

Terms of Reference

Warracknabeal Energy Park Inquiry



Department
of Transport
and Planning

Version: September 2025

The Warracknabeal Energy Park Inquiry is appointed to inquire into, and report on, the potentially significant environmental effects of the proposed Warracknabeal Energy Park (the project) assessed in the environment effects statement (EES), in accordance with these terms of reference.

The Inquiry is appointed pursuant to section 9(1) of the *Environment Effects Act 1978* (EE Act).

Name

1. The Inquiry is to be known as the 'Warracknabeal Energy Park Inquiry'.

Skills


2. The Inquiry needs to consist of members with expertise in:
 - a. assessment of windfarms and associated mitigations;
 - b. biodiversity/ecology, avifauna and native vegetation (particularly threatened species and communities); and
 - c. hydrology and flooding.
3. The Inquiry will comprise an appointed Chair (Inquiry Chair), a Deputy Chair and other appropriately qualified members.

Key matters and other matters

4. The *Warracknabeal Energy Park Environment Effects Statement Scoping Requirements, November 2024* (Scoping Requirements) list, in Table 1:
 - a. key matters with potentially significant environmental effects ('key matters');
 - b. other matters which are less likely to have significant environmental effects ('other matters').

Purpose of the Inquiry

5. The Inquiry 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 Inquiry is to:
 - a. review and consider the EES and submissions received in relation to the EES with a focus on 'key matters';
 - b. consider and report on the significance and acceptability of the environmental effects of the project, having regard to relevant policy and legislation and relevant evaluation objectives in the scoping requirements;
 - c. consider and report on potential significant impacts on relevant matters of national environmental significance protected under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act), including the significance and acceptability of residual impacts;
 - d. identify any additional mitigation measures and/or project modifications beyond those identified in the EES to avoid, mitigate or manage the significant environmental effects of the project consistent with relevant policy and legislation; and

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- e. advise on how these modifications and measures should be implemented through the necessary approvals and consents for the project.
 6. The Inquiry must produce a report of its findings and recommendations to the Minister to inform the Minister's assessment under the EE Act, which will be considered by statutory decision makers for the project.

Background

Project outline


7. The Warracknabeal Energy Park project comprises the development of:
 - a. a wind energy generation facility within predominately agricultural land, 40 kilometres north of Horsham and five kilometres west of Warracknabeal, Victoria; and
 - b. a high voltage transmission line connecting the project to the exiting electricity network.
8. The project area, which encompasses all elements of the project, covers an area of approximately 26,000 hectares.
9. The key components of the project include:
 - a. up to 219 wind turbines;
 - b. underground and overhead 33 kV electrical reticulation connecting turbines to one of two collector stations located in either the Northern or Southern Sections of the Project;
 - c. an overhead, high-voltage transmission line connecting the Project to the Murra Warra Terminal Station;
 - d. two Battery Energy Storage System (BESS) facilities, co-located with each collector station;
 - e. permanent and temporary ancillary infrastructure, including operations and maintenance facilities, site access points and access tracks, transmission and grid connection infrastructure, meteorological masts, concrete batching plants and site storage areas;
 - f. road and intersection upgrade works.
10. The project's proponent is Warracknabeal Energy Park Pty Ltd (WAEP), which is responsible for preparing technical studies, consulting with the public and stakeholders and preparing an EES.

EES assessment process

11. In response to a referral under the EE Act from the proponent, the Minister for Planning determined on 1 September 2023 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 in December 2024.
13. The EES will be 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. WAEP 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 16th October 2023. The relevant controlling provisions under the EPBC Act are listed threatened species and communities (sections 18 & 18A) and listed migratory species (sections 20 & 20A). A variation to change the project boundary was accepted on 1 May 2025.

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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 project requires a Planning Permit under the *Planning and Environment Act 1987* (P&E Act). The proponent has indicated that a Planning Permit will be sought following the EES process.
17. The Inquiry is not required to consider matters that will be considered by a future planning permit application, unless the matter has been examined within the EES, owing to potential for significant environmental effects and/or interrelationship with potentially significant environmental effects.

Other approvals

18. The project may require other statutory approvals and/or consents, as outlined in the EES, including the following key approvals:
- a. an approved cultural heritage management plan under the *Aboriginal Heritage Act 2006*;
 - b. consents under the *Road Management Act 2004*, to conduct works in, on, or under roads;
 - c. a permit to remove listed flora and fauna from public land under section 48 of the *Flora and Fauna Guarantee Act 1988*; and
 - d. an authority to take or disturb wildlife under the *Wildlife Act 1975*.

Process

Stage 1 – Submissions

19. Submissions on the EES are to be provided in writing on or before the close of submissions.
20. The Inquiry does not need to consider submissions that relate to matters that have not been assessed in the EES (refer to section 4 of the Scoping Requirements).
21. 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 privacy guidance on the PPV website.
22. Petition responses will be treated as a single submission and only the first names from a petition submission will be registered and contacted.
23. Pro-forma submitters will be registered and contacted individually if they provide their contact details. However, the Inquiry 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.
24. All written submissions and other supporting documentation or evidence received through the course of the inquiry process should be published online, unless the Inquiry specifically directs that the submission or other material, or part of it, is to remain confidential.
25. Electronic copies of each submission on the EES are to be provided to the proponent, Department of Transport and Planning (DTP) (Impact Assessment), Yarriambiack Shire Council and the Barengi Gadjin Land Council.
26. PPV must retain any written submissions and other documentation provided to the Inquiry for a period of five years after the time of the Inquiry's appointment.



Stage 2 – Public hearing

27. The Inquiry must hold a public hearing and may make other such enquiries as are relevant to undertaking its role. The public hearing is to be focussed on ‘key matters’, and the Inquiry may direct that:
 - a. submissions, evidence and other material presented to the Inquiry focus on ‘key matters’;
 - b. ‘other matters’ are not discussed at the public hearing and are dealt with on the papers (by way of further written material).
28. Prior to the commencement of the public hearing, the Inquiry 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.
29. The Inquiry may inform itself in any way it sees fit, but must review and consider:
 - a. the exhibited EES;
 - b. all submissions and evidence provided to the Inquiry by the proponent, state agencies, local councils and submitters, in so far as they relate to matters assessed in the EES;
 - 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 Inquiry; and
 - e. any other relevant information that is provided to, or obtained by, the Inquiry, in relation to the matters assessed in the EES.
30. The Inquiry must conduct its process in accordance with the following principles:
 - a. the public hearing will be conducted in an open, orderly and equitable manner, in accordance with the principles of natural justice;
 - b. the public hearing will be conducted with a minimum of formality and without legal representation being necessary for parties to be effective participants;
 - c. the inquiry process and hearing is to be exploratory and constructive, with adversarial behaviour discouraged and with cross-examination/questioning to be regulated by the Inquiry in the context of these principles.
 - d. The Inquiry may limit the time of parties appearing before it.
31. The Inquiry 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 Inquiry 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 Inquiry Chair or Deputy Chair.
33. If directed by the Inquiry, 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 Inquiry.
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 Inquiry.

Stage 3 – Report

35. The Inquiry 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;
 - 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 any feasible modifications to the design or management of the project that would offer improved environmental outcomes in relation to reducing/mitigating significant environmental effects;
 - e. recommendations as to the structure and content of the proposed environmental management framework, including with respect to monitoring of environmental effects, contingency plans and site rehabilitation; and
 - f. specific findings and recommendations about the predicted impacts on matters of national environmental significance and the acceptability, including appropriate controls and environmental management.
36. The report should include information and analysis of the significant environmental effects, in support of the Inquiry's findings and recommendations. The report should:
- a. focus on the 'key matters';
 - b. include information and depth of analysis proportionate to the significance of the environmental effects; and
 - c. cover 'other matters' at a high level only, and in relation to the significance of the likely effects of 'other matters'.
37. Matters that the Inquiry determines have minimal or negligible impact and can be readily addressed through standard and proven environmental management techniques do not need to be examined by the Inquiry. Simple recording of these matters in the report will suffice.
38. The report should include:
- a. a list of all recommendations, including cross-references to relevant discussions in the report;
 - b. description of the public hearing conducted by the Inquiry, and a list of those persons consulted with or heard;
 - c. a list of all submitters in response to the exhibited EES; and
 - d. a list of the documents tabled during the proceedings.

Timing


39. The Inquiry needs to hold a directions hearing no later than 15 business days from the final date of the exhibition period.
40. The Inquiry needs to commence the hearing no later than 40 business days from the final date of exhibition period.
41. The Inquiry must submit its report in writing to the Minister for Planning within 30 business days from its last day of its proceedings, unless the report writing period spans the Christmas-New Year period, in which case 40 business days will apply.
42. The DTP's Impact Assessment Unit must liaise with PPV to agree on the directions hearing and hearing dates.

Minister's assessment

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

Fee

45. The fees for the members of the Inquiry will be set at the current rate for a panel appointed under part 8 of the P&E Act.



46. All costs of the Inquiry, 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

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



Adam Henson

Acting Executive Director,

State Planning Assessment and Facilitation

Date: 10 / 09 / 2025

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

Project Management

For matters regarding the inquiry process, please contact Planning Panels Victoria, by phone (03) 5381 9457 or email Planning.Panels@transport.vic.gov.au.

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



Attachment 1

Procedures and requirements under section 8B(5) of the *Environment Effects Act 1978* for the Warracknabeal Energy Park EES.

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

- (i) The EES is to document investigations of potential environmental effects of the proposed project, including the feasibility of associated environmental mitigation and management measures, in particular for:
 - a. alternative corridors, alignments, site locations, designs or other options for the planning, construction or operation of the project;
 - b. potential effects on biodiversity, including loss, degradation or fragmentation of habitat;
 - c. effects on Aboriginal and historic cultural heritage values;
 - d. impacts on visual and landscape values; and
 - e. other effects on land uses and the community.
- (ii) The matters to be investigated and documented in the EES are set out more fully in scoping requirements.
- (iii) The level of detail of investigation for the EES studies should be consistent with the approach set out in the scoping requirements and be adequate to inform an assessment of the significance and acceptability of its potential environmental effects, in the context of the Ministerial Guidelines.
- (iv) DTP will continue to manage an inter-agency technical reference group (TRG) to advise DTP and the proponent on the design and adequacy of the EES studies and coordination with statutory approval processes.
- (v) The proponent is to maintain, implement and update an EES consultation plan for informing the public and consulting with stakeholders during the preparation of the EES. The updated published consultation plan needs to have regard to advice from DTP and the TRG.
- (vi) The proponent is also to update, maintain and submit to DTP its proposed schedule for the completion of studies and preparation and exhibition of the EES. This schedule is to be finalised and agreed with DTP, in order to facilitate the alignment of the proponent's and DTP's timeframes, including for TRG review of technical studies for the EES and the main EES documentation.
- (vii) The proponent is to apply appropriate peer review and quality management procedures to enable the completion of EES studies to a satisfactory standard.
- (viii) The EES is to be exhibited for a period of 30 business days for public comment, unless the exhibition period spans the Christmas–New Year period, in which case 50 business days will apply.
- (ix) The proponent is to follow any specific directions given by the Director Impact Assessment, DTP, regarding advertising and exhibition arrangements, including with respect to giving advance notice of the intention to exhibit, provision of soft or hard copies of the exhibited EES to interested parties and the placement or otherwise of EES copies for viewing in public places.
- (x) An inquiry will be appointed under the *Environment Effects Act 1978* to consider environmental effects of the proposal. The inquiry will be conducted by formal hearing, which may include the use of video-conferencing or other technology as the inquiry Chair deems appropriate.