

# Terms of Reference

Hexham Wind Farm Inquiry and Advisory Committee



Department  
of Transport  
and Planning

Version: January 2026

The Hexham Wind Farm Inquiry and Advisory Committee (IAC) is appointed to inquire into, and report on, the potentially significant environmental effects of the proposed Hexham Wind Farm (the project) assessed in the environment effects statement (EES) and planning merits of the planning permit application, in accordance with these terms of reference.

The IAC is appointed pursuant to section 9(1) of the *Environment Effects Act 1978* (EE Act) as an inquiry, and part 7, section 151(1) of the *Planning and Environment Act 1987* (PE Act) as an advisory committee.

## Name


1. The IAC is to be known as the 'Hexham Wind Farm IAC'.

## Skills

2. The IAC is to consist of members with expertise in:
  - a. assessment of wind farms and associated mitigations;
  - b. biodiversity/ecology, particularly avifauna and bats;
  - c. visual impact and landscape character; and
  - d. land use planning.
3. The IAC will comprise an appointed Chair (IAC Chair), a Deputy Chair and other appropriately qualified members.

## Purpose of the Inquiry and Advisory Committee

4. The IAC is appointed by the Minister for Planning (the Minister) under section 9(1) of the EE Act to hold an inquiry into and report on the environmental effects of the project. The IAC is to:
  - a. review and consider the EES and submissions received in relation to the EES with a focus on the key EES matters;
  - b. consider and report on the significance and acceptability of the environmental effects of the project, having regard to relevant policy and legislation and relevant evaluation objectives in the scoping requirements;
  - c. consider and report on potential significant impacts on relevant matters of national environmental significance protected under *the Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act), including the significance and acceptability of residual impacts;
  - d. identify if any additional mitigation measures and/or project modifications are required beyond those identified in the EES to avoid, mitigate or manage the significant environmental effects of the project consistent with relevant policy and legislation; and
  - e. advise on how these modifications and measures should be implemented through the necessary approvals and consents for the project.
5. The IAC is also appointed as an advisory committee under Part 7, section 151(1) of the PE Act to:
  - a. review the planning permit application and any referred submissions and make recommendations for the Minister for Planning to consider in determining the planning permit application;

- 
- 
- b. provide specific advice on the key planning matters that the IAC recommends should be addressed in the planning permit, if the Minister decides to grant a permit for the project.
6. The IAC must produce a report of its findings and recommendations to the Minister consistent with clauses 46-49, to inform:
    - a. the Minister's assessment under the EE Act, which will be considered by statutory decision makers for the project; and
    - b. the Minister's consideration of the planning permit application under the PE Act.
  7. The report should include information and analysis of the project's significant environmental effects focussing on key EES matters and key planning permit matters with coverage of 'other matters' that may relate to the EES at a high level only.


## Key matters and other matters

8. The Hexham Wind Farm Environment Effects Statement Scoping Requirements, September 2024 (Scoping Requirements) list, in Table 1, key matters with potentially significant environmental effects.
  - a. Key matters have been refined through the development of the EES. The extant 'key EES matters' are:
    - i. biodiversity values, including threatened species and communities listed under the *Flora and Fauna Guarantee Act 1988* and *Environment Protection and Biodiversity Conservation Act 1999*;
    - ii. native vegetation and ecology of the area's terrestrial environment and freshwater environments, including wetlands and creeks;
    - iii. Aboriginal cultural heritage, and
    - iv. landscape and visual amenity.
  - b. Other matters which are considered less likely to have significant environmental effects ('other EES matters').
9. Key matters which relate to the planning permit application include those listed in clause 8a (insofar as they are relevant to the planning application), in addition to traffic, noise, fire safety, shadow flicker and aviation safety ('key planning permit matters').

## Background

### Project outline

10. The Hexham Wind Farm project comprises the development of:
  - a. a wind energy generation facility within predominately agricultural land, 15 kilometres west of Mortlake and 15 kilometres north-east of Woolsthorpe, Victoria; and
  - b. approximately 147 kilometres of new access tracks and an on-site terminal station.
11. The project site, which encompasses all elements of the project, covers an area of approximately 16,000 hectares.
12. The key components of the project include:
  - a. up to 106 wind turbines;
  - b. a 200 megawatt battery energy storage system;
  - c. an on-site terminal station;
  - d. approximately 139 kilometres of underground electricity cables;

- 
- 
- e. permanent and temporary ancillary infrastructure, including operations and maintenance facilities, site access points and access tracks, transmission and grid connection infrastructure, meteorological masts, concrete batching plants and site storage areas;
  - f. road and intersection upgrade works.
13. The project's proponent is Hexham Wind Farm Pty Ltd (the proponent), which is responsible for preparing technical studies, consulting with the public and stakeholders, preparing an EES and planning permit application.

### **EES assessment process**

14. In response to a referral under the EE Act from the proponent, the Minister for Planning determined on 19 April 2022 that an EES was required for the project and issued their decision with procedures and requirements for the preparation of the EES as specified in Attachment 1.
15. The EES was prepared by the proponent in response to the EES scoping requirements issued by the Minister for Planning in September 2024.
16. The EES, will be placed on public exhibition for 30 business days. The public comment period for the EES is in accordance with the procedures and requirements issued for this EES by the Minister. The proponent is responsible for public notice of EES exhibition.

### **Commonwealth assessment process**

17. Because of its likely significant impacts on matters of national environmental significance, the project was determined to be a controlled action requiring assessment and approval under the EPBC Act on 31 August 2022. The relevant controlling provisions under the EPBC Act are listed threatened species and communities (sections 18 & 18A) and listed migratory species (sections 20 & 20A).
18. Under the EPBC Act bilateral agreement between the Australian and Victorian governments, the Victorian EES process is serving as the accredited assessment process to address EPBC Act assessment requirements for this project. The assessment of environmental effects to be made by the Victorian Minister for Planning will be provided to the Commonwealth Minister for Environment and Water to inform the approval decision under the EPBC Act.

### **Planning permit application process**

19. The project requires a planning permit under the Moyne Planning Scheme in accordance with the PE Act. The proponent has prepared a planning permit application (reference no. PA2504115) which will be placed on public notice while the EES is on public exhibition.
20. Notice of the planning permit application will be given in accordance with the requirements of section 52 of the PE Act.

### **Other approvals**

21. The project may require other statutory approvals and/or consents, as outlined in the EES, including the following key approvals:
  - a. an approved work plan and work authority under the *Mineral Resources (Sustainable Development) Act 1990* (MRSD Act);
  - b. an approved cultural heritage management plan under the *Aboriginal Heritage Act 2006*;
  - c. consents under the *Road Management Act 2004*, to conduct works in, on, or under roads;
  - d. a permit to remove listed flora and fauna from public land under section 48 of the *Flora and Fauna Guarantee Act 1988*; and



- e. an authority to take or disturb wildlife under the *Wildlife Act 1975*.


## Process

### Stage 1A – Submissions to the EES

22. Submissions on the EES are to be provided in writing on or before the close of submissions date.
23. The IAC must not consider submissions that relate to matters that have not been assessed in the EES (refer to section 4 of the Scoping Requirements) and should prioritise its focus into EES submissions that relate to key EES matters set out in these terms of reference.
24. Submissions on the EES will be collected by the office of Planning Panels Victoria (PPV) through the Engage Victoria platform. All submissions must state the name and address of the person making the submission. Submissions will be collected and managed in accordance with the privacy guidance on the PPV website.
25. Petition responses will be treated as a single submission and only the first names from a petition submission will be registered and contacted.
26. Pro-forma submitters will be registered and contacted individually if they provide their contact details. However, the IAC should encourage pro-forma submitters who want to be heard at the hearing to present as a group, given their submissions raise the same issues.
27. All written submissions received by PPV and other supporting documentation or evidence received through the course of the IAC process should be published online, unless the IAC specifically directs that the submission or other material, or part of it, is to remain confidential. Requests for submissions or other material to be kept confidential must be clearly stated in writing with reasons to the IAC through PPV, consistent with the process outlined in the IAC's Privacy Collection Statement. The IAC will review these and base its decision to maintain confidentiality on whether it would be fair to the proponent and other parties to the hearing.
28. Electronic copies of each submission on the EES are to be provided to the proponent, Department of Transport and Planning (DTP) (Impact Assessment and Energy Assessment), Moyne Shire Council and the Eastern Maar Aboriginal Corporation.
29. PPV must retain any written submissions and other documentation provided to the IAC for a period of five years after the time of the IAC's appointment.


### Stage 1B – Objections and submissions to the planning permit application

30. Objections and submissions to the planning permit application are to be made in writing to the Minister for Planning, through the Department of Transport and Planning.
31. Objections and submissions to the planning permit application will be collected by the Department of Transport and Planning Energy Assessment team by email to [development.assessment@transport.vic.gov.au](mailto:development.assessment@transport.vic.gov.au) or by mail to:  
The Minister for Planning  
C/- Department of Transport and Planning  
GPO Box 2392  
Melbourne 3001.
32. Objections and submissions should state the name and address of the person making the objection and include the reasons for the objection, stating how the objector would be affected by the grant of the permit. Objections will be collected and managed in accordance with the requirements of the PE Act
33. If a number of persons make one objection, they may give the responsible authority the name and address of the person to whom the responsible authority is to give notice of the decision.

- 
- 
34. Pro-forma objections and submissions will be registered and contacted individually if they provide their contact details. However, the IAC should encourage pro-forma submitters who want to be heard at the hearing to present as a group, given their submissions raise the same issues.
  35. Objections and submissions to the planning permit application that are received before the directions hearing held in accordance with clause 38 will be referred to the IAC.
  36. PPV must retain any written objections to the planning permit application and other documentation provided to the IAC for a period of five years after the time of the IAC's appointment.

## **Stage 2 – Public hearing**

37. The IAC must hold a public hearing and may make other such enquiries as are relevant to undertaking its role. The public hearing is to be focused on key EES and planning permit matters, and the IAC may direct that:
  - a. submissions, evidence and other material presented to the IAC focus on key EES matters and key planning permit matters;
  - b. 'other matters' are not discussed at the public hearing and will be considered by the IAC based on documents (by way of further written material).
38. Prior to the commencement of the public hearing, the IAC must hold a directions hearing to make directions it considers necessary or appropriate as to the conduct, scope or scheduling of the public hearing, including the preparation and publication of a Request for Further Information report if required.
39. When it conducts a public hearing, the IAC has all the powers of an advisory committee that are specified in section 152(2) of the PE Act.
40. The IAC may inform itself in any way it sees fit, but must review and consider:
  - a. the exhibited EES and the planning permit application;
  - b. all submissions on the EES, the objections and submissions referred to the IAC on the planning permit application and evidence provided to the IAC by the proponent, state agencies, local councils and submitters, in so far as they relate to matters assessed in the EES and the planning permit application;
  - c. the views (if known) of Traditional Owners and Registered Aboriginal Parties;
  - d. any information provided by the proponent and parties that respond to submissions or directions of the IAC; and
  - e. any other relevant information that is provided to, or obtained by, the IAC, in relation to the matters assessed in the EES and planning permit application.
41. The IAC must conduct its process in accordance with the following principles:
  - a. the public hearing will be conducted in an open, orderly and equitable manner, in accordance with the principles of natural justice;
  - b. the public hearing will be conducted with a minimum of formality and without legal representation being necessary for parties to be effective participants;
  - c. the IAC process and hearing is to be exploratory and constructive, with adversarial behaviour discouraged and with cross-examination/questioning to be regulated by the IAC in the context of these principles.
  - d. The IAC may limit the time of parties appearing before it.
42. The IAC may direct that a submission or evidence is confidential in nature and the hearing be closed to the public and not recorded for the purposes of receiving that submission or evidence.
43. The IAC may conduct a public hearing when there is a quorum of at least two of its members present or participating through electronic means, one of whom must be the IAC Chair or Deputy Chair.


- 
- 
44. If directed by the IAC, an audio recording of the hearing must be procured by the proponent. If recorded, the audio recording will be provided to PPV as a weblink and should be made publicly available as soon as practicable after the conclusion of each day of the hearing, or otherwise as directed by the IAC.
45. Any other recording of the hearing by any other person or organisation may only occur with the prior consent of, and strictly in accordance with, the directions of the IAC.

### **Stage 3 – Report**

46. The IAC must produce a written report for the Minister for Planning containing its:
- analysis and conclusions with respect to the environmental effects of the project and their significance and acceptability;
  - findings on whether acceptable environmental outcomes can be achieved, having regard to legislation, policy, best practice, and the principles and objectives of ecologically sustainable development;
  - recommendations and/or specific measures that it considers necessary and appropriate to prevent, mitigate or offset adverse significant environmental effects;
  - recommendations relating to any feasible modifications to the design or management of the project that would offer improved environmental outcomes in relation to reducing/mitigating significant environmental effects;
  - recommendations for any appropriate mitigations or changes that may be lawfully imposed on any approval for the project, including with respect to the planning permit application and the content of a work plan or conditions on any approval required for the on-site quarry, if issued under the MRSD Act;
  - recommendations as to the structure and content of the proposed environmental management framework, including with respect to monitoring of environmental effects, contingency plans and site rehabilitation; and
  - specific findings and recommendations about the predicted impacts on matters of national environmental significance and the acceptability, including appropriate controls and environmental management.
47. The report should include information and analysis of the significant environmental effects, in support of the IAC's findings and recommendations. The report should:
- focus on the key EES matters and key planning permit matters only; and cover 'other matters' that may relate to the EES at a high level only; and
  - include information and depth of analysis proportionate to the significance of the environmental effects.
48. Matters that the IAC determines have minimal or negligible impact and can be readily addressed through standard and proven environmental management techniques do not need to be examined by the IAC. Simple recording of these matters in the report will suffice.
49. The report should include:
- a list of all recommendations, including cross-references to relevant discussions in the report;
  - description of the public hearing conducted by the IAC, and a list of those persons consulted with or heard;
  - a list of all submitters in response to the exhibited EES and those objections and submissions referred to the IAC in regard to the planning permit application; and
  - a list of the documents tabled during the proceedings.

### **Timing**

50. The IAC must conduct a directions hearing no later than 20 business days from the final date of the exhibition period of the EES.

- 
- 
51. The IAC needs to commence the hearing no later than 40 business days from the final date of exhibition period for the EES.
  52. The IAC must submit its report in writing to the Minister for Planning within 30 business days from its last day of its proceedings, unless the report writing period spans the Christmas-New Year period, in which case 40 business days will apply.
  53. The DTP's Impact Assessment Unit and Energy Assessment Team must liaise with PPV to agree on the directions hearing and hearing dates.

### **Minister's assessment**

54. The Minister for Planning will make an assessment of the environmental effects of the project after considering the IAC's report as well as the EES, submissions and any other relevant matters.
55. PPV will notify submitters on the EES of the release of the Minister's assessment and the IAC report.

### **Fee**

56. The fees for the members of the IAC will be set at the current rate for a panel appointed under part 8 of the PE Act.
57. All costs of the IAC, including the costs of obtaining any expert advice, technical administration and legal support, venue hire, accommodation, recording proceedings and other costs must be met by the proponent.

### **Miscellaneous**

58. The IAC may apply to the Minister for Planning (or their delegate) to request variation to these terms of reference in writing, at any time before submission of its report. This includes requesting any variation to the required hearing or reporting timeframes.
59. The IAC may retain specialist expert advice, additional technical support, or legal counsel to assist if considered necessary.
60. PPV is to provide any necessary administrative support to the IAC. The proponent is to provide any necessary administrative or technical support to the IAC in relation to the conduct of the hearing.



**Dr Bruce Abernethy**  
**Executive Director,**  
**State Planning Assessment and Facilitation**

Date: 20/1/2026



---

The following information does not form part the Terms of Reference.

## **Project Management**

For matters regarding the IAC process, please contact Planning Panels Victoria, by phone (03) 5381 9457 or email [office@planningpanels.vic.gov.au](mailto:office@planningpanels.vic.gov.au).

For matters regarding the EES process, please contact the Impact Assessment Unit in DTP by phone (03) 8572 7980 or email [environment.assessment@transport.vic.gov.au](mailto:environment.assessment@transport.vic.gov.au).

For matters regarding the planning permit application process, please contact the Energy Assessment Team in DTP by email [development.assessment@transport.vic.gov.au](mailto:development.assessment@transport.vic.gov.au).



---

## Attachment 1

### **Procedures and requirements under section 8B(5) of the *Environment Effects Act 1978* for the Hexham Wind Farm EES.**

The procedures and requirements applying to the EES process, in accordance with both section 8B(5) of the Act and the *Ministerial guidelines for assessment of environmental effects under the Environment Effects Act 1978* (Ministerial Guidelines), are as follows.

(i) The EES is to document investigations of potential environmental effects of the proposed project, including any relevant alternatives, and the feasibility of associated environmental mitigation and management measures. In particular, the EES needs to address:

- a. potential effects on biodiversity and ecological values including native vegetation, listed flora, fauna and communities through loss, degradation or fragmentation of habitat, collision with turbines, or other ecological effects;
- b. potential effects on water environments including wetlands and Mustons Creek, as a result of direct disturbance, changes to stream flows or discharge of sediment or waste during construction, operation or decommissioning of infrastructure;
- c. effects on Aboriginal cultural heritage values;
- d. effects on historic heritage values;
- e. effects on landscape and visual amenity values;
- f. effects on amenity related to construction and decommissioning;
- g. effects on the socioeconomic environment, at local and regional scales, including on traffic, agriculture and other direct and indirect effects; and
- h. cumulative effects of the project, particularly on biodiversity, ecology, social and landscape values, given the proximity to other proposed, approved and operating windfarms.

(ii) The matters to be investigated and documented in the EES are set out more fully in scoping requirements prepared by the Department of Environment, Land, Water and Planning (DELWP). Draft scoping requirements will be exhibited for public comment over 15 business days, before final scoping requirements are issued by the Minister for Planning.


(iii) The proponent is to prepare and submit to DELWP an adequate draft EES study program to inform the preparation of scoping requirements.

(iv) The level of detail of investigation for the EES studies should be consistent with the approach set out in the scoping requirements and be adequate to inform a robust and objective assessment of the significance and acceptability of its potential environmental effects, including for any feasible relevant alternatives, in the context of the Ministerial Guidelines.

(v) DELWP will convene an inter-agency technical reference group (TRG) to advise DELWP and the proponent on the scoping requirements, the design and adequacy of the EES studies, and coordination with statutory approval processes.

(vi) The proponent is to prepare and implement an EES consultation plan for consulting the public and engaging with stakeholders during the preparation of the EES. Once completed to the satisfaction of DELWP, the EES consultation plan is to be implemented by the proponent, having regard to advice from DELWP and the TRG.

(vii) The proponent is also to prepare and submit to DELWP its proposed schedule for the completion of studies and preparation and exhibition of the EES, following confirmation of the scoping requirements. This



---

schedule is to enable effective management of the EES process and EES' development based on an agreed alignment of the proponent's and DELWP's timeframes, including for TRG review of technical studies for the EES and the main EES documentation.

(viii) The proponent is to apply appropriate peer review and quality management procedures to enable the completion of EES studies to a satisfactory standard.

(ix) The EES is to be exhibited for a period of 30 business days for public comment, unless the exhibition period spans the Christmas–New Year period, in which case 40 business days will apply.

(x) An inquiry will be appointed under the *Environment Effects Act* to consider environmental effects of the proposal.