

Stockyard Hill Wind Farm

Permit PL-SP/05/0548/B

Permit Amendment Application



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For: Stockyard Hill Wind Farm Pty Ltd



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EXECUTIVE SUMMARY

This report provides the details of a Planning Permit amendment application sought for the Stockyard Hill Wind Energy Facility (**SHWEF**) that is permitted under the *Planning and Environment Act, 1987 (P&E Act)* by Planning Permit PL-SP/05/0548/B (**the Permit**). Goldwind Australia Pty Ltd (**GWA**) has prepared the application on behalf of the proponent, Stockyard Hill Wind Farm Pty Ltd (**SHWFPL**) in accordance with section 97I of the P&E Act.

This planning permit amendment application seeks the Minister’s approval for an amendment to the SHWEF Permit to modify:

- **Condition 13** to increase the permit allowance for total removal of native vegetation from 38.267 hectares (ha) up to 43.384 ha. This is an increase of 5.117 ha.
- **Condition 18** to increase the required offsets for removal of native vegetation and scattered trees to address increased native vegetation removal identified in a BIOR Report (dated 3/12/2020) and as stated for an amended permit, to ensure consistency with the objectives of Clauses 12.01-2S and 52.17 of the VPP to ensure “no net loss to Victoria’s biodiversity” as a result of native vegetation removal.

This permit amendment has assessed an increase in native vegetation removals associated with the Project, in accordance with the Biodiversity Assessment Guidelines (2013 BAG) which have been confirmed by DELWP as the applicable guidelines. No further native vegetation impacts will occur, as all ground disturbing works and removal of native vegetation for the SHWEF have been completed. Table ES-1 below provides a summary of the native vegetation removal associated with the Permit and this Permit Amendment.

Table ES-1 - Native Vegetation Removal associated with the Permit (PL-SP/05/0548/B) and Permit Amendment

Total Extent of native vegetation from WEF and public roads and intersection upgrades	Ha
Permitted removals (A, B, C) (remnant patch and scattered trees) (Condition 13 and NVMP)	
A - Permitted for removal under the existing Permit - Condition 13	38.267
B - Removed within the approved NVMP footprint	13.067
C - Retained (unremoved) native vegetation, within the approved NVMP footprint and no longer able to be removed	25.200
Current Proposal for a permit amendment to Condition 13 (Proposed removals in BIOR Report)	
D - Extent of impact to areas outside of the NVMP footprint	30.320
Total extent removed (B and D) and sought by this application for a modified Condition 13 requirement (as per BIOR provided in Appendix A which has combined past and proposed removals). The total extent of native vegetation removals has increased by 5.117 ha.	43.384

Table ES-2 provides a summary of offsets required for the Permit and Permit amendment.

Table ES-2- Summary of Native Vegetation Offsets associated with the Permit and Permit Amendment

Total Extent of native vegetation from WEF including public roads and intersection upgrades	Ha	Native Vegetation Offset (addressing Remnant Patch and Scattered Trees)	Secured
A - Native Vegetation Offsets secured under existing Condition 18			
A1 - Permitted for removal under the existing Permit (including scattered trees). Consistent with endorsed NVMP.	38.267	5.437 GBEUs- (comprises 5.176 GBEU (WEF) and 0.261 (Roads)) 0.211 SBEUs of habitat for Button Wrinklewort (associated with roads only) SBS of at least 0.296 (WEF) and 0.191 (Roads)	Yes- Allocated credits, and endorsed under Cond. 18, (see Appendix D).
A2 - Permitted and Removed - within the approved NVMP footprint (including scattered trees). Consistent with endorsed NVMP.	13.067	Part of the above.	Yes, as above
A3 - Permitted for removal but retained due to layout design modifications that avoided these areas and no longer able to be removed.	25.200	The retained 25.200 ha vegetation that relates to the above endorsed offset, will not be removed. This vegetation is located outside of the construction footprint as per the updated Development Plans and NVMP and will not be considered permitted removal under an amended Permit.	Yes, as above
B - Proposed additional Native Vegetation Offsets required under amended Condition 18			
B1 – Proposed removals as per BIOR Report. Within the wind farm site but outside of the NVMP footprint (including scattered trees) taking into account past permitted removals.	30.320	4.600 GBEUs and 0.169 SBEUs of habitat for Button Wrinklewort, (BIOR, Attachment A)	In process of securing offsets of at least required amount see Appendix E

Total Extent of native vegetation from WEF including public roads and intersection upgrades	Ha	Native Vegetation Offset (addressing Remnant Patch and Scattered Trees)	Secured
B - Proposed additional Native Vegetation Offsets required under amended Condition 18			
<p>25.200 ha of retained vegetation within the NVMP is no longer able to be removed and will not be permitted for removal under an amended Permit updated Development Plans and NVMP. However, SHWFPL proposes that, under the permit conditions sought in this amendment application, the offsets already secured for these areas will be retained with the Project.</p> <p>Native Vegetation offsets are now being secured for the additional proposed removals as shown in BIOR report (Appendix A), and, that is sought for an amended Condition 18.</p> <p>The endorsed offsets previously obtained and, those now being secured, will exceed the native vegetation offsets required to offset the total removals by about 3.5 GBEUs, and go beyond the requirement to ensure, <i>'No Net Loss to Victoria's biodiversity'</i> (VPP).</p> <p>This approach is proposed as consistent with SHWFPL's commitment to supporting Victoria's biodiversity and enhancing the positive net community benefit provided by SHWF.</p>			<p>Process commenced for full offset requirement. Expected to exceed requirement of VPP.</p>
<p>GBEUs- General Biodiversity Equivalence Units; SBEUs- Specific Biodiversity Equivalence Units; SBS- Strategic Biodiversity Score</p>			

This application has been prepared with reference to:

- Detailed mapping of the project’s impacts on native vegetation and verification in the field by SMEC. This has included the full disturbance extent, areas not removed where topsoil was respread, and areas of temporary impact where native vegetation is expected to re-establish.
- A detailed native vegetation impact assessment prepared by SMEC. The report includes mapping.
- BIOR Report (Appendix A) prepared by DELWP based on SMEC Shape Files labelled in consultation with DELWP and prepared in accordance with the 2013 BAG. The BIOR states the extent and condition of native vegetation removal and the required native vegetation offset requirements;
 - The accompanying BIOR (Appendix A) addresses the additional (proposed) removals located within different areas to those shown in the endorsed NVMP footprint (including scattered trees), having regard to the past permitted removals in accordance with the BAG;
- Planning assessment in Section 6 (Summary in Table ES3), addressing:
 - planning policy specifically Clause 52.17 native vegetation, and Clause 52.32 Wind Energy Facility provisions found within the Pyrenees Planning Scheme
 - other relevant provisions including the Victorian Policy and Planning Guidelines for Wind Energy Facilities (March 2019); and
- Other relevant matters and explanatory items in relation to the Permit Amendment Application.

Impacts on biodiversity have been minimised by:

- initial layout planning which sought to minimise impacts on native vegetation and a range of design measures to reduce the footprint extent particularly in areas of higher ecological sensitivity;
- application of native vegetation fencing, flagging and signage, to limit impacts of construction works;
- constrained layout design changes to avoid creating an adverse material impact on the environment and its surrounds;
- reduced disturbance associated with track widths, particularly in Stony Rises terrain;
- the significant offsets secured or being secured for the project (approximately 3.5 GBEUs, beyond those required for the offset of the total native vegetation removals of 43.384 hectares).

It is acknowledged that the disturbance width for some infrastructure, notably the cable routes, has increased from the estimate in the NVMP due to construction requirements. A number of mitigation measures have been implemented during works and will be on going for a number of years post construction to assist with the site’s rehabilitation. It is expected that cable corridors and other indirectly impacted peripheral areas of the footprint will revegetate with species from adjacent to the disturbance including native vegetation. An active program of revegetation and weed control has commenced. Regardless of this, all areas disturbed by construction activities have been taken into account as removals. No allowance has been included for re-establishment of native vegetation in areas of disturbance.

The increased native vegetation removals sought by the application, were a necessary impact to implement this large wind farm project (the largest constructed in Australia). Based on the SMEC NVIA, and the DELWP BIOR report, the Offsets already secured or in the process of being secured by SHWFPL, are well in excess of those required for the assessed total native vegetation removals and accordingly, the project will not have a significant impact on Victoria’s biodiversity, nor a significant adverse impact on rare or threatened species. Overall, SHWEF will contribute to Victoria’s renewable energy portfolio, which is an important aspect of Victoria’s long-term strategy for transition to a sustainable energy future and contributes to protection and enhancement of Victoria’s biodiversity from the adverse impacts of climate change.

Table ES-3 provides a summary of the Planning Assessment provided in this application.

Table ES-3 – Key Planning Summary Table

Key Information	Details
Proposal	To amend conditions 13 and 18 of the Permit to allow: <ul style="list-style-type: none"> - up to a total of 43.384 hectare of native vegetation to be removed, and - increase the provision of offsets in recognition of the increased native vegetation removal and to address the BIOR report for proposed removals.
Permit no	PL-SP/05/0548/B
Planning Scheme	Pyrenees Planning Scheme
Responsible Authority	Pyrenees Shire Council
State and Local Planning Policy Framework	<ul style="list-style-type: none"> • Clause 12 Environmental and Landscape Values • Clause 12.01-1S Protection of Biodiversity • Clause 12.01-2S Native Vegetation Management • Clause 19.01-1S Energy Supply

	<ul style="list-style-type: none"> • Clause 17 Economic Development • Clause 19.01-2S Renewable Energy • Clause 21.01 Pyrenees Shire Key Influences and Issues • Clause 21.04-2 Protecting Sensitive Rural Areas • Clause 22.04 Native Vegetation Protection
Application Zone	Clause 35.07 Farming Zone (FZ)
Applications Overlays	<ul style="list-style-type: none"> • Clause 42.01 Environmental Significance Overlay (Schedule 1 – Designated Water Supply Areas) (ESO1) • Clause 42.02 Vegetation Protection Overlay (Schedule 1 – Roadside Grassland Protection Conservation) (VPO1) • Clause 44.06 Bushfire Management Overlay (BMO or WMO).
Particular Provision	<ul style="list-style-type: none"> • Clause 52.17 Native Vegetation (NV) • Clause 52.29 Land Adjacent to A Road Zone Category 1(RZ1), Or A Public Acquisition Overlay (PAO) for a Category 1 Road. • Clause 52.32 Wind Energy Facilities (WEF)
Permit trigger for NV removal	A permit requirement is triggered under Clause 52.17-2 for native vegetation removal and ESO1 for removal of more than 1 ha of native vegetation
Referral authorities and notice	Secretary of DELWP (recommending referral authority) Grampians Wimmera Mallee water authority (determining referral authority) This Application is wholly exempt from the requirements of a Planning Panel (Clause 52.32-9).
Permit Expiry Date	A request for extension of time to complete the development permitted under the Permit was submitted to the Minister on 24 August 2020 in accordance with Condition 51. The extension has been requested for one year to 26 October 2021, and the development is expected to be completed within that timeframe.

Based on the above information, the Permit amendment is strongly supported by legislation and is generally consistent with the requirements and objectives of the State and Local Planning Policy Framework, relevant Victorian Planning Provisions (VPP) of the Planning Scheme and applicable native vegetation guidelines.

In addition to the Permit amendments sought, SHWFPL has updated Plans for the Minister’s review and consideration to ensure consistency with the Permit amendment. Should the Minister decide to approve the permit amendment application, the following Plans have been updated and are submitted with the application for subsequent endorsement:

- Updated Development Plans (addressing Conditions 1, 2 and 4 of the Permit (provided in Appendix H); and
- Updated Native Vegetation Management Plan (addressing Conditions 6f and 15 (provided in Appendix I).

ABBREVIATIONS

<i>Abbreviation</i>	<i>Description</i>
BAG	<i>Biodiversity Assessment Guidelines</i>
BIOR	<i>Biodiversity Impact and Offset Report</i>
BMO	<i>Bushfire Management Overlay</i>
BOM	<i>Bureau of Meteorology</i>
C1DP	<i>Condition 1 Development Plan (layout)</i>
C2MS	<i>Condition 2 Micro-sited (layout)</i>
DELWP	<i>Department of Environment Land, Water and Planning</i>
DEPI	<i>Department of Environment, Planning and Infrastructure</i>
EEA	<i>Environmental Effects Act</i>
EPBC	<i>Environmental Protection and Biodiversity Conservation Act</i>
ESO	<i>Environmental Significance Overlay</i>
EVC	<i>Ecologic Vegetation Class</i>
FFG	<i>Flora and Fauna Guarantee Act</i>
GBEUs	<i>General Biodiversity Equivalence Units</i>
GHUs	<i>General Habitat Units</i>
GWA	<i>Goldwind Australia Pty Ltd</i>
ha	<i>hectare</i>
MW	<i>Megawatt</i>
MWh	<i>Megawatt hour</i>
NV	<i>Native Vegetation</i>
NVMP	<i>Native Vegetation Management Plan</i>
OHL	<i>Overhead Transmission Line</i>
P&E Act	<i>Planning and Environment Act</i>
PSC	<i>Pyrenees Shire Council</i>
SBEU	<i>Specific Biodiversity Equivalent Units</i>
SBS	<i>Strategic Biodiversity Score</i>
SHWEF	<i>Stockyard Hill Wind Energy Facility</i>
SHWFPL	<i>Stockyard Hill Wind Farm Pty Ltd</i>
VPP	<i>Victorian Planning Provisions</i>
VRET	<i>Victorian Renewable Energy Target</i>
WEF	<i>Wind Energy Facility</i>

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1 INTRODUCTION

1.1 Purpose of this document

This report provides the details of a Permit amendment application sought for the Stockyard Hill Wind Energy Facility (**SHWEF**) permitted under the *Planning and Environment Act, 1987 (P&E Act)* by Planning Permit PL-SP/05/0548/B (**the Permit**). Goldwind Australia Pty Ltd (**GWA**) has prepared the application on behalf of the proponent, Stockyard Hill Wind Farm Pty Ltd (**SHWFPL**) in accordance with section 97I of the P&E Act.

A planning permit application for the Project was originally lodged on 13 February 2009 with the Minister for Planning. Following on from a Panel hearing, the Minister under Division 6 of Part 4 of the Planning and Environment Act 1987 (P&E Act) issued a Permit for the Project on 26 October 2010. The Permit has since been amended twice, on 8 June 2017 and on the 23 July 2018 (see section 2).

This Permit amendment application seeks specific changes to Conditions 13 and 18 of the Permit to address the total extent of native vegetation removals associated with the Project. The Application provides a detailed native vegetation impact assessment and subsequent reports from Department of Environment, Land, Water and Planning (DELWP) in relation to the quantification of native vegetation removal and offset requirements associated with the construction of the SHWEF. This permit amendment application is submitted for the Minister's consideration specifically in relation to variations sought for Conditions 13 and 18 of the Permit.

This Permit amendment application seeks the modification of:

- **Condition 13 Native Vegetation Removal**, to allow a total of up to 43.384 ha of native vegetation to be removed, reflecting native vegetation actually removed for the project, as described in the native vegetation assessment in Appendix B, assessed under the high risk-based pathway.
 - This includes areas of native vegetation identified in the NVMP that have been removed, as well as removals outside the NVMP. Native vegetation removal for the project is completed and there is no intention of removing any further native vegetation for the SHWF.
 - The application has had regard to past permitted clearing by reference to clearing that has taken place, or could still take place, under the Permit, noting that the 25.200 ha of retained vegetation identified in the NVMP where the Project has avoided the need for removal could no longer take place under the Permit. The retained vegetation has not been impacted and is not proposed to be removed by the updated NVMP and the Permit amendment. Removal of this native vegetation would therefore be inconsistent with this application, updated Plans and amended Permit;
 - It is proposed that Condition 13 reflect the actual removals which represents an increase of 5.117 ha of native vegetation removal permitted under the current Permit and as specified in Section 4 of this application; and
- **Condition 18 Native Vegetation Offsets**, to increase the required native vegetation offset as specified in Section 5, in recognition of the increased native vegetation removal allowed under an amended Condition 13.
 - Offsets have been calculated in the BIOR prepared by DELWP set out in Appendix A.
 - The BIOR assesses that an additional offset of 4.600 GBEU and 0.169 Button Wrinklewort, (as set out in BIOR provided in Attachment A) is required to offset the additional removals, having regard to the past permitted removals.

SHWFPL proposes that condition 18 be amended to reflect SHWFPL's proposal to enhance the project's contribution to Victoria's biodiversity by obtaining and retiring offsets for the Project in respect of removals for both:

- Permitted for removal under current permit and NVMP, including actual removals as well as retained vegetation; and
- Additional areas within the wind farm site the subject of this amendment application.

This is consistent with SHWFPL's commitment to supporting Victoria's biodiversity and enhancing the positive net community benefit provided by SHWF.

The consistency of this application with applicable planning policy specifically Clause 52.17 native vegetation and Clause 52.32 Wind Energy Facility, other relevant provisions including the Victorian Policy and Planning Guidelines for Wind Energy Facilities (March 2019) and the 2013 BAG is set out in section 6.

This permit amendment application does not seek to:

- increase the total number of turbines; or
- increase the maximum height of any turbine; 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; or
- or change any land title details as referenced on the Permit (see Appendix E).

In addition to the Permit amendments sought, SHWFPL has updated Plans for the Minister's review and consideration to ensure consistency with the Permit amendment. Should the Minister decide to approve the permit amendment request, the following Plans have been updated and submitted with this application for subsequent endorsement:

- Updated Development Plans (addressing Conditions 1, 2 and 4 of the Permit (provided in Appendix H); and
- Updated Native Vegetation Management Plan (addressing Conditions 6f and 15 (provided in Appendix I)).

1.2 Site context and Project Status

The SHWEF site is located within the Pyrenees Shire, approximately 150 km north-west of Melbourne and approximately 35 km west of Ballarat as shown in Figure 1-1. Photos in Plates 1-1 and 1-2 show the pastoral setting of the locality with intensive cropping and grazing occurring over much of the project area.

The project comprises of 149 wind turbines that are distributed within four distinct turbine groups referred to as the North, East, South and West turbine groups. Construction of the SHWEF development commenced in May 2018 and is now well advanced with all civil construction works completed and all 149 turbines fully installed. All impacts on native vegetation removal have occurred and no further impacts on native vegetation are required. Energisation of the turbines (one at a time) is now occurring under a 5MW AEMO exemption.

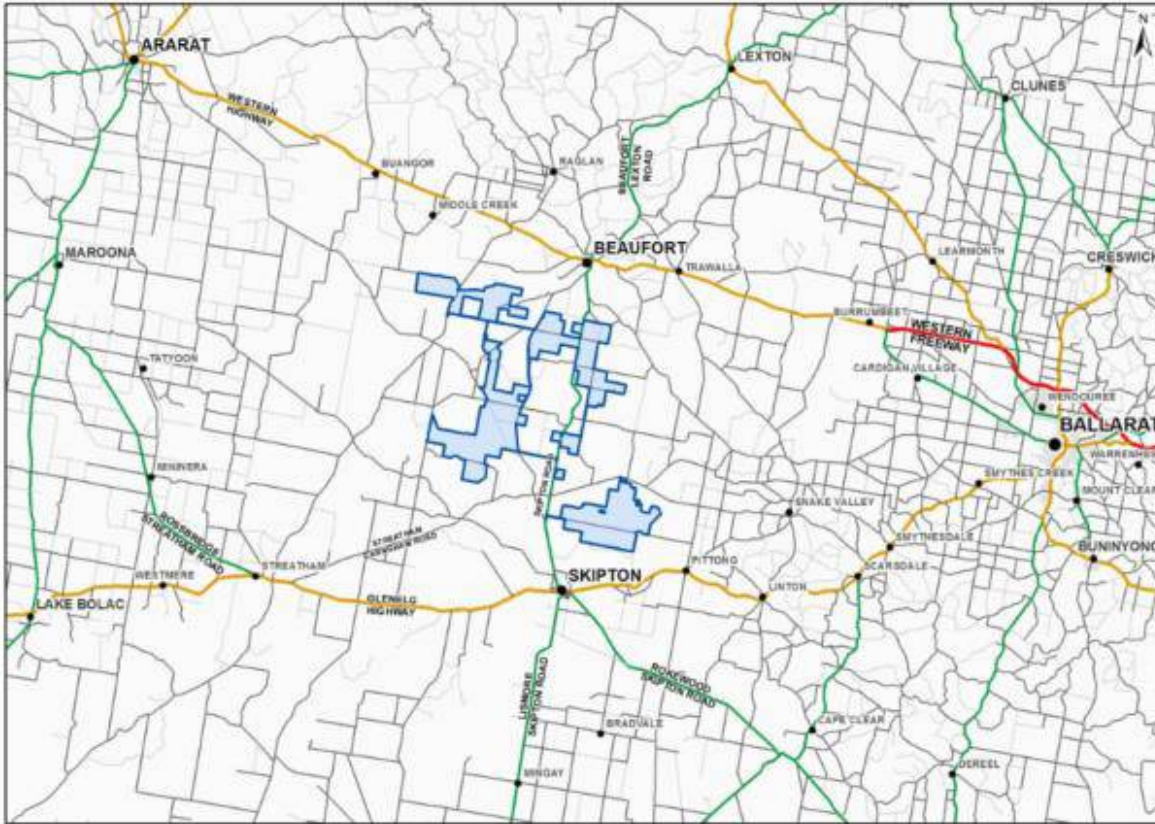


FIGURE 1-1 SITE LOCALITY MAP



PLATE 1-1 PHOTO OF INSTALLED TURBINES ON SITE, EAST GROUP, WEST OF SKIPTON ROAD IN PASTORAL AREA

The SHWEF development is the largest wind farm currently being constructed in the Southern Hemisphere and covers a wide extent of the Stockyard Hill locality. It is one of two large wind farms being developed by Goldwind in Victoria. Goldwind has in the last 12 months, achieved over 1 GW of installed wind farm capacity in Australia delivering significant renewable energy and emissions savings.

In terms of its physiographic setting, the SHWEF site:

- spans parts of the Victorian Volcanic Plain and the Central Victorian Uplands bioregions,
- is located within the jurisdiction of the Glenelg Hopkins Catchment Management Authority (CMA),
- is with a rural setting comprising intensive grazing and cropping and scattered rural dwellings.

In terms of the Site context the mapping provided in Appendix J, indicates the general locations of mapped native vegetation in respect of the SHWEF post-construction layout, that has been subject to minor layout design changes.



PLATE 1-3 PHOTO OF INSTALLED TURBINES ON SITE, WEST GROUP WEST OF STOCKYARD HILL ROAD, PASTORAL AREA

2 SHWEF PLANNING PERMIT HISTORY AND PROPOSED AMENDMENTS

2.1 Permit

The original SHWEF planning permit application was lodged on 13 February 2009 for the Minister’s consideration of a 242-wind turbine layout with turbines measuring up to 132 metres in height. The Minister issued the SHWEF Permit (PL- SP/05/0548) on the 26 October 2010, under Part 4, Division 6 of the P&E Act for a WEF comprising up to 157 turbines and measuring up to 132 metres in height (see Table 2-1).

The original Permit allowed up to 5.28 ha (3.09 habitat hectares) of native vegetation to be removed under Condition 6f, with an offset provision made under Condition 14.

The Permit was amended in 2017 to allow 149 turbines with a revised layout. The amended permit, under Condition 13, allows for native vegetation removal allowance up to 38.267 ha, which the Panel report identifies represented the total removal predicted at that time. Required offsets to address the allowed removals were stipulated under Condition 18.

This permit amendment application falls under the transitional arrangement provisions provided by Clause 52.17-6 of the Pyrenees Planning Scheme that allows permit amendments to be assessed under the 2013 BAG, instead of the 2017 Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017 Guidelines), where the original permit application was lodged before the commencement date of Amendment VC138 (being 12 December 2017). This approach has been adopted for the native vegetation assessment accompanying this application and is consistent with the approach adopted for pre-construction assessments conducted under Conditions 6f, 13, 15 and 18 and as per the permit requirements. This approach delivers consistency between the pre-construction and post-construction native vegetation assessments.

TABLE 2-1 PLANNING PERMIT – HISTORY OF CHANGES

Date of Approval	Type of Change	Brief description of Permit approval or amendment scope history, amendment or correction
26 Oct 2010	Permit Granted	<i>The Minister granted approval of Permit No. PL- SP/05/0548 under section 97F of the P&E Act for</i> <ul style="list-style-type: none"> <i>Allow for up to 157 wind turbines</i>
8 June 2017	Permit Amended	<i>The Permit was amended under Section 97I of the Act - Permit No. PL- SP/05/0548A to:</i> <ul style="list-style-type: none"> <i>allow increase in turbine size (up to 180 m tip height),</i> <i>reduced number of turbines (up to 149 wind turbines),</i> <i>increased native vegetation removal (38.267 ha),</i> <i>update native vegetation offset requirement</i> <i>apply the NZS 6808:2010</i> <i>update the BAM Plan requirements, and</i> <i>other changes.</i>
23 July 2018	Permit Amended	<i>The Permit was amended under Section 97I of the Act - Permit No. PL- SP/05/0548B to:</i> <ul style="list-style-type: none"> <i>modify Condition 36 (offsite landscaping plan) of the permit so that is consistent with example conditions 9, 10, 11 in the</i>

Date of Approval	Type of Change	Brief description of Permit approval or amendment scope history, amendment or correction
		<i>Victorian Policy and Planning Guidelines for Wind Energy Facilities (November 2017).</i>
<i>Current application</i>	<i>Application</i>	<p><i>The application seeks:</i></p> <ul style="list-style-type: none"> • <i>increased native vegetation removal allowance (Condition 13)</i> • <i>increased native vegetation offset requirements (Condition 18)</i>

2.2 Overview of Amendment Application and Relevant Permit Conditions 13 and 18

This Permit Amendment Application seeks variations to Conditions 13 and 18 as indicated in section 2.3. The current form of Conditions 13 and 18 is set out below.

2.2.1 Permit Condition 13 (Removal of Native Vegetation)

Permit Condition 13 (Removal of Native Vegetation) states:

The Permit allows for the removal of up to 38.267 hectares of native vegetation, unless varied with written consent from the Minister for Planning.

The form of the condition relates to a net allowance for removal of native vegetation without distinguishing the types of native vegetation or locations where it may be removed. An endorsed NVMP approved under Condition 15 was prepared to show the siting and extent of native vegetation to be removed during works under Condition 6f and the controls required under Conditions 14, 16 and 17. An updated NVMP has been submitted in parallel with this application, reflecting the changed location of actual native vegetation removals, and seeking endorsement of the updated Plan, for consistency with an amended Permit.

The native vegetation impact assessment and BIOR (provided in Appendices A and B) has identified that total removals for the SHWEF exceed the Condition 13 allowance by 5.117 ha, of which 30.320ha is outside the NVMP area, necessitating this application for amended Condition 13 to increase the allowance for native vegetation removal to 43.384 ha. Explanation of reasons for the exceedance are provided in Section 3.

2.2.2 Permit Condition 18 (Native Vegetation Offsets)

Condition 18 provides for an appropriate amount of Native Vegetation Offsets to address the native vegetation removal allowance specified in Condition 13. Condition 18 is structured in three parts as follows:

- (a) Offset requirement for the Wind Energy Facility comprising:
 - General Offsets of 5.176 General Biodiversity Equivalence Units (GBEUs) with a strategic biodiversity score (SBS) of 0.296
- (b) Offset requirement for road and intersection upgrades comprising:
 - General Offsets of 0.261 GBEUs with SBS of 0.191, and
 - Specific Offset of 0.202 Specific Biodiversity Equivalence Units for Species number 502982;
- (c) Offset evidence and timing.

This permit amendment seeks to increase the quantity of offsets required under Condition 18 as a consequence of the increased native vegetation removals and the locations of the removals relative to the endorsed NVMP.

SHWFPL has already secured or is proactively securing the following offsets to address and exceed the increased offset requirement:

Table 2-2 – Offsets secured or, currently being secured by SHWFPL.

Timing	Offset amount obtained, or being obtained, by SHWPL	Status for securing offset requirements
Pre-construction (Condition 18 requirement)	5.437 GBEUs, and 0.202 SBEUs for Button Wrinklewort	Allocated credit extracts were endorsed by the Minister on 17 May 2018
June 2020	2.143 General Habitat Units (GHUs) under 2017 Guidelines	Secured. Undertaking further process to revoke and re-issue in GBEU (under BAG).
Nov/Dec 2020	1.200 GBEUs (under BAG)	Agreement signed
December 2020	3.000 GBEUs (under BAG)	Agreement in preparation
December 2020	0.169 SHU (under BAG)	Agreement in preparation
Total Offsets for SHWEP	Total to exceed 10.037 GBEU, and 0.371 Specific Offsets	The full offset acquisitions and allocations are expected to be completed in January 2021.

Evidence of the additional offset transactions required under the BIOR are provided in Appendix E. Once these offsets have been secured and allocated against the Permit, a copy of the allocated credit extract(s) will be submitted to the Minister for endorsement.

2.3 Permit Amendments sought

This section provides details of the form of the amendments being sought for Conditions 13 and 18 under the current permit amendment application and noting that actual quantities for Condition 18 will be subject to determination by DELWP. Conditions 13 and 18 are described separately below and Condition 13 is regarded as providing the basis for establishment of offsets under Condition 18.

2.3.1 Permit Condition 13 – Native Vegetation Removal

This Permit amendment application seeks to replace the allowance for native vegetation removal specified in Condition 13 with that in **red font** below

Current Permit Condition 13 in **black, bold** font (with proposed wording change in **red, bold** font).

Condition 13 Removal of native vegetation

This permit allows for the removal of up to ~~38.267~~ 43.384 hectares of native vegetation, unless varied with written consent from the Minister for Planning.

2.3.2 Permit Condition 18 – Native Vegetation Offsets

This Permit amendment application also seeks to replace the amounts of general offset requirements associated with the wind farm and road and intersection upgrades specified in Conditions 18a and 18b to reconcile with the increased amount of native vegetation removal sought in an amended Condition 13. All offsets previously secured have been considered in the total amount of GBEUs required to be offset, including those associated with the 25.200 ha of retained vegetation not required to be removed and not considered permitted removal under an amended Permit, updated NVMP or Development Plans. No reconciliation of offsets is sought by this application.

Current Permit Condition 18a and 18b in **black, bold** font (with proposed wording change in **red, bold** font). No change is proposed for specific offsets already obtained for road and intersection upgrades or for Condition 18c.

Condition 18. native vegetation offsets

a). Offset requirement - Wind Energy Facility (including public roads and intersection upgrades)

To offset the removal of 43.384 hectares (~~32.657~~ 41.907 hectares of native vegetation and ~~25~~ 21 scattered trees) and to contribute to biodiversity in Victoria the permit holder must secure a native vegetation offset, in accordance with the Permitted clearing of native vegetation - Biodiversity assessment guidelines (DEPI 2013) and native vegetation gain scoring manual (DEPI 2013) as specified below:

General offset

A general offset of ~~5.176~~ 10.037 GBEUs general biodiversity equivalence units with the following attributes:

- be located within the Glenelg Hopkins Catchment Management Authority boundary or Pyrenees Shire Council municipal district***
- have a strategic biodiversity score of at least 0.296 for the past general offsets of 5.437 GBEUs and 0.333 SBS for the additional general offsets of 4.600 GBEUs.***

b). Offset requirement – Road and Intersection. Upgrade

To offset the removal of ~~2.587~~ hectares of native vegetation and ~~18~~ scattered trees the permit holder must secure a native vegetation offset, in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines (DEPI 2013) and native vegetation gain scoring manual (DEPI 2013) as specified below:

General offset

~~A general offset of 0.261 general biodiversity equivalence units with the following attributes:~~

- ~~• be located within the Glenelg Hopkins Catchment Management Authority boundary or Pyrenees Shire Council municipal district~~
- ~~• have a strategic biodiversity score of at least 0.191.~~

Specific offset

A specific offset of ~~0.202~~ **0.371** specific biodiversity equivalence units for species number 502982, Button Wrinklewort, *Rutidosia leptorhynchoidea*.

c). Offset evidence and timing

~~Before any native vegetation is removed,~~ Evidence that the required offset for the project has been secured must be provided, **at a time agreed, to by** the satisfaction of the relevant authority. The offset evidence can be:

- a security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10 year offset management plan and/or
- an allocated credit extract from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the Minister for Planning and form part of this permit. ~~Within 30 days of endorsement of the offset evidence by the Minister for Planning, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.~~

~~The offsets may be varied with the written consent of the Minister for Planning, if the Minister for Planning is satisfied that:~~

- ~~• following detailed design, the extent of native vegetation removal will be less than described in this condition; or~~
- ~~• upon the completion of development an audit of the final quantity of native vegetation removed identifies that it is less than the amount already secured.~~

The details of the proposed amended Permit Conditions 13 and 18 are described in Sections 4 and 5 respectively. Variations are proposed for Condition 18 parts (a) and (b),

However, in relation to Condition 18(c), SHWFPL is currently securing offsets in excess of the offset requirement for the total removals and expects to have completed the acquisition and have allocated the offsets against the Project prior to a Permit amendment been fully considered. As a consequence, DELWP may wish to simplify the Permit by removing Condition 18(c) should the Minister approve the permit amendment.

3 REASONS FOR ADDITIONAL NATIVE VEGETATION REMOVAL

3.1 Overview

This Permit Amendment Application seeks to amend Condition 13, so as to provide an increased allowance for native vegetation removal with consequent increased offsets. As part of this application, this section provides an explanation of the reasons for the permission sought.

The pre-construction estimates of native vegetation removal were developed in conjunction with the 2016 permit amendment application prepared by the previous project owner, Origin Energy and were based on the anticipated project design and potential wind turbine equipment to be installed, as well as the anticipated construction processes for the Project civil works. The native vegetation removal estimate of 38.267 ha was quantified as part of the 2016 application and subsequently adopted by DELWP for the purposes of the amended Permit Condition 13 and the NVMP that was consistent with Condition 13 impacts, which was endorsed by DELWP in May 2018. The pre-construction designs were used to prepare the Condition 1 Development Plans (C1DP) and these were subsequently endorsed on 17 May 2018, at the same time as the NVMP.

The as-constructed footprint of some parts of the SWHEF have differed from the 2016 predictions:

- Wind turbine foundations and hardstands involved minor additional disturbance in some areas for construction purposes;
- Access tracks within native vegetation reduced from 12.5m to average 9m wide;
- Underground cabling construction corridor increased in width from 3m to an average 10.5m wide, in particular in the western section of the wind farm due to complexity of constructing in that terrain, and largely relating to indirect disturbance adjacent to the cable trench area, which includes the placement of spoil retrieved out of the cabling trench and the movement of ancillary plant sub-parallel to the cable routes, and the post-installation restoration of the disturbed cable routes.

A number of mitigation measures have been implemented during works and while not avoiding the increase have reduced the extent of the potential increase. Additionally, measures will be on going for a number of years post construction to assist with the site's rehabilitation. It is expected that cable corridors and other indirectly impacted peripheral areas of the footprint will revegetate with species from adjacent to the disturbance including native vegetation. Already, significant revegetation is evident and periodic weed control has commenced. Regardless of this, all areas disturbed by construction activities have been taken into account as removals. No allowance has been included for re-establishment of native vegetation in areas of disturbance.

To be clear, for the purpose of this application and the native vegetation assessment (Appendix B), all the mapped disturbance is considered as removal of native vegetation with no allowance for re-establishment. On that basis, the native vegetation assessment is considered as the worse-case impact to biodiversity with the revegetation outcomes expected to further mitigate impacts.

3.2 Compliance with the NVMP and control measures

Whilst the application seeks to increase the Condition 13 allowance for removal of native vegetation associated with the Project, construction works have implemented a range of mitigation measures as required by the endorsed NVMP to reduce inadvertent impacts on native vegetation. These measures included:

- inducting all staff and contractors in relation to their obligations and promoting environmental awareness;
- maintaining a copy of the NVMP on site;
- establishing and maintaining no go zones;
- establishing temporary fences around tree retention zones;
- controlling native impacts through native vegetation clearance permits and inspections;
- securing offsets in accordance with the Permit prior to any vegetation clearing works been carried out;
- Undertaking regular environmental inspections;
- Visually inspecting all vehicles entering and leaving the site for weeds;
- Implementing weed control measures to prevent the spread of weeds;
- Reinstating topsoil on disturbed areas;
- Rehabilitating and revegetating disturbed areas;
- Establishing and maintaining erosion and sediment controls.

4 SUMMARY OF NATIVE VEGETATION ASSESSMENT IN RESPECT OF CONDITION 13

4.1 Introduction

In accordance with the Policy and Planning Guidelines for the development of wind energy facilities in Victoria (March 2019) and Clause 52.17 of the VPP, this permit amendment application includes specific technical assessment of pertinent planning matters relevant to this application.

For the amendments sought by SHWFPL, in respect of Condition 13 and Condition 18, a comprehensive assessment of Native Vegetation Impacts has been prepared by SMEC (December 2020) to inform this application along with a BIOR prepared by DELWP, for the total extent of native vegetation which includes additional impacted native vegetation. The SMEC native vegetation assessment and BIOR, that support this permit amendment application, are provided in Appendices A and B of this Application.

The native vegetation impact assessment has considered the following matters:

- A review of previous native vegetation mapping and reports;
- Validation of the civil contractor's mapping of the construction disturbance footprint;
- Habitat hectare assessment for impacted vegetation;
- Review of impact on scattered trees;
- Assessment of impacts on threatened species;
- Compilation of shapefiles with vegetation classified in a form suitable for BIOR report generation
- Details of offsets secured to date for additional native vegetation removals.

This section of the application addresses those parts of the Native Vegetation Impact Assessment (provided in Appendix B, sections 3 and 4) in relation to the amendment sought for Condition 13.

The assessment identifies:

- Removals permitted under the Permit and NVMP, that have occurred;
- Removals permitted under the Permit and NVMP, that have not occurred (and will not occur); and
- Additional removals for which permission is requested under this permit amendment.

Consistent with the approach taken in the 2016 amendment and reflected in the current Permit conditions 13 and 18, the requested permit amendment assesses the increased impact from the additional removals and requests amendment:

- permission for removals reflecting only the synthesised actual removals, (not allowing for any future theoretical removals which are not proposed, nor required); but
- offsets for the additional removals be required in addition to the offsets already obtained for the Project, notwithstanding that some of that vegetation has not been and will not be removed For the Project.

4.2 Review of Disturbance Footprint

As part of the SMEC December 2020 report, SMEC undertook a review of the civil contractor's mapping of all disturbed areas. This involved ground truthing of the accuracy of the disturbance footprint (Section 2.3.3 of Appendix B) during March and April 2020. As indicated in SMEC's report, "SMEC's review of the revised GIS layer found that it was a reliable disturbance footprint and included all areas of native vegetation removal.

4.3 Current Provision of Condition 13 and assessment of post-construction layout

As described in Section 2, Condition 13 provides an allowance for removal of 38.267 ha of native vegetation. This amount was determined as part of pre-construction assessments based on mapping undertaken and reported by EHP, the results of which were relevant references for the 2016 Permit Amendment Application and the 2018 NVMP that relied on the 2016 application documentation. The estimated removals were then assessed under the 2013 BAG, the 2013 BAG has also been applied to the assessment of the actual native vegetation removal.

Table 4-1 provides a comparison of the total extent and location (WEF and public roads) of native vegetation impacts assessed for the pre-construction impact estimation and those assessed by SMEC in 2020 for the post-construction layout.

As indicated in Table 4-1, the native vegetation impact assessment has shown that the Condition 13 allowance has been exceeded by 5.117 ha. The detail in Table 4-1 also shows the change in impacts for the WEF and the off-site works for upgrade of roads and intersections and distinguishes the impacts in terms of remnant patch vegetation and scattered trees. For the purpose of the native vegetation impact assessment, SMEC applied a conversion factor of 0.0703 ha per scattered tree.

The proposed amended value of the allowance specified in Condition 13 is 43.384 ha. This amount is the total net amount of removals and, as per the proposed amendment for Condition 18 (Section 5) consistent with VPP Clause 12.01-2S Native Vegetation Management. Past permitted clearing has been included in the total extent of the BIOR to determine the risk-based pathway associated with the additional removals and the amount of specific general offsets required for the additional removals (as discussed in Section 5).

TABLE 4-1: SUMMARY OF NATIVE VEGETATION IMPACTS (PRE-/POST-CONSTRUCTION) RELATIVE TO CONDITION 13 OF THE SHWEF PERMIT.

PROJECT COMPONENT		PRE-CONSTRUCTION LAYOUT (NVMP, MAY 2018) (HA)		POST-CONSTRUCTION LAYOUT ACTUAL NATIVE VEGETATION REMOVAL (BIOR AND SMEC REPORT) (HA)	
		EVCs	Scattered Trees	EVCs	Scattered Trees
Wind Energy Facility		32.657	25	SMEC-41.555	19
		34.415			
Local Road and Intersection upgrades		2.587	18	SMEC- 0.370	2
		3.52			
Combined	Patch and Trees	35.244	43	BIOR 41.907	21
				SMEC 41.925	21
	Total (ha)	38.267		BIOR- 43.384	
				SMEC- 43.401	

PROJECT COMPONENT	PRE-CONSTRUCTION LAYOUT (NVMP, MAY 2018) (HA)		POST-CONSTRUCTION LAYOUT ACTUAL NATIVE VEGETATION REMOVAL (BIOR AND SMEC REPORT) (HA)	
	EVCs	Scattered Trees	EVCs	Scattered Trees
Planning Permit Compliance SHWEF Permit – Condition 13			Exceedance of Permit Condition 13 allowance by approximately 5.117 ha (13.3%)	
Note: There is a small discrepancy between SMEC and BIOR values. This application relies on the BIOR values.				

4.4 Distribution of native vegetation removals by Ecological Vegetation Class

While Table 4-1 sets out the overall changes in net vegetation removals in relation to Condition 13, SMEC has provided more detail in its native vegetation assessment to describe the locations of native vegetation removals and the relevant EVCs impacted. These are not required for the value proposed for the amendment to Condition 13 but, are relevant to calculating the quantum and type of offsets required under an amended Condition 18 (discussed in Section 5).

Table 4-2 (Table 3 of Appendix B) provides details of the total extent of native vegetation removals for the WEF and Road and Intersection upgrades, in the context of the relevant Bioregions and respective EVCs, distinguished on the following basis:

- the native vegetation identified in the endorsed NVMP for removal;
- the actual native vegetation removal for the post construction layout; and
- the difference between the above two layouts (for remnant patch, trees and total NV).

TABLE 4-2 DETAILS OF THE TOTAL EXTENT AND EVCS FOR NV REMOVAL COMPARED TO THE ENDORSED NVMP.

ECOLOGICAL VEGETATION CLASS AND EVC REFERENCE NUMBER	PRE- CONSTRUCTION LAYOUT (NVMP APPROVED) (HA)	POST- CONSTRUCTION LAYOUT REMOVAL (HA)	VARIANCE BETWEEN LAYOUTS (HA)
Central Victorian Uplands bioregion (CVU bioregion)			
Plains Grassy Wetland (125)	0.040	0.064	0.025
Grassy Woodland (175_61)	12.638	11.758	- 0.880
Grassy Dry Forest (22)	0.692	0.832	0.140
Heathy Dry Forest (20)	0.007	0.000	- 0.007
Plains Grassy Woodland (55)	0.035	0.001	- 0.034
Victorian Volcanic Plain bioregion (VVP bioregion)			
Heavier-Soils Plains Grassland (132_61)	17.806	25.842	8.036
Grassy Woodland (175_61)	0.334	0.088	- 0.246

ECOLOGICAL VEGETATION CLASS AND EVC REFERENCE NUMBER	PRE-CONSTRUCTION LAYOUT (NVMP APPROVED)	POST-CONSTRUCTION LAYOUT REMOVAL	VARIANCE BETWEEN LAYOUTS
Stony Rises Woodland (203)	1.995	3.219	1.224
Plains Grassy Woodland (55_61)	1.025	0.082	- 0.943
Stony Knoll Shrubland (649)	0.019	0.000	- 0.019
Creekline Grassy Woodland (68)	0.005	0.000	- 0.005
Plains Grassy Wetland (125)	0.283	0.038	- 0.245
Higher Rain Plains Grassy Woodland (55_63)	0	0	0
Total native vegetation (remnant patches)	34.879 (*)	41.925	+ 7.046
Scattered Trees (x 0.703 per tree)	43	21 (removed)	22 (retained)
Scattered trees equivalent (ha)	3.023	1.476	- 1.547
NVMP GIS spatial date variance	+ 0.365	N/A	- 0.365
SMEC Total Extent (ha)	38.267	43.401	+ 5.134
DELWP BIOR Total Extent (ha)		43.383	+5.117
Notes: (*) Total removals of native vegetation (remnant patches) for the pre-construction layout is calculated by supplied NVMP data and does not include spatial GIS discrepancies identified for the pre-construction layout (a combined total of 0.365 ha for the SHWEF and roads and intersections).			

4.5 Conclusion in respect of the Amendment sought for Condition 13

The SMEC, December 2020 Native Vegetation Assessment (Appendix B), provides the relevant details for quantification of the amended Condition 13 allowance for removal of native vegetation.

Table 6 of SMEC December 2020 report (Appendix B) provided below, as Table 4-3, summarises the allocation of native vegetation between SHWEF and road and intersection upgrades and in respect of apportionment as EVCs and scattered trees. The different location of actual removals and associated vegetation condition, relative to the NVMP, is considered in Section 5 in respect of the process to establish offset requirements for increased removals proposed under an amended Condition 13.

TABLE 4-3 TOTAL EXTENT OF NATIVE VEGETATION REMOVALS ASSOCIATED WITH THE PRE AND POST-CONSTRUCTION LAYOUT.

Total Extent of native vegetation from WEF and public roads and intersection upgrades	Ha
Permitted removals (remnant patch and scattered trees) (Condition 13 and NVMP)	
Permitted for removal under the existing Permit - Condition 13	38.267
Removed within the approved NVMP footprint	13.067
Retained (unremoved) native vegetation, within the approved NVMP footprint	25.200

Total Extent of native vegetation from WEF and public roads and intersection upgrades	Ha
Current Proposal for a permit amendment to Condition 13 (Proposed removals in BIOR Report)	
Extent of impact to area outside of the NVMP footprint (additional)	30.320
Total extent removed and sought by this application for a modified Condition 13 requirement (as per BIOR provided in Appendix A which has combined past and proposed removals). The total extent of native vegetation removals has increased by 5.117 ha.	43.384

This application seeks amendment of the Condition 13 allowance for native vegetation removal from 38.267 ha to 43.384 ha, to address the net increase in native vegetation removals of 5.117 ha. It is considered appropriate that Condition 13 reflect the actual removals associated with the Project. Native vegetation removal for the Project has been completed. There is no intention of removing any further native vegetation for the Project, including the 25.200 ha of retained vegetation identified in the NVMP where the project has avoided the need for removal. The retained vegetation has not been impacted and could not be removed under the current Permit. Further, it is not identified for removal in the updated NVMP and the Permit amendment. Removal of this native vegetation would therefore be inconsistent with this application, updated Plans and amended Permit.

4.6 Impacts on Threatened Species and Communities protected under the EPBC Act

SMEC has also reviewed impacts on threatened species and communities listed under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) (see section 5.4.1 of the SMEC December 2020 report) as a result of the as built layout. The assessment identified:

- impacts to low-moderate quality Striped Legless Lizard (SLL) habitat have not increased and comply with the Project's EPBC 2016/7746 approval allowance of 42.16 ha.
- impacts to Golden Sun Moth (GSM) habitat have been assessed as less than the allowance of 1.57 ha approved by EPBC 2016/7746 approval;
- impacts to White Sunray have been avoided;
- impacts to Spiny Rice Flower and Matted Flax Lily have been avoided;
- a minor increase of 0.041 ha removals on EPBC listed community - Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP), bringing the total extent of removal on this species to 0.121 ha, the impact to the species is considered minimal given the total size of areas impacted. It was considered unlikely that a 'significant impact' condition threshold would be triggered as a result of this increase.

Impacts to rare and threatened species listed under the Flora and Fauna Guarantee Act 1988 (FFG Act) were also considered for the as built layout with the assessment finding:

- Impacts to Plump Swamp Wallaby Grass and associated habitat has been avoided;
- Decrease in impact to Western (Basalt) Plains Grassland Community of 2.931 ha;
- Impacts to Western (Basalt) Plains (River Red-gum) Grassy Woodland community have been totally avoided;

- the removal thresholds for classified FFG Act listed communities and protected flora are within the permit requirements set for the project.
- decreased areas of 6.47 ha of EVCs habitats allowed for removal containing protected flora under the FFG Act (being Plains Grassy Wetland (EVC 125), Plains Grassland (EVC 132), Grassy Woodland (EVC 175) and Stony Rises Woodland (EVC 203)).

The SMEC report also considered the following species listed under the Victorian Threatened Species Advisory List:

- Tussock Skink – SMEC concluded that: “Based on the results of targeted tile grid surveys and previous confirmed records for the species (EHP 2014), there is considered to be a low likelihood of additional impacts to the species or associated habitat”;
- Golden Cowslip – SMEC “confirmed there are no direct impacts to this species and habitat has been avoided”;

Overall, no additional impacts to other threatened species and communities listed under Commonwealth or State legislation have occurred as a result of the additional native vegetation losses.

Table 4-4 provides an assessment of the findings relative to the previous assessments that informed the current Permit Conditions 13 and 18. Whilst impacts to native vegetation have increased, the low-quality condition of affected native vegetation remains consistent with those previously assessed.

4.7 Impacts in relation to those reported in NVMP 2018 and EHP 2016

The Clearing Assessment in Table 4-4 is presented in a similar format to that for the NVMP 2018.

Overall impacts on biodiversity have been minimised by:

- the initial layout planning which sought to minimise impacts on native vegetation and a range of design measures to reduce the footprint extent particularly in areas of higher ecological sensitivity;
- application of native vegetation fencing to limit impacts of construction works;
- constrained layout design changes to avoid creating an adverse material impact on the environment and its surrounds;
- reduced disturbance associated with track widths through higher significance vegetation areas where possible;
- the offsets secured and being secured for the project.

TABLE 4-4 SUMMARY OF 2018 ESTIMATED AND 2020 ACTUAL NATIVE VEGETATION REMOVAL ASSESSMENTS

Criteria	Permitted NV losses (2018)		Post construction (2020)	
	WEF May 2018	NVMP Roads and Intersections	WEF removed NV	NV losses for Roads and Intersections
Risk based pathway	High		High	
Total Extent	34.415 ha	3.852 ha		
Total Extent	38.267 ha		43.384 ha	
Remnant Patch (ha)	32.657 ha	2.587 ha	41.907 ha	
Scattered trees (ha)	25	18	19	2
Location Risk	C		C	
SBS	0.369	0.244	0.415	
An assessment of significant impact on Victoria’s biodiversity	The majority of the remnant native vegetation proposed to be impacted is of very low quality, therefore the native vegetation proposed to be removed has a Low contribution to Victoria’s biodiversity.		The SMEC 2020 report considered “ <i>the majority of additional native vegetation losses are in the form of low-quality Plains Grassland (EVC 132) and Stony Rises Woodland (EVC 203) with habitat condition scores ranging between 0.11-0.23.</i> ” “Based on the total extent, quality and location of additional native vegetation removals, significant impacts to Victoria’s biodiversity when assessed under the BAG are considered unlikely”.	
Impact on habitat for any rare or threatened species	Overall impact to rare or threatened species was considered to be Low to Moderate.		The increased removal 0.041 ha of EPBC Act-listed community, Natural Temperate Grassland of the Victorian Volcanic Plain (NTGVVP), as a result of construction activities are considered unlikely to result in a ‘significant impact’ on the species. Impacts to low-moderate quality Striped Legless Lizard habitat or Golden Sun Moth habitat have not increased and comply with the project’s EPBC approval. “Overall, there are considered to be no additional impacts to other threatened species and communities listed under state or Commonwealth legislation”. (see section 5.4.4 of Appendix B).	

4.8 Conclusion in respect of increased native vegetation removals

Overall, the additional native vegetation removal is considered acceptable as the SMEC December 2020 report found:

- *“the majority of additional native vegetation losses are in the form of low-quality Plains Grassland (EVC 132) and Stony Rises Woodland (EVC 203) with habitat condition scores ranging between 0.11-0.23”* and do not include significant impacts on threatened species;
- No additional impacts to Golden Sun Moth (GSM) or Stripped Leg Lizard (SLL) habitats have occurred;
- *“The increased removal of NTGVVP is considered unlikely to constitute a ‘significant impact’ under the EPBC Act Significant Impact Guidelines because of the small area of NTGVVP removed”;*
- No additional impacts to FFG Act listed species has occurred;
- The additional removal represents a marginal increase for a very large significant Victorian project;
- *“Based on the total extent, quality and location of additional native vegetation removals, significant impacts to Victoria’s biodiversity when assessed under the BAG are considered unlikely”.*
- Mitigation measures implemented have reduced impacts on ecologically significant areas;
- Offsets are being increased to address exceedances of the current removal allowance and include vegetation with higher vegetation quality than that removed;
- The additional native vegetation removal will be secured and offset in accordance with the 2013 BAG.

Overall, SHWEF will contribute to Victoria’s renewable energy portfolio, which is an important aspect of Victoria’s long-term strategy for protecting and enhancing biodiversity from the adverse impacts of climate change.

5 SUMMARY OF NATIVE VEGETATION ASSESSMENT IN RESPECT OF CONDITION 18

5.1 Introduction

For the amendments sought in respect of Condition 18, a comprehensive assessment of Native Vegetation Impacts has been prepared by SMEC to inform this application. This section of the permit amendment application report summarises information needed for the establishment of updated native vegetation offset requirements for Condition 18, generally responding to the increased native vegetation removal allowance in an amended Condition 13, as described in Section 4 of this application.

5.2 Assessment Methodology

The approach for calculating offsets has been provided by SMEC and DELWP through the BIOR provided in Appendices A and B, to derive offset characteristics for an amended Permit Condition 18.

5.3 Assessment of potential impacts

The SMEC December 2020 report provides a detailed breakdown of all additional native vegetation removals not identified in the NVMP and includes past removals.

5.3.1 General Biodiversity Equivalence Units

The BIOR report (Appendix A) specifies a total amount of 4.600 GBEUs within the Glenelg Hopkins CMA or Pyrenees Shire Council are required to offset the additional native vegetation removal of 30.320 ha.

This total amount of GBEUs comprises of:

- 4.594 GBEUs for the SHWEF with a minimum strategic biodiversity score of 0.333; and
- 0.006 GBEUs for the road and intersection upgrades with a strategic biodiversity score of 0.214 (Appendix A).

5.3.2 Specific Biodiversity Equivalence Units

In addition to the General Offsets the past removals combined with the additional removals triggers a requirement for Specific Offset of 0.169 SBEUs of habitat for Button Wrinklewort as outlined within the BIOR report (Appendix A). This comprises 0.110 specific units for the SHWEF and 0.006 specific units for road and intersection upgrades.

5.4 Detail of Offsets secured to date

5.4.1 Pre-construction offsets secured by SHWFPL

Prior to construction commencing, 5.437 GBEUs and 0.202 SBEUs for Button Wrinklewort offsets credits as required under Condition 18 were secured by SHWFPL. The DELWP allocated credit extracts were endorsed by the Minister to comply with Condition 18, on 17 May 2018. Details of allocated credits obtained prior to commencement of construction are listed in Appendix D.

5.4.2 Post-construction offsets in response to an amended Condition 18

SHWFPL has secured or is in the process of securing the following additional offsets as required by an amended Condition 18:

- 4.200 GBEUs under the 2013 BAG as required under the BIOR for the additional offsets (these offsets are currently been secured through a broker - Vegetation Links);
- 0.169 SBEUs for habitat of Button Wrinklewort under the 2013 BAG as required under the BIOR for the additional offsets (these offsets are currently been secured through a broker - Vegetation Links);
- 2.143 GHUs within the Glenelg Hopkins CMA with a minimum SBS of 0.748, has been allocated under the Project under the 2017 Guidelines. It is intended that with DELWP’s support this offset is revoked and re-allocate back into the Project once the credits are converted into GBEUs under the 2013 BAG. These credits can then go towards meeting the overall required offsets (Appendix E contains the required revoking form for DELWP’s consideration and signing, if accepted).

Evidence of these additional transactions have been provided (Appendix E), once all credits have been allocated against the Project and credit extracts are obtained, these will be submitted for the Minister’s endorsement in accordance with Condition 18c. Correspondence with DELWP’s native vegetation offset register is included in Appendix E for context. It is anticipated that once the 2.143 GHUs are re-allocated back into the Project (under GBEUs) all the required additional offset will have been met and secured consistently with the 2013 BAG.

A summary of Offsets secured or being secured by SHWFPL is provided in Table. In terms of the offsets currently being secured, SHWFPL has engaged with a Broker who has identified suitable credits within the BushBroker system and is involved in completion of agreements with the credit holder and transaction process. These actions are well advanced and are expected to be in place prior to determination of this application.

Table 5-1 – Offsets secured or, currently being secured by SHWFPL.

Timing	Offset amount obtained, or being obtained, by SHWPL	Status for securing offset requirements
Pre-construction (Condition 18 requirement)	5.437 GBEUs, and 0.202 SBEUs for Button Wrinklewort	Allocated credit extracts were endorsed by the Minister on 17 May 2018
June 2020	2.143 General Habitat Units (GHUs) under 2017 Guidelines	Secured. Undertaking further process to revoke and re-issue in GBEU (under BAG).
Nov/Dec 2020	1.200 GBEUs (under BAG)	Agreement signed
December 2020	3.000 GBEUs (under BAG)	Agreement in preparation
December 2020	0.169 SHU (under BAG)	Agreement in preparation
Total Offsets for SHWEP	Total to exceed 10.037 GBEU, and 0.371 Specific Offsets	The full offset acquisitions with credits allocated are expected to be completed in January 2021.

6 PLANNING POLICY ASSESSMENT

The objectives of planning in Victoria amongst other things, are to “provide for the fair, orderly, economic and sustainable use, and development of land”.

It is considered that this permit amendment application for native vegetation removal associated with the construction of the SHWEF meets the objectives established by the Planning and Environment Act, 1987 as discussed further in the section below.

Under Clause 72.01-1 of the VPP, “the Minister for Planning is the responsible authority for matters under Divisions 1, 1A, 2 and 3 of Part 4 of the Act, and matters required by a permit or the scheme to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to the use and development of land for a: Renewable energy facility with an installed capacity of 1 megawatt or greater”.

As such, this Permit amendment application has been lodged with the DELWP for the Minister’s consideration.

The contents of this report provide an assessment of the matters relevant to the amendments sought for this permit amendment application, and more generally against the planning control objectives set by planning policy, zones, overlays and other provisions.

This permit amendment application includes a comprehensive Native Vegetation Impact Assessment and the BIOR (provided in Appendices A and B) for consideration.

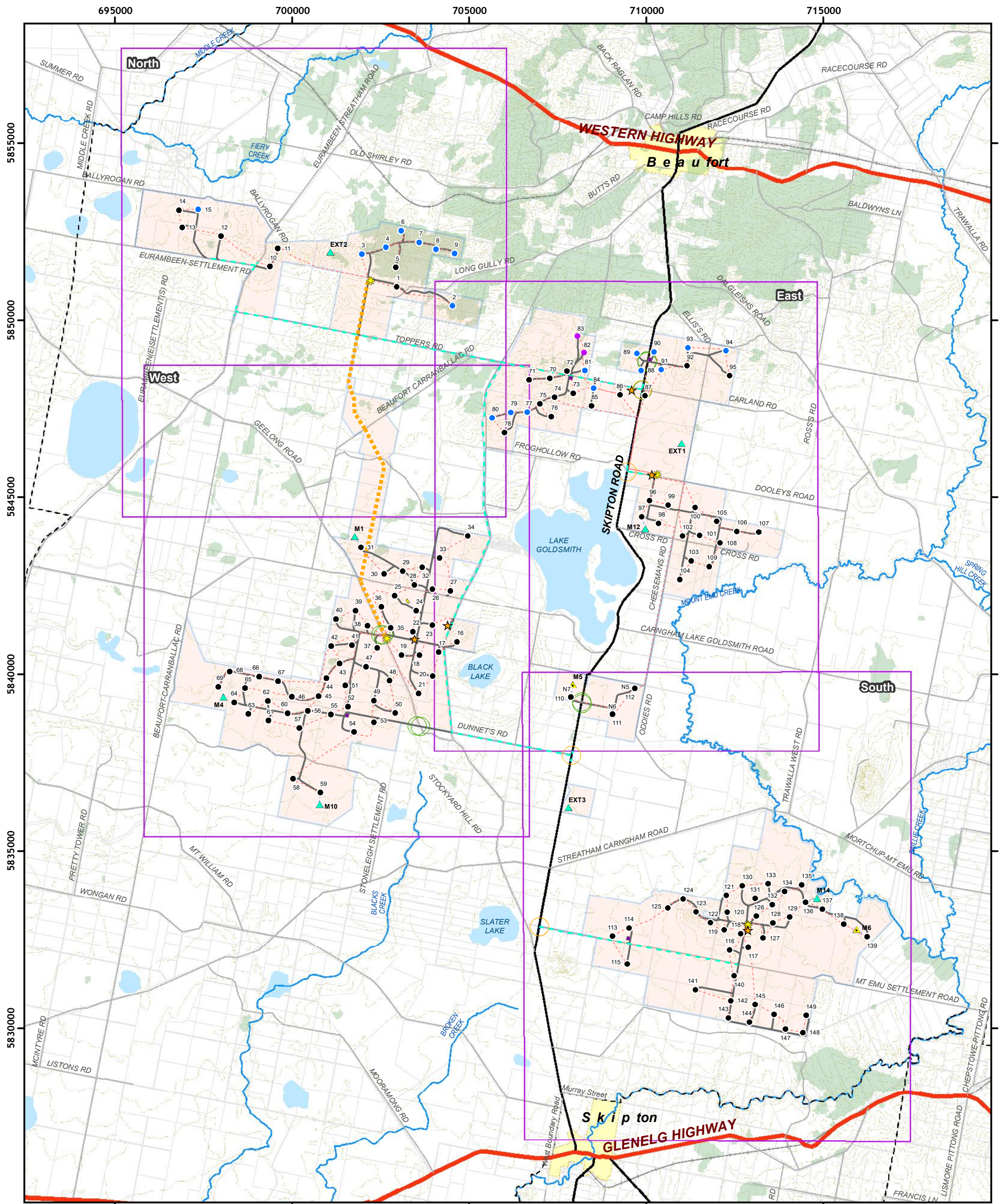
In addition to the Permit amendments sought, SHWFPL have updated Plans for the Minister’s review and consideration to ensure consistency with the Permit amendment. Should the Minister decide to approve the permit amendment request, the following Plans have been updated and submitted with this application for subsequent endorsement:

- Updated Condition 1 Development Plans (addressing Conditions 1, 2 and 4 of the Permit (provided in Appendix H); and
- Updated Native Vegetation Management Plan (addressing Conditions 6f and 15 (provided in Appendix I).

The following provides relevant information comprising the Policy Planning Assessment.

6.1 The site and its surrounds

The WEF site extent comprises approximately 109.5 km² and is generally bound by Eurambeen-Streatham Road and Beaufort-Carranballac Road to the west, Stockyard Hill Road and Mt Emu Settlement Road in the south, Mount Emu Creek in the east and Ballyrogan Road, Long Gully Road and Dalgleishs Road in the north. Skipton Road runs north south and bisects the subject site (see Figure 6-1). A list of the properties within the WEF site is contained in the Permit (Appendix F). This permit amendment does not seek to add or remove any land from the Permit.



STOCKYARD HILL Wind Farm

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This plan is for development approval

<ul style="list-style-type: none"> ● Wind Turbine Generator (3.0MW) ● Wind Turbine Generator (3.4MW) ● Wind Turbine Generator (3.57MW) ★ Site Compound / Batching Plant ⚡ Substation ▲ Permanent Met Mast ▲ Temporary Met Mast 	<ul style="list-style-type: none"> ● Business Identification Sign ○ Alteration of Access to RDZ1 ○ Creation of New Access to RDZ1 □ Permit Boundary — Roadworks Maximum Extent — Internal Overhead Powerline — Underground Cable — Access Track 	<ul style="list-style-type: none"> — Highway — Major Roads — Minor Roads — Watercourses — Rail — Wetlands or Waterbodies — Major Vegetation Areas — Local Government Areas — Townships — Parcels — Contours 10m — Fire Water Tank 	<ul style="list-style-type: none"> ■ Site Office ■ Staging Areas — Met Mast Cable
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<p>PROJECT</p> <p>Stockyard Hill Wind Farm</p>	
<p>TITLE</p> <p>Wind Energy Facility Layout Plan</p>	
<p>• DATE: 30/04/2018</p> <p>• SCALE: 1:100,000 @ A3</p> <p>• STATUS: Draft</p>	<p>• PRODUCED: C.McArlein</p> <p>• CHECKED: I.Mackey</p> <p>• APPROVED: D.Rogers</p>
<p>0 1.25 2.5 5 Kilometres</p> <p style="text-align: right;">N</p>	
<p>• DRAWING No. 01_SHWF_DEV_002_02F_Layout - Page 1 of 5</p>	<p>• REV 02F</p>

FIGURE 6 - 1 – STOCKYARD HILL WIND ENERGY FACILITY LAYOUT – CONDITION 1 DEVELOPMENT PLAN – APRIL 2018

Several small wetlands (freshwater meadows and shallow freshwater marshes) are scattered within the site, in addition to minor drainage lines and creeks which traverse the site, mostly in the west and north. Some areas of pasture also become seasonally inundated or waterlogged. The shallow wetlands are ephemeral and do not hold water every year. The local geology of the site (and the surrounding area) is quaternary basalt derived from ancient eruption points, such as Stockyard Hill, which is an extinct volcano. Its crater currently holds Black Lake which is an ephemeral semi-saline water body.

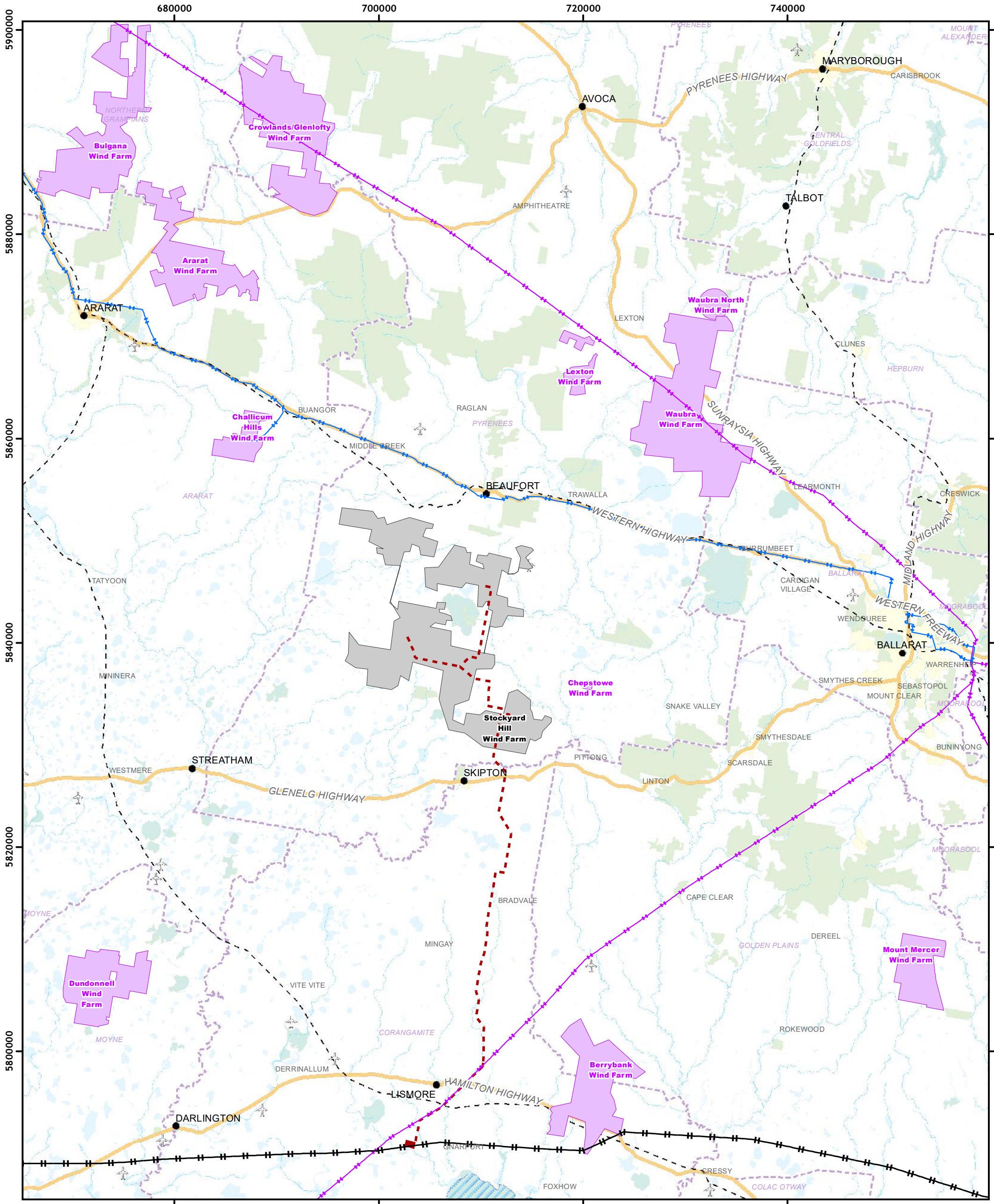
The surrounding landscape is generally comprised of flat farmland (Plates 1.1, 1.2 and 6.1). The closest townships to the WEF site are Beaufort (approximately 4.5 km north of the site) and Skipton (approximately 4 km south of the site). The surrounding area includes a number of State parks, namely Langi Ghiran State Park approximately 10 km north-west of the nearest site boundary and Mount Buangor State Park approximately 8 km north west of the nearest site boundary. The landscape also contains Monmot Hill, a volcanic cone and Mount Emu, which is a granite hill. Wetlands close to the WEF site boundary, or occurring within the site, include Lake Goldsmith and Black Lake.



Plate 6.1 – View from Drone at Turbine 16 towards West Group of turbines – Pastoral District

Existing WEFs closest to the site's boundary (Figure 6.2) include:

- Chepstowe Wind Farm located approximately 4 km to the west,
- Chalicum Hills Wind Farm located approximately 7 km to the north-west,
- Ararat Wind Farm located approximately 21 km to the northwest,
- Waubra Wind Farm located approximately 32 km to the north-east,
- Mount Mercer Wind Farm located approximately 40 km to the south-east, and
- Crowlands Wind Farm located approximately 45 km to the north-west.



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SHWF Project

- Wind Energy Facility Site Boundary
- 132 kV External Overhead Powerline
- Terminal Substation Area

Existing Conditions

- Wind Energy Facilities
- Registered Airport
- Railway
- Parks and Reserves
- Builtup Area

- Ramsar Wetland
- Waterbody
- LGA Boundary

Existing Transmission Network

- 500 kV
- 220 kV
- 66 kV

PROJECT

Stockyard Hill Wind Farm

TITLE

Wind Energy Facilities

DATE: 24/08/2020	PRODUCED: V.Kulkarni
SCALE: 1:100,000 @ A3	CHECKED: N.Kostraby
STATUS: Draft	APPROVED: E.Zorondo

0 5 10 20 Kilometres

DRAWING No. SHWF_OVR_019_01C_Windfarms

REV 01C

FIGURE 6 - 2 WIND FARM PROJECTS WITH THE PYRENEES SHIRE COUNCIL AND ITS SURROUNDS

6.2 Project benefits

SHWEF has an total installed capacity of approximately 530 MW and will provide substantial environmental, community and economic benefits. Once operating SHWEF will generate power to approximately 390,000 homes annually saving approximately 2.0 million tonnes of CO₂ emissions per year.

SHWEF has created temporary and long-term employment opportunities both directly related to the construction phases of the wind farm and indirectly through the increased demands for goods and services. It is estimated revenue from the additional demand for goods and services within the local community to contribute up to \$5 million per annum during construction. It is estimated that approximately 30 people would be employed in the operations of the wind farm. Additional economic benefits to the local community have also been provided through a community fund which has provided over \$315,000 of financial support to local community groups since October 2017. During operations, the community fund will provide \$300,000 per year in support to local community groups.

6.3 Other consents and approvals

6.3.1 Commonwealth

Pursuant to sections 130 (1) and 133 of the EPBC Act the Project (EPBC referral decision No. 2016/7746) was approved by Department of Agriculture, Water and Environment ((DAWE) formerly Department of Energy and Environment (DoEE)) on 18 August 2017, subject to controlling provisions relating to Golden Sun Moth (GSM) and Striped Legless Lizard (SLL) habitat.

The Native Vegetation Impact Assessment (SMEC Dec 2020) (Appendix B) has reviewed impacts on Matters of National Environmental Significance (MNES) protected under the EPBC Act and has confirmed that the proposed permit amendment will not increase impacts on these two habitats. The assessment found overall impacts to Natural Temperate Grassland of the Victorian Volcanic Plains (NTGVVP) have increased, approximately 0.041 ha higher than the pre-construction estimate, however the increased removal of NTGVVP is considered unlikely to constitute a ‘significant impact’ under the EPBC Act “Significant Impact Guidelines” because of the small area of NTGVVP removed (see section 4.6).

6.3.2 State

The original 282 wind turbine project (Referral number 2008-R00007) was referred to the Minister on the 8 July 2008 for a decision under the Environmental Effects (EE) Act. On 29 September 2008 the Minister decided that an Environmental Effects Statement (EES) was not required for the Project as potential environmental effects could be adequately assessed through the planning permit process under the *Planning and Environment Act 1987* (Vic) (P&E Act).

On 25 July 2016, the Project was re-referred to the Minister for a decision under the EE Act as the Project had been modified to increase the overall heights of the wind turbines and impacts to native vegetation which had been re-assessed to account for 38.267 ha of native vegetation in accordance with the current Permit requirements. On 7 September 2016 the Minister decided that the revised Project (Referral number 2016-R00005) did not require an EES, as the Project was unlikely to result in a significant adverse environmental effect, “*particularly as the previous planning permit process under the Planning and Environment Act 1987 has resulted in mitigation and design modifications, including substantial reductions and relocation of turbines.*”

The Minister considered potential adverse effects could be addressed through the Permit requirements for a comprehensive environmental management plan. In addition, the Minister considered the “*project’s*

potentially significant effects on listed threatened species and communities under the Flora and Fauna Guarantee Act 1988, including Brolga,” were “assessed by detailed studies for both the approved and amended projects, and on this basis, can be addressed through the proposed mitigation measures. Moreover residual effects and obligations to provide the required offsets, can be adequately addressed through the planning permit process under the Planning and Environment Act 1987, consistent with the requirements of the Permitted Clearing of Native Vegetation – Biodiversity Assessment Guidelines (2013) and the Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria 2016.”

The current native vegetation assessment has considered it is unlikely a further assessment under the EE Act is warranted given works have not triggered any criteria specific to ecological values within the project.

6.3.3 Associated Permits and consents

In addition to the Planning Permit (PL-SP/05/0548/B) issued for the SHWEF, the facility and grid connection is also subject to the following planning approvals:

- Permit no.1/05/02 2018/002 to take nominated protected flora listed under the FFG in local roadside areas;
- Permit PA600101, for 132kV overhead lines within Pyrenees Shire, associated with native vegetation removal. The transmission line route within the Pyrenees Shire overlaps the SHWEF project area;
- Permit PA600126, for 132kV overhead lines within Corangamite Shire, associated with native vegetation removal; and
- Planning Permit PP2012/152.A, for 132 kV/500 kV Terminal Station at Haunted Gully.

The SMEC December 2020 Report reviewed impacts to rare and threatened species including those species listed under the FFG Act. The assessment found no additional impacts to any FFG listed species. The assessment has confirmed avoidance on Plump Swamp Wallaby Grass, a decreased impact of 2.931 ha on Western (Basalt) Plains (River Red-gum) Grassy Woodland community, a low likelihood of additional impacts to the Tussock Skink based on the results of targeted tile grid surveys and previous confirmed records for the species, avoidance of Golden Cowslip and a decrease of 6.47 ha for removal of EVCs containing protected flora under the FFG Act.

Native vegetation losses associated with the construction of the OHL and Terminal substation are compliant with their relevant approvals.

6.4 Strategic Planning Policy

As indirect impacts to native vegetation has occurred as a result of the construction of the SHWEF, this permit amendment application has considered the relevant planning matters consistent with the following strategic policies, plans and targets found within Table 6-1.

The permit amendment is consistent with the objectives of the respective legislation and plans that support renewable energy and biodiversity outcomes in Victoria.

TABLE 6-1 KEY STRATEGIC PLANNING POLICY CONSIDERED RELEVANT TO THIS PERMIT AMENDMENT APPLICATION

Policy name	Objective
<i>Victorian Renewable Energy Target (VRET)</i>	<p>The government has committed to VRET of 25% by 2020 and 40% by 2025.</p> <p>SHWEF will make a significant contribution to VRET with its total installed capacity of approximately 530 MW.</p>
<i>Renewable Energy (Jobs and Investment) Amendment Act 2019 (Vic)</i>	<p>The Act has increased the VRET “for 50% by 2030, of electricity generated in Victoria to be generated by means of facilities that generate electricity by utilising renewable energy sources or converting renewable energy sources into electricity.”</p> <p>SHWEF will make a significant contribution to meeting this legislative objective.</p>
<i>Energy Efficiency and Productivity Strategy and Renewable Energy Action Plan</i>	<p>Both documents work together to outline the initiatives and strategies to encourage investment in Victoria’s energy sector to reach the Victorian renewable energy targets of 25 % by 2020 and 40 % by 2025. SHWEF will make a significant contribution to this target.</p>
<i>Protecting Victoria’s Environment – Biodiversity 2037 (Department of Environment, Land, Water and Planning, 2017)</i>	<p>Victoria’s 20-year plan for the future of Victoria’s biodiversity aims to reduce the impacts of climate change to protect biodiversity and reduce threats to biodiversity from weeds and pest animals.</p> <p>Whilst this application seeks to increase native vegetation losses associated with the construction of SHWEF. The additional losses are not in areas of potential habitat for rare or threatened species and impacts to GSM and SLL habitat have not increased.</p> <p>The renewable energy generated by the SHWEF will reduce impacts from climate change and threats from weeds and pest animals will be monitored and reduced via actions outlined in the Project’s endorsed weed and pest management plan.</p>

6.5 Planning Scheme Assessment

TABLE 6-2 highlights the State Planning Policy framework (SPPF) and Local Planning Policy Framework (LPPF), and other provisions of the Planning Scheme which are applicable to this permit amendment application.

TABLE 6-2 KEY PLANNING CLAUSES CONSIDERED WITHIN THE PROPOSED PERMIT AMENDMENT PLANNING ASSESSMENT

State Planning Policy Framework
Clause 12 Environmental and Landscape Values
Clause 12.01-1S: Protection of Biodiversity
Clause 12.01-2S: Native Vegetation Management
Clause 17 Economic Development
Clause 19.01-1S: Energy Supply
Clause 19.01-2S: Provision of Renewable Energy
Local Planning Policy Framework
Clause 21.01 Pyrenees Shire key influences and issues
Clause 21.04-2 Protecting sensitive rural areas
Clause 22.04 Native Vegetation Protection
Other
Clause 52.17: Native Vegetation
Clause 52.29: Land Adjacent to a Road Zone, Category 1, Or A Public Acquisition Overlay for A Category 1 Road
Clause 52.32: Wind Energy Facility
Clause 66: Referral
Clause 67: Notice requirements
Clause 65: Decision Guidelines
Clause 73-01 of the VPP defines native vegetation as <i>“plants that are indigenous to Victoria, including trees, shrubs, herbs and grasses”</i> .

The planning assessment within this section has considered relevant matters consistent with the objectives of SPPF and the VPP and has assessed how potential impacts discussed within the Native Vegetation Impact Assessment (SMEC Dec 2020, provided as Appendix B) responds to the decision guidelines provided in the Planning Scheme. Refer Table 6-3.

TABLE 6-3 CONSISTENCY WITH KEY STATE PLANNING POLICY FRAMEWORK

Provision	Objective/Purpose	Decision requirement- Design response
State Planning Policy Framework		
<p>Clause 12 Environmental and Landscape Values</p>	<p><i>Planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.</i></p>	<p>Whilst this application seeks to increase the amount of native vegetation to be removed from the site (see section 3.1), SHWEF has implemented a number of measures to control and reduce impacts on the land, environment and native vegetation as detailed in section 3.2.</p> <p>In fact, areas of high conservation significance in the northern cluster have not experienced an increase in native vegetation losses. The native vegetation removal has not occurred in potential habitat areas for rare or threatened species. Appendix B provides detail on the extent and condition of native vegetation areas. Additional Native Vegetation Offsets will be secured to compensate for additional native vegetation removal in accordance with section 5.4.2).</p> <p>This application is therefore considered generally consistent with the objectives of this Clause.</p>
<p>Clause 12.01-15 Protection Of Biodiversity</p>	<p><i>To assist the protection and conservation of Victoria’s biodiversity</i></p>	<p>This application is considered generally consistent with the objectives of this Clause as the removal of native vegetation along roadsides has been significantly reduced from preconstruction estimates due to a minor change in the road alignment to the northern side of the Dunnets Road and the placement of the 132kV line on the south side of the road reserve.</p> <p>In some areas of the western group the construction corridor for tracks was constrained due to the geotechnical characteristics of the area. Geofabric was placed on the track alignment and a thin veneer of road base laid over the geofabric to form the road. However, this was not possible at all locations due to</p>

		variations of geotechnical characteristics across the site.
Clause 12.01-2S Native Vegetation Management	<i>To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.</i>	This application is considered generally consistent with the objectives of this Clause as the additional areas disturbed will be rehabilitated and associated Native Vegetation Offsets secured to compensate for biodiversity impacts in accordance with the three-step approach outlined by Clause 52.17, the 2013 BAG.
Clause 17 Economic development	<i>Planning is to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity.</i> <i>Planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.</i>	This application is generally considered consistent with the objectives of this Clause as the Project brings significant economic benefits to the State and local economy as a result of the construction and operational phases of the SHWEF (as discussed in section 6.2).
Clause 19.01-1S Energy supply	<i>To facilitate appropriate development of energy supply infrastructure.</i>	This application is considered generally consistent with the objectives of this Clause as the unavoidable additional native vegetation losses resulting from indirect impacts associated with the construction of the SHWEF will facilitate the development of the Project which in turn will make a significant contribution to the State’s renewable energy supply.
Clause 19.01-2S Renewable Energy	<i>To promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met.</i>	This application is considered generally consistent with the objectives of this Clause as this application is consistent with the Policy and Planning Guidelines for WEF development in Victoria which considers the appropriate siting and design considerations are met and the additional native vegetation losses have not resulted in an adverse impact on any threatened species or on Victoria’s biodiversity.
Local Planning Policy Framework		

Clause 21.01 Pyrenees Shire Key Influences & Issues	<i>The protection and management of agricultural land and the need to encourage agricultural diversity.</i>	This application is considered generally consistent with the objectives of this Clause as the construction and operation of the WEF allows the host landowner to lease areas of their lands for an economic gain which they can then reinvest back into other agricultural opportunities.
Clause 21.04-2 Protecting sensitive rural areas	<i>To ensure appropriate management of constrained and sensitive land. To preserve and renew vegetation that contributes to biodiversity and the stability of sensitive landforms.</i>	This application is considered generally consistent with the objectives of this Clause as disturbed areas will be rehabilitated and revegetated to control erosion, and the degradation of the land in accordance with individual landowner rehabilitation plans and the Project's endorsed environmental management plan (EMP).
Clause 22.04 Native Vegetation Protection	<i>To conserve and enhance existing vegetation throughout the Shire wherever practicable. To protect significant and sensitive areas including wetlands from the negative effects of vegetation clearance and modification.</i>	This application is considered generally consistent with the objectives of this Clause as the increased removal of native vegetation has been limited as far as practicable, within a constrained construction corridor which has avoided increasing impacts on potential threatened species habitat. Appendix B provides a native vegetation assessment that considers the extent and condition of the additional native vegetation losses. Areas that have been disturbed will be rehabilitated in accordance with the endorsed EMP and site rehabilitation plans to encourage revegetation and minimize impacts from erosion and weeds.

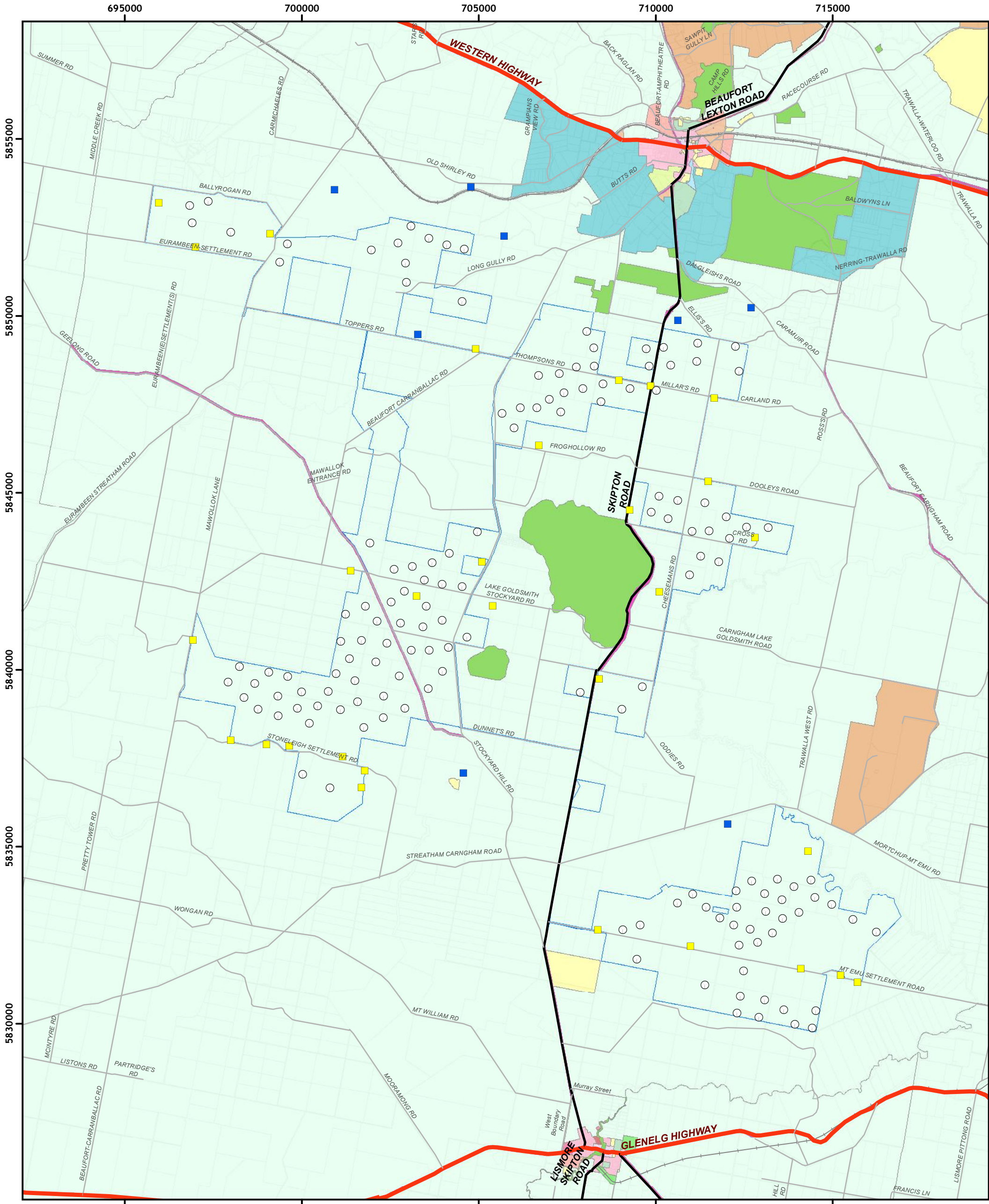
6.6 Statutory Planning Controls

The WEF site is subject to the following land control provisions:

- Clause 35.07 Farming Zone (FZ);
- Clause 42.01 Environmental Significance Overlay (Schedule 1 – Designated Water Supply Areas) (ESO1);
- Clause 42.02 Vegetation Protection Overlay (VPO) (Schedule 1 – Roadside Grassland Protection Conservation);
- Clause 44.06 Bushfire Management Overlay (BMO or WMO);
- Clause 52.17 Native Vegetation (NV);
- Clause 52.29 Land Adjacent to A Road Zone Category 1(RZ1), Or A Public Acquisition Overlay (PAO) for a Category 1 Road; and

- Clause 52.32 Wind Energy Facilities (WEF).

The planning assessment has also considered the zoning and overlay provisions (see Figure 6-3 and Figure 6-4) applicable to SHWEF as identified in Table 6-4 and other relevant provision of the planning scheme.



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- Wind Turbine (Asbuilts)
- Noise Sensitive Locations**
- Associated
- Non-Associated
- Planning Zone**
- COMMERCIAL 1 ZONE
- FARMING ZONE
- FARMING ZONE - SCHEDULE 1
- GENERAL RESIDENTIAL ZONE - SCHEDULE 1
- INDUSTRIAL 1 ZONE
- INDUSTRIAL 3 ZONE
- LOW DENSITY RESIDENTIAL ZONE
- LOW DENSITY RESIDENTIAL ZONE - SCHEDULE 1
- MIXED USE ZONE
- PUBLIC CONSERVATION AND RESOURCE ZONE
- PUBLIC PARK AND RECREATION ZONE

- PUBLIC USE ZONE - CEMETERY/CREMATORIUM
- PUBLIC USE ZONE - EDUCATION
- PUBLIC USE ZONE - HEALTH AND COMMUNITY
- PUBLIC USE ZONE - LOCAL GOVERNMENT
- PUBLIC USE ZONE - OTHER PUBLIC USE
- PUBLIC USE ZONE - SERVICE AND UTILITY
- PUBLIC USE ZONE - TRANSPORT
- ROAD ZONE - CATEGORY 1
- RURAL ACTIVITY ZONE - SCHEDULE 1
- RURAL CONSERVATION ZONE
- RURAL LIVING ZONE
- SPECIAL USE ZONE - SCHEDULE 1
- TOWNSHIP ZONE
- URBAN FLOODWAY ZONE
- Permitted Wind Farm Boundary
- Cadastral Boundary

PROJECT
Stockyard Hill Wind Farm

TITLE
Planning Zone Map

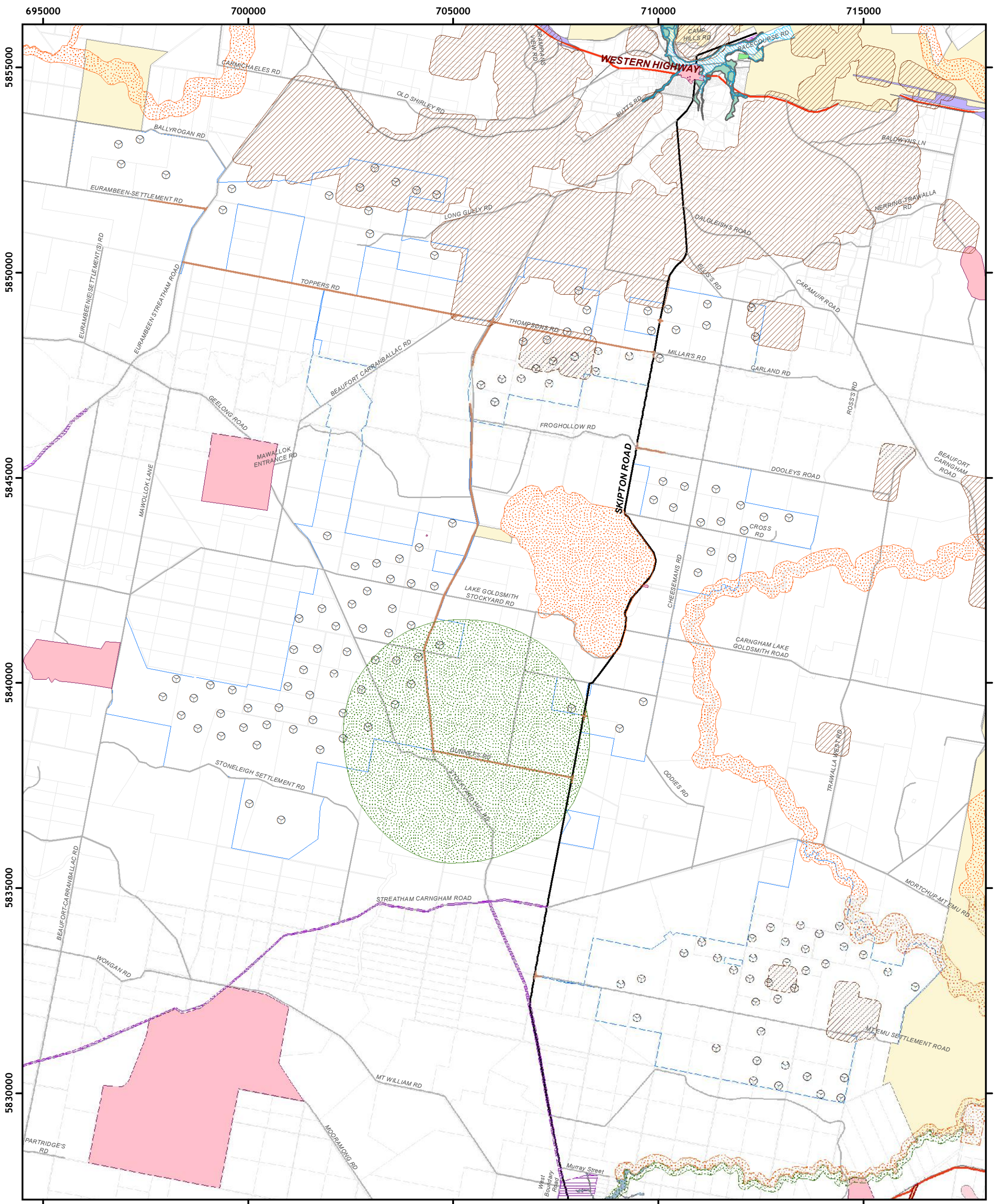
DATE 19/06/2020	PRODUCED V.Kulkarni
SCALE 1:100,000 @ A3	CHECKED N.Kostraby
STATUS Draft	APPROVED E.Zorondo

0 1.25 2.5 5 Kilometres

DRAWING No.
SHWF_OVR_013_01B_Zone Planning

REV
01B

FIGURE 6- 3 ZONING MAP



STOCKYARD HILL Wind Farm

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- Wind Turbine (Asbuilts)
- Permitted Wind Farm Boundary
- ▬ Road Upgrades Area
- ▬ Cadastral Boundary
- Planning Overlay**
- ▨ BUSHFIRE MANAGEMENT OVERLAY
- ▨ ENVIRONMENTAL AUDIT OVERLAY
- ▨ ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 1
- ▨ ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 2
- ▨ FLOODWAY OVERLAY
- ▨ FLOODWAY OVERLAY - SCHEDULE 1
- ▨ HERITAGE OVERLAY
- ▨ LAND SUBJECT TO INUNDATION OVERLAY
- ▨ PUBLIC ACQUISITION OVERLAY 1
- ▨ RESTRUCTURE OVERLAY
- ▨ SALINITY MANAGEMENT OVERLAY
- ▨ VEGETATION PROTECTION OVERLAY - SCHEDULE 1
- ▨ VEGETATION PROTECTION OVERLAY - SCHEDULE 2

PROJECT
Stockyard Hill Wind Farm

TITLE
Planning Overlay Map

DATE 10/07/2020	PRODUCED V.Kulkarni
SCALE 1:100,000 @ A3	CHECKED N.Kostraby
STATUS Draft	APPROVED E.Zorondo

0 1 2 4 Kilometres

DRAWING No.
SHWF_OVR_014_01E_Planning Overlay

REV
01E

FIGURE 6- 4 OVERLAY PROVISIONS MAP

STOCKYARD HILL WIND FARM

Vegetation Removal

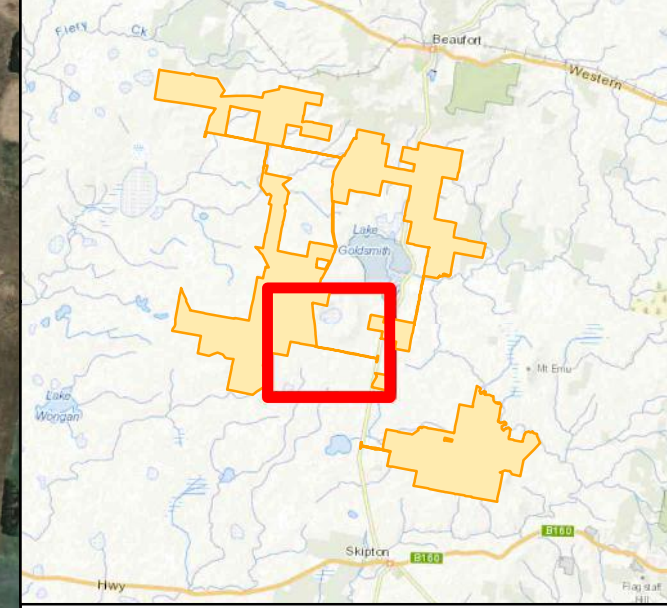


Scale: 1:21,000



Coordinate System: GDA 1994 MGA Zone 54
Projection: Transverse Mercator
Datum: GDA 1994

- Wind turbine site
- As-built layout
- Pre-construction layout (NVMP approved)
- Construction roadworks footprint
- Scattered trees - Status
- ✿ Retained - Roads and Intersections
- Vegetation Removals
- Permitted Retained
- Permitted Removed
- Additional Removal
- EVC - Quality
- EVC 125 Plains Grassy Wetland - Moderate
- EVC 132 Plains Grassland - Moderate
- EVC 132 Plains Grassland - Low
- EVC 132 Plains Grassland / EVC 203 Stony Rises Woodland - Moderate
- EVC 203 Stony Rises Woodland - Moderate
- EVC 55 Plains Grassy Woodland - Moderate
- EVC 55 Plains Grassy Woodland - Low
- EVC 649 Stony Knoll Shrubland - Moderate
- Native vegetation on artificial substrate (Plains Grassy Wetland) - Low
- Planning Overlay
- ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 1
- ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 2



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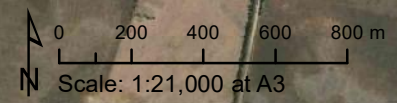
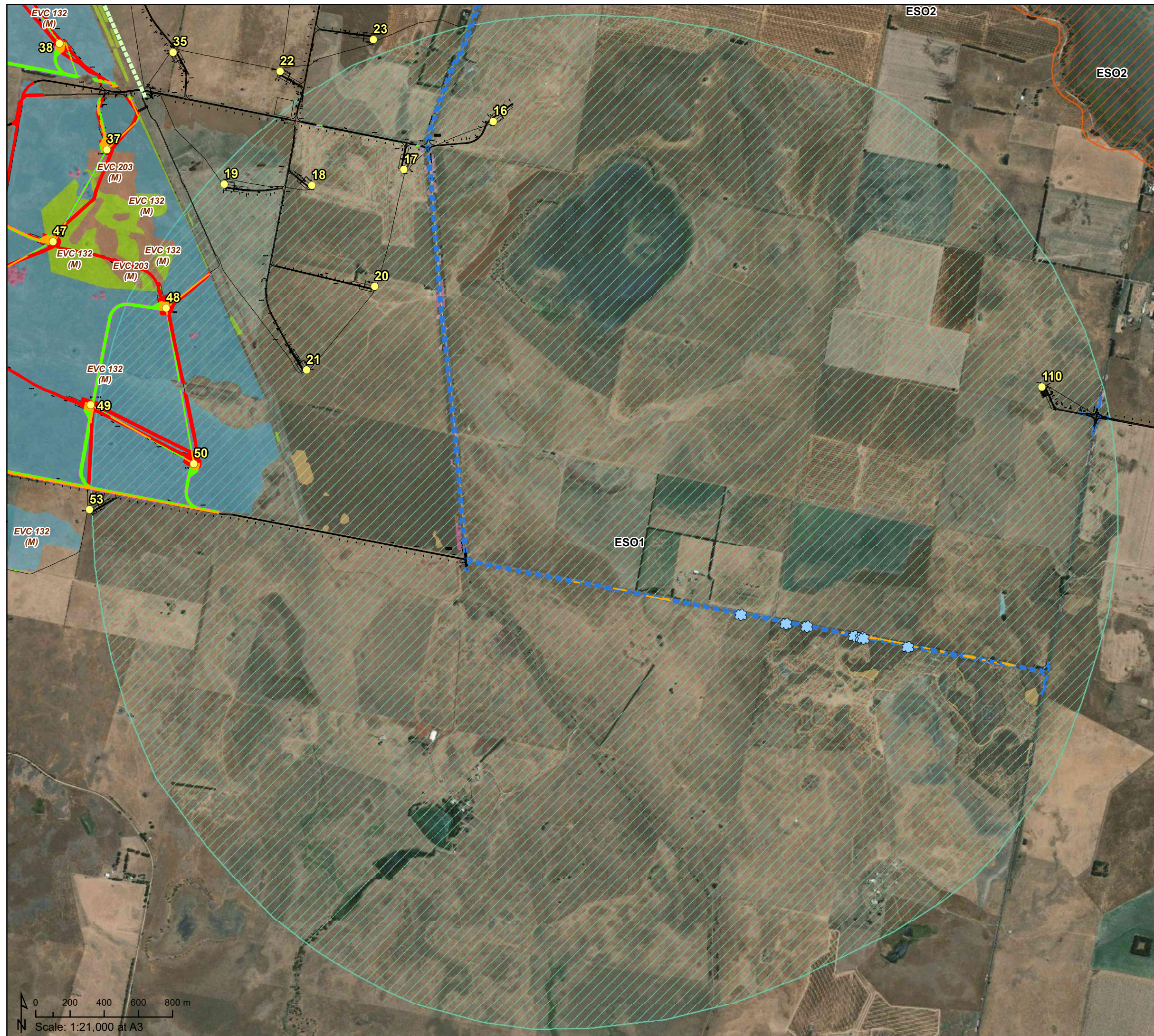
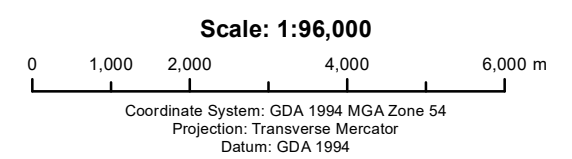


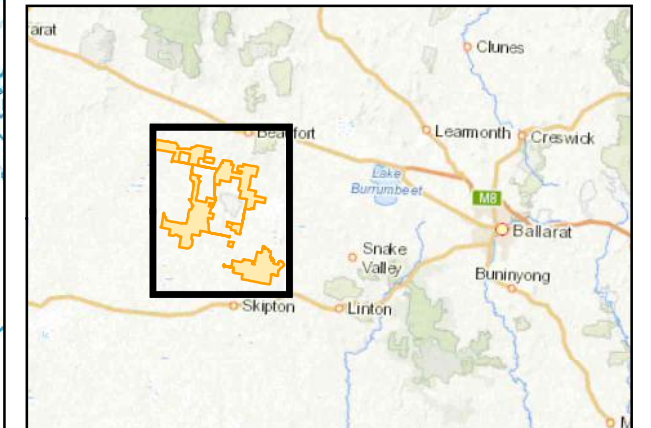
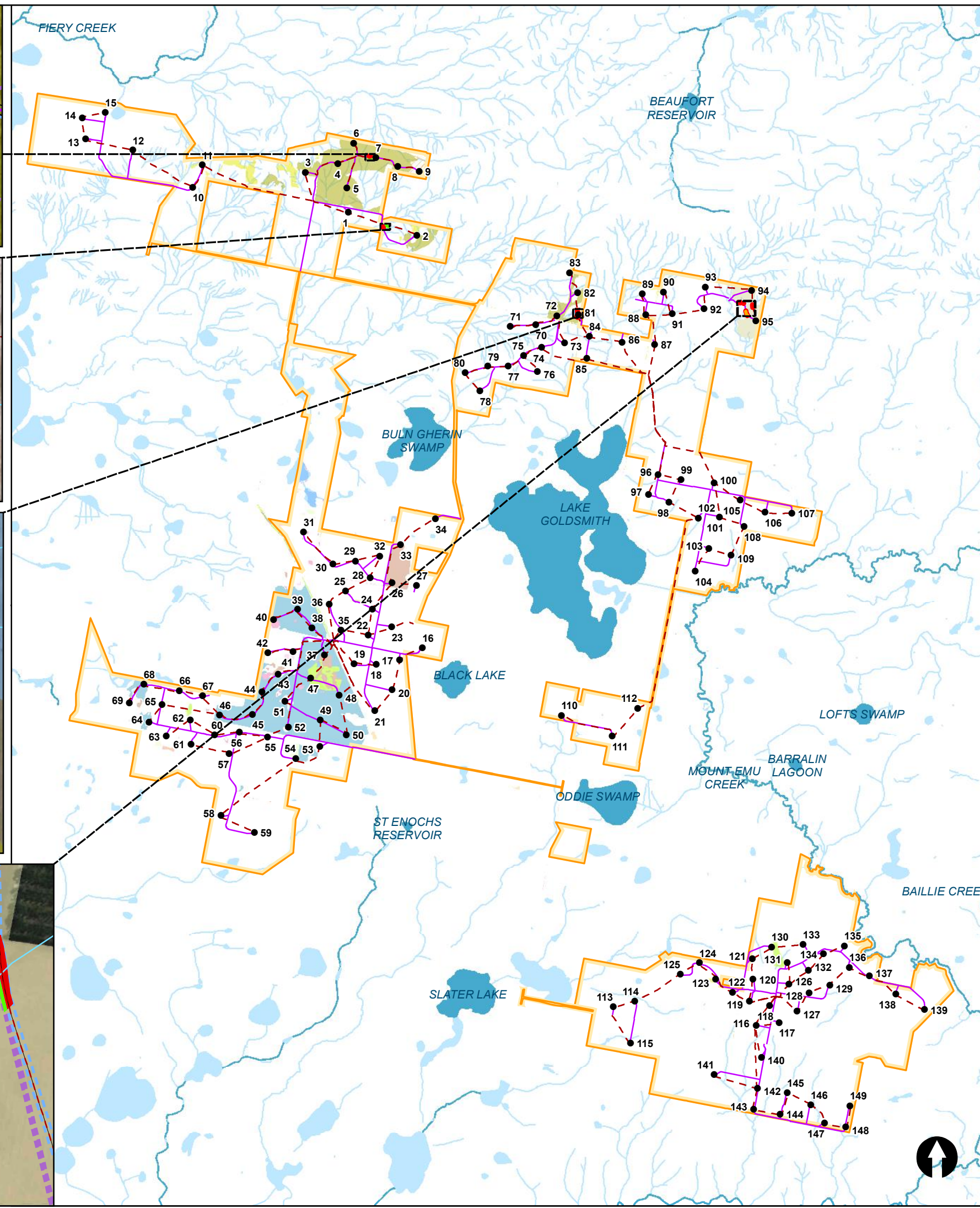
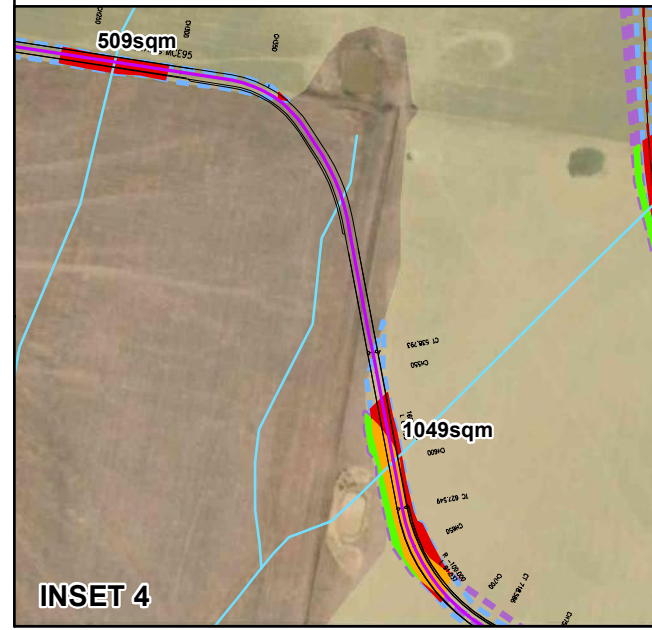
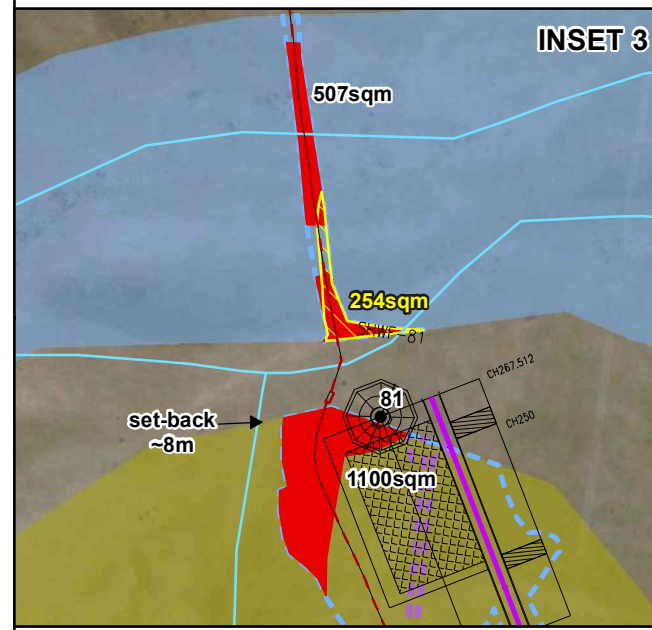
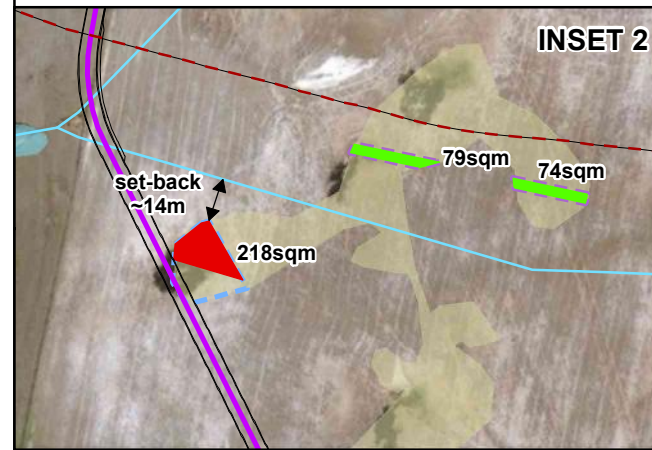
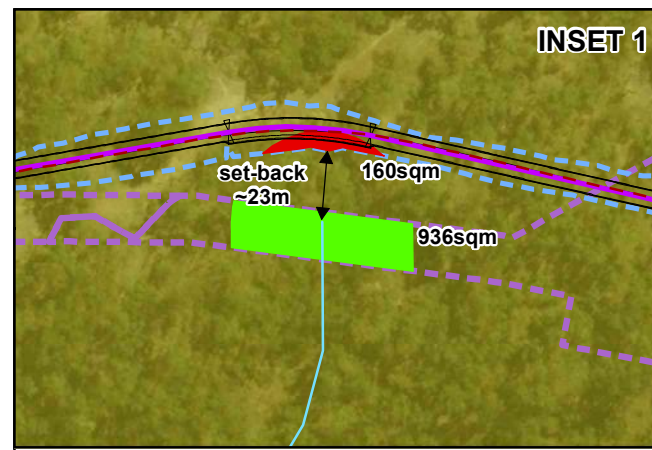
FIGURE 6-5 ESO1 OVERLAY IN RELATION TO ADDITIONAL NATIVE VEGETATION IMPACTS

STOCKYARD HILL WIND FARM

Additional vegetation removal within waterway set-backs



- Wind turbine site
 - - - Electrical reticulation (As-built)
 - Access track (As-built)
 - Waterway
 - Named waterway
 - Waterbody
 - Named waterbody
- Additional vegetation removal within waterway set-backs**
- Additional Removal
 - Permitted Removed
 - Permitted Retained
- EVC - Quality**
- EVC 125 Plains Grassy Wetland - High
 - EVC 125 Plains Grassy Wetland - Moderate
 - EVC 125 Plains Grassy Wetland - Low
 - EVC 132 Plains Grassland - High
 - EVC 132 Plains Grassland - Moderate
 - EVC 132 Plains Grassland - Low
 - EVC 132 Plains Grassland / EVC 203 Stony Rises Woodland - Moderate
 - EVC 175 Grassy Woodland - High
 - EVC 175 Grassy Woodland - Moderate
 - EVC 175 Grassy Woodland - Low
 - EVC 20 Heathy Dry Forest - Moderate
 - EVC 203 Stony Rises Woodland - Moderate
 - EVC 203 Stony Rises Woodland - Low
 - EVC 22 Grassy Dry Forest - High
 - EVC 55 Plains Grassy Woodland - Moderate
 - EVC 55 Plains Grassy Woodland - Low
 - EVC 649 Stony Knoll Shrubland - Moderate
 - EVC 68 Creeklane Grassy Woodland - Moderate
 - EVC 68 Creeklane Grassy Woodland - Low
 - Modified Treeless Vegetation (Grassy Woodland) - Low
 - Native vegetation on artificial substrate (Plains Grassy Wetland) - Low

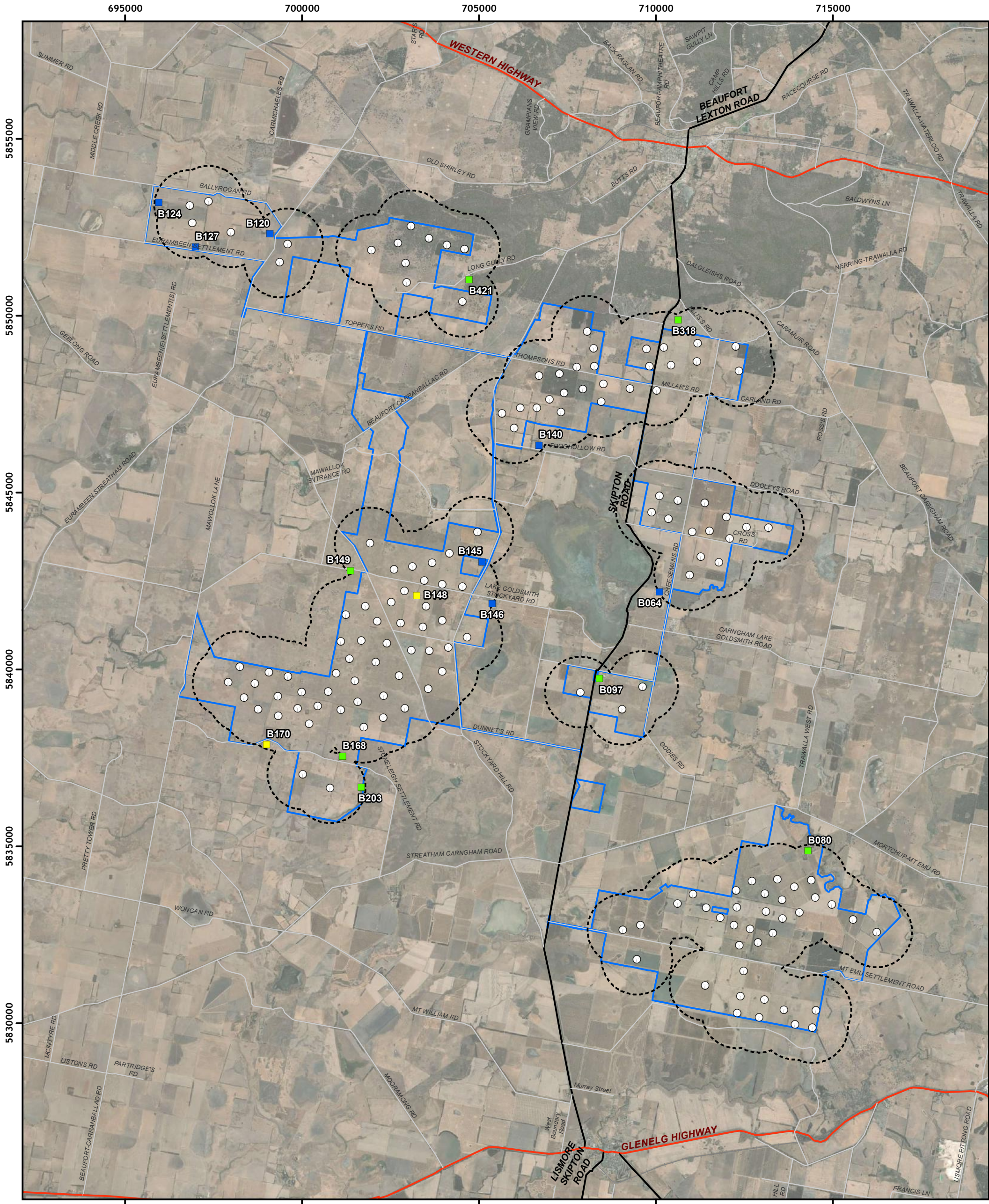


STOCKYARD HILL
Wind Farm

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FIGURE 6-6 LOCATION OF STREAM, WATERWAY AND WATERBODIES WITH SETBACK DISTANCES TO ADDITIONAL NATIVE VEGETATION



STOCKYARD HILL Wind Farm

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- Wind Turbine (Asbuilts)
- Dwelling - Owned by SHWF (No Limit for Noise or Shadow)
- Dwelling - Participant Noise
- Dwelling - Participant Noise and Shadow
- Wind Turbine Buffer (1km)
- ▭ Permitted Wind Farm Boundary

FIGURE 6-7 DWELLINGS WITHIN 1KM OF A WIND TURBINE

PROJECT		Stockyard Hill Wind Farm	
TITLE			
Dwellings within 1km of Asbuilt Wind Turbine Layout			
DATE	18/08/2020	PRODUCED	V.Kulkarni
SCALE	1:100,000 @ A3	CHECKED	N.Kostraby
STATUS	Draft	APPROVED	E.Zorondo
0 1.25 2.5 5 Kilometres		N	
DRAWING No. SHWF_OVR_015_011_Dwellings 1km		REV 011	

Table 6-4 identifies the permit trigger associated with the additional native vegetation losses. A permit to remove native vegetation is triggered by Clause 52.17 and ESO1. This permit amendment application is applicable to Conditions 13 and 18 of the Planning Permit.

TABLE 6-4 PLANNING CONTROLS APPLICABLE TO THE PROJECT

Planning control	Permit trigger	Proposed amendment
<i>Clause 35.07 FZ</i>	<i>A permit for native vegetation removal is not specified in this zone.</i>	<i>A permit for native vegetation removal is not triggered by the zone.</i>
<i>Clause 42.01-2 ESO1- Partial</i>	A permit is required in the ESO1 to remove, destroy or lop any vegetation where – vegetation is within 30m of a waterway, waterbody or water supply channel; - the application proposes the mass clearance of more than 1 hectare of land.	<p>The wind farm is partially affected by ESO1. The native vegetation within the ESO1 only applies to Dunnington Rd; areas within old Skipton Rd; and associated access tracks and cable works to Turbines 48 and 50 in the western cluster group.</p> <p>Of the total amount of native vegetation removed outside of the NVMP footprint, 3.9020 ha was removed within the ESO1. No additional impacted native vegetation occurred along the approved roadworks footprint within the ESO1, however 7 trees permitted for removal along Dunnington’s Road were retained.</p> <p>No vegetation was removed within 30m of a waterway within the ESO1.</p> <p>As the application proposes the mass clearance of more than 1 hectare of land within this overlay, a permit amendment is triggered.</p>
<i>Clause 42.02 VPO1- Partial</i>	Pursuant to the VPO1, a planning permit is required to remove, destroy or lop any <i>native vegetation</i> along roadsides within this overlay.	<p>Roadsides within this overlay include areas of:</p> <ul style="list-style-type: none"> -Eurambeen-Streatham Rd, - Carngham-Streatham Road and – Skipton Rd. <p><i>However, the additional native vegetation impacts are not within these areas.</i></p>
<i>Clause 44.06 BMO- Partial</i>	A permit is not required in the BMO to remove, destroy or lop native vegetation.	A permit for native vegetation removal is not triggered by the overlay.
<i>Clause 52.17 native vegetation</i>	A permit is required to remove, destroy or lop native vegetation, including dead native vegetation.	<i>This permit amendment application seeks to modify Condition 13 of the Permit to allow an additional 5.117 ha of native vegetation for removal as a result of indirect impacts associated with the</i>

Planning control	Permit trigger	Proposed amendment
		<i>construction of the Project. This application triggers a permit requirement under this Clause.</i>
Clause 52.29 Land Adjacent to RZ1 or PAO to RZ1	A permit for native vegetation removal is not specified in by this particular provision.	A permit for native vegetation removal is not triggered by the provision.
Clause 52.32 WEF	A permit for native vegetation removal is not specified in by this particular provision.	A permit for native vegetation removal is not triggered by this Clause.

Clause 66 and 67 of the VPPs provides referral and notice requirements.

This application to remove native vegetation must be referred to the:

- Secretary to the DELWP (recommending referral authority) under clause 52.17; and
- The relevant water authority being Grampians Wimmera Mallee water authority (determining referral authority) under an ESO1.

This application is wholly exempt from the requirement of a Planning Panel pursuant to clause 52.32-9 of the VPP.

The following policy guidelines are applicable to this application and have been considered in more detail in the section below.

- Victorian Policy and Planning Guidelines for Wind Energy Facilities March 2019;
- Permitted clearing of native vegetation- Biodiversity assessment guidelines (DEPI 2013 “BAG”);
- Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017 ‘Guidelines’).

Table 6.5 provides more details about the VPP requirements mentioned above and how the permit amendment responds to the VPP.

6.7 Planning Policy Consistency Review

Table 6-5 describes how the proposed permit amendment responds to the relevant planning controls.

TABLE 6-5 PROPOSED PERMIT AMENDMENT CONSISTENCY WITH RELEVANT LAND CONTROLS

Provision	Objective/Purpose/ Decision Guideline	Decision requirement- Design response
<p>Clause 35.07 Farming Zone</p>	<p><i>To implement the Municipal Planning Strategy and the Planning Policy Framework.</i></p> <p><i>To provide for the use of land for agriculture.</i></p> <p><i>To encourage the retention of productive agricultural land.</i></p> <p><i>To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.</i></p> <p><i>To encourage the retention of employment and population to support rural communities.</i></p> <p><i>To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.</i></p> <p><i>To provide for the use and development of land for the specific purposes identified in a schedule to this zone</i></p>	<p>The proposed amendment is considered generally consistent with the objectives of the Farming Zone as the SHWEF’s construction extent has been limited as much as practicable to retain productive agricultural land and the SHWEF provides the landowner with an opportunity to diversify the use of their agricultural land.</p>
<p>Overlays</p>		
<p>Clause 42.01-2 Environmental Significance Overlay (Schedule 1 – Designated Water Supply Areas) (ESO1)</p>	<p><i>To ensure the protection and maintenance of water quality and water yield within the designated water supply catchments as detailed in Clause 21.05-1.6.</i></p> <p><i>To maintain and where practicable enhance the quality and quantity of water produced within the catchments and in waterways.</i></p> <p><i>To protect the quality of surface and groundwater supplies within the Shire and the broader region.</i></p> <p><i>To prevent erosion of land, pollution, siltation and eutrophication of waterways, water bodies, storages and drains.</i></p> <p><i>To ensure that catchment yield and environmental flows are maintained.</i></p>	<p>The proposed amendment is considered generally consistent with the objectives of the overlay as works have been implemented in accordance with the endorsed EMP to avoid potential pollution of waterways and groundwater and control impacts on soils to prevent erosion. Consistent with the objectives of this overlay the following measures have been put in place during works to protect water quality and prevent erosion:</p> <ul style="list-style-type: none"> • Installation and regular maintenance of sediment and erosion control devices; • Removing and storing soil in separate horizons and replacing soils back in the original sequence;

<p><i>To manage the impact of incremental development on water quality and yield.</i></p> <p><u>Referral requirement</u></p> <p><i>This clause requires all applications to be referred to the relevant water authority (determining referral authority) before a decision is made.</i></p> <p><u>Decision guidelines</u></p> <p><i>Before deciding on an application, the responsible authority must consider:</i></p> <ul style="list-style-type: none"> <i>-The issues (as appropriate) listed under the decision guidelines specified for the zone</i> <i>-The slope, soil type and other environmental factors including the potential for pollution of waterways and groundwater.</i> <i>-Any recommendations or requirements made in any land capability report or development plan,</i> <i>-The need to maintain water quality at a local and regional level and whether the proposal is consistent with the provisions of any incorporated documents (including the state Environment Protection Policies – Waters of Victoria and Groundwaters of Victoria).</i> <i>-The possible effect of the subdivision or development on the quality and quantity of water in waterways, water bodies, storages and drains.</i> <i>-The preservation of and impact on soils and the need to prevent erosion.</i> <p><i>The need to manage incremental development that is likely to result in, or create a precedent for, development densities or activities likely to be detrimental to water quality or yield.</i></p> <p><i>The information contained in any site context plan or development plan which the Responsible Authority may have requested. Any relevant catchment management plan, policy strategy or</i></p>	<ul style="list-style-type: none"> • Reducing the duration of exposed soils; • Locating soil stockpiles at least 50m away from a drainage line and away from native vegetation; • Applying dust suppression measure on stockpiles; • Rehabilitating and revegetating disturbed areas. <p>An application within the ESO1 is required to be referred to the Grampians Wimmera Mallee water authority (determining referral authority) before a decision is made on the application.</p>
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	<i>Ministerial Direction (including the Interim Guideline for Planning Permit Applications in Open Potable Water Supply Catchment Areas or any subsequent revision of that guideline).</i>	
<p>Clause 42.02 Vegetation Protection Overlay (VPO) (Schedule 1 – Roadside Grassland Protection Conservation)</p>	<p><i>To protect areas of significant native vegetation.</i></p> <p><i>To maintain habitat corridors for indigenous fauna.</i></p> <p><i>To ensure development minimises loss of indigenous vegetation.</i></p>	<p>The proposed amendment is considered generally consistent with the objectives of the overlay as construction design measures were able to reduce preconstruction predicted estimates for native vegetation impacts associated with road and intersection upgrades by approximately 2 ha and avoiding the removal of 16 scattered trees.</p>
<p>Clause 44.06 Bushfire Management Overlay (BMO or WMO).</p>	<p><i>To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.</i></p> <p><i>To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.</i></p>	<p>The proposed amendment is considered generally consistent with the objectives of the overlay as the WEF has incorporated bushfire and emergency response protocols for the protection of human life and property.</p>
Particular Provisions		
<p>Clause 52.17 native vegetation (nv) Current clause in effect. <u>Purpose</u></p>	<p><i>To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of nv (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):</i></p> <ol style="list-style-type: none"> <i>1. Avoid the removal, destruction or lopping of native vegetation.</i> <i>2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.</i> <i>3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.</i> <p><i>To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation</i></p>	<p>The proposed amendment is considered generally consistent with the objectives of this clause as this application has avoided the removal of significant vegetation, minimising impacts to native vegetation from construction works and has provided an offset strategy (detailed in section 5.4.2) to compensate for biodiversity impacts. The additional native vegetation losses are unavoidable and have resulted from indirect construction impacts.</p> <p>The SMEC December 2020 report considered:</p> <ul style="list-style-type: none"> - “the majority of additional native vegetation losses are in the form of low-quality Plains Grassland (EVC 132) and Stony Rises Woodland (EVC 203) with habitat condition scores ranging between 0.11-0.23.” - “Based on the total extent, quality and location of additional native vegetation removals, significant impacts to Victoria’s

		<i>biodiversity when assessed under the BAG are considered unlikely”.</i>
<i>Clause 52.17-1 <u>Permit requirement</u></i>	<i>A permit is required to remove, destroy or lop native vegetation, including dead native vegetation.</i>	This permit amendment application seeks to modify Condition 13 of the Permit to increase the overall allowed extent of native vegetation removal by 5.117 ha associated with the SHWEF Project. Increased Offsets under Condition 18 are also sought to address increased removals and provide appropriate offsets.
<i>Clause 52.17-2 <u>Application requirements</u></i>	<i>An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the Guidelines</i>	This requirement is subject to the transitional arrangements found in Clause 52.17-6 and as such has provided a Native Vegetation Impact Assessment (Appendix B) in accordance with the 2013 BAG and not the 2017 Guidelines (further details on the transitional arrangements are discussed further below).
<i>Clause 52.17-3 <u>Property vegetation plans</u></i>	<i>Provides conditions that must be included for a permit granted to remove, destroy or lop native vegetation with a property vegetation plan.</i>	This clause is not relevant to this permit amendment application.
<i>Clause 52.17-4 <u>Decision guidelines</u></i>	<i>Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the decision guidelines specified in the Guidelines as appropriate</i>	This application has responded to the decision guidelines in Clause 65 (see below) to assist the Minister in his consideration of this application.
<i>Clause 52.17-5 <u>Offset requirements</u></i>	<i>If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset, in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and the timing to secure the offset.</i>	This permit amendment seeks to offset impacts in accordance with the 2013 BAG as allowed by the transitional provisions in Clause 52.17-6 (and discussed below). This permit amendment application seeks to amend the Permit to specify the offset requirement amount required by DELWP as stated in section 2.3.
<i>Clause 52.17-6 <u>Transitional provisions</u></i>	<i>This Clause provides transitional arrangement that apply to the following classes of applications: A permit lodged before the commencement of Amendment VC138 (being 12 Dec 2017). An amendment to a permit if:</i>	The transitional arrangement provisions of this Clause apply to this permit amendment application as the original permit application was lodged on 13 February 2009 and the permit was granted approval on 26 October 2010 prior to the 12 December 2017 commencement date

	<ul style="list-style-type: none"> ▪ the original permit application was lodged before that date; or ▪ <i>the original permit application was one that benefited from the following transitional provision.</i> <p><i>Planning permit lodged 12 months after 12 Dec 2017 where DELWP has stated in writing that a report about the proposed removal, destruction or lopping of native vegetation has been generated by the DELWP’s native vegetation information systems within 12 months before that date.</i></p>	<p>for the Planning Scheme Amendment VC138.</p> <p>Furthermore, the subsequent permit amendment application relating to native vegetation removal was lodged in 2016 and approved on the 8 June 2017.</p> <p>The NVMP which was prepared in 8 May 2018 and endorsed on 17 May 2018 assessed native vegetation losses and offsets in accordance with the requirements of the 2013 BAG and the Permit.</p> <p><i>“The application of the transitional provisions to the amendment application is supported from a policy and practical perspective, whereby single projects which span over a period of policy/planning requirement change should not be required to revise the assessment approach part-way through, and the significant work and assessments undertaken pre-VC138 should endure for the project. The purpose of transitional provisions is to ensure that applications are not prejudiced by a sudden change in requirements.”</i></p> <p>This permit amendment application has therefore relied on this Clause to assess native vegetation impacts under the 2013 BAG to maintain consistency. DELWP has confirmed applicability of 2013 BAG.</p>
<p>Clause 52.17-7 <u>Table of exemptions</u></p>	<p><i>Provides a table of exemptions for works to obtain a permit</i></p>	<p>This application is not exempt from a permit requirement.</p>
<p>Clause 52.17 native vegetation (nv) in force before commencement of Amendment VC138 <u>Purpose</u></p>	<p><i>To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria’s biodiversity. This is achieved through the following approach:</i></p> <p><i>-Avoid the removal of native vegetation that makes a significant contribution to Victoria’s biodiversity.</i></p>	<p>The proposed amendment is considered generally consistent with the objectives of this Clause as this application has avoided the removal of significant vegetation through design, minimised impacts to native vegetation from construction works by following a range of mitigation measures as detailed in section 3.2 of the planning report to minimize impacts on the land and sediment controls implemented during works to minimise impacts on water degradation. The</p>

	<p><i>-Minimise impacts on Victoria’s biodiversity from the removal of native vegetation.</i></p> <p><i>-Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria’s biodiversity that is equivalent to the contribution made by the native vegetation to be removed.</i></p> <p><i>To manage native vegetation to minimise land and water degradation.</i></p> <p><i>To manage native vegetation near buildings to reduce the threat to life and property from bushfire</i></p>	<p>proponent is committed to securing increased offsets that make a contribution to Victoria’s biodiversity that is at least equivalent to the contribution made by the native vegetation removed (see section 5.4.2). Current actions by SHWFPL are expected to significantly exceed to offsets required to address the total native vegetation removals for the project.</p> <p>Impacts to native vegetation have not been a result of creating defensible space or reducing bushfire loads.</p>
<p><u>Clause 52.17-1 Native vegetation precinct plans</u></p>	<p><i>This clause does not apply if a Native vegetation precinct plan corresponding to the land is incorporated into this scheme</i></p>	<p>This requirement does not apply to this application.</p>
<p><u>Clause 52.17-2 Permit requirements</u></p>	<p><i>A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:</i></p> <p><i>-If the table to Clause 52.17-7 specifically states that a permit is not required.</i></p> <p><i>-To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.</i></p> <p><i>-To an area specified in the schedule to this clause</i></p> <p><i>Class of application</i></p> <p><i>An application to remove, destroy or lop native vegetation must be classified as one of the</i></p> <p><i>following risk-based pathways: low, moderate or high, as defined in the Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013). The</i></p>	<p>This permit amendment application seeks to modify Condition 13 of the Permit to allow an additional 5.117 ha of native vegetation removal associated with the SHWEF Project.</p> <p>In total 43.384 ha of native vegetation has been assessed as impacted by the Project (see BIOR Appendix A).</p> <p>Offsets previously obtained prior to construction were for 38.267 hectares, of which 25.200 were not impacted, yet the offsets obtained for the retained native vegetation will be maintained by SHWFPL which will result in an excess of offsets relative to those required for the total removals addressed by this application.</p> <p>The application is accompanied by a native vegetation assessment (Appendix B) and is considered a high-risk pathway under the 2013 BAG.</p>

	<p><i>application requirements and decision guidelines included in this clause must be applied in accordance with the classified pathway</i></p>	
<p><i>Clause 52.17-3</i> <u><i>Application requirement</i></u></p>	<p><i>All applications to remove, destroy or lop native vegetation must comply with the General application requirements.</i></p> <p><i>An application in the moderate or high risk-based pathway must also comply with the moderate and high risk-based pathway application requirements.</i></p> <p><i>General application requirements</i></p> <p><i>All applications to remove, destroy or lop native vegetation must be accompanied by the following information, as appropriate:</i></p> <ul style="list-style-type: none"> <i>-The location of the native vegetation to be removed.</i> <i>-A description of the native vegetation to be removed, including the area of the patch of native vegetation and/or the number of any scattered trees to be removed.</i> <i>-Maps or plans containing information set out in the Permitted clearing of native vegetation – Biodiversity assessment guidelines, (Department of Environment and Primary Industries, September 2013)</i> <i>-Recent dated photographs of the native vegetation to be removed.</i> <i>-Topographic information, highlighting ridges, crests and hilltops, streams and waterways, slopes of more than 20 percent, drainage lines, low lying areas, saline discharge areas, and areas of existing erosion.</i> <i>-A copy of any property vegetation plan that applies to the site.</i> <i>-Where the removal, destruction or lopping of vegetation is to create defensible space, a statement explaining why removal, destruction or</i> 	<p>The application is accompanied by a native vegetation assessment (Appendix B). The assessment includes, details of the location to be removed, provides a description of native vegetation to be removed, including the area for the remnant patches of native vegetation and/or the number of any scattered trees to be removed.</p> <p>Appendix C contains mapping of past approved native vegetation removal, retained native vegetation that was approved for removal and the additional native vegetation sought for approval.</p> <p>Appendix A of Appendix B of the Native Vegetation assessment includes an assessment under the high-risk pathway;</p> <p>-The assessment contains habitat hectare details for the past and additional</p>

	<p><i>lopping of native vegetation is required having regard to other available bushfire risk mitigation measures. This does not apply to the creation of defensible space in conjunction with an application under the Bushfire Management Overlay.</i></p> <p><i>-Details of any other native vegetation that was permitted to be removed on the same property with the same ownership in the five year period before the application for a permit to remove native vegetation is lodged.</i></p> <p><i>-The strategic biodiversity score of the native vegetation to be removed.</i></p> <p><i>-The offset requirement if the native vegetation is permitted to be removed.</i></p> <p>Moderate and high risk-based pathway application requirements.</p> <p><i>An application included in the moderate and high risk-based pathway must also be accompanied by the following information, as appropriate:</i></p> <p><i>- A habitat hectare assessment of the native vegetation to be removed.</i></p> <p><i>-A statement outlining what steps have been taken to minimise the impacts of the removal of native vegetation on biodiversity.</i></p> <p><i>-An assessment of whether the proposed removal of native vegetation will have a significant impact on Victoria’s biodiversity, with specific regard to the proportional impact on habitat for any rare or threatened species.</i></p> <p><i>-An offset strategy that details how a compliant offset will be secured to offset the biodiversity impacts of the removal of native vegetation</i></p>	<p>removals (see Table A.1 in Appendix A of Appendix B);</p> <p>-Section 3.2 of the application report provides a statement of the steps that have been undertaken to minimise impact which includes; carrying out site inductions to increase environmental awareness; maintaining a copy of the NVMP on site; establishing and maintaining no go zones; establishing temporary fences around tree retention zones; controlling native impacts through native vegetation clearance permits and inspections; securing offsets in accordance with the Permit prior to any vegetation clearing works been carried out; Undertaking regular environmental inspections; Visually inspecting all vehicles entering and leaving the site for weeds and at designated locations requiring wheel wash down; Implementing weed control measures to prevent the spread of weeds; Reinstating topsoil on disturbed areas; Rehabilitating and revegetating disturbed areas; and Establishing and maintaining erosion and sediment controls;</p> <p>-Section 5.2.7 of the native vegetation assessment considered “the majority of additional native vegetation losses are in the form of low-quality Plains Grassland (EVC 132) and Stony Rises Woodland (EVC 203) with habitat condition scores ranging between 0.11-0.23.”</p> <p>“Based on the total extent, quality and location of additional native vegetation removals, significant impacts to Victoria’s biodiversity when assessed under the BAG are considered unlikely”; and</p> <p>- . . SHWFPL has secured and is securing all the required additional offsets as detailed in section 5.4.2.</p>
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<p>Clause 52.17-4 <u>Property vegetation plans</u></p>	<p>Any permit granted to remove, destroy or lop native vegetation in accordance with a property vegetation plan:</p> <ul style="list-style-type: none"> -May include conditions which reflect relevant restrictions or obligations contained in that plan. -Must include the following condition: <i>“This permit will expire if one of the following circumstances applies:</i> <ul style="list-style-type: none"> – the development or any stage of it does not start within ten years of the date of this permit. – the development or any stage of it is not completed within ten years of the date of this permit. 	<p>This requirement does not apply to this application.</p>
<p>Clause 52.17-5 <u>Decision guidelines</u></p>	<p>Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:</p> <p>Biodiversity considerations</p> <p>For all applications</p> <ul style="list-style-type: none"> -The contribution that native vegetation to be removed makes to Victoria’s biodiversity. This is determined by: -The extent and condition of the native vegetation. -The biodiversity value of the native vegetation, including whether the native vegetation is important habitat for rare or threatened species. -Whether the removal of native vegetation is defined as being in the low, moderate or high risk-based pathway, as defined in the Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013) and apply the decision guidelines accordingly. 	<p>This application has responded to the decision guidelines in Clause 65 (see below) to assist the Minister in his consideration of this application. This application is considered aligned with the decision guidelines for a high risk-based pathway application.</p> <p>Appendix B to this planning report provides an assessment of the additional native vegetation areas located outside of the NVMP footprint. These areas are mostly within low-quality Plains Grassland (EVC 132) and Stony Rises Woodland (EVC 203) spanning across Victorian Volcanic Plain and the Central Victorian Uplands bioregions. The additional impacts are not considered to have a significant impact on Victoria’s biodiversity given their low-quality biodiversity scores.</p> <p><i>“Based on the total extent, quality and location of additional native vegetation removals, significant impacts to Victoria’s biodiversity when assessed under the BAG are considered unlikely”.</i></p> <p>No additional impacts were considered applicable by the assessment to any rare or threatened species.</p>

	<p><i>For an application considered under the high risk-based pathway</i></p> <p><i>-Whether reasonable steps have been taken to minimise the impacts of the removal of native vegetation on biodiversity.</i></p> <p><i>-Whether the native vegetation to be removed makes a significant contribution to Victoria’s biodiversity.</i></p> <p><i>-That an offset that meets the offset requirements for the native vegetation that is to be removed as defined in the Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013) has been identified.</i></p> <p>Other matters</p> <p><i>The responsible authority must also consider the following issues, as appropriate:</i></p> <p><i>-The need to remove, destroy or lop native vegetation to create defendable space to reduce the risk of bushfire to life and property, having regard to the other available bushfire risk mitigation measures.</i></p> <p><i>The role of native vegetation in:</i></p> <p><i>-Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway and in special water supply</i></p>	<p>The assessment considered the native vegetation impacts under a high risk-based pathway according to the 2013 BAG.</p> <p>Whilst section 3.2 of the planning report provides a summary of mitigation measures used during construction to avoid native vegetation impacts the additional native vegetation losses were required for construction of this renewable energy facility including as a result of indirect impacts on native vegetation related to construction in complex terrain.</p> <p><i>“Based on the total extent, quality and location of additional native vegetation removals, significant impacts to Victoria’s biodiversity when assessed under the BAG are considered unlikely”.</i></p> <p>SHWFPL is in the process of securing all the required additional offsets set under the BIOR as specified in section 5.4.2 (Table 5-1).</p> <p>The additional native vegetation losses were not necessary to create defendable space for bushfire protection.</p> <p>Management measures detailed in the Project’s endorsed EMP were implemented during works to reduce impacts on the land and water degradation. These measures included:</p>
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	<p><i>catchment areas listed in the Catchment and Land Protection Act 1994.</i></p> <p><i>-Preventing land degradation, including soil erosion, salination, acidity, instability, and water logging, particularly:</i></p> <ul style="list-style-type: none"> <i>– Where ground slopes are more than 20 per cent.</i> <i>– On land which is subject to soil erosion or slippage.</i> <i>– In harsh environments, such as coastal or alpine area.</i> <p><i>-Preventing adverse effects on groundwater quality on land:</i></p> <ul style="list-style-type: none"> <i>– Where groundwater recharge to saline waterbodies occurs.</i> <i>– That is in proximity to a discharge area.</i> <i>– Which is a known recharge area.</i> <p><i>-In the case of timber production, the benefits of including a condition requiring operations to be carried out in accordance with any relevant code of practice under Part 5 of the Conservation, Forests and Land Act 1987.</i></p> <p><i>-Managing native vegetation to preserve identified landscape values.</i></p> <p><i>-The conservation of native vegetation protected under the Aboriginal Heritage Act 2006.</i></p>	<ul style="list-style-type: none"> <i>-maintaining the turbine setback from a waterway exclusion zone,</i> <i>-establishing a 100m setback from any watercourse when siting the concrete batching plant,</i> <i>-ensure no seepage of wastewater into groundwater,</i> <i>-locating stockpiles away from drainage lines and flood prone areas,</i> <i>-Applying dust management measures,</i> <i>-storage and handling of fuels and other hazardous chemicals away from waterways, and</i> <i>-establishing and maintaining appropriate erosion and sediment control measures during works.</i> <p>The additional native vegetation removed was not associated with identified landscape values or protected under the <i>Aboriginal Heritage Act 2006</i>.</p>
<p><i>Clause 52.17-6</i> <u><i>Offset requirements</i></u></p>	<p><i>The biodiversity impacts of the removal of native vegetation are required to be offset, in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013). The conditions on the permit for the removal of native vegetation must specify this offset requirement. The offset requirements must take account of:</i></p>	<p>This permit amendment application seeks to offset impacts in accordance with the 2013 BAG as allowed by the transitional provisions in Clause 52.17-6 (and discussed below).</p> <p>This permit amendment application seeks to amend the Permit to specify the offset requirement amount required by DELWP.</p> <p>Appendix E provides evidence of the additional offsets (Summary Table 5-1)</p>

	<p><i>-The location of the native vegetation to be removed.</i></p> <p><i>-The condition and extent of native vegetation to be removed.</i></p> <p><i>-The strategic biodiversity score of the native vegetation to be removed.</i></p> <p><i>-Whether the native vegetation to be removed is important habitat for rare or threatened species, and the proportional impact of the removal on those species' habitat.</i></p>	<p>that will be secured in accordance with the BIOR (Appendix A).</p> <p>Section 5.2.6 of the native vegetation assessment considers impacts to important habitat for rare or threatened species unlikely.</p>
<p>Clause 52.29 Land Adjacent to A Road Zone, Category 1, Or A Public Acquisition Overlay for a Category 1 Road.</p>	<p><u>Purpose</u></p> <p><i>To ensure appropriate access to identified roads.</i></p> <p><i>To ensure appropriate subdivision of land adjacent to identified roads</i></p> <p><u>Decision guidelines</u></p> <p><i>Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider: The Municipal Planning Strategy and the Planning Policy Framework</i></p> <p><i>The views of the relevant road authority. The effect of the proposal on the operation of the road and on public safety. Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land</i></p>	<p>The Permit amendment application does not seek to alter the design of access to a road in a RZ1 or increase the amount of native vegetation losses associated with road works or intersection upgrades is minimal.</p> <p>This Permit amendment application is considered generally consistent with Local and Planning Policy Framework.</p>
<p>Clause 52.32 Wind Energy Facilities</p>		
<p>Clause 52.32 Wind Energy Facilities <u>Purpose</u></p>	<p><i>To facilitate the establishment and expansion of wind energy facilities, in appropriate locations, with minimal impact on the amenity of the area</i></p>	<p>Whilst this permit amendment application seeks to modify the amount of native vegetation losses and offsets associated with the construction of SHWEF the project will comply with its endorsed plans to reduce impacts on amenity.</p>
<p>Clause 52.32-1 <u>Application</u></p>	<p><i>This clause applies to land used and developed or proposed to be used and developed for a Wind energy facility</i></p>	<p>This permit amendment application has addressed the requirement of clause 52.32 as the native vegetation impacts</p>

		have occurred as a result of construction works on the SHWEF. This application is considered generally consistent with the objectives of this provision.
<p>Clause 52.32-2</p> <p><u>Use and development of land</u></p>	<p><i>Requires a permit to use and develop land for a WEF.</i></p>	<p>As this permit amendment application does not seek to increase the number or alter the location of any turbines and meets the requirements of clause 52.32-3 it is therefore not considered a prohibited use.</p>
<p>Clause 52.32-3</p> <p><u>Turbine within one kilometre of a dwelling</u></p>	<p><i>Provides exemptions to a Permit amendment application made under section 97I of the P&E Act from obtaining dwelling owner consent where a turbine is within one km of a dwelling, if application to amend a planning permit does not increase the number of proposed turbines, or move a turbine closer to a dwelling within one km of a turbine than the closest permitted turbine to that dwelling.</i></p>	<p>This Permit amendment application does not seek to increase the number of turbines or move a turbine location as described by Clause 52.32-3 and is therefore exempt from obtaining landowner consent.</p> <p>A plan showing all dwellings within one km of a turbine (measured from the centre of the tower at ground level) has been provided in Figure 6-7.</p>
<p>Clause 52.32-4</p> <p><u>Application requirements</u></p>	<p><i>Establishes the requirements for an application, such as a site and context analysis, design response and mandatory noise assessment.</i></p> <p><i>However, the clause states “if in the opinion of the responsible authority a requirement of the site and context analysis or design response is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.”</i></p> <p><i>The requirement for a mandatory noise assessment does not apply to an application to amend a permit, if the amendment will not alter the noise assessment of the wind energy facility.</i></p>	<p>This application has not submitted a response to all the matters listed in this clause, as the amendment application relates to the triggers under clause 52.17 and the ESO1. The application has instead provided a BIOR (Appendix A) and native vegetation (habitat hectare) assessment (Appendix B) in relation to biodiversity and native vegetation impacts for the Minister’s consideration as the application is limited in scope and will not affect other matters such as visual impacts, cultural heritage, Shadow flicker, vistas or noise.</p> <p>This application is exempt from the mandatory noise assessment as the amendment will not alter the noise assessment of the wind farm.</p>
<p>Clause 52.32-5</p> <p><u>Mandatory condition</u></p>	<p><i>If a mandatory noise assessment must accompany an application under Clause 52.32-4, any permit or amended permit issued with respect to that application must include certain conditions.</i></p>	<p>This clause does not apply to this permit amendment application for native vegetation removal.</p>

<p>Clause 52.32-6 <u>Decision guidelines</u></p>	<p><i>Before deciding on an application, in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate: The Municipal Planning Strategy and the Planning Policy Framework. The effect of the proposal on the surrounding area in terms of noise, blade glint, shadow flicker and electromagnetic interference. The impact of the development on significant views, including visual corridors and sightlines. The impact of the facility on the natural environment and natural systems. The impact of the facility on cultural heritage. The impact of the facility on aircraft safety. Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (Department of Environment, Land, Water and Planning, March 2019). The New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise</i></p>	<p>This application is considered generally consistent with VPPs and the Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (Department of Environment, Land, Water and Planning, March 2019).</p> <p>A native vegetation assessment, including habitat hectare assessment, is provided in Appendix B to determine impacts on the biodiversity.</p> <p>Measures have been implemented during works to minimise impacts on the environment and natural systems in accordance with the endorsed EMP.</p> <p>Expert opinion obtained in respect of changes to the layout for the project has confirmed that layout changes have not resulted in material increase to impacts such as noise and shadow flicker.</p>
<p>Clause 52.32-7 <u>Anemometer</u></p>	<p><i>Provides details for permitting Anemometers</i></p>	<p>This clause is not applicable to this application.</p>
<p>Clause 52.32-8 <u>Application to amend a permit under section 72 of the Act</u></p>	<p><i>This clause provides exemptions to permit amendment applications made under section 72 of the Act.</i></p>	<p>Section 72 of the Act does not apply to this application.</p>
<p>Clause 52.32-9 <u>Application to amend a permit under section 97I of the Act</u></p>	<p><i>This clause wholly exempts a permit amendment application made under section 97I of the Act in certain circumstances from the requirements of section 97E(1) of the Act for a Panel. And modifies the requirements of section 97E(1) of the Act in certain circumstances so as to require referral of objections and submissions to an advisory committee established under section 151 of the Act .</i></p>	<p>This application meets the requirements set by this clause for an application to be a wholly exempt from the requirements of Planning Panel made under section 97E(1) of the Act.</p>
<p>General Provisions</p>		
<p>Clause 65.01 <u>Decision Guidelines- approval of an application or Plan</u></p>	<p><i>Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate: The matters set out in section 60 of the Act. The Municipal Planning Strategy and the Planning Policy Framework. The</i></p>	<p>This application is considered generally consistent with the objectives of planning in Victoria, and the purpose of the relevant planning scheme provisions.</p> <p>Environmental measures have been implemented in accordance with the</p>

	<p><i>purpose of the zone overlay or other provision. Any matter required to be considered in the zone, overlay or other provision. The orderly planning of the area. The effect on the amenity of the area. The proximity of the land to any public land. Factors likely to cause or contribute to land degradation, salinity or reduce water quality. Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site. The extent and character of native vegetation and the likelihood of its destruction. Whether native vegetation is to be or can be protected, planted or allowed to regenerate. The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard. The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts. This clause does not apply to a VicSmart application.</i></p>	<p>endorsed EMP to reduce soil erosion, water pollution, manage the spread of weed and pest animals, avoid inadvertent impacts on native vegetation patches or scattered trees to be retained, and implemented measures to rehabilitate and revegetate disturbed areas.</p> <p>A habitat hectare assessment is included in Appendix B, to show the location, extent and character of native vegetation applicable to this application and to enable quantification of suitable offset requirement (under the 2013 BAG), and as amply addressed by the offset procurement strategy, detailed in section 5.4.2 (see section 5.4.2 and Appendix E, for further details).</p>
<p>Clause 66 Referral and Notice Provisions</p>		
<p>Clause 66.02-2 <u>Use and Development Referrals (Native Vegetation)</u></p>	<p><i>Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the Conservation, Forests and Lands Act 1987) is the Recommending referral authority for an application:</i></p> <p><i>To remove, destroy or lop native vegetation in the Detailed Assessment Pathway as defined in the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017).</i></p> <p><i>To remove, destroy or lop native vegetation if a property vegetation plan applies to the site.</i></p> <p><i>To remove, destroy or lop native vegetation on Crown land which is</i></p>	<p>Whilst this application is assessed under the high-risk pathway required by the 2013 BAG and not the “Detailed assessment pathway” as defined in the 2017 “Guidelines” the Secretary to the DELWP is a recommending referral authority for applications to remove native vegetation in both instances.</p> <p>DELWP has advised in writing that the 2013 BAG is the appropriate reference for this application.</p>

	<i>occupied or managed by the responsible authority</i>	
Schedule to Clause 66.04 <u>referral of permit applications under local provisions</u>	<i>This clause requires all applications subject to an ESO1 to be referred to the relevant water authority (which is a determining referral authority) before a decision is made.</i>	This application must be referred to Grampians Wimmera Mallee water authority (determining referral authority) before a decision is made.
Clause 67.03 <u>notice requirements – native vegetation</u>	<i>In accordance with Section 52(1) (c) of the Act, notice of an application to remove, destroy or lop native vegetation under Clause 52.17 of this scheme must be given to the Secretary to the Department administering the Flora and Fauna Guarantee Act 1988. This does not apply if the application is of a kind which must be referred to the Secretary under Section 55 of the Act (Application to go to referral authorities).</i>	This application must be referred to the Secretary to the Department as a referral authority and is therefore exempt from notice requirements.
Planning Policy and Guidelines		
Victorian Policy and Planning Guidelines for Wind Energy Facilities March 2019	<p><i>Establishes a decision-making framework for the assessment of a wind energy facility applications in accordance with Clause 52.32 of the VPP including an application to amend a planning permit under section 97I of the P&E Act.</i></p> <p><i>Applications should be assessed against state planning policy, local planning policy and other matters specified in section 60 of the P&E Act.</i></p> <p><i>Section 5.1.1 of the Plan requires the responsible authority when making their decision to consider the contributions the renewable energy project will make to economic and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.</i></p> <p><i>A balance the objectives should be met.</i></p>	<p>This application to amend a planning permit under section 97I of the P&E Act relates to native vegetation losses and offsets (conditions 13 and 18) and, as such has provided a native vegetation assessment to consider impacts on biodiversity, EPBC listed species, FFG listed species and habitat loss (Appendix B). The application also seeks to compensate impacts by increasing the amount of Native Vegetation Offsets required to be secured.</p> <p>The additional native vegetation losses and offsets have not sought to increase losses in conservation significant areas of the wind farm extent. In the northern group these areas were protected during civil works, by fencing off either side of the entire construction footprint to ensure that vehicles and machinery kept to the narrow footprint. In other areas No-Go Zones were established to protect native vegetation from any sediment run-off, soil creep or erosion through protective measures such as sediment fencing, rock armouring and ensuring adequate design of drainage including</p>

		<p>diverting water around work areas. Works were carried out in accordance with the endorsed EMP to minimise impacts on the environment.</p> <p>This application has not addressed impacts from noise, blade glint, shadow flicker, visual impacts and electromagnetic interference as this application does not seek to alter the turbine specification in any way. This application is also exempt from the mandatory noise assessment requirement of Clause 52.32-5 as discussed above. However, it is noted that expert opinion obtained in respect of these matters shows the amended project does not materially increase adverse impacts for these matters.</p> <p>This application is in accordance with section 4.4.2 of the Policy Guidelines for WEFs and Clause 52.32-9 which wholly exempts an application to amend a permit from being referred to a planning panel if the application does not seek to increase the total number of turbines, the maximum height of any turbine or change the location of a turbine so that it is moved closer to an existing dwelling within 1km of a permitted turbine.</p> <p>This application has been assessed against state planning policy, local planning policy and is considered generally consistent with policy objectives.</p>
<p>Permitted clearing of native vegetation - Biodiversity assessment guidelines (DEPI 2013 “BAG”)</p>	<p><u>Purpose</u> <i>Set out rules and tools for how responsible or referral authorities should consider biodiversity when assessing an application for a permit to remove native vegetation.</i></p> <p><u>Objective</u> <i>No net loss in the contribution made by native vegetation to Victoria’s biodiversity.</i></p> <p><u>Approach</u></p>	<p><u>Approach</u> The Application includes, Appendix A BIOR and, Appendix B that contains a habitat hectare assessment in accordance with the application requirements under the 2013 BAG (as provided by the transitional provisions of clause 52.17-6 of the VPP for native vegetation removal) to ensure native vegetation proposed to be removed is consistent with the objectives of this guideline.</p> <p><u>Assessment pathways</u></p>

	<p><i>Manages the impacts on biodiversity from native vegetation removal using a risk-based approach by:</i></p> <ul style="list-style-type: none"> • <i>avoiding the removal of native vegetation that makes a significant contribution to Victoria’s biodiversity;</i> • <i>minimise impacts on Victoria’s biodiversity from the removal of native vegetation;</i> • <i>where native vegetation is permitted to be removed, ensuring it is offset in a manner that makes a contribution to Victoria’s biodiversity that is equivalent to the contribution made by the native vegetation to be removed.</i> <p><u>Assessment pathways</u></p> <p><i>Determine the contribution native vegetation makes to biodiversity by assessing the characteristic of native vegetation to be removed to determine the amount of habitat hectares to be cleared and its importance on Victoria’s biodiversity at the landscape scale.</i></p> <p><i>There are three risk-based pathways for assessing an application for a permit to remove native vegetation:</i></p> <ul style="list-style-type: none"> • <i>low risk;</i> • <i>moderate risk;</i> • <i>high risk.</i> <p><u>Application requirements</u></p> <ul style="list-style-type: none"> -<i>The location of the site of native vegetation to be removed.</i> -<i>A description of the native vegetation to be removed.</i> - <i>Maps or plans.</i> - <i>Recent dated photographs of the native vegetation to be removed.</i> - <i>The risk-based pathway of the application.</i> - <i>defendable space statement.</i> 	<p>The habitat hectare assessment has determined the extent and quality of remnant native vegetation that requires approval to be removed and the resulting offset requirements based on a risk assessment pathway. The assessment contains maps, plans, and an assessment of significant impact on Victoria’s biodiversity, with regards to impact on habitat for any rare or threatened species.</p> <p>The application has been assessed under the high-risk pathway, the additional amount of 5.117 hectares of native vegetation sought by the application has resulted in a total extent of 43.384 ha (this includes 41.907 ha of remnant patch and 21 scattered trees associated with the WEF and road and intersection upgrades). The location risk has been assessed as Location C and the offset requirement will be derived in relation to the Glenelg Hopkins CMA or Pyrenees Shire Council. The amount of the offset required and minimum SBS are set out in the BIOR (Appendix A).</p> <p>The final detailed design layout was able to avoid and minimise impacts on areas of high ecological significance through minor design layout changes which resulted in:</p> <ul style="list-style-type: none"> - the avoidance of 1.4848 ha of high-quality Grassy Woodlands (EVC175_61) in the northern cluster of the project and an overall decrease in impacts when compared with existing endorsed impacts; - the avoidance of Golden Cowslip habitat; - the avoidance of all native vegetation impacts in the southern cluster; - the avoidance of Plump Swamp Wallaby grass along Dunnets Road. - the avoidance of NTGVVP along Dunnets Rd; - the avoidance of impacts on 17 scattered trees permitted for removal; - a decreased impact of 2.931 ha to the FFG Act-listed WBPG Community and
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	<p><i>-details of all other native vegetation removed on the subject land;</i></p> <p><i>-The strategic biodiversity score of the native vegetation to be removed.</i></p> <p><i>The strategic biodiversity score of</i></p> <p><i>-details of offset requirements.</i></p> <p><i>High risk-based pathway application should also include:</i></p> <p><i>-A habitat hectare assessment report.</i></p> <p><i>-An avoid and minimise statement.</i></p> <p><i>An assessment of significant impact on Victoria’s biodiversity, with specific regard to the proportional impact on habitat for any rare or threatened species.</i></p> <p><i>-offset strategy.</i></p> <p><u><i>Decision guidelines for a high-risk pathway application</i></u></p> <p><i>-whether reasonable steps have been taken to ensure that impacts of the proposed removal of native vegetation on biodiversity have been minimised.</i></p> <p><i>-whether the native vegetation to be removed makes a significant contribution to Victoria’s biodiversity</i></p> <p><i>-need to create defensible space</i></p> <p><i>The Minister should also consider Clause 52.17 decision guidelines, decision guidelines of the relevant zone, overlay and clause 65 when determining whether to grant a permit to remove native vegetation.</i></p>	<p>total avoidance to the WBPRRG community;</p> <p>-no additional impacts have resulted to areas of GSM/SLL habitat; and</p> <p>- the construction of smaller blade laydown areas has reduced native vegetation impacts in some areas.</p> <p>In addition, temporary and permanent construction facilities including substations and switchyards are located in areas away from native vegetation to avoid having to remove additional native vegetation for the facility or to create defensible space buffers.</p> <p>Despite the mitigation measures that have been implemented during construction, unavoidable native vegetation losses have occurred due to changes in the disturbance area widths of infrastructure footprints (i.e., increased cable widths from 3 m to 13 m on average) (see section 3.1 for further details).</p> <p>SHWF will secure sufficient offsets to accommodate for the additional losses (see section 5.4.2 and Appendix E for further details). Together with offsets secured prior to commencement of construction, the total secured offsets will exceed the offset requirement associated with the total native vegetation removals.</p>
<p>Guidelines for the removal, or lopping of NV (DELWP, 2017 ‘Guidelines’).</p> <p>Current clause in effect.</p>	<p><u>Purpose</u></p> <p><i>Establishes statewide planning policy in relation to native vegetation removal, the guidelines replace the 2013 BAG, (except where transitional provisions provide for application of 2013 BAG).</i></p>	<p><u>Approach</u></p> <p>This application has been assessed against the 2013 BAG in accordance with the transitional provisions provided by Clause 52.17-6.</p>

This application is strongly supported by legislation and generally consistent with the requirements and objectives of the State and Local Planning Policy Framework and relevant VPPs of the Planning Scheme. The application responds appropriately to Clause 52.17 and Clause 52.32 of the Planning Scheme, Policy and Planning Guidelines for Wind Farm Development in Victoria and the permitted clearing of native vegetation - 2013 BAG.

There have been a number of changes to planning policy since the Permit was issued, however, unless already discussed, none of the changes impact on this assessment.

7 CONCLUSIONS

This application seeks amendments to the SHWEF Planning Permit No. PL-SP/05/0548/B, in respect of:

- Condition 13 – Native Vegetation Removal; and
- Condition 18 - Native Vegetation Offsets.

The application is supported by a BIOR (Appendix A) and native vegetation assessment (Appendix B) and includes assessment against relevant planning policy.

In association with this application, updated Development Plans and updated Native Vegetation Management Plan are submitted for the Minister's consideration and endorsement, to ensure consistency with an amended Permit that may be issued in response to this application. Subject to the Permit amendment being granted, it is expected that endorsement of the updated Development Plans and Native Vegetation Management Plan would follow.

SHWFPL has commenced the process to secure additional offsets to address the BIOR and proposed amended Permit Condition 18 requirement. The acquisition of the offset credits is expected to be completed prior to the granting of an amended Permit and as per this application will exceed those that would be required to just offset the Total Removals if assessed in isolation.

SHWEF is strongly supported by legislation and planning policy. Measures taken by SHWEF to avoid and minimize native vegetation impacts are set out in this application report. Consistent with the approach taken to the 2017 permit amendment, this application seeks amendments to the permit to formalize permission for additional native vegetation removal in a way that clearly sets out the total permissible native vegetation removal for the whole of the project, with consequent increased offset requirements.

Ground disturbing works and native vegetation removal works associated with the project are now complete. No further native vegetation removal is proposed. On balance, the additional native vegetation losses are considered acceptable as the proposed Permit amendment seeks to exceed the BIOR derived offset requirements associated with the native vegetation removed during works.

The Project will contribute to Victoria's biodiversity through offsetting native vegetation removed for the project and through contributing to Victoria's renewable energy portfolio to assist Victoria to manage the impacts of climate change on Victoria's biodiversity.