



Tall Tree Community Online Session - Planning

19 September 2024





Acciona Energía acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community.

We acknowledge the Wadawurrung People as the Traditional Custodians of the lands on which the Tall Tree Wind Farm is proposed to be located.

We pay our respect to Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples.

Session objectives & expectations

This online session is being hosted to provide information to the Tall Tree Wind Farm community about Planning in Victoria and answer questions about the proposed Tall Tree project.

The project team, along with consultants, will try to respond to all questions to the best of our current knowledge. Those questions that we are unable to answer today will be taken on notice and emailed to all participants.

We ask that all participants of the online session communicate any questions or feedback in a respectfully.

The Tall Tree Wind Farm Project team hopes to continue engaging with stakeholders through a range of channels as we develop this project.

The recording and presentation will be published on the Tall Tree Wind Farm Community Hub Page (www.community.acciona.com.au/talltree)



AGENDA

- 1 Introduction
- 2 About ACCIONA Energía and Project Timeline-
ACCIONA Energía
- 3 The Planning Process—
ERM
- 4 Planning Process Q&A —
Community
- 5 Next Steps

Introduction

ACCIONA Energía

Paul Treasure
Project Manager

Dominic Luddy
Community Manager

Jacqui Pertz
Project Coordinator- Environment and Planning

Abbie Sutton
Community Lead

ERM

Anthony Scarpaci
Consultant

Premier Strategy

Tania McIntyre
CHAIR

Lucy Gilbert

About ACCIONA Energía



LEADER IN RENEWABLES

ACCIONA Energía is a **leading developer of renewable energy projects with over 13GW of capacity** in operation and under construction. Since 2015, ACCIONA has been ranked #1 in the Top 100 Green Utilities by Energy Intelligence, a consultancy that rates electricity companies for their CO2 emissions and installed capacity in renewables.

GLOBAL OPERATIONS WITH A STRONG PRESENCE IN AUSTRALIA

We currently have **renewable energy presence in 20 countries** and have been operating in Australia for over **20 years**. We have **five operational wind farms** across three states in Australia, with three in Victoria.

COMMUNITY FOCUSED

We are committed to understanding the needs of the community and **sharing the benefits of our projects with the communities** in which our projects are based.

LONG-TERM OPERATOR

We are a **long-term operator of renewable energy projects** – our focus is on **maximising reliability and operating performance** of our projects, and working with the community throughout the entire project life cycle.



TALL TREE WIND FARM PROJECT

Up to 350MW, generating enough power for 265,000 homes annually

Community Engagement

Activity to date

Neighbour engagement - ongoing

First Round of community sessions in March 2024

Publication of FAQs document answering community questions

- 1st Edition- April
- 2nd Edition - June

Communication of layout update – June 2024

- Removal of area with 6 turbines; reduction of maximum height

Stakeholder meetings – ongoing

- Council
- Traditional Owners
- Airport
- Community group representatives
- CFA

Upcoming engagement between now and November

For more information visit the Tall Tree Community Hub:

<https://community.acciona.com.au/talltree>



TALL TREE WIND FARM – 19 SEPTEMBER 2024

Planning & Environmental approvals and considerations for wind farms

Sustainability is our business

Key environmental and approvals legislation

Legislation	Purpose
Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) Commonwealth	The Act provides for the protection of certain nationally significant (protected) animals, plants, habitats or places, called ‘protected matters’
Environment Effects Act 1978 (EE Act) Victoria	The Act provides for the environmental impact assessment of proposed projects capable of having a significant effect on the environment.
Planning and Environment Act 1987 (P&E Act) Victoria	The Act provides a framework for planning the use, development and protection of land in Victoria, and sets out the processes for obtaining permits, settling disputes, enforcing compliance and other administrative procedures.
Aboriginal Heritage Act 2006 (AH Act) Victoria	The Act provides for the protection of Aboriginal Cultural Heritage and Aboriginal intangible Heritage in Victoria and to empower Traditional Owners as protectors of their Cultural Heritage on behalf of Aboriginal People and all other peoples.

Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

Purpose of Act

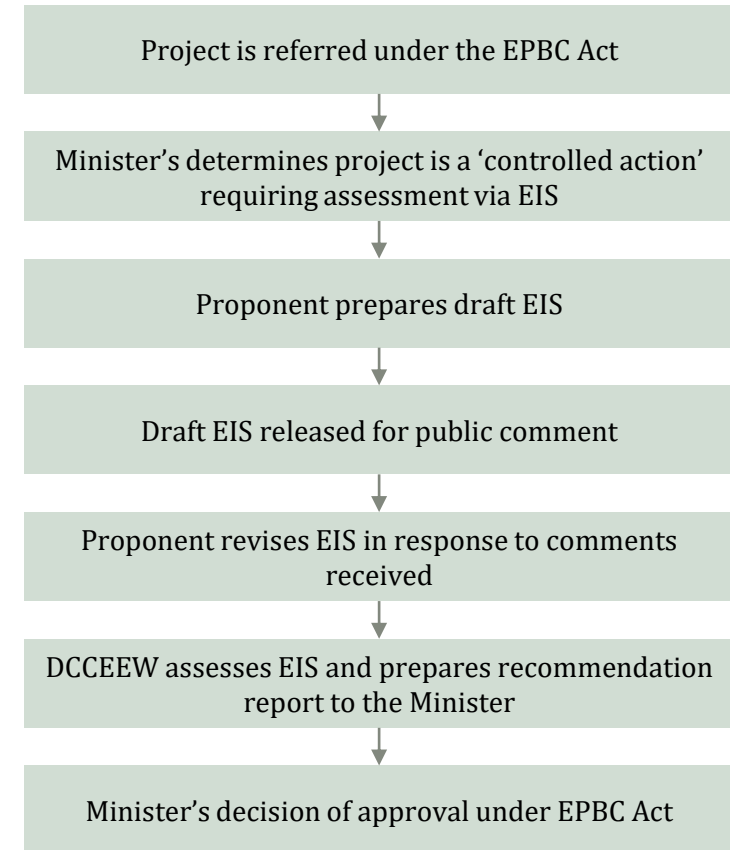
The Act provides for the protection of certain nationally significant (protected) animals, plants, habitats or places, called 'protected matters'

Referrals under the EPBC Act

- Projects are referred to as 'actions.'
- A referral to the Minister for the Environment is required if a project has the potential to **significantly impact** on a protected matter.
- The Minister for the Environment would assess the referral and determine if the action requires any further assessment and approval. Referral decisions may include:
 - **Not a controlled action**, and project may proceed without further approval.
 - **Not a controlled action in a particular manner**, and project may proceed without further approval so long as it is undertaken in a manner as committed to in the referral (e.g. a threatened species management plan may have been submitted as part of the referral).
 - **Controlled action**, the project is expected to have significant impact on a protected matter(s) and must obtain approval before it may proceed.
 - **Clearly unacceptable**, the project is expected to have clearly unacceptable impact on a protected matter(s) and is not allowed to proceed.
- The list of Matters of National Environmental Significance can be found at the below link:

Matters of National Environmental Significance: Significant Impact Guidelines 1.1 ([dcceew.gov.au](https://www.dcceew.gov.au))

Typical referral and approval process for an onshore wind projects



EIS summary flow chart

Environment Effects Act 1978

(EE Act)

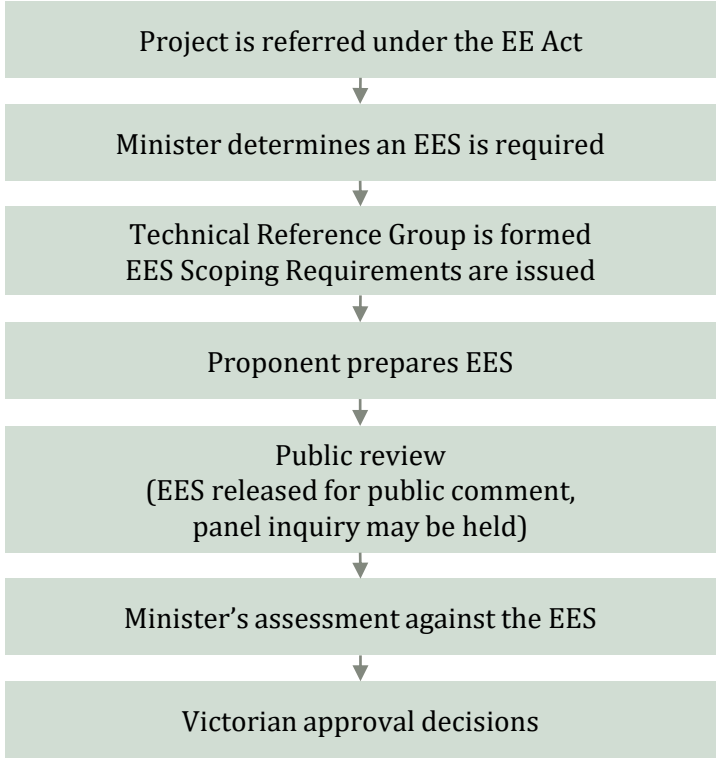
Purpose of Act *The Act provides for the environmental impact assessment of proposed projects capable of having a significant effect on the environment.*

Referrals under the EE Act

- A referral to the Minister for Planning is required if a project has the potential has the potential for a *significant environmental effect* for a decision on whether an environment effects statement (EES) is required.
- The Minister for the Environment would assess the referral and one of the following decisions:
 - an EES is required
 - an EES is not required if conditions specified by the Minister are met
 - an EES is not required
- An EES is not an approval, but the publication of an EES informs other statutory decision makers in their approval decisions.
- Similar to a referral under the EPBC Act, a referral under the EE Act needs to consider all aspects of a project.
- A project can not be referred in parts, known as “splitting”.
- The referral criteria under the Act can be found at the below link:

Table 1 of the Ministerial guidelines for assessment of environmental effects under the Environment Effects Act 1978 (planning.vic.gov.au)

Onshore wind projects may trigger an EES assessment pathway, dependent on the specific response to the EE referral criteria



EES summary flow chart

EE Act – Technical Reference Group

Where an EES is required, a Technical Reference Group (TRG) is formed.

- TRGs are formed project-by-project and are guided by specific terms of reference developed by the department.
- The proponent participates in TRG meetings by providing information and promoting, discussing, or responding to project and EES issues.
- TRG advises on the technical adequacy of the EES development and response, including the department's response to relevant matters.

TRG members have a statutory, policy or technical interest in the proposed project.

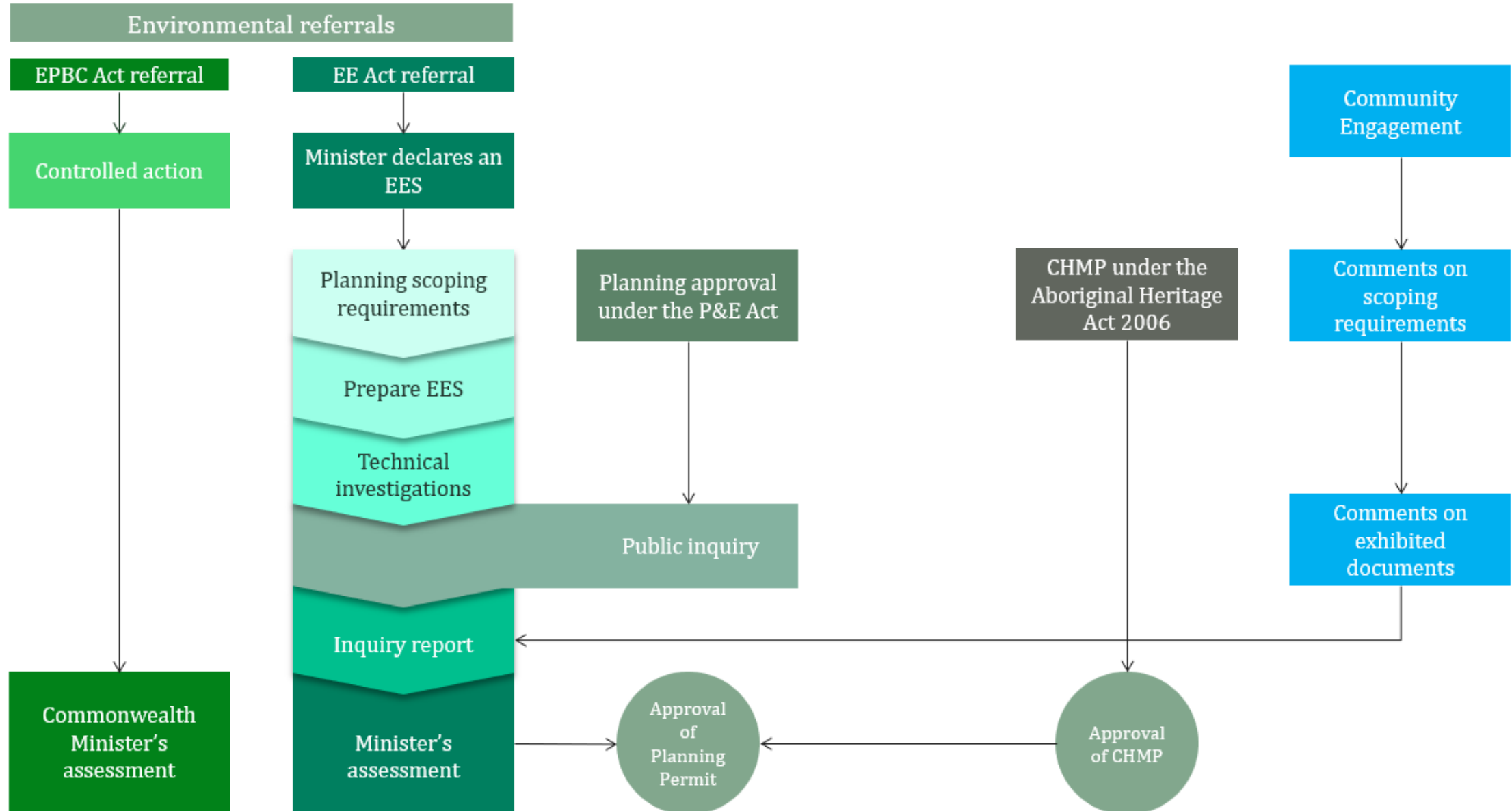
TRG members are independent of the project. They typically include:

- government agencies
- regional authorities
- municipal councils
- registered Aboriginal parties (RAPs)

By way of example, the proposed Darlington Wind Farm (south-west Victoria) TRG comprises:

- DTP Planning Group
- DEECA Planning and Environment Assessment
- DEECA Resources Victoria
- DTP Transport – Barwon South West
- Environment Protection Authority
- First Peoples - State Relations
- Eastern Maar Aboriginal Corporation
- Heritage Victoria
- Moyne Shire Council
- Southern Rural Water
- Glenelg Hopkins Catchment Management Authority

Approvals pathway summary – if EPBC & EES are required



Planning and Environment Act 1987 (Vic) (P&E Act)

Purpose of Act

The Act provides a framework for planning the use, development and protection of land in Victoria, and sets out the processes for obtaining permits, settling disputes, enforcing compliance and other administrative procedures.

Use and Development permissions under the Act

- Planning Schemes set out how land may be used and developed within a site, and may also address heritage, vegetation and other environmental matters.
- Clause 52.32 (Wind Energy Facility) is a wind farm specific requirement in the Planning Schemes, which requires wind farms to consider the Planning Guidelines for Development of Wind Energy Facilities (last revised in September 2023).
- In addition to addressing Clause 52.32, an application is likely to consider other site-specific matters, typically including:
 - Development permissions under a specific overlay – the overlays can include factors relevant to the visual amenity, the environment, bushfire, flooding or erosion
 - Native vegetation permissions
 - Alterations to state-controlled roads
- The Minister for Planning is the Responsible Authority (RA) for all large-scale renewable energy projects in Victoria, including wind farms.

Typical documentation submitted as part of a planning permit application for a wind farm includes:

- Plans and elevations that show the project boundary and proposed locations of wind turbines, transmission lines and other infrastructure
- Planning Assessment
- Landscape and Visual Assessment
- Acoustic Assessment
- Ecology Assessment
- Heritage Assessment
- Traffic and Transport Assessment
- Aviation Assessment
- Other amenity assessments

Planning Permit application

Where a planning permit is required, an application is submitted to the RA

- A planning permit application needs to be accompanied by the requisite application form and fee, plans and details of a project, specialist reports as required (e.g. noise, ecology, heritage, etc) and an assessment of the planning impacts of a project.
- Once an application has been received, the Responsible Authority (the State Planning Department for wind farms – DTP) may refer the application to relevant authorities or may request further information, and once satisfied that the right information has been provided, the application will be placed on advertising for no less than 14 days, where any affected party may make an objection.
- The permit applicant is invited to address any objections and may submit a revised application to the responsible authority for assessment.

Decision making process

- After the end of the notification period and once a full assessment of the proposal is complete, the responsible authority will assess the proposal and decide to:
 - Grant a permit (if no objections)
 - Issue a notice of decision to grant a permit (if objections), or
 - Refuse a permit.
- In the event of a refusal, the applicant has 60 days to have the decision appealed through the Victorian Civil and Administrative Tribunal (VCAT), whilst objectors have 28 days to appeal the decision in the event that a notice of decision to grant a permit is issued.
- If approved, there are a standard set of conditions applied to a planning permit that a proponent must abide by, which allows regulatory bodies to maintain enforcement over an operational wind farm.

Typical planning permit application process

Preparation of permit application & technical studies to inform Project design (Applicant)



Lodgement of planning permit application (Applicant)



Further information request (Responsible Authority)



Response to further information request (Applicant)



Public Notification & submissions (Community and any interested parties)



Post-advertising assessment & Decision (Responsible Authority)



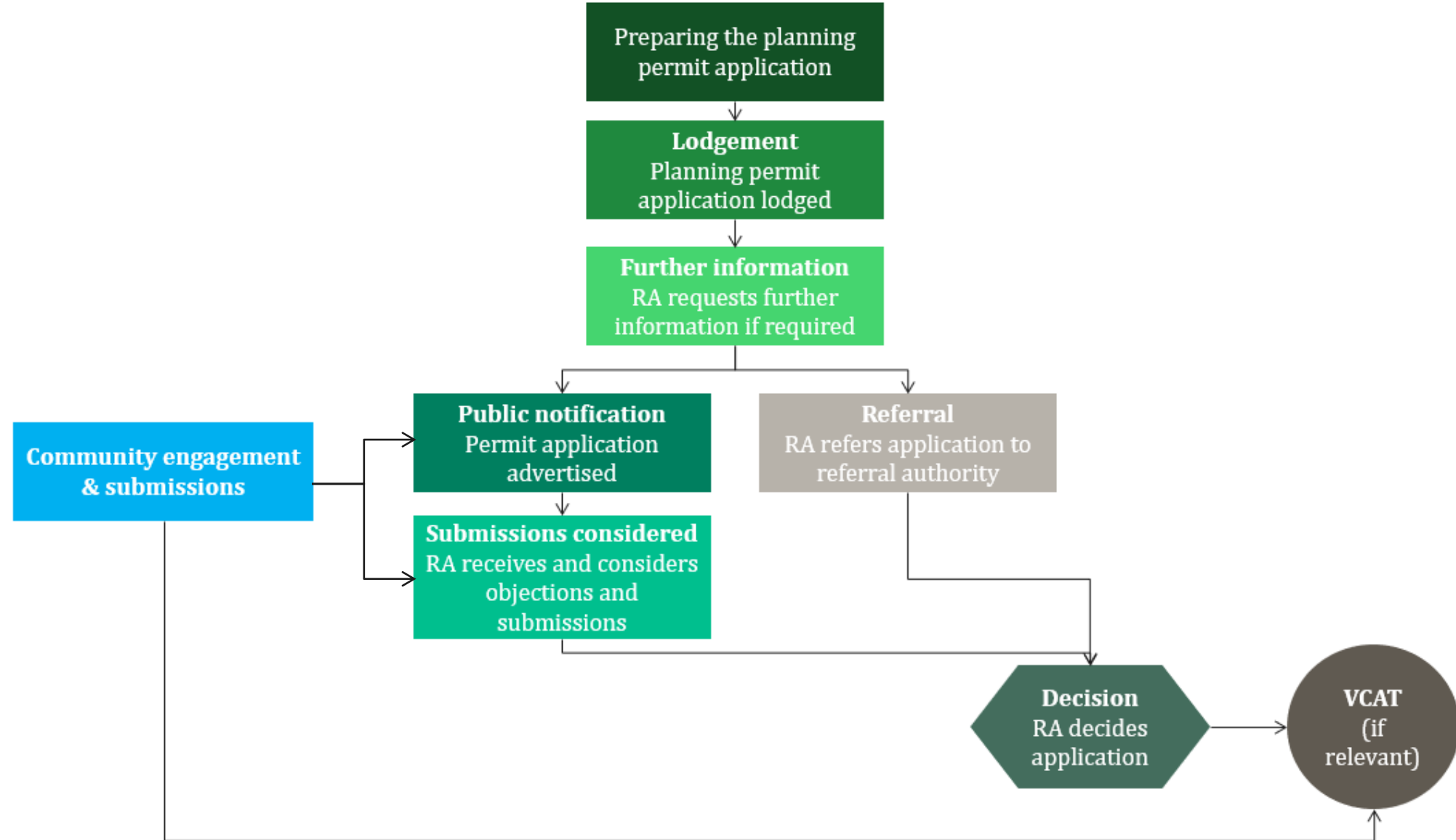
VCAT (if applicable)



Condition compliance and endorsement (Applicant and Responsible Authority)

Planning Permit application summary flow chart

Approvals pathway summary – if EPBC & EES are not required



Aboriginal Heritage Act 2006 (Vic) (AH Act)

Purpose of Act

The Act provides for the protection of Aboriginal Cultural Heritage and Aboriginal intangible Heritage in Victoria. empower Traditional Owners as protectors of their Cultural Heritage on behalf of Aboriginal People and all other peoples

Requirements under the Act

- The Act sets out the circumstances in which a Cultural Heritage Management Plan (CHMP) is required.
- A CHMP is prepared by heritage adviser, and which contains results of an assessment of the potential impact of the activity on the Aboriginal cultural heritage of the area. It discusses the measures to be taken before, during and after an activity to manage and protect Aboriginal cultural heritage.
- If referral is required under the EE Act, a mandatory CHMP must be prepared.
- A CHMP is submitted for approval to First People – State Relations (FPSR) or, if one is appointed, the relevant Registered Aboriginal Party (RAP) for the area (Wadawurrung).

The typical process for preparing a CHMP includes



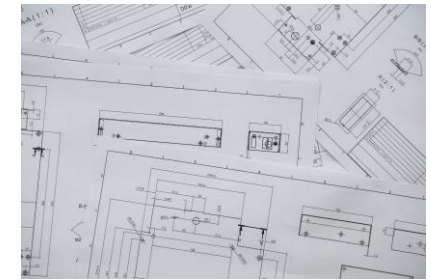
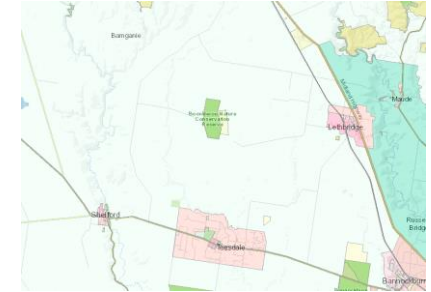
CHMP preparation flow chart

What types of technical assessments are required for wind farms?

- The *Planning Guidelines for Development of Wind Energy Facilities* outline the types of technical assessments that are typically required for wind farm applications in Victoria.
- In the likely event that an EES is required, the specific technical assessment required to be undertaken will be outlined in the scoping directions. All interested parties (including members of the community) have an opportunity to comment on the scoping directions, with all submissions considered in the development of the final scoping directions.
- In the more unlikely event that an EES is not required, a proponent is guided by the Guidelines, Clause 52.32, as well as any other site-specific considerations that may require additional technical assessments.
- Regardless of the approval pathway, each technical assessment will be subject to a rigorous review process and is open for comment from regulatory agencies and the community.
- Within the planning process, there is an expectation that claims made by a wind farm proponent (or anyone acting on behalf of that proponent) will stand to reasonable scrutiny if they are challenged.

The typical technical assessments for wind farms include:

- Planning Assessment
- Landscape and Visual Assessment
- Acoustic Assessment
- Ecology Assessment
- Heritage Assessment
- Traffic and Transport Assessment
- Aviation Assessment
- Agricultural Assessment
- Other amenity assessments, including:
 - Socio-Economic Assessment
 - Shadow Flicker Assessment
 - Electromagnetic Interference





QUESTIONS?



Next Steps:



Tall Tree Wind Farm

COMMUNITY INFORMATION SESSIONS



ONLINE SESSIONS:

Thursday, 19 September
7pm – 8.30pm
Register at: bit.ly/talltree1

Wednesday, 9 October
7pm – 8.30pm
Register at: bit.ly/talltree2



DROP-IN SESSIONS:

Meredith Memorial Hall
Wednesday, 6 November
5.30pm – 8.30pm

Lethbridge Public Hall
Saturday, 9 November
12pm – 3pm

Teesdale Community Hall
Thursday, 7 November
5.30pm – 8.30pm

Shelford Cricket Club
Monday, 11 November
5.30pm – 8.30pm

More information: community.acciona.com.au/talltree

THANK YOU

