



Planning Panels Victoria

Department of Transport and Planning

1 Spring Street
Melbourne Victoria 3000
GPO Box 2392
Melbourne, Victoria 3001
Telephone (03) 8624 5712

24 January 2024

Dear Submitter

Application to Amend Planning Permit PA2001065-1 Delburn Wind Farm Terminal Station

We are writing to you because you made a submission in response to an application to amend Planning Permit PA2001065-1 for the Delburn Wind Farm Terminal Station (the Application). The Minister for Planning (the Minister) is the Responsible Authority for the Application. The Minister, under delegation, has referred all submissions to an independent Panel in accordance with section 97E(1)(a) and (b) of the *Planning and Environment Act 1987*. A copy of the Minister's referral letter to the Chief Panel Member is attached.

The Panel comprises Alison McFarlane (Chair).

This letter:

- tells you about the Public Hearing process
- tells you what you need to do if you want to participate in the Public Hearing (including pro-forma submitters)
- explains how we will use information we collect
- lists key dates for filing information.

The Application

The application proposes to make changes to Planning Permit PA2001065-1 to:

- amend the bushfire risk and mitigation conditions (24-26) to improve their readability and to clarify their operation; and
- amend various permit conditions to improve their readability, precision and for consistency.

The Proponent is Delburn Wind Farm Pty Ltd.

Public notice of the application was given concurrently with three Planning Permit Applications for wind energy facilities:

- PA2001063-1 – Wind Energy Facility (Latrobe)
- PA2001064-1 – Wind Energy Facility (Baw Baw)
- PA2001066-1 – Wind Energy Facility (South Gippsland)

The applications for wind energy facilities have been determined by the Minister for Planning and are not before the Panel.

The Hearing process

The public Panel process includes a Directions Hearing and a main Hearing.

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Transport and Planning, PO Box 500, East Melbourne, Victoria 8002



OFFICIAL

The Panel will:

- consider submitters in an independent forum
- be informal and not like a court
- give fair, unbiased advice to Council and the Minister for Planning about the Amendment.

Submissions and other information presented throughout the process, including the Hearing, will be treated as public documents. Please carefully read the attached *Privacy Collection Notice*.

Directions Hearing

At the Directions Hearing, the Panel will:

- give directions about exchanging information before the Hearing and the conduct of the Hearing
- consider Hearing times and venue and site inspections
- answer questions people have about the Panel process including the Hearing.

The Directions Hearing will be held in person:

10am, Friday, 9 February 2024

Planning Panels Victoria

Hearing Room 2, Ground Floor

1 Spring Street, Melbourne

Alternatively, you can join online by video using MS Teams: [Click here to join the meeting](#)

Or dial in (audio only): Call (03) 7019 2540 and enter phone conference ID 511 376 793#

You should attend the Directions Hearing if you:

- are new to the Panel process and/or wish to participate in the Hearing
- have questions about the Panel process or wish to raise procedural issues.

The Panel proposes to issue directions after considering all requests to be heard and any additional matters raised at the Directions Hearing or in writing before the Directions Hearing.

Hearing

The purpose of the main Hearing is for people to speak to their written submission and to hear from the Planning Authority and Proponent. The Hearing will start in the week of Tuesday 12 March 2024. The Hearing is open for anyone to attend.

The Panel will consider all referred written submissions when preparing its report, including those from submitters who do not attend the Hearing.

Key dates

The Key Information attached to this letter includes a list of key dates for filing information in the leadup to the Hearing. If you wish to comment on the key dates or any other matters but are unable to attend the Directions Hearing, you can provide comments in writing to planning.panels@delwp.vic.gov.au by Tuesday, 6 February 2024.

If you wish to be involved in the Hearing

Please complete the [online request to be heard form](#) by 12 noon on Tuesday 6 February 2024 if:

- you wish to be involved in the Hearing
- you do not wish to speak but would like a copy of the timetable and directions.

Notes on completing the online request to be heard form are attached.

The Panel may encourage pro-forma submitters who want to be heard at the hearing to present as a group, given their submissions raise the same issues.

Further Information

The attached *Privacy Collection Notice* explains how your submission will be used by the Panel.

Further information including the *What is a Panel?* guide, *Guide to the Public Hearing* and *Frequently Asked Questions* are available at www.planningpanels.vic.gov.au/guides-and-resources.

If you need a paper copy of these documents or if you have any other questions, please contact [REDACTED]
[REDACTED] Planning Panels Victoria on [REDACTED] planning.panels@delwp.vic.gov.au

Yours sincerely



Alison McFarlane
Panel Chair

Encl.

Completing the Request to be Heard Form

Application to Amend Planning Permit PA2001065-1
Delburn Wind Farm Terminal Station

When completing the online [request to be heard](#) form, please note the following details.

When will the Hearing be held?

The hearing is expected to commence on 12/03/2024.

What if I have availability issues during the expected hearing dates?

You can tell us when you are not available.

The Panel will accommodate your availability where possible.

Time required to present your submission

You will be allocated 10 minutes for your submission if this field is left blank.

Pro-forma submissions

Pro-forma submitters have been registered and contacted individually. However, the Panel may encourage pro-forma submitters who want to be heard at the hearing to present as a group, given their submissions raise the same issues.

Expert witness details

An expert witness gives evidence in a field of expertise and must prepare a report.

If you propose to call expert witnesses, you must:

- provide details of all expert witnesses on the request to be heard form – this includes their name, organisation, and field of expertise
- file expert witness reports at the time directed by the Panel before the Hearing.

Please note that it is critical the Panel receives this information about expert witnesses on time as it assists in planning the draft timetable for the Hearing before the Directions Hearing.

Participants in the Hearing can generally cross-examine expert witnesses.

What happens after I complete the form?

If you complete this form, a letter with directions and a timetable for the Hearing will be emailed to you after the Directions Hearing. Your name and email address will be added to the Distribution List for filing information, including reports and submissions for the Hearing unless you tell us otherwise.

What if I do not have an email address?

Please contact Planning Panels Victoria on (03) 8624 5712 as soon as possible if you need a form mailed to you. A paper copy of documents such as the timetable will be mailed to submitters who provide a postal address.

How will my contact information be used?

We will use your contact address to contact you. We will provide your email or postal address to participants in the Hearing so that they can share reports and submissions unless you tell us otherwise.

Access requirements

Please contact PPV with any access requirements. Some Hearings are at PPV, some are at other locations (for example, local Council offices) and some are held online. PPV Hearing Rooms are equipped with a hearing loop, and a laptop and projector if required. If the Hearing is held at another location, we may need to ensure access requirements can be met.

Key information

Application to Amend Planning Permit PA2001065-1
Delburn Wind Farm Terminal Station

Summary of dates

The following dates are proposed:

Time	Date	Actions for filing and other matters
12 noon	Friday, 9 February 2024	Directions Hearing
12 noon	Friday, 16 February 2024	Parties provide further and better particulars of grounds of objection
12 noon	Monday, 26 February 2024	Parties calling evidence to circulate expert witness reports
12 noon	Monday, 4 March 2024	Proponent must circulate a Part A submission
12 noon	Friday, 15 March 2024	Proponent must circulate a Part B submission
12 noon	Tuesday, 12 March 2024	Hearing commences (to be confirmed)
12 noon	On the business day prior to their submission	All submitters must provide any written material to be presented to the Panel

Planning Panels Victoria Privacy Notice

Your personal information will be collected during this Panel process for the purpose of documenting your views about the Amendment, advising the planning authority and the Minister for Planning about the Amendment, and communicating with you throughout the Panel process.

While the Panel process is underway

Natural justice for all participants and transparency are important parts of the Panel process. The *Planning and Environment Act 1987* requires the Panel to conduct any Hearing it holds in public, and to keep a public record of the material provided to the Panel. Planning Panels Victoria (PPV) may:

- provide a copy of your material with all contact details to the Proponent, government agencies and other parties to the Hearing
- provide a copy of your material to any other person who requests it (your personal information will be removed first)
- provide a copy of your material to the Department of Transport and Planning (DTP) if needed for preparing Ministerial briefings
- publicly display a copy of your material in the PPV Office or Hearing room
- direct that a copy of your material be publicly displayed in the relevant local council office or DTP regional office.

Hearings

The Panel may conduct a Hearing, either in person or using video conferencing. Hearings by video conference have special privacy requirements. If you choose to participate in the Hearing, you should be aware:

- a link to the Hearing will be published on the internet, and third parties will be able to join the Hearing and observe
- the Panel may broadcast the Hearing live on the internet.

The Panel may make a recording of the Hearing and may provide a copy of any recording to any person who requests it. Where Hearings are recorded, generally audio only is recorded (not video).

The Panel can hear submissions or accept material on a confidential basis, provided this would be fair to the other parties to the Hearing. If you want to make your submissions or provide material to the Panel confidentially, you will need to ask permission from the Panel Chair and provide reasons why the Panel should treat your submissions or material confidentially.

The Panel report

Under the *Planning and Environment Act 1987*, a Panel report is a public document. The Panel's report will include a list of the names of submitters and a list of the names of the parties to the Hearing. It may include direct quotes from submitters. The report will be published on the internet up to 10 business days after it has been provided to the Planning Authority.

After the Panel has reported

When the Panel has reported to the Planning Authority, your material will be removed from public display.

Requesting copies

If you would like a copy of any submissions or material collected by the Panel, or a copy of any recording the Panel makes of the Hearing, make a request to PPV by email at planning.panels@delwp.vic.gov.au before the Panel submits its report. If the Panel has reported, you should submit your request to the DTP Freedom of Information and Privacy Unit at foi.unit@transport.vic.gov.au

If you have any concerns about how your submission will be used, please contact Planning Panels Victoria on (03) 8624 5719.