

Panel Directions

Lal Lal Wind Farm Planning Permit PL-SP/05/0461 - Application to amend permit

Proposed variation to the application

1. Mr Power, representing WestWind Energy Pty Ltd advised that his client will be applying to vary the application. He advised that a number of variations to permit conditions were being considered and West Wind Energy will lodge the variation with the Department of Environment, Land, Water and Planning (DELWP) by Friday 12 August 2016. He submitted that the changes were minor in nature, but acknowledged that other parties would need to be given the opportunity to consider the changes and make submissions to the Panel.
2. Once the variation is lodged, DELWP will consider whether further notification is required or not, and advise the Panel on how it is proposed to proceed.
3. **The originally intended hearing dates of 15 to 23 August 2016 will no longer be possible and revised dates will be set.**
4. Regardless of DELWP's decision on whether a more full further notification is required, the Panel directs that, as a minimum, all submitters to the current panel process are to be notified of the proposed variations, and the changes are to be displayed on the DELWP and Council web sites.
5. **The Panel will write to all submitters advising of new panel dates and details of how to be heard.** This will occur once the Panel receives advice from DELWP on the process proposed to be adopted. A further Directions Hearing will most likely be held in order to finalise arrangements for the Public Hearing. As noted in the first Directions Hearing, part or all of the Public Hearing will be held in Moorabool or Ballarat.

Submissions on the previous notification process

6. Ms Marshall, on behalf of Moorabool Shire Council, submitted that there may be anomalies in the previous notification process for the permit amendment.
7. Mr Juttner, representing DELWP Planning Group, gave a brief explanation of the notification process that had been carried out.
8. There was discussion about whether the process had been sufficient. It was concluded that the best approach may be for the parties to get together and discuss the process before deciding if they wished to make submissions on the issues.
9. The Panel directs that representatives of the applicant, DELWP, Moorabool Council and the Lal Lal Environment Protection Association meet to discuss the notification process that has occurred for the permit amendment and attempt to agree on how any identified deficiencies (if any) are to be rectified. The Panel notes that the delays to the hearing dates may provide the opportunity for more extensive notification to be undertaken if required.
10. In the event that there is no agreement about the notification process, the parties should make submissions to the Panel for further directions.

Requests for further information

11. Ms Hicks, representing Lal Lal Environment Protection Association Inc., requested that the Panel direct that the applicant or DELWP provide the following further documents:
 - a. *The Development Plans dated 27 August 2010 endorsed by the Minister and forming part of the Permit;*
 - b. *The Background Noise Monitoring Surveys set out at 5.1.2 (page 10) of the MDA Noise Assessment dated 11 September 2015 ("the MDA Assessment") comprising:*

- *MDA report No. 001 R01 2007344 dated 5 February 2008*
 - *MDA letter No. 001 2010178ML dated 4 April 2011*
 - *MDA letter No. 002 2010178ML dated 4 April 2011;*
- c. *Manufacturer's test results or other source document resulting in the Wind turbine sound power levels referred to in Appendix F1(c) of the MDA Assessment;*
- d. *Prior Applications for Amendment of the relevant Permit by the Applicant dated on or about 21 January 2011, 5 April 2011, June 2013 and 26 August 2014.*
12. The Panel understands that the applicant is prepared to make documents listed under points a. to c. available, but submits that documents d. are not relevant to the current proceedings and may cause confusion. Mr Power submitted that, in any case, all of the changes contained in the correspondence listed are incorporated into the current application.
13. The Panel directs that the documents listed in a. to c. in paragraph 11. above be made available to Lal Lal Environment Protection Association Inc. The Panel further directs that the applicant provide a chronological account of all previous amendment requests at the Panel Hearing. The Panel reserves the right to make further directions in relation to the documentation of these requests if it deems that they are relevant to its deliberations.