unreasonable visual impact.

Clause 13 – Environmental Risks and Amenity

- Clause 13 – Environmental Risks and Amenity
 - o *Planning should identify, prevent and minimise the risk of harm to the environment, human health, and amenity through;*
 - Land use and development compatibility.
 - Effective controls to prevent or mitigate significant impacts.
- Clause 13.01-1S – Natural hazards and climate change
 - o *Objective – to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.*
 - o *Strategies – site and design development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards.*
- Clause 13.02-1S – Bushfire Planning
 - o *Objective – to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*
- Clause 13.03-1S – Floodplain Management
 - o *Objective – to assist the protection of....the natural flood carrying capacity of rivers, streams and floodways.*
- Clause 13.05-1S – Noise Abatement
 - o *Objective – to assist the control of noise effects on sensitive land uses.*
 - o *Strategies – ensure that development is not prejudiced and community amenity and human health is not adversely impacts by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.*
- Clause 13.07-1S – Land Use Compatibility
 - o *Objective – to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off site impacts.*

- Strategies – *ensure that use or development of land is compatible with adjoining and nearby land uses.*

Response

The proposed change in turbine siting results in the removal of turbines from within 100 metres of the declared waterway which bisects the site. Further, the number of creek crossings has been reduced from 3 to 2. Overall, the proposed amendments will have less of an impact on waterways.

Impacts relating to noise as a result of the change in turbine and siting have been appropriately considered in the pre-construction noise assessment and associated audit.

Although the works do not require a planning permit under the Bushfire Management Overlay. Given the land is in a Bushfire Prone Area and recognising the intent of Clause 13.01 – Bushfire, regard to the risk of bushfire has been had. Ultimately, the proposal does not increase the bushfire risk in the landscape. Specific elements are proposed to mitigate the risk including an access track and on site static water supply. In addition, all cabling will be underground. The only exception to this is the powerlines required to be installed at the southern sub-station to the southern boundary by the power authority.

The revised layout seeks to maintain or increase the setbacks from sensitive receptors. Further, the wind energy facility is located in an area which is not densely populated hence the majority of dwellings are more than 2.5 km from the subject land.

Clause 14 – Natural Resource Management

- Clause 14 – Natural Resource Management
 - *Planning is to assist in the conservation and wise use of natural resources...to support both environmental quality and sustainable development.*
 - *Planning should ensure agricultural land is managed sustainable, while acknowledging the economic importance of agricultural production.*
- Clause 14.01-1S – Protection of agricultural land
 - *Objective – to protect the state's agricultural base by preserving productive farmland.*

Response

The proposal will not prejudice the agricultural production of the land. The land will continue to be used for grazing purposes both during construction and during operation.

Clause 15 – Built Environment and Heritage

- Clause 15.01-6S – Design for Rural Areas
 - Seeks to ensure that new development respects valued area of rural character and minimises visual impacts on surrounding natural scenery.

Response

It is evident that the wind energy facility will be visible from the surrounds. In terms of the visual impact, we note;

- The submitted visual impact assessment concludes that the increase in turbine height and reduction in the overall number of turbines, results in a low to moderate visual impact.
- A condition of the existing permit requires the lodgement of an offsite landscaping management plan to be provided. This condition is proposed to be retained and will be implemented.

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Clause 17 – Economic Development

- Clause 17 – Economic Development
 - o *Planning is to provide for a strong and innovative economic, where all sectors are critical to economic prosperity.*
- Clause 17.01-1S - Diversified Economy
 - o *Objective – to strengthen and diversity the economy.*
 - o *Strategies – improve access to jobs closer to where people live and support rural economies to grow and diversify.*

Response

The proposal directly responds to the policy directives of this Clause by providing direct employment opportunities and investment into the local community.

Clause 18 – Transport

- Clause 18.02-7S – Airports and Airfields
 - o *Seeks to, amongst other matters, ensure that appropriate planning is in place to ensure that new use or development does not prejudice the safety or efficiency of airfields and airports.*

Response

It is acknowledged that the subject land is within 15 kilometres of the Warrnambool Airport. Acknowledging the increase in turbine height, a risk safety analysis has been undertaken. This report concludes that the proposal will have a negligible impact on aviation safety and presents as an acceptable risk. This is due to the raising of the Minimum Safe Altitude from 2100 feet to 2300 feet.

Clause 19 – Infrastructure

- Clause 19.01-1S – Energy Supply
 - o *Objective – to facilitate appropriate development of energy supply infrastructure.*
 - o *Strategies – support the development of energy facilities in appropriate locations where they take advantage of existing infrastructure and provide benefits to industry and the community.*
- Clause 19.01-2S – Renewable Energy
 - o *Objective – to promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met.*
 - o *Strategies – facilitate renewable energy development in appropriate locations.*
 - o *The Policy and planning guidelines for development of wind energy facilities in Victoria, DELWP 2021 – is a policy document to consider*
- Clause 19.01-2R – Renewable Energy – Great South Coast
 - o *Strategy – plan for and sustainably manage the cumulative impacts of alternative energy development.*

Response

The Project is specifically supported by Clauses 19.01-1S Energy and 19.01-2S Renewable energy and is consistent with the outcomes sought as;

- The Project will contribute to the State Government's renewable energy targets.
- The site takes advantage of proximity to existing transmission lines as well as suitable road access.
- The land has a long history of sheep and cattle grazing hence the turbines are readily able to be sited to minimise biodiversity impacts.

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The proposed amendment will result in a better outcome as the impacts will be less than what has currently been approved.

The Project will result in a net community benefit for both current and future generations and results in direct investment into Woolsthorpe.

10.1. Municipal Strategic Statement

Clause 21.03 – Factors including future planning and development

- A number of key factors which are of importance to the Shire's future land use and development are identified which include;
 - *Heavy reliance on agricultural activity as its economic base.*
 - *The existing agricultural base needs to be preserved in recognition of its strong economic performance.*
 - *The importance of views of the landscape from road corridors, and the need to control and manage development that is highly visible from main road corridors and principal tourist routes.*
 - *The need to retain the dominance of the landscape from key viewing locations through the Region.*

Response

The proposal will not prejudice the agricultural production of the land. The wind energy facility can co-exist with the agricultural pursuits on the land.

Although the windfarm will be visible from the surrounding road network, it has been demonstrated that the difference between the approved development versus the proposed development, will have a low to moderate visual outcome. Critically, the subject land is not on a principal tourist route.

Clause 21.06 – Environment

- Reinforces the natural values and characteristics of the Shire which comprises four distinct physiographic units and to be retained.
- The need to protect native vegetation, particularly along road sides and designated conservation corridors is reinforced.

Response

The layout proposed seeks to retain all vegetation on site. Further, appropriate setbacks have been adopted from identified high habitat value areas.

It is acknowledged that the proposal seeks to remove additional native vegetation from the roadside. It has been demonstrated through the Native Vegetation Removal Report submitted, that avoidance cannot be achieved due to the extent of vegetation on this roadside. However, minimisation has been demonstrated through the use of the existing access rather than creation of a new access.

Clause 21.07 – Economic Development

- Reaffirms the importance of agricultural to the local and regional economy.
- This policy references the increasing pressure for wind farms and other energy facilities to locate within the municipality.
- The objective of this policy is to *support and facilitate the development of local employment opportunities.*

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Response

The proposal will not prejudice the agricultural production of the land.

It is understood that the municipality is designated as part of a Renewable Energy Zone. It is prudent to note that there is an existing planning permit in place for 20 turbines and the current amendment seeks to reduce this to 13. This 35% reduction in the number of turbines reduces the visual presence of the facility on the surrounds.

The proposal will generate direct economic benefits into Woolsthorpe through construction and its operation.

10.2. Local Planning Policies

Local Planning Policies are detailed directions that will guide day to day decision making about geographic or sectoral issues, so that cumulatively those decisions will support the achievement of the objectives, or at least will not undermine their achievement.

Policies applicable to the current application are summarised below;

Clause 22.01-1 – Aboriginal Heritage

- This policy applies to all land.
- The objective is *to promote the protection and appropriate management of Aboriginal cultural heritage values.*

Response

A cultural heritage management plan has been approved for the proposed development. No salvage is required as part of the management plan as no artefacts were found during the field work undertaken. The conditions of this management plan will continue to apply through the construction of the facility.

Clause 22.02-2 – Rare and Threatened Species

- This policy applies to all land.
- The objective is *to maintain and enhance biodiversity in Moyne.*

Response

Through various historic flora and fauna surveys and adopting a precautionary approach, it is understood that the subject land and abutting land to the west and south is likely to provide suitable habitat for the southern bent wing bat.

The setbacks previously discussed at Panel hearings for the planning permit for the land, resulted in specific permit conditions being applied. The current proposal will continue to comply with these requirements as demonstrated in the submitted plans.

We have specifically sought feedback on the impact of the amended proposed to the southern bent wing bat. This advice concludes that the combined reduction in turbines and increase in ground level clearance will significantly reduce any potential impacts of collision for bat and avifauna.

Clause 22.02-5 – Pest Plant Management

- This policy applies to all land.
- The objective of this policy is *to contain the spread of noxious and pest weeds and to progressively reduce the areas affected.*

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Response

A condition on the planning permit requires the preparation and subsequent lodgement of pest animal and pest flora management plans. This has been submitted and endorsed. These plans will be complied with through the operation of the facility.

Clause 22.02-8 – Flora and Fauna Local Policy

- This policy applies to flora and fauna.
- The objective is *to protect and enhance flora and fauna communities through the Shire.*

Response

As mentioned previously, the proposed amended layout has been duly informed by various flora and fauna studies undertaken. Existing permit conditions relating to setbacks and specific requirements, will be retained and the plans submitted have been prepared to demonstrate compliance with these conditions.

Clause 22.03-4 – Agricultural Production

- This policy applies to all land in the Farming Zone.
- The MSS identifies agriculture as an important element of the local economy and the preservation of land for agricultural purposes is therefore critical.
- A key objective is *to ensure that the use and development of land within Moyne is not prejudicial to agricultural industries or to the productive capacity of the land.*

Response

As mentioned previously, the proposal will not prejudice the agricultural production of the land which is reinforced under this policy. Indeed, the current proposal has a significantly reduced footprint which in turn reduces its impact on agriculture.

Clause 22.03-8 – Fire Protection Local Policy

- This policy covers all land zoned Farming in the municipality.
- The objectives of this policy are to;
 - o *Ensure that land uses and development does not increase the level of fire risk.*
 - o *Ensure that adequate fire protection measures are considered with any development application.*

Response

A fire emergency response plan has been submitted to ensure the proposal does not increase the risk of bushfire and that appropriate mitigation measures are provided on site. Such on site mitigation measures include static water supply of 45,000 litres and all internal access tracks to be a minimum 5 metres wide.

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10.3. Clause 65 - Decision Guidelines

In determining whether a permit should be granted, the responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines set out in Clause 65.

The following outlines how the proposal appropriately responds to each of the decision guidelines:

- The proposal is consistent with the purpose and intent of the Policy Framework as outlined in this Statement. Specifically, the proposal provides a direct response to Clause 19.01-2S – Renewable Energy whilst ensuring productive agricultural land is not compromised (Clause 14.01-1S – Protection of agricultural land) and biodiversity values are not lost (Clause 12.01-1S – Biodiversity).
- The revised layout has a reduced impact on designated waterways as there are less waterway crossings and no turbines are within 100 metres of the waterway.
- The acoustic impacts as a result of the change in turbine type and siting, have been appropriately considered to ensure pre-construction noise compliance is achieved with the New Zealand Standard.
- The flora and fauna impacts as a result of the change in turbine height and siting, have been appropriately considered.
- The changes achieve compliance with Clause 52.32 Wind Energy Facility.
- Consideration of the impacts of the amendment on abutting and nearby sensitive receptors have been appropriately considered as demonstrated throughout this report. Overall, the impact on nearby dwellings is substantially reduced.

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11.0 Conclusion

This Planning Statement has demonstrated the proposed change in turbine and associated reduction in the number of turbines, as well as the altered siting, is consistent with the requirements of the Moyne Planning Scheme and the conditions of the planning permit.

It is therefore considered that based on the above assessment the proposal should be supported for the following reasons:

- The proposal directly responds to the Planning Policy Framework which seeks to encourage renewable energy facilities. Further, the land forms part of the designated renewable energy zone.
- The proposal does not compromise or prejudice the agricultural production of the land. Indeed, the significant reduction in the number of turbines and associated reduction in supporting infrastructure, will result in less physical impacts on the land.
- The changes proposed will not adversely affect the amenity of surrounding residential properties or the broader area as concluded in the following specialist reports;
 - o Noise Assessment
 - o Landscape and Visual Assessment
 - o Shadow Flicker
- Indeed, the proposal will have a significantly reduced impact on nearby dwellings due to the reduction of turbines.
- Ecological and biodiversity impacts have been prepared by Nature Advisory and conclude;
 - o Flora – the proposal will not result in the removal of any native vegetation on site. Appropriate tree protection zones have been adopted to ensure works are well setback.
 - o Roadside Vegetation – additional vegetation within the roadside is required to be removed. However, this has been minimised by using the existing accessway and third party offsets are readily able to be secured.
 - o Fauna – existing conditions of the permit relating to setbacks from the likely Southern bent wing bat habitat are to be retained and will be complied with, as demonstrated through the submitted plans.
 - o More specifically for the bat and avifauna, the increase in the blade ground clearance as well as the significant reduction in turbine numbers, will further reduce any potential impact on these species.
- Although the works do not require a planning permit under the Bushfire Management Overlay, given the land is in a Bushfire Prone Area and recognising the intent of Clause 13.01 – Bushfire, regard to the risk of bushfire has been had. Ultimately, the proposal does not increase the bushfire risk in the landscape. Specific elements are proposed to mitigate the risk including an access track and onsite static water supply.

Overall, the proposal is considered to present an appropriate planning outcome and is consistent with the purpose and intent of the relevant planning controls and policies and assessed within this report.

END OF ASSESSMENT

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