Terms of Reference

Golden Plains Wind Farm Project – Inquiry

An Inquiry appointed pursuant to section 9(1) of the Environment Effects Act 1978 to report on the Golden Plains Wind Farm Project.

Name

1. The Inquiry is to be known as the Golden Plains Wind Farm Inquiry.\(^1\)

2. The Inquiry members have the following skills/experience:
   a. biodiversity and habitat;
   b. land use planning (including noise, landscape and visual, and social impacts);
   c. wind farm and power infrastructure; and
   d. cultural heritage.

   The Inquiry may seek additional specialist expert advice if required.

Purpose

3. The Inquiry’s purpose is to inquire into and provide an integrated assessment of the potential effects of the proposed Golden Plains Wind Farm Project (the project).

4. The Inquiry is to produce a report to inform the Minister for Planning’s assessment of the environmental effects of the project under the Environment Effects Act 1978 (the EE Act) and in turn assist statutory decision making required for the project, including under the Planning and Environment Act 1987 (P&E Act).

5. In overview, the Inquiry is to consider submissions received and the exhibited Environment Effects Statement (EES) documentation and report on the potential environmental effects of the Golden Plains Wind Farm, proposed on-site quarry and electricity transmission and other associated infrastructure investigated in the EES.

Background

Project

6. WestWind Energy Pty Ltd proposes to construct a wind farm of up to 228 wind turbines with a maximum blade tip height of 230 metres above ground level and an indicative generation capacity of 800-1000 megawatts. The project is located in Golden Plains Shire, about 60 kilometres west of Geelong, generally to the west, south and south-east of Rokewood township.

7. Proposed permanent ancillary infrastructure includes up to six permanent wind monitoring masts approximately 100 metres high, a terminal station, four collector substations, underground and above ground power transmission lines and access tracks. Temporary infrastructure for the construction period includes on-site concrete batching plants, an on-site quarry, cleared construction laydown areas, temporary construction compounds and facilities and site parking.

8. The terminal station will connect the on-site substations to the 500 kilovolt Heywood-Moorabool transmission line.

9. The project will have an expected operational life of about 25 years.

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\(^1\)The Inquiry members will also be appointed as a Panel under the Planning and Environment Act 1987 (P&E) Act to consider objections to the related planning permit application for the Golden Plains Wind Farm Project – a single consolidated report with content meeting the requirements of both the EE Act and the P&E Act is to be prepared.
EES decision

10. On 9 July 2017, the Minister for Planning determined that an EES was required for the project under the EE Act and issued the decision with procedures and requirements for the preparation of the EES under section 8B(5) of the EE Act (Attachment 1).

11. The EES was prepared by the proponent in response to the Minister’s decision and Scoping Requirements issued for the proposal in December 2017.

12. The EES was placed on public exhibition together with a planning permit application pursuant to the Golden Plains Planning Scheme, from 4 May to 18 June 2018.

Commonwealth approval

13. The project was determined to be a controlled action requiring assessment and approval under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) on 24 July 2017 (Attachment 2), because of its potential impacts on matters of national environmental significance (NES). The controlling provisions under the EPBC Act relate to listed threatened species and communities (sections 18 and 18A).

14. The EES process is being applied as an accredited assessment process under the Commonwealth-Victorian Bilateral Agreement for Environmental Impact Assessment; to provide for the assessment of matters of NES required under the EPBC Act. The Victorian Minister for Planning’s assessment under the EE Act will be provided to the Commonwealth to inform the EPBC Act approval decision, in accordance with requirements of the Bilateral Agreement.

Planning approvals

15. WestWind Energy Pty Ltd has prepared a planning permit application for the use and development of the wind energy facility (permit application PA1700266). The members of the Inquiry will also be appointed as a Panel under the P&E Act to consider submissions (including objections) in relation to the planning permit application.

Other approvals

16. Under Victorian law, the project requires several other approvals and consents, as outlined in the EES, including but not limited to:
   a. approved cultural heritage management plans for the wind farm under the Aboriginal Heritage Act 2006 to manage works in areas of cultural heritage sensitivity; and
   b. a work plan and work authority for extractive industry under the Mineral Resources (Sustainable Development) Act 1990.

Method

17. The Inquiry may apply to vary these Terms of Reference in writing, prior to submission of its report.

18. The Inquiry may inform itself in any way it sees fit, but must consider:
   a. the exhibited EES;
   b. any submissions and evidence provided by the proponent, State agencies, and the public (including both written submissions in response to the exhibited EES and the planning permit application and submissions presented during the Inquiry’s hearing);
   c. information provided by the proponent which addresses, to the extent practicable, the submissions provided by the public; and
   d. other relevant information provided to, or obtained by, the Inquiry, having regard to relevant statutory provisions, policies and plans.

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2The current agreement came into operation in December 2014 and provides for the accreditation of specified Victorian statutory processes, including the EES process, to enable assessment of MNES for actions requiring Commonwealth approval.
19. The Inquiry must conduct a public hearing and may make other such enquiries as are relevant to its consideration of the potential environmental effects of the project.

20. The Inquiry must conduct its hearings in accordance with the following principles:
   a. the hearings will be conducted in an open, orderly and equitable manner, in accordance with the rules of natural justice, with a minimum of formality and without the necessity for legal representation;
   b. the Inquiry process will aim to be exploratory and constructive and adversarial behaviour should be minimised; and
   c. parties without legal representation will not be disadvantaged — cross-examination will be strictly controlled and prohibited where deemed not to be relevant by the Inquiry Chair.

21. The Inquiry will meet and conduct hearings when there is a quorum of at least two of its members present including the Inquiry Chair.

Submissions are public documents

22. The Inquiry must retain a library of any written submissions or other supporting documentation provided to it directly until the Minister has issued his assessment in the light of the Inquiry’s report or five years has passed from the time of its appointment.

23. Any written submissions or other supporting documentation provided to the Inquiry must be available for public inspection until the submission of its report, unless the Inquiry specifically directs that the material is to remain ‘in camera’.

Report

24. The Inquiry must produce a written report for the Minister for Planning presenting the Inquiry’s:
   a. description of the proceedings conducted by the Inquiry and lists of those who made submissions, were heard and were consulted by the Inquiry;
   b. findings on the likelihood and significance of environmental effects (impacts) of the different components of the project documented in the EES, including specific findings about impacts on matters of NES protected under relevant controlling provisions of the EPBC Act;
   c. advice regarding the availability and effectiveness of proposed feasible mitigation measures or controls to prevent, minimise or compensate for environmental effects (including on relevant matters of NES), in the context of relevant standards, objectives and guidelines established under relevant legislation;
   d. recommendations on any necessary modifications to the project and/or specific design measures required to prevent, minimise or compensate for adverse effects (including on relevant matters of NES);
   e. recommendations on appropriate approval conditions that could be applied under Victorian law, necessary to achieve acceptable environmental outcomes in the context of applicable legislation and policy and of proponent commitments;
   f. recommendations on the draft framework for environmental management for the project described in the EES, including in relation to the necessary controls, procedures or mechanisms; and
   g. conclusions (supported by information and analysis) on whether the project will substantially meet evaluation objectives and deliver an appropriate balance of environmental, economic and social outcomes, having regard to public submissions, and the principles and objectives of ecologically sustainable development.

Timing

25. The Inquiry is required to submit its report in writing to the Minister for Planning within 30 business days from its last hearing date.
Fee

26. The members of the Inquiry will receive the same fees and allowances as a panel appointed under Division 1 of Part 8 of the Planning and Environment Act 1987.

27. The costs of the Inquiry will be met by WestWind Energy Pty Ltd.

Project Manager

28. Day to day liaison for matters about this Inquiry process can be made to Greta Grivas, Senior Project Officer, Planning Panels Victoria on ph. (03) 8392 5121 or greta.grivas@delwp.vic.gov.au

29. Any queries about the EES process should be directed to Jack Krohn, Senior Impact Assessor, Department of Environment, Land, Water & Planning on ph. (03) 8392 5470.

Richard Wynne MP
Minister for Planning

Date: 27/5/18