

Terms of Reference

Kentbruck Green Power Hub Project Inquiry and Advisory Committee



VICTORIA
State
Government

Department
of Transport
and Planning

Version: February 2025

The Kentbruck Green Power Hub Project Inquiry and Advisory Committee (IAC) is appointed to inquire into, and report on, the likely environmental effects of the proposed Kentbruck Green Power Hub (the project) in accordance with these terms of reference.

The IAC is appointed pursuant to:

- section 9(1) of the *Environment Effects Act 1978* (EE Act) as an inquiry; and
- part 7, section 151(1) of the *Planning and Environment Act 1987* (P&E Act) as an advisory committee, to consider the draft planning scheme amendment (PSA) C116GELG.

Name

1. The IAC is to be known as the 'Kentbruck Green Power Hub Project IAC'.

Skills

2. The IAC should consist of members with expertise in:
 - a. ecology (particularly for bats and avifauna), including population ecology of threatened species and associated data deficiencies;
 - b. native vegetation and general biodiversity;
 - c. Aboriginal cultural values and cultural heritage; and
 - d. land use policy (including infrastructure works in national parks and on public land).
3. The IAC will comprise an appointed Chair (IAC Chair), a Deputy Chair and other appropriately qualified members.

Purpose of the IAC

4. The IAC is appointed by the Minister for Planning (the Minister) under section 9(1) of the EE Act to hold an inquiry into and report on the environmental effects of the project. The IAC is to:
 - a. review and consider the environment effects statement (EES), the other exhibited documents, and submissions received in relation to the project, with a focus on matters where there is potential for significant environmental effects, in particular for biodiversity, Aboriginal cultural heritage, water, amenity and land-use;
 - b. consider and report on the significance and acceptability of likely environmental effects of the project, having regard to relevant policy and legislation and relevant evaluation objectives in the EES scoping requirements;
 - c. consider and report on potential significant impacts on relevant matters of national environmental significance protected under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act), including the significance and acceptability of residual impacts;
 - d. identify any additional mitigation measures and/or project modifications beyond those identified in the EES the IAC considers necessary and effective to avoid, mitigate or manage the significant environmental effects of the project consistent with relevant policy and legislation; and
 - e. advise on how these modifications and measures should be implemented through the necessary approvals and consents for the project.



5. The IAC is also appointed as an advisory committee under section 151(1) of the P&E Act to:
 - a. review the draft planning scheme amendment (PSA) C116GELG, which has been prepared to apply a Specific Controls Overlay (SCO) and establish planning approval for the project under an incorporated document;
 - b. consider issues raised in public submissions received in relation to the draft PSA; and
 - c. recommend any changes to the draft PSA that it considers necessary.
6. The IAC must produce a report of its findings and recommendations to the Minister on the environmental effects and draft PSA, to inform:
 - a. the Minister's assessment under the EE Act, which will be considered by statutory decision makers for the project; and
 - b. the Minister's consideration of the draft PSA under the P&E Act in due course.

Background

Project outline

7. The Kentbruck Green Power Hub Project comprises the development of:
 - a. a wind energy generation facility within a radiata pine plantation and agricultural land, 30 kilometres north-west of Portland and three kilometres east of Nelson, Victoria; and
 - b. a new 275kV transmission line through Cobboboonee National Park and Cobboboonee Forest Park to connect the wind farm to the existing 275kV/500kV Heywood Terminal Station.
8. The project area, which encompasses all elements of the project, covers an area of approximately 8,350 hectares.
9. The key components of the project include:
 - a. 105 wind turbines;
 - b. on-site electrical substations;
 - c. weather stations;
 - d. on-site quarry;
 - e. 26.6km 275kV underground transmission line;
 - f. concrete batching plants;
 - g. power and water supply infrastructure; and
 - h. site facilities including site offices and car park facilities.
10. The project's proponent is Neoen Australia Pty Ltd (Neoen), which is responsible for preparing technical studies, consulting with the public and stakeholders and preparing an EES and draft PSA.

EES assessment process

11. In response to a referral under the EE Act from the proponent, the then Minister for Planning determined on 25 August 2019 that an EES was required for the project and issued his decision with procedures and requirements for the preparation of the EES as specified in **Attachment 1**.
12. The EES was prepared by the proponent in response to the EES scoping requirements issued by the Minister for Planning on 1 February 2020.
13. The EES (including the draft PSA) was placed on public exhibition for thirty (30) business days. This public comment process is in accordance with the procedures and requirements issued for this EES by the Minister. Neoen is responsible for public notice of EES exhibition.

Commonwealth assessment process

14. Because of its likely significant impacts on matters of national environmental significance, the project was determined to be a controlled action requiring assessment and approval under the EPBC Act on 7 November 2019. The relevant controlling provisions under the EPBC Act are listed Ramsar wetlands



(Sections 16 and 17B), threatened species and communities (sections 18 & 18A) and listed migratory species (sections 20 & 20A).

15. Under the EPBC Act bilateral agreement between the Australian and Victorian governments, the Victorian EES process is serving as the accredited assessment process to address EPBC Act assessment requirements for this project. The assessment of environmental effects to be made by the Victorian Minister for Planning will be provided to the Commonwealth Minister for Environment and Water to inform the approval decision under the EPBC Act.

Planning approval process

16. The IAC is to consider and provide advice on draft PSA C116GELG that proposes to facilitate the use and development of facilities and infrastructure associated with the project, including a wind energy facility and an underground transmission line. The PSA is proposed to apply a SCO to the wind farm footprint and the transmission line and regulate the use and development of project facilities and infrastructure within the SCO in accordance with an incorporated document proposed to be included in the Glenelg Planning Scheme.

Other approvals

17. The project may require other statutory approvals and/or consents, as outlined in the EES, including the following key approvals:
 - a. an approved work plan and work authority under the *Mineral Resources (Sustainable Development) Act 1990* (MRSD Act);
 - b. an approved cultural heritage management plan under the *Aboriginal Heritage Act 2006*;
 - c. Minister for Environment's consent pursuant to section 27 of the *National Parks Act 1975* to allow for construction and operation of the proposed transmission line within Cobboboonee National Park;
 - d. a licence pursuant to section 52(1C)(f) of the *Forests Act 1958* for the proposed transmission line within Cobboboonee Forest Park;
 - e. consents under the *Road Management Act 2004*, to conduct works in, on, or under roads;
 - f. approvals under the *Water Act 1989* for the taking or use of groundwater, to undertake works on a waterway or to install a bore;
 - g. a permit to remove listed flora and fauna from public land under section 48 of the *Flora and Fauna Guarantee Act 1988*; and
 - h. an authority to take or disturb wildlife under the *Wildlife Act 1975*.

Process

Stage 1 – Submissions

18. Submissions on the EES and draft PSA are to be provided in writing on or before the close of submissions.
19. Submissions will be collected by the office of Planning Panels Victoria (PPV) through the Engage Victoria platform. All submissions must state the name and address of the person making the submission. Submissions will be collected and managed in accordance with the '*Guide to Privacy at PPV*'.
20. Petition responses will be treated as a single submission and only the first names from a petition submission will be registered and contacted.
21. Pro-forma submitters will be registered and contacted individually if they provide their contact details. However, the IAC should encourage pro-forma submitters who want to be heard at the hearing to present as a group, given their submissions raise the same issues.
22. All written submissions and other supporting documentation or evidence received through the course of the IAC process may be published online, unless the IAC specifically directs that the submission or other material, or part of it, is to remain confidential.




23. Electronic copies of each submission on the EES and draft PSA are to be provided to the proponent, Department of Transport and Planning (DTP) (Impact Assessment and Renewables Planning), Glenelg Shire Council and the Gunditj Mirring Traditional Owners Corporation.
24. PPV will retain any written submissions and other documentation provided to the IAC for a period of five years after the time of its appointment.

Stage 2 – Public hearing

25. The IAC must hold a public hearing and may make other such enquiries as are relevant to undertaking its role.
26. Prior to the commencement of the public hearing, the IAC must hold a directions hearing to make directions it considers necessary or appropriate as to the conduct, scope or scheduling of the public hearing, including the preparation and publication of a Request for Further Information report if required.
27. When it conducts a public hearing, the IAC has all the powers of an advisory committee that are specified in section 152(2) of the P&E Act.
28. The IAC may inform itself in any way it sees fit, but must review and consider:
 - a. the exhibited EES and draft PSA;
 - b. all submissions and evidence provided to the IAC by the proponent, state agencies, local councils and submitters;
 - c. the views (if known) of Traditional Owners and Registered Aboriginal Parties;
 - d. any information provided by the proponent and parties that respond to submissions or directions of the IAC; and
 - e. any other relevant information that is provided to, or obtained by, the IAC.
29. The IAC must conduct its process in accordance with the following principles:
 - a. the public hearing will be conducted in an open, orderly and equitable manner, in accordance with the principles of natural justice;
 - b. the public hearing will be conducted with a minimum of formality and without legal representation being necessary for parties to be effective participants; and
 - c. the IAC process and hearing itself is to be exploratory and constructive, with adversarial behaviour discouraged and with cross-examination/questioning to be regulated by the IAC in the context of these three principles.
30. The IAC may limit the time of parties appearing before it.
31. The IAC may direct that a submission or evidence is confidential in nature and the hearing be closed to the public for the purposes of receiving that submission or evidence.
32. The IAC may conduct a public hearing when there is a quorum of at least two of its members present or participating through electronic means, one of whom must be the IAC Chair or Deputy Chair.
33. If directed by the IAC, an audio recording of the hearing must be procured by the proponent. If recorded, the audio recording will be provided to PPV as a weblink and would be made publicly available as soon as practicable after the conclusion of each day of the hearing, or otherwise as directed by the IAC.
34. Any other recording of the hearing by any other person or organisation may only occur with the prior consent of, and strictly in accordance with, the directions of the IAC.

Stage 3 – Report

35. The IAC must produce a written report for the Minister for Planning containing its:
 - a. analysis and conclusions with respect to the environmental effects of the project and their significance and acceptability;

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- b. findings on whether acceptable environmental outcomes can be achieved, having regard to legislation, policy, best practice, and the principles and objectives of ecologically sustainable development;
 - c. recommendations and/or specific measures that it considers necessary and appropriate to prevent, mitigate or offset adverse significant environmental effects;
 - d. recommendations relating to the project alternatives considered through the EES and any feasible modifications to the design or management of the project that would offer improved environmental outcomes, particularly in relation to reducing/mitigating significant environmental effects;
 - e. recommendations for any appropriate conditions that may be lawfully imposed on any approval for the project, including with respect to the structure or content of draft PSA; the content of a work plan or conditions on any approval required for the on-site quarry, if issued under the MRSD Act; or conditions that should be attached to consents under the National Parks Act and the Forests Act if such consents are to be granted;
 - f. recommendations as to the structure and content of the proposed environmental management framework, including with respect to monitoring of environmental effects and contingency plans and site rehabilitation; and
 - g. specific findings and recommendations about the predicted impacts on matters of national environmental significance and their acceptability, including appropriate controls and environmental management.

36. The report should include:

- a. information and analysis in support of the IAC's findings and recommendations;
- b. a list of all recommendations, including cross-references to relevant discussions in the report;
- c. a description of the public hearing conducted by the IAC, and a list of those persons consulted with or heard;
- d. a list of all submitters in response to the exhibited EES and draft PSA; and
- e. a list of the documents tabled during the proceedings.

Timing

- 37. The IAC should hold a directions hearing no later than 20 business days from the final date of the exhibition period.
- 38. The IAC should commence the hearing no later than 50 business days from the final date of exhibition period.
- 39. The IAC must submit its report in writing to the Minister for Planning within 40 business days from its last day of its proceedings.
- 40. The DTP's Impact Assessment Unit must liaise with PPV to agree on the directions hearing and hearing dates.

Minister's assessment

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

Fee

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



Miscellaneous

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

Dr Bruce Abernethy
Executive Director, State Planning Assessment and Facilitation

Date: 26/2/2025



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

Project Management

48. For matters regarding the inquiry process, please contact Planning Panels Victoria, by phone [REDACTED] or email Planning.Panels@transport.vic.gov.au.
49. For matters regarding the EES process please contact the Impact Assessment Unit in DTP by phone [REDACTED] or email environment.assessment@transport.vic.gov.au.



Attachment 1

DECISION ON PROJECT: The Kentbruck Green Power Hub Project**Decision under section 8B(3)(a) of the *Environment Effects Act 1978***

Assessment through an environment effects statement (EES) under the *Environment Effects Act 1978* is required for the reasons set out in the attached Reasons for Decision.

Procedures and requirements under section 8B(5) of the *Environment Effects Act 1978*

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

- (i) The EES is to document the investigation and avoidance of potential environmental effects of the proposed project, including for any relevant alternatives, as well as associated environmental mitigation and management measures. In particular, the EES needs to address:
 - a. effects on biodiversity and ecological values within, near and downstream of the project site including native vegetation, listed communities and species (flora and fauna) under the *Flora and Fauna Guarantee Act 1988* and *Environment Protection and Biodiversity Conservation Act 1999*;
 - b. effects on surface water environments and related beneficial uses, including as a result of changes to stream flows, discharge of sediment and acid formation from disturbance of wetlands (including but not limited to Long Swamp and Glenelg and Discover Bay Ramsar Site);
 - c. effects on groundwater that may result in adverse changes to groundwater dependent ecosystems or effect the ecological character of the Glenelg and Discovery Bay Ramsar site.
 - d. effects on Aboriginal and non-Aboriginal cultural heritage values;
 - e. effects on state and regional landscape values and national parks;
 - f. effects on local amenity values (e.g. visual, noise) , including non-neighbouring landholders;
 - g. effects on socio-economic environment, at local and regional scales, including increased traffic movement and indirect effects of construction on the capacity of local community infrastructure; and
 - h. effects from a cumulative perspective, including threatened flora and fauna, social and amenity values, with particular consideration of the currently operating and already approved wind farm projects in the region.
- (ii) The matters to be investigated and documented in the EES will be set out in detail in scoping requirements prepared by the Department of Environment, Land, Water and Planning (the department). Draft scoping requirements will be exhibited for 15 business days for public comment, before being finalised and then issued by the Minister for Planning.
- (iii) The level of detail of investigation for the EES studies should be consistent with the scoping requirements issued for this project and be adequate to inform an assessment of the potential environmental effects (and their acceptability) of the project and any relevant alternatives, in the context of the Ministerial Guidelines.
- (iv) The proponent is to prepare and submit to the department a draft EES study program to inform the preparation of scoping requirements.
- (v) The department is to convene an inter-agency technical reference group (TRG) to advise the proponent and the department, as appropriate, on scoping and adequacy of the EES investigations and documentation during the preparation of the EES, as well as coordination with statutory approval processes.
- (vi) The proponent is to prepare and submit to the department its proposed EES consultation plan for consulting the public and engaging with stakeholders during the preparation of the EES.

Once completed to the satisfaction of the department, the EES consultation plan is to be implemented by the proponent, having regard to advice from the department and the TRG.

- (vii) The proponent is also to prepare and submit to the department its proposed schedule for the studies, preparation and exhibition of the EES, following confirmation of draft scoping requirements. This is to enable effective management of the EES process on the basis of an agreed alignment of the proponent's and department's schedules, including for TRG review of technical investigations and the EES documentation.
- (viii) The proponent is to apply appropriate peer review and quality management procedures to enable the completion of EES studies and documentation to an acceptable standard.
- (ix) The EES is to be exhibited for a period of no less than 30 business days for public comment, unless the exhibition period spans the Christmas–New Year period, in which case 40 business days will apply.
- (x) An inquiry will be appointed under the *Environment Effects Act 1978* to consider and report on the environmental effects of the proposal.

Notification

The following parties (proponent and relevant decision-makers) are to be notified of this decision in accordance with sections 8A and 8B(4)(a)(i) of the *Environment Effects Act 1978*:

- Neoen Australia Pty Ltd (proponent)
- Minister for Energy, Environment and Climate Change
- Secretary of Department of Environment, Land, Water and Planning
- Minister for Planning
- Executive Director of Aboriginal Victoria
- Executive Director of Heritage Victoria
- Glenelg Shire Council
- Environment Protection Authority
- Glenelg Hopkins Catchment Management Authority
- Parks Victoria



RICHARD WYNNE MP
Minister for Planning

Date:

25/8/19