



Application for Removal of Native Vegetation (132kV Powerline)

for Stockyard Hill Wind Farm Pty Ltd

October 2009

Job Number: 0106120REV2

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Planning Permit for the
Removal of Native
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(for 132kV Powerline)

Planning Assessment

For:

Stockyard Hill Wind Farm Pty Ltd

October 2009

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Reference: 0106120RP1NV - Corangamite

For and on behalf of
Environmental Resources Management
Australia

Approved by: Allan Wyatt

A handwritten signature in black ink, appearing to read 'Allan Wyatt', with a long vertical line extending downwards from the end of the signature.

Signed:

Position: Partner

Date: 15 October 2009

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INTRODUCTION

Stockyard Hill Wind Farm Pty Ltd (SHWF), a subsidiary of Wind Power Pty Ltd, both of which are wholly owned subsidiaries of Origin Energy Wind Holdings Pty Ltd which is in turn a member of the publicly listed Origin Energy group of companies, propose to develop a 242 turbine wind energy facility located 35 km west of Ballarat in central Victoria. In association with this wind farm, a 132/500kV terminal station is proposed to be located near Berrybank, approximately 58 km to the south of the proposed Stockyard Hill Wind Farm and approximately 10 km to the south-east of Lismore in the Shire of Corangamite.

The electricity generated by the wind farm is proposed to be reticulated via a new, double circuit 132kV powerline which will connect a 33kV/132kV substation located in the centre of the wind farm site to the terminal station. From the terminal station site, the electricity will connect with the regional 500kV powerlines located adjacent to the terminal station. The powerline route will extend south from the main wind farm site for approximately 58 km through two municipalities (Corangamite and Pyrenees) and is to be generally located within road reserves.

A preliminary energy estimate undertaken by Garrad Hassan indicates that this project is expected to generate approximately 1, 819 GWh of electricity per year (based on a long term average forecast), which equates to providing the equivalent of more than 270,138 dwellings per year with electricity which represents approximately 21% of Melbourne homes. It is anticipated that the production of this electricity from renewable sources will result in a reduction of approximately 1,890,969 tonnes of carbon dioxide equivalent per year (based on a long term average forecast) (refer to *Annex A- Greenhouse Gas Abatement Report*).

This project will support the Victorian Renewable Energy Target scheme which aims to ensure that at least 10% of Victoria's electricity consumption comes from renewable energy sources by 2016, as outlined in the Renewable Energy Action Plan.

In addition, this project will support the Commonwealth Government's commitment to meeting its Kyoto Protocol target (108% cap on CO₂ emissions from 1990 levels) and to achieving the target currently contained in the recently released Carbon Pollution Reduction Scheme White Paper of cutting emissions by 60% by 2050. The project will also contribute to the objective of 20% of renewable electricity by 2020, as stated in the Commonwealth Government's RET scheme.

Environmental Resources Management Australia Pty Ltd (ERM) has been engaged by SHWF to undertake a planning assessment of the proposed removal of native vegetation required to accommodate the construction of the 132kV powerline. For such applications, the Responsible Authority is the local Council. (Refer to *Annex B - Planning Application Form*).

Whilst the powerline route is located within two municipalities, this application only relates to the southern part of the powerline route, located within the Corangamite Shire Council, generally restricted to within existing road reserves. It is noteworthy that no native vegetation within the northern part of the powerline route (Pyrenees Shire) will be removed as a result of the development of the powerlines.

This report provides a description of the extent and condition of native vegetation and fauna habitat present along the powerline route. It also provides a detailed assessment against relevant national, state and local legislation and policy. Of particular focus is an assessment of the removal of vegetation for the powerline route against Victoria's Native Vegetation Management Framework (DNRE, 2002) referred to herein as the 'Framework'.

METHODOLOGY

This report has been prepared following a review of the following documentation.

- Relevant State and Federal legislation including:
 - *Environmental Protection and Biodiversity Conservation Act 1999 (Commonwealth);*
 - *Planning and Environment Act 1987 (Victoria); and*
 - *Flora and Fauna Guarantee Act 1988(Victoria).*
- The Corangamite Planning Schemes including:
 - *State Planning Policy Framework;*
 - *Local Planning Policy Framework;*
 - *Zone and Overlay Controls;*
 - *Particular Provisions;*
 - *Incorporated Documents; and*
 - *Reference Documents.*
- *The Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria 2009* (which forms an Incorporated Document in the Corangamite Planning Scheme).
- *Victoria's Native Vegetation Management – A Framework for Action* (DSE, 2002) (which forms an Incorporated Document in the Corangamite Planning Scheme).

The focus of this assessment is on the *Planning and Environment Act 1987* and the relevant policies and zoning and overlay controls of the Corangamite Planning Scheme (the Scheme) as they relate to native vegetation management and removal.

The following flora and fauna assessment has been prepared for the entire wind farm:

- *Proposed Stockyard Hill Wind Farm Flora and Fauna Assessment prepared by Brett Lane & Associates Pty Ltd dated September 2009 (Annex C).*

This report has been utilised to inform the findings of this assessment.

In essence, the investigations by Brett Lane & Associates Pty Ltd provide detailed assessments of potential routes for the powerline. The powerline route of lowest impact has been identified and this is to be the main focus of this report. The report also includes a habitat hectare assessment of the expected vegetation to be removed, and net gain assessment to determine offsets to appropriately compensate for this vegetation loss.

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3 CONSULTATION

3.1 OVERVIEW

This Section of the report identifies and provides an overview of the approach SHWF is taking in regard to consultation for the proposed powerline route. This process commenced in February 2009 and is currently ongoing.

A *Community Consultation Strategy* was developed by SHWF to guide consultation with identified stakeholders through the life of the project. This Strategy forms an Annex to the *Stakeholder and Community Consultation Report (Stockyard Hill Wind Farm Pty Ltd, September 2009)* (Refer to *Annex D*) prepared to provide a summary of the consultation process, events held and issues raised.

3.2 IDENTIFICATION OF ISSUES

A number of issues and potential impacts associated with the proposed powerline route have been identified by SHWF in which stakeholders and the community may be interested. They are:

- Visual amenity – how the powerline route may impact on the visual amenity and landscape values of the area.
- Safety – whether there are any risks to safety, such as fire and the poles on road sides being a risk to drivers.
- Property value – the potential impact that the presence of the powerline could have on property values, particularly for adjoining properties.

3.3 STRATEGIC APPROACH TO KEY STAKEHOLDERS

Given the location of the proposed powerline route, the issues that stakeholders and the community may be interested in and the potential impacts of the powerline route, the target audience for this part of the consultation strategy comprises:

- Residents within 500 m of the proposed powerline route;
- Local government – Corangamite Shire Council; and
- Relevant State Government Departments.

Different stakeholders have different information needs. Consultation methods and activities will and have been tailored to ensure that each stakeholder group is engaged in a way that is effective and suitable to their needs.

3.4

CONCLUSION

The consultation process will continue throughout the life of the project, with appropriate strategies and techniques used at different times. It is envisaged that the consultation strategy will continue to be refined and influenced by community and key stakeholder feedback as the project progresses.

For further details on the consultation process refer to *Annex D*.

PROPOSAL

This application seeks approval for the removal of native vegetation within the proposed 58 km powerline route to facilitate the development of a 132kV powerline which will connect the Stockyard Hill Wind Farm to the terminal station, and ultimately the 500kV national grid, as show in *Figure 4.1*.

It is noteworthy that no planning approval is required for the construction of the powerlines themselves given that they are under the 220kV threshold, pursuant to 37.05-1 of the Corangamite Planning Scheme.

The powerline route is 58 km in length as shown in *Figure 4.1*. The powerline route runs generally in an easterly direction along Dunnets Road and south from the wind farm along Skipton Rd, adjacent to Skipton via Murray St and Park St then to the terminal station via Rokewood - Skipton Rd, Mount Bute Rd, Crawfords Rd, Rowlands Rd, Barrs Rd, Frosts Rd, Calverts Rd, Hamilton Highway and McLeans Rd. The powerline is located in the Shire of Pyrenees and Shire of Corangamite.

The above route has been determined to minimise the loss of native vegetation.

The vegetation to be removed within Corangamite Shire extends from the municipality's border with the Pyrenees Shire (north of Skipton) southwards for 45 km where it ends at the terminal station, south of the Hamilton Highway.

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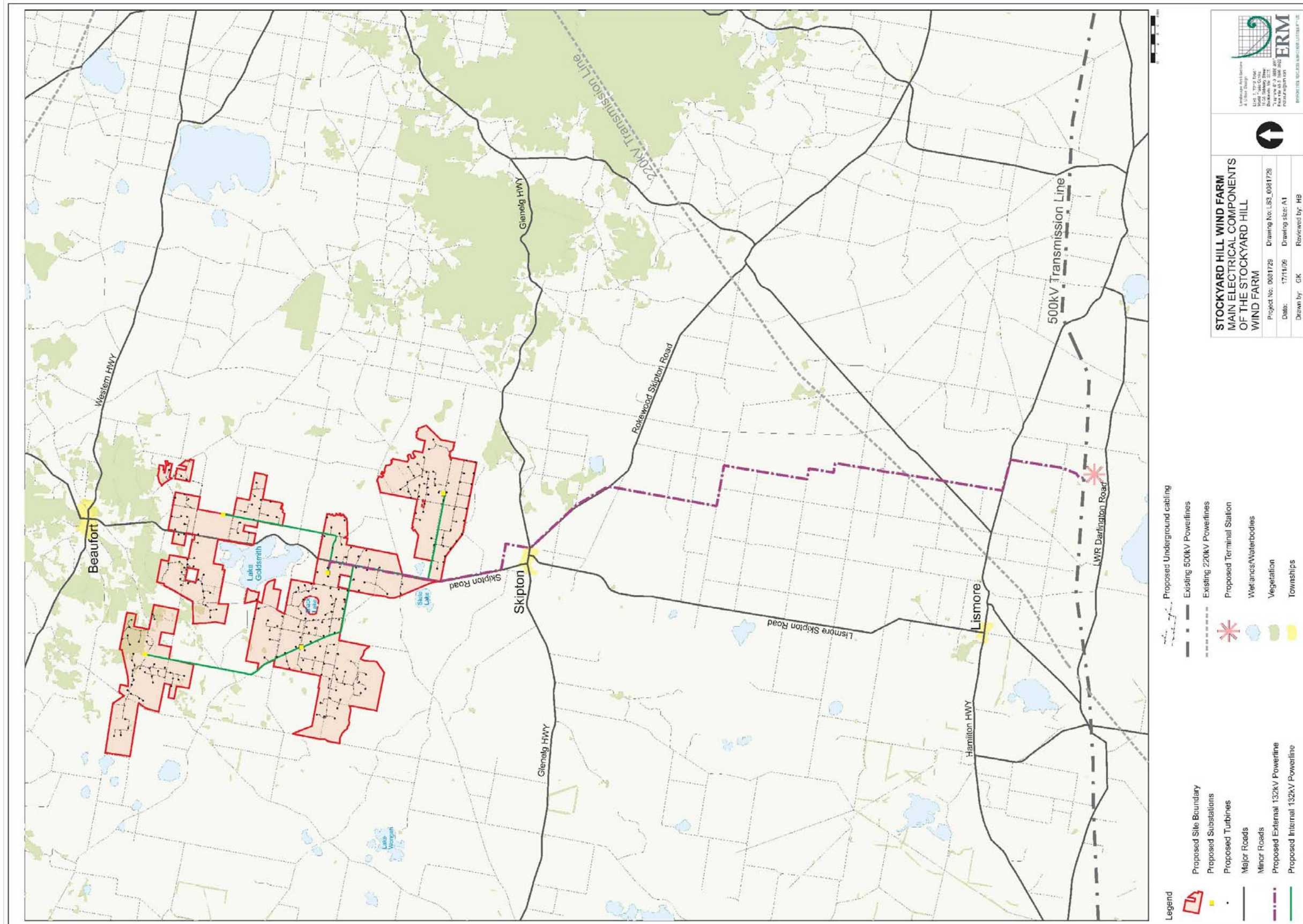


Figure 4.1 Site Plan: Stockyard Hill Wind Farm, 132kV powerline route and Terminal Station

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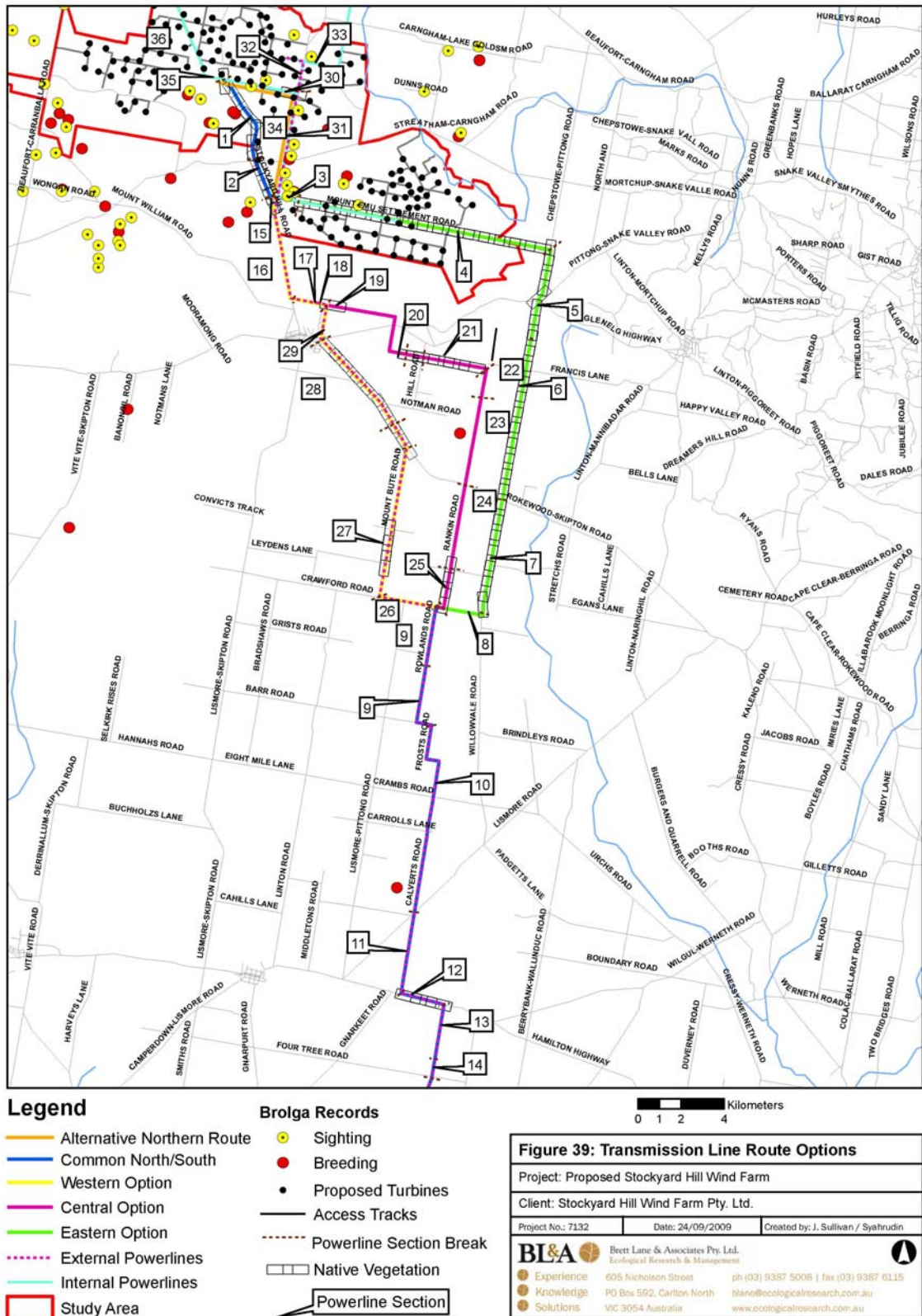


Figure 4.2

Proposed Powerline Route

Figure 4.2 illustrates the extent of the various line route operations that were considered as part of the investigations undertaken by Brett Lane & Associates Pty Ltd, in determining the preferred powerline route. The proposed alignment was chosen on the basis of minimising vegetation removal. The preferred external powerline route is shown above and incorporates the ‘western option’.

Table 4.1 *Native vegetation description along preferred (western route) south of Skipton*

Powerline Section*	Location notes	Native vegetation
10	Frosts Rd (740m N of Crambs rd)	1 Scattered Blackwood
12	Hamilton Hwy (between Calverts Rd and McLeans Rd)	Plains Grassland
18	Mt Emu Creek crossover	2 large scattered River Red Gums (RRG)
27	Mount Bute Rd	Several scattered Blackwoods
28	Skipton Rd (between Skipton and Mt Bute Rd)	Plains Grassland
		3 large scattered RRG within road reserve
29	Park Road	1 scattered RRG

* Refer to Table. 40 of Brett Lane and Associates Flora and Fauna Assessment

Table 4.1 describes the type of native vegetation along the powerline route.

It is estimated that the typical pole spacing for the 132kV powerline will be between 90 and 120 m, dependent on ground conditions and existing vegetation, with a ground disturbance for each pole site of approximately 1.5m². The poles used will be between 17-25 m in height. Figure 4.3 shows a typical double circuit 132kV suspension structure.



(Source: Jemena, 2008)

Figure 4.3 *Typical double circuit 132kV suspension structure*

EXISTING ENVIRONMENT

The 132kV powerline route will be generally located within road reserves, surrounded by agricultural land, used mainly for cropping and livestock grazing.

The following findings are derived from the *Flora and Fauna Assessment (September 2009)* prepared by Brett Lane & Associates Pty Ltd:

- *Suitable habitat was identified for five EPBC Act and FFG Act listed threatened species: Clover Glycine, Hairy Tails, Large-headed Fireweed, Small Milkwort and Spiny Rice-flower.*
- *Three EVCs in 12 remnant patches of vegetation were identified in the study area: Plains Grassland (EVC 132) (dominant) and two patches of Creekline Grassy Woodland (EVC 68) and Grassy Woodland (EVC 175).*
- *Suitable habitat was found for three EPBC Act, FFG Act and DSE Threatened Species Advisory List species: Striped Legless Lizard (EPBC Act), Brolga (FFG Act) and Fat-tailed Dunnart (DSE Advisory List).*
- *Impacts to Striped Legless Lizard and Fat-tailed Dunnart were assessed as not being significant.*
- *A collision risk analysis indicated that 0.018 Brolga per year are at risk of colliding with the powerline. However, this is considered to be a very limited impact to the Brolga population.*
- *Approximately 0.021 hectares (0.009 habitat hectares) of Plains Grassland EVC will need to be removed for the construction of the preferred powerline route.*
- *Total offsets required for the proposed removal of native vegetation along the preferred route includes 0.019 habitat hectares of Very High Conservation Significance Plains Grassland. As a rule of thumb, based on a 20% improvement of the offset site, an area of 0.1 hectares of Plains Grassland would be required to compensate for this loss. In addition, two large trees are to be protected and 10 new trees are to be recruited to account for the loss of one scattered River Red Gum.*
- *Impacts to species listed under the EPBC Act are not considered to be significant.*
- *A planning permit is required under Clause 52.17 of the Planning Scheme for the removal of any native vegetation or scattered native flora within the study area. A planning permit would also be required to carry out works under ESO1 and ESO2 in the following areas:*
 - *Along Dunnington Road, Stockyard Hill Road and the northern part of Skipton Road; and*
 - *In the vicinity of Mt Emu Creek.*

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6**LEGISLATIVE FRAMEWORK**

As stated, this application seeks approval for the removal of native vegetation within the Corangamite Shire Council to facilitate the development of a 132kV powerline associated with the Stockyard Hill Wind Farm.

Whilst the 'primary' planning approval is for the removal of native vegetation pursuant to the Corangamite Planning Scheme, other Commonwealth and State legislation are also relevant in the assessment process. These provide the background and context to the policies and planning controls included in the Corangamite Planning Scheme, as they relate to the management of Victoria's native vegetation.

This legislation is:

- *Environmental Protection and Biodiversity Conservation Act 1999 (Commonwealth);*
- *Planning and Environment Act 1987 (Victoria); and*
- *Flora and Fauna Guarantee Act 1988(Victoria).*

A brief description and response to this legislation is provided below.

6.1**COMMONWEALTH LEGISLATION**

This Section discusses the relevant Commonwealth legislation and policies.

6.1.1***Environmental Protection and Biodiversity Conservation Act (Commonwealth) 1999***

One of the main aims of the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* is to provide for the conservation of biodiversity and the protection of the environment, particularly those aspects that are considered to be matters of National Environmental Significance. Relevant matters include:

- Nationally listed threatened species and ecological communities; and
- Listed migratory species.

Under the Act, actions that are likely to have a significant impact upon matters of National Environmental Significance require approval from the Department of the Environment, Water, Heritage and the Arts (DEWHA) on behalf of the Minister for the Environment. An action includes any project, development, undertaking, activity or series of activities resulting in such an impact.

On the 15th July 2009 DEWHA determined that the proposed Stockyard Hill Wind Farm is a 'controlled action' pursuant to the EPBC Act 1999. The proposed wind farm will be assessed, for the purposes of the EPBC Act, under the processes accredited by the new bilateral agreement, under Section 45 of the Act, between the State and Commonwealth Governments, whereby assessment pursuant to this Act is handed to the State Government .

The *Flora and Fauna Assessment (September 2009)* undertaken by Brett Lane & Associates Pty Ltd states that there are no listed ecological communities or flora species recorded within the powerline route. However, an additional three flora species listed under the *EPBC Act* have potential to occur in the area due to the presence of suitable habitat. Any negative impacts to these potentially occurring species could be addressed by avoiding disturbance of relevant areas of native vegetation, as recommended in the report.

Although no fauna species listed as threatened under the *EPBC Act* were observed during the assessment undertaken by Brett Lane & Associates within the powerline route, the nationally threatened Striped Legless Lizard is considered likely to occur in the route area due to the presence of suitable habitat. The proposed powerline route avoids the potential habitat of this lizard.

No important habitats for listed migratory species occur in the powerline study area.

For these reasons, the proposed powerline route and subsequent removal of vegetation will not significantly affect the listed threatened species and communities that occur in the area.

6.2 STATE LEGISLATION

This section discusses relevant State legislation.

6.2.1 *Planning and Environment Act 1987*

The purpose of the *Planning and Environment Act 1987* is to establish a framework for planning the use, development and protection of land in Victoria in the present and long-term interests of all Victorians.

The key objectives for planning in Victoria, identified in the *Planning and Environment Act 1987* are as follows:

- (a) *To provide for the fair, orderly, economic and sustainable use, and development of land;*
- (b) *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- (c) *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- (d) *To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*

- (e) *To protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*
- (f) *To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e); and*
- (g) *To balance the present and future interests of all Victorians.*

The *Planning and Environment Act 1987* requires that a planning framework, termed a Planning Scheme, be established for all land within Victoria. A Planning Scheme is a statutory document which sets out objectives, policies and provisions relating to the use, development, protection and conservation in the area to which it applies, which in this case is the Corangamite Shire local government area.

A Planning Scheme regulates the use and development of land through planning provisions that seek to achieve those objectives and policies of the *Planning and Environment Act 1987*.

All Planning Schemes comprise a State Planning Policy Framework, Local Planning Policy Framework (including Municipal Strategic Statement and Local Planning Policies), Zoning Controls, Overlay Controls and Particular Provisions. These are all discussed in greater detail later in this report.

The proposal is consistent with the key objectives of the *Planning and Environment Act 1987* in that it will have minimal impact on natural resources and ecological processes, as discussed throughout this report.

An assessment of this proposal against the relevant objectives and policies of the Corangamite Planning Scheme is located in *Section 7* of this report.

6.2.2

Flora and Fauna Guarantee Act 1988

The *Flora and Fauna Guarantee Act 1988* was established to protect flora and fauna on Crown Land. Pursuant to this act a permit can be required from the Department of Sustainability and Environment (DSE) for activities on public land which might kill, injure or disturb protected native plants and animals.

The main objectives of the Act are:

- *to guarantee that all types of Victoria's flora and fauna can survive, flourish and retain their potential for evolutionary development in the wild;*
- *to conserve Victoria's communities of flora and fauna;*
- *to manage potentially threatening processes;*
- *to ensure that any use of flora or fauna by humans is sustainable;*
- *to ensure that the genetic diversity of flora and fauna is maintained ; and*
- *to provide programs of community education in the conservation of flora and fauna.*

The Act seeks to encourage co-operative management of flora and fauna through, amongst other things: the entering into of land management and co-operative agreements under the *Conservation, Forests and Lands Act 1987*; assisting and giving incentives to people, including landholders, to enable flora and fauna to be conserved; and to encourage the conservation of flora and fauna through co-operative community endeavours.

The Act principally applies to public land, although it also contains a schedule of listed plant and communities used to identify conservation significance of flora on private land. A permit from DSE is required to kill, injure or disturb flora species that are members of listed communities or protected flora from public land. A permit is not required under the *FFG Act* for private land unless the land is declared 'critical habitat' for the species.

The Flora and Fauna Assessment prepared by Brett Lane & Associates Pty Ltd details that one ecological community (the Western (Basalt) Plains Grassland Community) listed as threatened under the *FFG Act*, was recorded during the current assessment within the patches of Plains Grassland. No listed flora species were recorded within the powerline route area. An additional five flora species listed under the *FFG Act* have potential to occur due to the presence of suitable habitat.

Furthermore, three protected flora species from the family Asteraceae including Common Everlasting, Cotton Fireweed and Milky Beauty-heads, were recorded within the powerline route area.

As the majority of the powerline route area is within road reserves, the provisions of the *FFG Act* apply. Therefore, any removal of native vegetation in the form of Plains Grassland (Western Plains Grassland Community) as well as any removal of the above mentioned protected flora, would require a licence under the *FFG Act*. However, a licence under the *FFG Act* would not be required if the recommendations provided in the *Flora and Fauna Assessment* to minimise disturbance of native vegetation were followed.

7 CORANGAMITE PLANNING SCHEME

The Corangamite Planning Scheme comprises the State Planning Policy Framework, Local Planning Policy Framework (containing the Municipal Strategic Statement and Local Planning Policies), Zoning and Overlay Controls, Particular Provisions and Reference and Incorporated Documents. These provisions are discussed below:

7.1.1 *State Planning Policy Framework (SPPF)*

7.1.2 *Clause 11.03-2- Environment*

This Clause identifies the importance of ecologically sustainable development and the role of international and national agreements in providing a broad framework for the development of strategies and policies at a State level.

Relevant agreements that are identified include:

- National Strategy for Ecologically Sustainable Development (1992);
- National Greenhouse Response Strategy (1998);
- Flora and Fauna Guarantee Strategy (1997); and
- Victoria's Native Vegetation Framework – A Framework for Action (2002).

This Clause also refers to the State Environmental Protection Policies, pursuant to the *Environment Protection Act 1970*. This Clause states that planning is to contribute to the protection of air, land and water quality and the conservation of natural ecosystems, resources, energy and cultural heritage. As this application is for the removal of native vegetation only, the proposal is consistent with the key directions of this Clause on the basis that a flora and fauna assessment has been undertaken which has assessed the proposed vegetation removal to facilitate the powerline route in accordance with the *Flora and Fauna Guarantee Act 1988* and *Environment Protection and Biodiversity Conservation Act 1999*.

7.1.3 *Clause 11.03-3- Management of Resources*

This Clause identifies the need for planning to conserve and use wisely natural resources including energy, land, flora, fauna and minerals to ensure environmental quality is maintained and that development is sustainable in the long term through judicious decisions on the location, pattern and timing of development.

The Flora and Fauna Assessment undertaken by Brett Lane & Associates Pty Ltd has assessed the removal of vegetation within the powerline route with regard to the Flora and Fauna Guarantee Act 1988 and Environment Protection and Biodiversity Conservation Act 1999. Based on the findings of this investigation, the powerline route and subsequent removal of proposed native vegetation is not expected to have any significant impact on the ecological conditions of the site. This is further discussed in other Sections of this report.

7.1.4 *Clause 15.09- Conservation of Native Flora and Fauna*

The objective of this Clause is to assist in the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.

This Clause states the following.

- *Planning and responsible authorities must have regard to Victoria's Native Vegetation Management – A Framework for Action.*
- *Planning and responsible authorities must ensure that any changes in land use or development would not adversely affect the habitat values of wetlands and wetland wildlife habitats designated under the Convention of Wetlands of International Importance (the Ramsar Convention) or utilised by species designated under the Japan-Australia Migratory Birds Agreement (JAMBA) or the China-Australia Migratory Birds Agreement (CAMBA).*
- *Planning and responsible authorities should consider the potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into natural ecosystems.*
- *Responsible authorities should ensure that the siting of new buildings and works minimises the removal or fragmentation of native vegetation.*

Removal of native vegetation requires a planning permit under Clause 52.17 of all Victorian Planning Schemes (see *Section 7.4* of this report for further details). Before issuing a planning permit, Responsible Authorities are obliged to refer to Clause 15.09 (Conservation of Flora and Fauna) in the Planning Scheme. This refers in turn to the Framework.

Any proposal to remove native vegetation from the study area must demonstrate that the three-step approach of 'Net Gain' outlined in the Framework has been applied. This approach is hierarchical and includes the following principles:

- *Adverse impacts on native vegetation should be avoided, particularly removal of vegetation;*
- *Where impacts cannot be avoided, impacts should be minimised through responsive planning and design, with input from relevant experts; and*
- *Appropriate offsets need to be identified to compensate for native vegetation removal.*

A combination of project design and offsetting should aim to achieve a net gain in the area and quality of native vegetation across Victoria.

To meet the requirements of the Framework, the layout of the powerline route has been designed to minimise the loss of native vegetation wherever possible. Moreover, areas of native vegetation to be removed along the preferred (western) external powerline route have been identified and offsets required to accommodate for this removal, in the form of remnant patches and scattered trees, are provided within the report prepared by Brett Lane & Associates Pty Ltd. The habitat hectare value of proposed vegetation to be removed and associated offset requirements are discussed in further detail at *Section 8.1.1* of this report.

The above is consistent with the three step approach of Net Gain (i.e. avoid, minimise and offset) as required under the Native Vegetation Management Framework. Therefore, the proposal is consistent with the key directions of Clause 15.09 of the Scheme.

7.2 LOCAL PLANNING POLICY FRAMEWORK

The Local Planning Policy Framework (LPPF) contains the Municipal Strategic Statement (MSS) and Local Planning Policies.

The following sections of the MSS and Local Planning Policies are relevant to this application.

7.2.1 *Municipal Strategic Statement*

The MSS outlines the vision for future land uses and development within the Corangamite Shire, thereby establishing the basis for the local planning policies.

The following Clauses are relevant:

7.2.2 *Clause 21.02- Environment*

This Clause identifies that the protection of (inter alia) remnant vegetation and fauna habitat are increasingly playing a role in the management of rural holdings. The municipality also has areas of high conservation value and has made provision for the protection and management of these areas.

The issues affecting the environment within the Shire are:-

- *Preserving remnant vegetation;*
- *Protecting natural and built heritage assets;*
- *Protecting sensitive coastal and volcanic landscapes; and*
- *Integrating catchment management principles into land use planning and management.*

It is noteworthy that there are no proposed areas of high conservation value found within the powerline route, as identified within Council's Strategic Framework Plan.

For reasons mentioned throughout this report, it is considered that the powerline route and subsequent removal of native vegetation will not significantly impact on the ecological values of the area. It is therefore considered that this proposal is appropriate in the context of this Clause.

7.2.3 *Clause 21.03- Vision and Strategic Framework Plan*

This Clause identifies Council's mission statement for the future, as follows.

- *The Corangamite Shire, in partnership with the community, and through its decisions and actions, will work for the sustainable development of the Shire:*

This is based on the following relevant elements:

- *Sustainable management and protection of natural resources of soil, water, flora, fauna and eco-systems;*
- *Productive agricultural, forestry and mining activities and protection of rural resources;*
- *Integrated coastal management and protection of natural processes, visual qualities and environmental values of the coast;*
- *Protection and enhancement of items, places and areas of natural and cultural heritage;*
- *Sustainable economic development which provides local employment and training opportunities;*
- *Quality tourism development based on the environmental and cultural qualities of the Shire; and*
- *Efficient and environmentally sensitive infrastructure and the protection of public services and facilities.*

This Clause also contains a Strategic Framework Plan. The major strategic issues identified on the Strategic Land Use Framework Plans include:-

- *The location of high quality agricultural land within the Timboon, Cobden and Simpson areas which is used for dairying, the need to protect this land from inappropriate development.*

The need for the protection of:

- *Coastal and landscape environment along the Great Ocean Road volcanic landscapes and lakes areas of the central and northern areas of the shire.*

It is noteworthy that the proposed powerline route is not affected by the strategic direction of the framework plan.

It is considered that the powerline route and subsequent removal of native vegetation will not significantly impact on the ecological values of the area. It is therefore, considered that this proposal is appropriate in the context of this Clause.

7.2.4

Clause 21.04 Objectives, Strategies, Implementation - Environment

This Clause provides an overview of the environment within Corangamite Shire along with a discussion of the issues facing the environment and objectives and strategies in response to the identified issues.

The Clause outlines that:

- *The Shire also contains important areas of remnant native vegetation which provide an insight to areas that have undergone significant environmental change. Large areas of native vegetation within the Shire have been cleared for agriculture and most Broad Vegetation Communities now only consist of remnants in the region. Protected areas are also a significant land use across the Shire. These protected areas cover significant forest areas, public lands or wetlands. These areas are important recreation areas for the Shire's residents and increasing numbers of tourists. However the prime goal of these areas is the preservation of flora and fauna communities.*

Relevant objectives of this Clause are:

- *Ensure that natural and physical resources can meet the needs of future generations by safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- *To ensure that risks to life and property from wildfire are appropriately managed.*

For reasons mentioned throughout this report, it is considered that the powerline route and subsequent removal of native vegetation will not significantly impact on the ecological values of the area. It is therefore, considered that this proposal is appropriate in the context of this Clause.

7.2.5 *Local Planning Policies*

The Local Planning Policy Framework (LPPF) identifies long term directions regarding land use and development in the municipality and provides the rationale for the zone and overlay requirements and particular provisions in the scheme. It is noteworthy that there are no local planning policies of particular relevance to this application.

7.3 ZONING AND OVERLAY CONTROLS

The relevant zone and overlay controls affecting the site are discussed below.

7.3.1 *Zoning Controls*

All the proposed native vegetation to be removed is located within the Farming Zone (FZ) and within and / or adjacent to Road Zone, Category 1 and 2, as shown in *Figure 7.1*.

The purpose of the Farming Zone is as follows:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To protect and enhance natural resources and the biodiversity of the area.*

Under the Farming Zone a permit is not required to remove native vegetation. Furthermore, no planning approval is required for the construction of the powerlines themselves given that they are under the 220kV threshold, pursuant to this zone.

Some sections of native vegetation to be removed are located within a Road Zone Category 1 and Road Zone Category 2 (RDZ1 and RDZ2). Pursuant to the provisions of this zone, a permit is not required for the removal of native vegetation.

The proposal will not impact on surrounding agricultural practices and therefore, is consistent with the objectives of this zone. It is also not anticipated to have an impact on the surrounding roads included in RDZ1 and RDZ2.

Furthermore, it is considered that the relevant Decision Guidelines of the Farming Zone have been appropriately addressed within the *Flora and Fauna Assessment* undertaken by Brett Lane & Associates Pty Ltd.

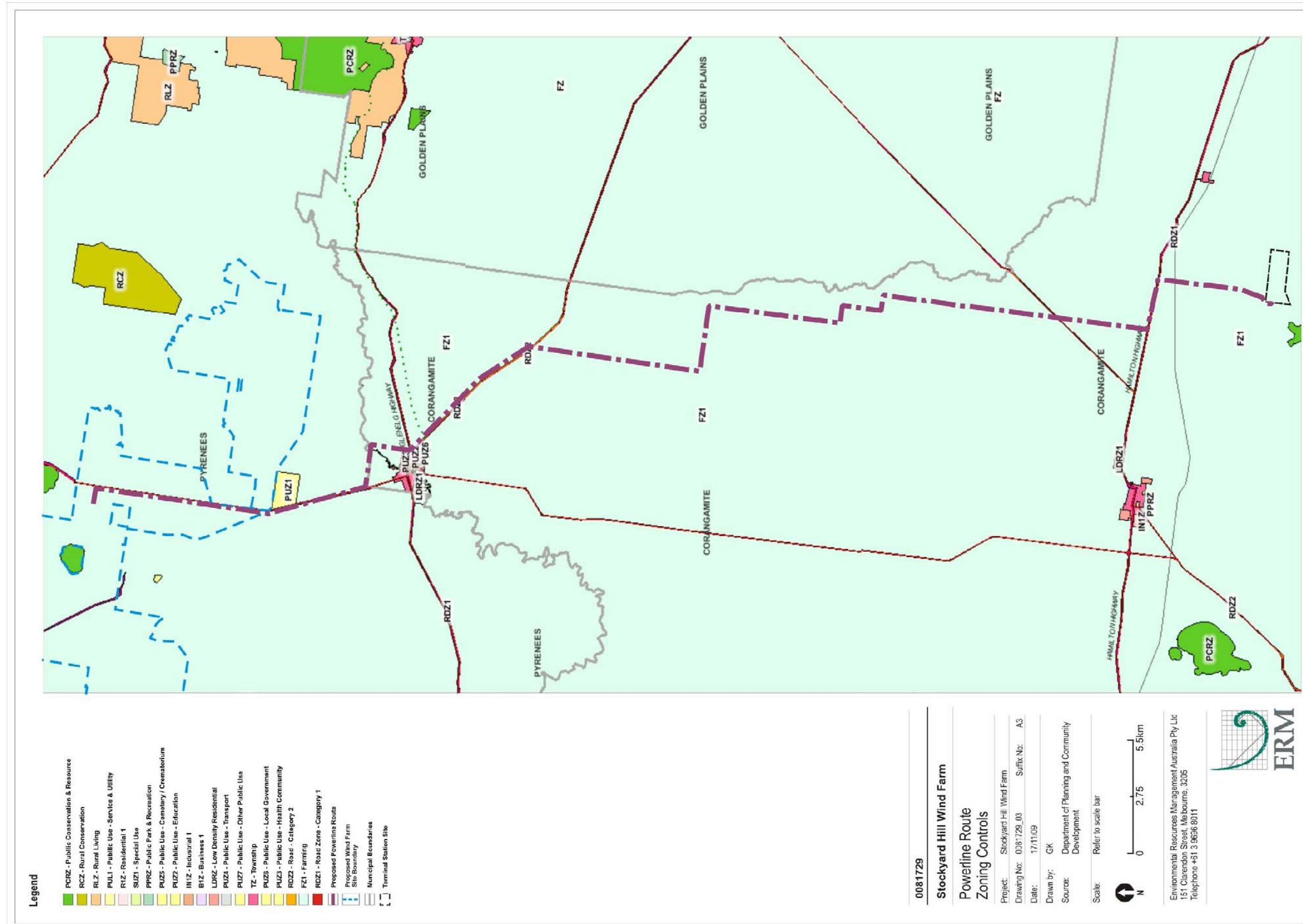


Figure 7.1 Zoning Map

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7.3.2

Overlay Controls

Some sections of native vegetation to be removed are affected by the following overlay controls:

- Environmental Significance Overlay - Schedule 1 (ESO1) Watercourses, water body and wetland protection; and
- Wildfire Management Overlay (WMO).

Refer to *Figure 7.2 Overlay Controls*.

A planning permit is required under the ESO1 to remove, destroy or lop native vegetation. However, for areas designated pursuant to the WMO, a planning permit is not required to remove, destroy or lop native vegetation.

The objective of ESO1 is to maintain the ecological and physical quality of watercourses and minimise environmental impact on water bodies or wetlands. Examples of issues relevant to this overlay include pollution, erosion and sedimentation control, protection of wildlife habitat and fringe vegetation.

For reasons mentioned throughout this report, it is considered that the powerline route and subsequent removal of native vegetation will not significantly impact on the ecological, scientific or physical qualities of any watercourse, water body or wetland area. It is therefore considered that this proposal is appropriate in the context of this Clause.

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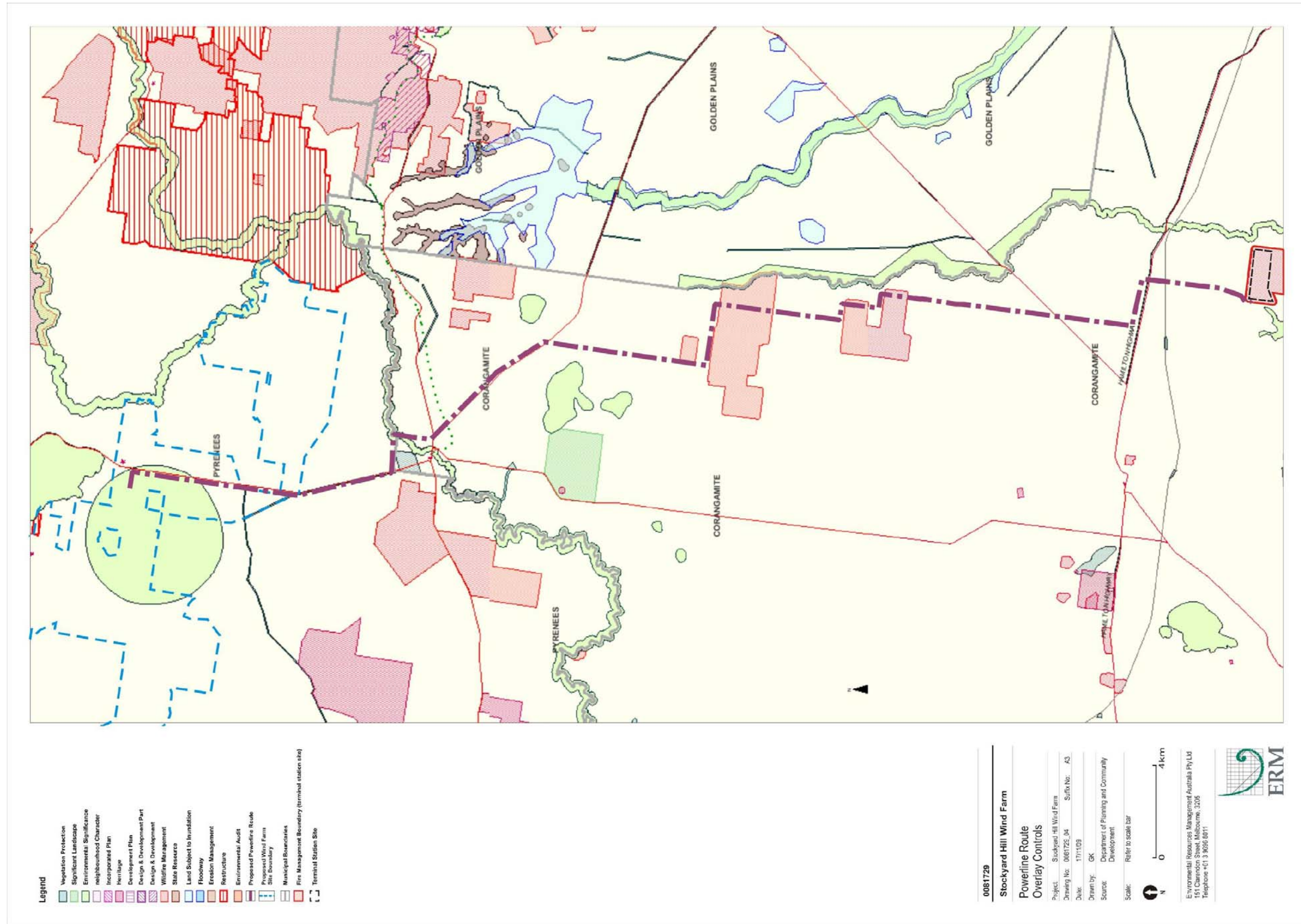


Figure 7.2 Overlay Controls

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7.4 PARTICULAR PROVISIONS

The following Particular Provisions are relevant to this application.

7.4.1 *Clause 52.17 – Native Vegetation*

The purpose of this Clause is to protect and conserve native vegetation to reduce the impact of land and water degradation and provide habitat for plants and animals. Under this Clause, a permit is required to remove, destroy or lop native vegetation (exemptions are listed under Clause 52.17-6).

In accordance with this Clause, before deciding on a application, the Responsible Authority must consider as appropriate (inter alia):

“General issues”

- *Victoria’s Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002).*
- *Whether the proposed development can be located and designed to avoid the removal of native vegetation.*
- *Whether the proposed development is located and designed to minimise the removal of native vegetation.*
- *The need to offset the loss of native vegetation having regard to the conservation significance of the vegetation.*
- *The conservation and enhancement of the area.*
- *The preservation of and impact on the natural environment or landscape values.*
- *Any relevant approved Regional Vegetation Plan.*
- *Whether the proposed development is in accordance with any property vegetation plan that applies to the site.*
- *The cumulative impact of native vegetation removal on biodiversity conservation and management.*

Any proposal to remove native vegetation from the study area must demonstrate that the three-step approach of 'Net Gain' outlined in the Framework has been applied. This approach is hierarchical and includes the following principles:

- *Adverse impacts on native vegetation should be avoided, particularly removal of vegetation;*
- *Where impacts cannot be avoided, impacts should be minimised through responsive planning and design, with input from relevant experts; and*
- *Appropriate offsets need to be identified to compensate for native vegetation removal.*

A combination of project design and offsetting should aim to achieve a net gain in the area and quality of native vegetation across Victoria.

To meet the requirements of the Framework, the layout of the powerline route has been designed to avoid patches of native vegetation, wherever possible. This is consistent with the three step approach of Net Gain (i.e. avoid, minimise and offset) as required under the Native Vegetation Management Framework. In addition, micro-siting of the powerlines will enable many potentially affected areas of native vegetation to be avoided.

The Flora and Fauna Assessment undertaken by Brett Lane & Associates outlines that the review of existing information, in combination with the current field assessment, determined the most favourable powerline routes in terms of minimising vegetation loss. The chosen option utilises the shortest route and comes into contact with the least amount of native vegetation and the fewest possible sites for threatened fauna. This recommended the route passes through the least amount of native vegetation, including a Plains Grassland, a small patch of scattered trees and a River Red Gum. Negative impacts to these areas can be minimised by following the recommendations contained within the report. The chosen powerline route also avoids potential habitats for the Striped Legless Lizard along Stockyard Hill Road.

The habitat hectare value of proposed vegetation to be removed and associated offset requirements are discussed in further detail at *Section 8.1.1* of this report.

For these reasons, the proposal will not significantly affect the listed threatened species and communities that occur in the area.

7.4.2 *Clause 52.29 – Land Adjacent to a Road Zone, Category 1.*

Given that this application seeks removal of native vegetation, and notwithstanding that some of this vegetation is located on land adjacent to a Road Zone, Category 1, the provisions of this Clause are of limited relevance.

7.4.3 *Clause 52.32 – Wind Energy Facility*

The purpose of this Clause is to facilitate the establishment and expansion of wind energy facilities, in appropriate locations, with minimal impact on the amenity of the area. This Clause sets out particular requirements to accompany applications for wind energy facilities and decision guidelines for responsible authorities.

Whilst not particularly relevant to this application, this Clause is relevant to the separate application for the main wind farm facility. The new powerline, which will carry the electricity generated and which has necessitated the proposed removal of native vegetation, will form an integral component of the wind farm development.

7.4.4 *Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (2009)*

The Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (DPCD 2009) was released by the Victorian Government to assist in the development and assessment of applications for wind energy facilities. It is an incorporated document in the Victorian Planning Provisions.

The guidelines outline:

- *How the Victorian Government will facilitate the appropriate development of wind energy facilities, balancing environmental, social and economic outcomes;*
- *The Victorian Government's renewable energy policy;*
- *The role of wind energy projects in achieving a sustainable energy future for Victoria;*
- *The State assessment mechanism for wind energy projects of 30 MW or greater; and*
- *A planning framework for the consideration of wind energy projects which will ensure a consistent and balanced approach to assessment across the State.*

"The transmission or distribution system of power lines necessary to connect a wind farm to the electricity grid is a separate land use to that of a wind energy facility. The wind energy facility and the electricity grid connections are normally subject to separate planning applications."

The entire wind farm proposal has been designed and sited in accordance with the *Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria*. It is considered that this application relating to the proposed wind farm appropriately addresses the relevant planning policies and strategic issues identified in the Guidelines. Moreover, consistent with the direction of the Guidelines, separate applications have been prepared for both the wind farm and the terminal station in addition to this application.

7.5 *OTHER RELEVANT DOCUMENTS*

7.5.1 *Glenelg-Hopkins Regional Catchment Strategy & Corangamite Regional Catchment Strategy*

The Glenelg-Hopkins Regional Catchment Strategy and the Corangamite Regional Catch Strategy are reference documents in the Planning Scheme.

They provide long-term directions such as goals, targets etc. for managing the future of land, water resources, biodiversity and seascape of the catchment. It also provides a framework for investment decisions to ensure improved natural resource outcomes are achieved.

It is considered that the proposal is in compliance with the long term directions of the catchment management strategies.

The proposed removal of native vegetation will have minimal impacts from erosion, compaction and contamination on soil, groundwater and the water cycle.

OTHER PLANNING ISSUES

There are several main planning issues which are relevant to the removal of native vegetation. These are considered to relate to:

- Net gain / Offsets in respect to the removal of native vegetation; and
- Visual amenity impacts.

Further discussion of each of these issues is detailed below.

8.1.1 Net Gain

The following assessment is a summary of the relevant findings of the *Flora and Fauna Assessment* prepared by Brett Lane & Associates Pty Ltd.

A total of twelve (12) remnant patches (native vegetation / grasses) have been identified in the powerline route area. The conservation significance of remnant patches within the powerline route area range from High to Very High according to the Framework. These significance levels were based on the endangered bioregional conservation status of the recorded EVCs, in combination with their possible habitat score, consistent with the method of the state *Native Vegetation Management Framework*.

Responses to planning permit applications to remove native vegetation vary depending on the conservation significance of the vegetation proposed for removal. Conservation significance determines both the likelihood of approval and, importantly, the scale of the required offset. This is summarised in *Table 8.1*.

Table 8.1 *Likely response to applications for removal of intact native vegetation*

Framework conservation significance	Likely response to application for clearing	Likely offset requirements
Very high	Clearing not permitted unless exceptional circumstances apply. The provision of the powerline route is an integral part of the proposed Stockyard Hill Wind Farm and all reasonable measures to minimise vegetation removal associated with the powerline supporting the wind farm will be undertaken. This can be addressed in an Offset Management Plan, if required, as a condition of permit	Substantial Net Gain At least 2 X calculated loss in habitat hectares plus a large tree protection and replacement offset if any large trees are removed
High	Clearing generally not permitted	Net Gain At least 1.5 X calculated loss in habitat hectares plus a large tree protection and replacement offset if any large trees are removed

The proposed powerline route meets the principles of the Framework through minimising negative impacts on native vegetation by limiting its removal. Where removal of native vegetation is unavoidable, offsets are required to account for the loss calculated in habitat hectares.

Offsets compensating for the proposed removal of native vegetation in the form of remnant patches and scattered trees are provided in the table below. As outlined within the Flora and Fauna Assessment undertaken by Brett Lane & Associates Pty Ltd, a default score has been used given that the exact position of vegetation removal has not yet been determined. This provides a preliminary indication of the quantity of vegetation likely to be affected and the associated offset target. The table below should be read in conjunction with the site areas as shown in *Figure 4.2*. The rationale for the assessment, using a default score given the lack of precise power pole locations is explained at the foot of this table.

Table 8.2 *Offsets for removal of native vegetation within the preferred (western) route*

Site	Location notes	Native vegetation	Proposed action	Implications
10	Frosts Rd (740m N of Crambs rd)	1 Scattered Blackwood	Prune only	No implications
12	Hamilton Hwy (between Calverts Rd and McLeans Rd)	Plains Grassland	Removal of 0.002 habitat hectares* (0.005 ha)#	Offset target of 0.005 habitat hectares^
18	Mt Emu Creek crossover	2 Very large scattered River Red Gums	Prune only	No implications
27	Mount Bute Rd	Several scattered Blackwoods	Avoid/Prune only	No implications
28	Skipton Rd (between Skipton and Mt Bute Rd)	Plains Grassland	Removal of 0.007 habitat hectares* (0.016 ha)##	Offset target of 0.014 habitat hectares^
29	Park Road	1 Large scattered River Red Gum (DBH 99 cm)	Remove	Protect 2 large trees and recruit 10 new plants OR Recruit 100 new plants

*- Habitat hectare score based on default score of 45/100 for patches of Plains Grassland within road reserve, #- Area based on 2062m of road divided by 90m pole spacings = 22.9 poles x 2.25m² disturbance = 51.54m² = 0.005 ha, ##- Area based on 6361m of road divided by 90m pole spacings = 70.67 poles x 2.25m² disturbance = 159m² = 0.016 ha, ^ Offset target based on net gain multiplier of 2.

Non-vegetated areas cover the majority of the development footprint. A limited area of native vegetation (5.28 hectares) will therefore be removed. A total vegetation value offset of 3.09 habitat hectares is required for vegetation proposed to be removed by the project. The proponent has identified adequate offset areas within the site to be set aside in order to compensate for the loss of native vegetation, for further information refer to *Flora and Fauna Assessment (September 2009)* prepared by Brett Lane & Associates Pty Ltd.

8.1.2

Visual Amenity

Visual amenity is one of the key issues associated with the development of wind farms and its associated infrastructure. Visual amenity is not explicitly addressed in the SPPF, nor is it identified as either an objective, or a matter for consideration, in the Farming Zone. However, it is addressed in the *Policy and Planning Guidelines for the Development of Wind Energy Facilities in Victoria (DPCD 2009)* and at Clause 52.32 (Wind Energy Facility) of the Corangamite Planning Scheme. Specific reference is made to the need to consider the degree to which a wind energy facility has a visual impact, which will be dependent upon the magnitude of the change that will occur to the landscape as a result of the proposal.

The wind farm site including the powerline route is located in a highly modified landscape. Elements such as farming machinery, grain storage facilities and fences exist in the immediate and surrounding landscape where the wind farm and supporting infrastructure such as the powerline route is to be located.

It is considered that this landscape can absorb other changes such as the proposed powerline infrastructure and subsequent removal of vegetation, given the highly modified environment. Moreover, the application only proposes to remove one (1) River Red Gum as well as patches of Plains Grassland. The visual impact resulting from this minor loss of vegetation is expected to be minimal. A separate report (*Stockyard Hill Wind Farm- Landscape and Visual Impact Assessment - Environmental Resources Management, January 2009*) has been prepared which specifically addresses visual impact concerns relating to the entire wind farm.

For these reasons, it is considered that visual amenity impacts as a result of the proposal will not be significant.

CONCLUSION

The following conclusions can be made in relation this planning permit application to remove native vegetation to facilitate the development of a 132kV powerline which will form part of the Stockyard Hill Wind Farm.

- The proposal is consistent with the relevant Commonwealth, State and local legislation particularly in terms of minimising impacts on the ecological values of the area.
- The proposal responds appropriately to the requirements of Victoria's Native Vegetation Management – A Framework for Action through the three step approach of Net Gain (i.e. avoid, minimise and offset).
- The proposal will have a minimal visual impact on the surrounding area given the highly modified surrounding landscape. As such it can absorb other changes such as the powerline infrastructure (albeit not subject to a planning permit application) and proposed removal of vegetation.

In conclusion, based on a balanced assessment of key planning issues, legislation and policies, it is considered that the application to remove native vegetation is appropriate, and will not impact on the ecological values of the site or surrounds.

Environmental Resources Management Australia Pty Ltd

October 2009