

Application for a Terminal Station

for Stockyard Hill Wind Farm Pty Ltd

October 2009

Job Number: 0106120

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Application for a Terminal Station

Planning Assessment

For:

Stockyard Hill Wind Farm Pty Ltd


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Planning Assessment

Stockyard Hill Wind Farm Pty Ltd

16th October 2009

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|--------------|---|
| Approved by: | <u>Allan Wyatt</u> |
| Position: | Project Partner |
| Signed: |  |
| Date: | <u>16/10/2009</u> |

Environmental Resources Management Australia Pty Ltd Quality System

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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, proposes to develop a 132/500kV terminal station to be located in Berrybank, approximately 10 km to the south-east of Lismore in the Corangamite Shire Council (refer to *Annex A – Application Form*). The terminal station is designed to feed electricity generated by various sources (including Stockyard Hill Wind Farm) into the National Electricity Grid (NEG) via the existing adjacent Geelong to Portland 500kV high voltage powerline.

Environmental Resources Management Australia Pty Ltd (ERM) has been engaged by SHWF to undertake a planning assessment relating to the proposed terminal station. Cultural heritage, acoustic, traffic, landscape and visual and flora and fauna assessments of the site have also been prepared to accompany the application. In addition the following plans are also submitted as part of this application (refer to *Annex B*):

- Terminal Station- Site Layout Plan (December 2008);
- JEM-PROPOSED-011, JEM-PROPOSED-012; and
- T14/849/14B.

The following report provides a description of the works involved with the development and use of the terminal station, the relevant planning controls as they apply to the proposed terminal station and an assessment of the terminal station against these legislative controls.

A separate planning permit application has been prepared and submitted for associated vegetation removal required for the construction of the 132kV powerlines linking the terminal station to a proposed wind farm and for the wind farm components. Although the terminal station may be utilised by various electricity generation sources in the future, currently it is anticipated that it will service the proposed Stockyard Hill Wind Farm project.

The terminal station will occupy an area of approximately 200 m x 450 m. Structures of note to be built within the terminal station site will include pylons of approximately 38 m in height, a number of gantries at approximately 26 m in height with remaining equipment, workshop and control room buildings no greater than 16 m in height. An access road and car parking facilities are also to be provided within the terminal station.

Based on this assessment, it is clear that the proposed terminal station is appropriate in the context of the relevant planning policies, including the strategic direction and policies of the Corangamite Planning Scheme.

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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);
 - Environment Effects Act 1978(Victoria);
 - Environment Protection Act 1970(Victoria);
 - Flora and Fauna Guarantee Act 1988(Victoria);
 - Aboriginal Heritage Act 2006(Victoria);
 - Heritage Act 1995(Victoria); and
 - Catchment and Land Protection Act 1994 (Victoria).
- The Corangamite Planning Scheme including:
 - State Planning Policy Framework;
 - Local Planning Policy Framework;
 - Zone and Overlay Controls;
 - Particular Provisions;
 - Incorporated Documents; and
 - Reference Documents.
- *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).

In preparing this report the findings of other specialist consultants have also been utilised to inform the assessment of the proposed terminal station against the planning policies and zoning and overlay controls of the Scheme. Specifically, the following consultant reports have been utilised:

- Stockyard Hill Wind Farm - *Stakeholder and Community Consultation Report* (Stockyard Hill Wind Farm, September 2009) – *Annex C*;
- Stockyard Hill Wind Farm- Line to the Grid and Terminal Station - *Cultural Heritage Desktop Assessment* (Tardis Enterprises, January 2009) – *Annex E*;

- Stockyard Hill Wind Farm - *Flora and Fauna Assessment* (Brett Lane and Associates Pty Ltd, September 2009) - *Annex F*;
- Stockyard Hill Wind Farm Terminal Station - *Geotechnical Review* (Hard Rock Geotechnical, December 2008) - *Annex G*;
- Stockyard Hill Wind Farm - *Transformer Noise Assessment* (Marshall Day Acoustics, January 2009) - *Annex H*;
- Stockyard Hill Wind Farm Terminal Station - *Traffic and Transport Memorandum* (Parsons Brinkerhoff, December 2008) - *Annex I*; and
- Stockyard Hill Wind Farm Terminal Station - *Landscape and Visual Assessment* (ERM, September 2009) - *Annex J*.

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 development of the terminal station. The consultation process undertaken for the proposed Stockyard Hill Wind Farm included the terminal station component of the project. This process commenced in mid January 2009 and is currently taking place.

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 Strategy* (SHWF Pty Ltd, 2009) (Refer to *Annex C*) prepared to provide a summary of the consultation process, events held and issues raised up to September 2009.

3.2 CONSULTATION APPROACH

SHWF recognises the importance of community consultation at each stage of the planning and development process for the terminal station.

SHWF believes the main aim of undertaking consultation is to achieve community support and consent for the development and construction of the proposed terminal station. The approach also recognises that community consultation should inform the community about the project, identify key issues and opportunities and provide a mechanism for feedback that should be considered as part of the design and development of the proposal.

3.2.1 Consultation Objectives

Within the *Community Consultation Strategy*, SHWF identified the main objectives of undertaking community consultation as follows:

- To listen and respond to community opinions and concerns;
- To educate Stakeholders and interested members of the community;
- Establish a Community Reference Group and provide accurate information to the community; and
- To have balanced media coverage where several messages can be conveyed including: SHWF is listening to the community, boosting the local economy, cares about the environment, and is committed to undertaking extensive research.

3.2.2 *Key Stakeholders*

Following research and its experience with other major infrastructure projects, SHWF has identified relevant key stakeholders listed below.

Local Community

- Residents in and around the project area including participating landowners, neighbouring residents (to within 2 km of project boundary).
- Adjoining land owners.

Non- Government Organisations

- CFA.

Government Agencies

- State Government.
- Corangamite Shire Council.
- Vic Roads.

3.2.3 *Strategic Approach to Consultation*

Within the prepared *Community Consultation Strategy*, SHWF identified the strategic approach it intended to undertake. The approach recognises that consultation is a two-way process of informed communication between an organisation, the community and other stakeholders, on a particular issue prior to the organisation making a decision in relation to that issue. The four steps it believes are common to any effective consultation strategy include the following:

- Step 1: Inform
- Step 2: Engage
- Step 3: Analyse
- Step 4: Recommend

Using these four steps as a foundation, a consultation plan was developed and is being implemented in order to gain community support for the construction of the proposed terminal station.

3.2.4 *Significant Consultation Events*

The *Stakeholder and Community Consultation Strategy* (SHWF Pty Ltd, 2009), identifies the consultation activities which have been undertaken with the local community, government and other organisations. Below is an outline of the activities undertaken.

Table 3.1 *Key Consultation Events*

| Stakeholder | Type of Consultation | Outcomes | Date |
|---|----------------------|--|-----------------------|
| CFA | Briefings | CFA was contacted and provided information and background on the wildfire overlay. | January 2009 |
| Corangamite Shire Council (CSC) | Project Update | Questions raised and responded to in a timely fashion. | January 2009 |
| Adjoining Landowners | Personal visits | No significant issues raised. | February & March 2009 |
| Department of Planning and Community Development (DPCD) | Emails | Questions raised and answered from both parties. This included issues associated with lodgement of the application. | February 2009 |
| VicRoads | Briefings | Details of the project provided. | February & March 2009 |
| Residents within 2 km of the terminal station | Personal visits | Generally unconcerned; Fire risk raised by several residents - fire management discussed; Noise raised by one - background information offered; Visual amenity raised by one - landscaping discussed; No other concerns. | March 2009 |
| Corangamite Shire Council (CSC) | Briefing | Project update. SHW worked in conjunction with CSC to determine the appropriate process for the lodgement of the planning application. | April 2009 |

Further consultation will continue to occur during the development process.

3.3

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 feedback as the project progresses. This should improve acceptance levels of the terminal station or at least reduce anxieties, by taking into consideration the views and suggestions of residents and key stakeholders. This minimises the impact on residents and the environment during the construction, operation and decommissioning phases of the project.

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

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4 *EXISTING ENVIRONMENT*

The aim of this section is to provide a brief overview of the existing conditions at the terminal station site that are relevant to a planning assessment. A more detailed discussion of the environmental features of the proposed site is provided in the technical studies annexed to this report.

4.1 *TERMINAL STATION SITE*

The terminal station site is located within Berrybank, approximately 10 km south east of the township of Lismore and to the south west of the junction of Four Tree Road and Collins Road – see *Figure 4.1*.

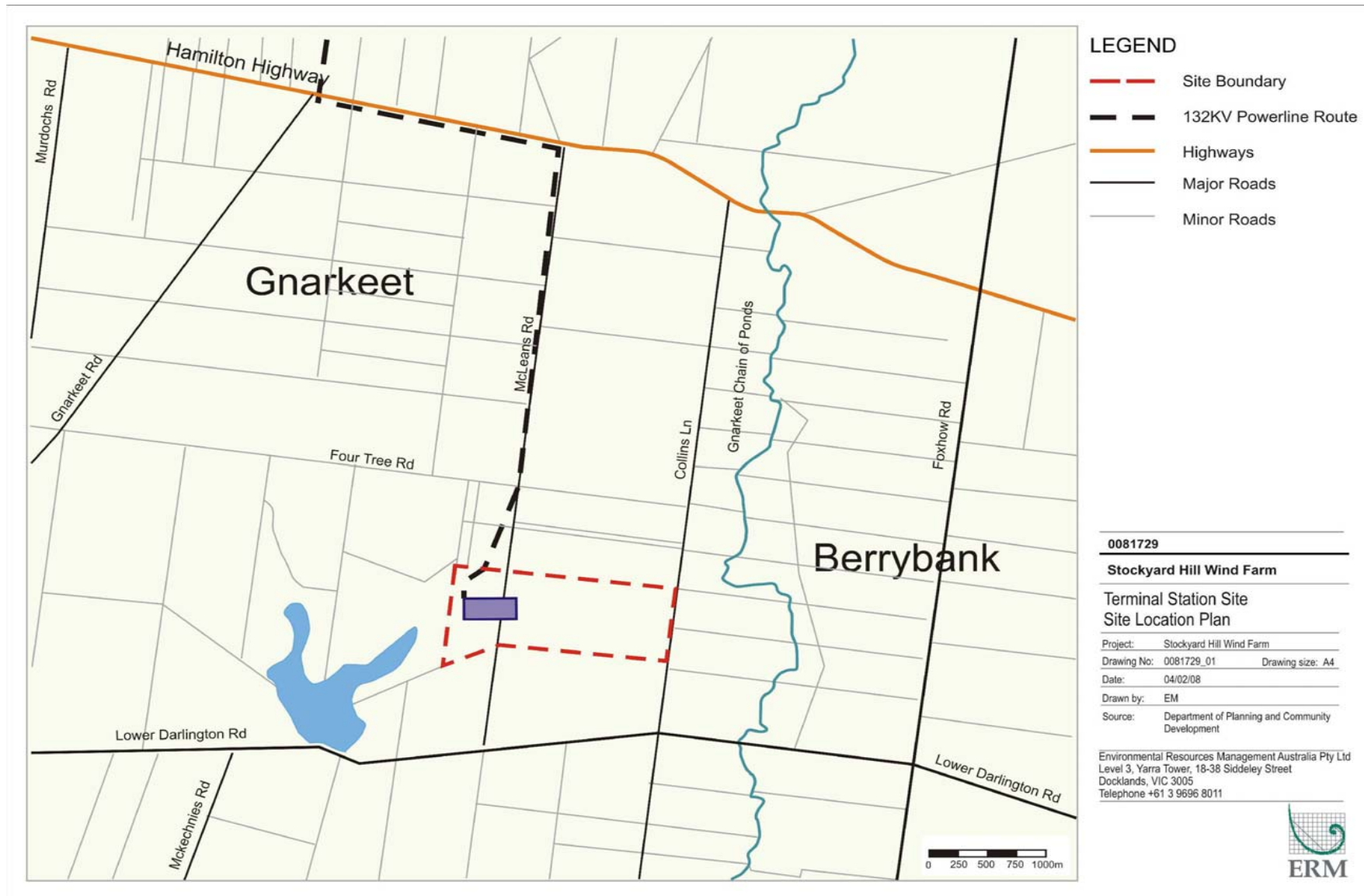


Figure 4.1 Site location plan of terminal station site

The site is approximately rectangular in shape and oriented east west. The predominant land use of the site is agricultural with the site also containing a vacant dwelling and a number of outbuildings and agricultural structures. The majority of the site has been cultivated for grazing pasture and cropping, with a small Blue Gum plantation located on the northern portion of the site. An existing treed shelter belt runs north south across the site dissecting the proposed location for the terminal station with a further Blue Gum plantation located on the southern boundary of the property.

Access to the site is currently via Collins Lane which is located along the eastern boundary of the site. Four Tree Road is the closest public road to the terminal site.

For copies of the property titles refer to *Annex D- Certificate of Title*.

4.2

SURROUNDING AREA

The topography of the area surrounding the site is generally flat with a number of drainage lines crossing the area and feeding into a number of lakes generally located to the south of the subject land. A small tributary which feeds into Lake Struan is located approximately 200 m to the west of the site.

The primary landuse within the surrounding area is agriculture comprising grazing land and crop production. The landscape comprises predominantly open paddocks with some more recent plantations of introduced tree species. The closest dwelling to the proposed terminal station site is located some 1.5 km to the north east of the site.

Localities within the area include Berrybank, Lismore, Larralea and Foxhow. The closest township to the terminal station is Foxhow, located some 4 km to the south east.

The major roads accessing the area include the Hamilton Highway, Camperdown Lismore Road and Foxhow Road.

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PROPOSAL

A 132/500kV terminal station is proposed to be located in Berrybank approximately 10 km to the south east of Lismore in the Corangamite Shire Council.

The terminal station is intended to reticulate power produced from various energy generation sources (including the proposed Stockyard Hill Wind Farm project) into the NEG via the existing adjacent Geelong to Portland 500kV high voltage powerline.

The terminal station will occupy an area of approximately 200 m x 450 m. The compound is to be enclosed by a chain mesh link fence with three strands of barbed wire along the top. The proposed fence will have a height of approximately 2 m. Structures to be built within the terminal station site will include pylons of approximately 38 m in height, a number of gantries at approximately 26 m in height, electrical components and equipment no greater than 16 m in height, workshop and control room buildings, an access road and car parking facilities (refer to *Figure 5.1*). The final design and appearance of the control room and workshop building along with finished floor and ground levels are to be determined during the detailed design phase of the project.



(Source: SHWF, 2008)

Figure 5.1 *Photograph showing typical layout and appearance of a terminal station site*

The compound area will be cleared of vegetation and levelled and a concrete bund constructed to provide containment in the event of oil spillage from a transformer failure, together with an oil/water separator to remove traces of oil from stormwater collected in the bund.

The existing farm access track will be utilised to link the proposed terminal station with Four Tree Road. The existing track will be upgraded and extended (to the south) to enable the movement of heavy equipment and the transportation of components. Access track upgrading would involve grading and removal of topsoil, placement and compaction of a suitable crushed road base, and installation of required drainage

On site construction time for the terminal station would be approximately nine months. This would not include the design and procurement of long lead time items such as the power transformers which could take 24 months. A concrete batching plant would not be required for the proposed works.

In the future, an application for subdivision will need to be made to the Responsible Authority to subdivide the terminal station site from the balance of the landholding, pursuant to Clause 35.07-3 (Subdivision in the Farming Zone) of the Corangamite Planning Scheme. Under the provisions of this Clause a minimum of 40 ha lot size applies except in particular circumstances for example, where a subdivision is sought by a public authority or utility service provider to create a lot for a utility installation.

6**LEGISLATIVE FRAMEWORK**

As stated earlier, this proposal will require a planning permit for the use and development of land for a 'Utility Installation' pursuant to the Corangamite Planning Scheme, as implemented by the *Planning and Environment Act 1987* (PE Act).

Whilst the 'primary' planning approval associated with the proposed terminal station occurs pursuant to the Corangamite Planning Scheme, a range of other Acts are also required to be considered as part of the approval process, and provide the background and context to the policies and planning controls included in the Corangamite Planning Scheme.

Thus the following legislation is also relevant to this proposal:

- *Commonwealth Environmental Protection and Biodiversity Conservation Act 1999* ;
- *Planning and Environment Act 1987*;
- *Environment Effects Act 1978*;
- *Environment Protection Act 1970*;
- *Flora and Fauna Guarantee Act 1988*;
- *Aboriginal Heritage Act 2006*;
- *Heritage Act 1995*; and
- *Catchment and Land Protection Act 1994*.

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)***

One of the main aims of the Commonwealth's *Environment Protection and Biodiversity Conservation Act* 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:

- Ramsar wetlands of international significance;
- 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 Federal Minister. An action includes any project, development, undertaking, activity or series of activities.

A Referral pursuant to the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) was registered by the Department of the Environment, Water, Heritage and the Arts (DEWHA) on the 28th January 2009. On the 15th July 2009 DEWHA determined that the proposed Stockyard Hill Wind Farm {including the terminal station and removal of native vegetation (to facilitate the 132 kV powerline) applications} is a 'controlled action' pursuant to this Act. The Commonwealth and the State of Victoria recently entered into a bilateral agreement under s45 of the EPBC Act, under which a number of State processes, including Advisory Committees under the PE Act, are accredited as assessment processes under the EPBC Act. The proposed wind farm will be assessed, for the purposes of the EPBC Act, by way of an Advisory Committee convened under the PE Act which will report to the Commonwealth Minister for Environment.

6.2 STATE LEGISLATION

This Section discusses the 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 proposed terminal station is consistent with the key objectives of the *Planning and Environment Act 1987* and will result in the orderly and sustainable development and use of land that will have minimal impact on natural resources and ecological processes. These matters are further discussed later in this report.

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

6.2.2

Environment Effects Act 1978

The *Environment Effects Act 1978* provides for the assessment of projects that are capable of having a significant effect on the environment. The Act does this by enabling the Minister administering the *Environment Effects Act 1978* (*Minister for Planning*) to decide whether an Environmental Effects Statement (EES) should be prepared. The Minister has sole discretion for determining whether a project requires an EES.

The Minister might typically require a proponent to prepare an EES when:

- There is a likelihood of regional or State significant adverse effects on the environment;
- There is a need for integrated assessment of potential environmental effects (including economic and social effects) of a project and relevant alternatives; and
- A normal statutory process would not provide a sufficiently comprehensive, integrated and transparent assessment.

In those cases where an EES is not required, assessment of environmental impacts may still be required under the *Planning and Environment Act 1987* or the *Environment Protection Act 1970*.

The proposed terminal station would not have a “significant effect on the environment” under the *Environment Effects Act 1978*. Accordingly, the Minister’s assessment is not required for the proposed terminal station.

The assessment of the environmental impacts of the terminal station will be considered against relevant State and local planning policies under the *Planning and Environment Act 1987*.

6.2.3 *Environmental Protection Act 1970*

The *Environment Protection Act 1970* and the associated *Environment Protection (Amendment) Act 2006* include the following key objectives:

- Sustainable use and holistic management of the environment;
- Ensure the community is a key player in environmental protection goals and programmes; and
- Ensure a co-operative approach to environment protection.

The Act details the responsibilities and function of the *Environment Protection Authority (EPA)*. It essentially provides for the control of water, air and land pollution, industrial waste and noise. The Act requires that a Works Approval be obtained from the EPA to establish a “scheduled activity”. This is defined in the (*Environment Protection (Scheduled Premises and Exemptions) Regulations 2007*) and essentially means an activity which may generate waste, noise or create a state of potential danger to the quality of the environment. Under the Act, discharges of wastes into the environment must accord with State Environment Protection Policies, which identify beneficial uses for particular segments of the environment, and establish ambient objectives and discharge limits. Relevant State Environmental Protection Policies would be addressed in an Environmental Management Plan.

A terminal station does not constitute a “scheduled activity” under the *Environment Protection (Scheduled Premises and Exemptions) Regulations 2007*. Accordingly, a Works Approval will not be required for the proposed terminal station.

The requirements of relevant State Environmental Protection Policies will be addressed in an Environmental Management Plan (EMP) to be developed prior to construction and for use throughout the construction and operation period. The EPA will be consulted as part of the development of the EMP.

6.2.4 *Flora and Fauna Guarantee Act 1988*

The *Flora and Fauna Guarantee Act 1988* was established to protect flora and fauna on Crown Land. Under this Act a permit is 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 taxa 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 by encouraging 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 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. A permit is not required under the *FFG Act* for private land unless the land is declared 'critical habitat' for the species. Under the Act, it may be determined that the whole or any part or parts of a habitat of any group of organisms or community of flora or fauna is critical to the survival of that group of organisms or community.

The proposed terminal station is entirely located on private land and is not considered to be 'critical habitat'. Therefore, no permit is required pursuant to the *Flora and Fauna Guarantee Act 1988* for the works contemplated within the site.

6.2.5

Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2007* was introduced in May 2007 to provide for the protection of Aboriginal cultural heritage in Victoria. This Act replaces Part IIA of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Comm.) and the *Archaeological and Aboriginal Relics Preservation Act 1972* (Vic.). The Act allows for greater protection of Aboriginal cultural heritage and permits increased Aboriginal community involvement in the decision making process.

The objectives of the Act are:

- *To recognise, protect and conserve Aboriginal cultural heritage in Victoria in ways that are based on respect for Aboriginal knowledge and cultural and traditional practices;*
- *To recognise Aboriginal people as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage;*
- *To accord appropriate status to Aboriginal people with traditional or familial links with Aboriginal cultural heritage in protecting that heritage;*

- To promote the management of Aboriginal cultural heritage as an integral part of land and natural resource management;
- To promote public awareness and understanding of Aboriginal cultural heritage in Victoria;
- To establish an Aboriginal cultural heritage register to record Aboriginal cultural heritage;
- To establish processes for the timely and efficient assessment of activities that have the potential to harm Aboriginal cultural heritage;
- To promote the use of agreements that provide for the management and protection of Aboriginal cultural heritage;
- To establish mechanisms that enable the resolution of disputes relating to the protection of Aboriginal cultural heritage; and
- To provide appropriate sanctions and penalties to prevent harm to Aboriginal cultural heritage.

In accordance with this Act, a Cultural Heritage Management Plan (CHMP) must be prepared prior to a planning permit being issued for a development if the proposal is a 'high impact activity' that will cause 'significant ground disturbance' and is in an area of 'cultural heritage sensitivity' as defined by the Regulations.

The CHMP for the proposed Stockyard Hill Wind Farm and ancillary elements was submitted to AAV during September 2009 for review. A desktop assessment has been prepared for the project in advance of the preparation and approval of a detailed CHMP in accordance with the provisions of the *Aboriginal Heritage Act 2006* (refer to Annex E).

The preliminary background research undertaken identified that there is one Aboriginal stone artefact scatter site (Lake Struan 1) recorded adjacent to the eastern feeder creek of Lake Struan and to the west of the terminal station site. The assessment recommends that a complex assessment is required as part of a mandatory CHMP in proposed areas of significant ground disturbance associated with the activity.

It is considered, through the approval of the CHMP by AAV, that the objectives of the *Aboriginal Heritage Act 2006* have been met.

6.2.6 *Heritage Act 1995*

The *Heritage Act 1995* establishes a legislative framework for the protection and conservation of places and objects of cultural heritage significance in Victoria.

The Act provides protection for a wide range of cultural heritage places and objects, including:

- Historic archaeological sites and artefacts;
- Historic buildings, structures and precincts;
- Gardens, trees and cemeteries;
- Cultural landscapes;
- Shipwrecks and relics; and
- Significant objects.

Under this Act, no places of non- Aboriginal cultural heritage significance have been identified within proximity to the proposed terminal station site. Accordingly the proposal is consistent with the key objectives of this Act.

6.2.7 *Catchment and Land Protection Act 1994*

The purpose of the *Catchment and Land Protection Act 1994* includes the following:

- To set up a framework for the integrated management and protection of catchments;
- To encourage community participation in the management of land and water resources; and
- To set up a system of controls on noxious weeds and pest animals.

The *Catchment and Land Protection Act 1994* gives effect to the Victorian Catchment Management Council and the regional Catchment Management Authorities and their policies and strategies. The proposed terminal station is located within the Corangamite Catchment Management Authority.

The construction and operation of the proposed terminal station will be completed in accordance with an EMP which will address land management issues such as water and weeds. The Catchment Management Authority will be consulted as part of the development of the EMP and will be a Referral Authority to the application.

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CORANGAMITE PLANNING SCHEME

The primary approval mechanism for the development and use of the proposed terminal station is via a planning permit pursuant to the 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.

This Section outlines the relevant Clauses of the Scheme in relation to the proposed terminal station and provides a brief assessment of the proposal against each Clause.

7.1 STATE PLANNING POLICY FRAMEWORK**7.1.1 Clause 11.01- Introduction**

This Clause states that:

It is the State Government's expectation that planning and responsible authorities will endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development.

Further:

Planning, under the Planning and Environment Act 1987, is to encompass and integrate relevant environmental, social and economic factors. It is directed towards the interests of sustainable development for the benefit of present and future generations, on the basis of relevant policy and legislation.

This permit application is in accordance with the direction provided in this Clause. The preparation of the application has involved an assessment which encompasses and integrates relevant environmental and social factors. Based on this assessment of policies and factors it is considered that the proposed terminal station will result in a sustainable development that will have an overall net community benefit.

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.

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.

The proposed terminal station will feed power generated by various energy generation sources into the NEG. The proposed terminal station is therefore consistent with the key directions of this Clause for the following reasons:

- The proposed terminal station achieves the protection of air, land and water quality and the conservation of natural ecosystems, resources, energy and cultural heritage by avoiding impacts to native vegetation, fauna habitat and areas of cultural heritage sensitivity.
- The potential impacts associated with the construction and operation of the proposed terminal station on soil and water conditions and quality are expected to be minimal due to the small development footprint of the proposed terminal station and access tracks and setbacks from water courses.
- Construction and operation of the proposed terminal station will occur in accordance with an approved EMP that will be prepared for the project.
- Cultural heritage values of the site are unlikely to be significantly affected as identified in the *Preliminary Cultural Heritage Desktop Assessment (Tardis January 2009) (Refer to Annex E)* and a CHMP has been prepared and submitted to AAV which provides recommendations to adequately protect any identified cultural heritage values.
- The ecological investigation undertaken has assessed the development of the proposed terminal station in accordance with the *Flora and Fauna Guarantee Act 1988* and *Environment Protection and Biodiversity Conservation Act 1999*. Based on the findings of this investigation, the proposed terminal station is not expected to have any significant impact on the ecological conditions of the site (*Stockyard Hill Wind Farm Flora and Fauna Assessment, Brett Lane and Associates Pty Ltd, September 2009*)(Refer to Annex F).

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 design and layout of the proposed terminal station has responded to the findings of the various technical studies, which have been undertaken to ensure the protection of the environmental quality of the area, including the protection of air, land and water quality and the conservation of natural ecosystems, resources, energy and cultural heritage.

Clause 11.03-4 - Infrastructure

This Clause states that providers of urban infrastructure, whether public or private bodies, are to be guided by planning policies and should assist strategic land use planning.

SHWF has undertaken an assessment, and consulted with relevant authorities, to confirm that the project can be connected to the NEG and may respond to the growing demand for electricity from renewable sources.

In addition, the proposed terminal station has been designed in accordance with all relevant policies of the Scheme as required by this Clause.

Clause 11.03-5 - Economic Well-Being

This Clause states that planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.

The proposed terminal station will contribute to the economic well-being of the local community and the State throughout the construction and operation phase of the project. The construction and operational phases will generate positive economic activity through employment. During the operation of the terminal station there will also be additional revenue through annual operations and maintenance expenditure.

7.1.2

Clause 15.01- Protection of Catchments, Waterways and Groundwater

The objective of this Clause is to assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater and the marine environment.

This Clause states that Responsible Authorities should ensure that works at, or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their in stream uses. The Clause requires that proposal should be consistent with *Guidelines for Stabilising Waterways (Rural Water Commission 1991)* and *Environmental Guidelines for River Management Works (Department of Conservation and Environment 1990)*, and should have regard to any relevant river restoration plans or waterway management works programs approved by a catchment management authority.

Impacts associated with the construction and operation of the proposed terminal station on surface and ground water, water bodies and water ways are expected to be minimal due to the small development footprint of the proposed terminal station and access tracks and the relatively shallow depth of the foundations (*Geotechnical Review, HardRock Geotechnical Pty Ltd, December 2008 (Refer to Annex G)*). A Construction and Operational Environmental Management Plan will be developed to ensure that these principles are upheld.

7.1.3

Clause 15.04 - Air Quality

The objective of this Clause is to assist the protection and improvement of air quality.

Any air quality impacts associated with the construction phase of the proposed terminal station are expected to be minimal. The construction phase will be undertaken in accordance with an EMP, ensuring that dust emissions, or any other potential air quality impacts, are minimised.

7.1.4 *Clause 15.05 - Noise Abatement*

The objective of this Clause is to assist the control of noise effects on sensitive land uses. This Clause states that planning and Responsible Authorities should ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of an area.

Marshall Day Acoustics has completed an assessment of the noise impacts associated with the proposed terminal station. This assessment identifies that the objective of this Clause is able to be met and that the proposed terminal station is not expected to result in any significant loss of amenity to adjoining residences as a result of noise (*Terminal Station Noise Assessment Report, January 2009*) (Refer to *Annex H*).

7.1.5 *Clause 15.07- Protection from Wildfire*

The objective of this Clause is to minimise the risk to life, property, the natural environment and community infrastructure from wildfire.

This Clause states that fire hazards must be considered in planning decisions affecting wildfire risk environments to avoid intensifying the risk through inappropriately located or designed uses or developments.

Whilst the terminal station site is covered by a Wildfire Management Overlay under the Corangamite Planning Scheme, planning permission is not required for the proposed buildings and works under this Overlay as the use is not considered to significantly increase the threat to life and surrounding property from wildfire.

Consultation with the Country Fire Authority (CFA) will occur prior to the preparation of the EMP for the site to ensure that the proposal is consistent with the key directions of Clause 15.07 of the Scheme. Preliminary consultation has already been undertaken with the CFA as detailed in *Section 3.2.4*.

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

The objective of this Clause is to assist 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; and*
- *Responsible authorities should ensure that the siting of new buildings and works minimises the removal or fragmentation of native vegetation.*

The *Flora and Fauna Assessment* undertaken by Brett Lane & Associates Pty Ltd dated September 2009 (*Refer to Annex F*), demonstrates that the proposed terminal station is able to assist in the achievement of the above Clause given the following:

- The proposed terminal station lies within already-cleared and cultivated land that lacks habitat for indigenous flora and fauna. Construction of the terminal station will therefore not result in any significant impacts on native flora and fauna.
- Fauna habitats on the proposed terminal station are not considered to be suitable for species other than highly adaptable native bird species common to farmland settings throughout south eastern Australia. No rare or threatened species of fauna are considered likely to occur at the terminal station site due to the highly modified nature of the habitat.
- The proposed terminal station site is dominated by exotic vegetation (pasture and crops) as a consequence of past agricultural development and does not support habitat suitable for native flora and fauna species of significance.
- None of the five flora species listed under the *EPBC Act* and *FFG Act* are likely to occur at the terminal station site.

Thus, it is considered the proposed terminal station is consistent with the key directions of Clause 15.09 of the Scheme.

7.1.7

Clause 15.11- Heritage

The objective of this Clause is to conserve places that have natural, environmental, aesthetic, historic, cultural, scientific or social significance or other special values important for scientific and research purposes.

This Clause states that planning and Responsible Authorities should conserve and protect places of natural and cultural value from inappropriate development including the following:

- Places and sites of geological, paleontological or scientific importance including rock formations and fossil sites.
- Places of Aboriginal cultural heritage significance, including historical and archaeological sites.

- Sites associated with the European discovery, exploration and settlement of Victoria.
- Important buildings, structures, parks, gardens, sites, areas, landscapes, towns, and other places associated with the historic or cultural development of Victoria.

As previously discussed, a desktop Cultural Heritage Assessment has been prepared for the project in advance of the approval of the completed CHMP (submitted to AAV for approval during September 2009), in accordance with the provisions of the *Aboriginal Heritage Act 2006*. The preliminary cultural heritage assessment undertaken concludes that the proposed terminal station is not expected to impact on any non-Aboriginal sites, Aboriginal sites or areas of Aboriginal cultural heritage significance.

7.1.8

Clause 17.05- Agriculture

The objective of this Clause is to ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use and to enable protection of productive farmland which is of strategic significance in the local or regional context.

This Clause states that permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.

The proposed terminal station will accommodate a relatively small part of the existing agricultural land holding and allows the remainder of the land to continue to be used for agricultural purposes. Furthermore, the proposed terminal station use will not adversely impact upon the agricultural use of surrounding land. The subject land has not been identified as strategically significant in a regional or local context. Accordingly, the proposal is entirely consistent with this Clause.

7.1.9

Clause 18.01- Declared Highways, Railways and Tramways

The objective of this Clause is to integrate land use and transport planning around existing and planned declared highways, railways, principle bus routes and tram lines.

The proposed terminal station will have a temporary short term impact upon the surrounding road network during the construction phase with minimal impact once the terminal station is operational (*Traffic and Transport Memorandum - Parsons Brinkerhoff, December 2008*) (refer to *Annex I*).

It is recommended that a Traffic Management Plan for the construction phase be completed in consultation with VicRoads and Corangamite Shire Council.

It is not expected that the proposed terminal station will create any adverse traffic impacts in the locality and, therefore, it is considered to be consistent with the key objective of this Clause.

7.1.10***Clause 19.03-2- Design and Built Form***

This Clause identifies the need for an appropriate site analysis and design response to be undertaken for development proposals and for proposals to take into consideration matters such as landmarks, views and vistas to be protected.

The site selection process for the terminal station involved consideration of a range of matters including access to the NEG, access to main roads, zoning and overlay controls, land ownership and environmental and biodiversity constraints. Accordingly, an appropriate site analysis, and design response was undertaken.

In relation to landmarks, views and vistas, the *Landscape and Visual Assessment Report*, ERM, September 2009 (refer to *Annex J*), addresses the potential visual impact of the proposed terminal station within the surrounding landscape.

This assessment identifies that the landscape surrounding the site is considered to have a low sensitivity and is capable of visually absorbing the terminal station and limiting its impact. Therefore, the site is considered a suitable landscape for the construction of the terminal station. A landscape buffer is to be planted within the surrounds of the terminal station to further soften its setting within the surrounding landscape.

Accordingly it is considered that the proposed terminal station is appropriate in the context of the key direction of this Clause in relation to landmarks, views and vistas.

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 the proposed terminal station.

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.

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.*

A flora and fauna assessment of the terminal station site has been undertaken by Brett Lane & Associates (*refer to Annex F*). This assessment advises that:

- *The proposed terminal station lies within already-cleared and cultivated land that lacks habitat for indigenous flora and fauna. Construction of the terminal station will therefore not result in any significant impacts on native flora and fauna.*

It is therefore considered that this proposal is appropriate in the context of this Clause.

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:

- *Orderly development of urban areas, the strategic growth of towns and with new residential development focused on existing urban centres and towns;*
- *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.*

The proposed siting of the terminal station will allow the agricultural use of the balance of the wider landholder's land to continue. The terminal station is proposed to be located to the north east of Lake Struan and sited so that it will have no significant adverse landscape impact. The terminal station is therefore considered to be appropriate in the context of this Clause.

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.

The objectives within this Clause that are relevant to the terminal station 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.*
- *To ensure that risks to life and property from wildfire are appropriately managed.*

Investigations undertaken by Brett Lane & Associates Pty Ltd (*refer to Annex F*) to assess the impact on the flora and fauna of the proposed terminal station have identified that the site lies within already-cleared and cultivated land that lacks habitat for indigenous flora and fauna. Construction of the terminal station will therefore not result in any significant impacts on native flora and fauna.

The proposal is therefore consistent with the objectives of this Clause.

7.2.2

Local Planning Policies

The Local Planning Policy Framework (LPPF) identifies long term directions about land use and development in the municipality and provides the rationale for the zone and overlay requirements and particular provisions in the Scheme.

Clause 22.02- Environment

This Clause outlines several sub-Clauses of relevance including the following:

- Clause 22.02-1 - Catchment and Land Protection;
- Clause 22.02-2 - Erosion; and
- Clause 22.02-5 - Biodiversity.

The Clauses are discussed in greater detail below:

Clause 22.02-1 Catchment and Land Protection

This policy applies to all land and water in the Rural and Low Density Residential zones.

This policy seeks to achieve the long term sustainable care and management of the Shire's natural resource base for the continued economic development of the Shire and the protection of environmental assets.

The objectives of this Clause are:

- *To ensure the sustainable development of natural resources of soil, water, flora, fauna, air and ecosystems.*
- *To promote the maintenance of ecological processes and genetic diversity.*
- *To ensure that the use and development of land and water takes into account impacts on the quality and quantity of natural resources.*
- *To promote consistency and application of the regional catchment strategies and other natural resource management strategies.*

The proposed terminal station is consistent with the objectives of this Clause as outlined in the *Flora and Fauna Assessment* undertaken by Brett Lane & Associates Pty Ltd, September 2009 (*refer to Annex F*). The proposed terminal station is located more than 50 metres away from the nearest creek and Lake Struan and is not anticipated to have any adverse impact upon these natural resources.

Clause 22.02-2 – Erosion

This policy applies to land in the Rural, Low Density Residential and Public Land zones.

This Clause outlines that some areas in the Shire are susceptible to erosion and land slippage, particularly along the Great Ocean Road. This policy seeks to prevent the incidence of erosion and land slippage.

The objectives of this Clause are as follows:

- *To ensure that the use and development of land does not cause significant land disturbance.*
- *To protect areas prone to soil erosion by minimising soil erosion and vegetation loss.*

The geotechnical assessment of the terminal station site prepared by HardRock Geotechnical P/L (*Refer to Annex G*) states that:

The geological setting is favourable in terms of interaction between the soil and rock mass and groundwater regime. Unstable underground features (such as caverns) present in limestone 'karst' regions found in NSW are not present in this region. Foundations will have no impact on underground water bodies, and/or groundwater. Waste water is expected to be treated on-site using a small on-site treatment plant and similarly will have minimal impact on underground water bodies, and/or groundwater. Larger volumes of waste water may be produced during construction which should be contained in portable storage and removed from site upon project completion.

It is considered that the proposed terminal station is unlikely to create erosion or land disturbance and that the proposal is consistent with the objectives of this Clause.

22.03 – Economic Development

22.03-1 - Agriculture

This policy applies to all land in the rural zones.

This policy states that Agriculture is the single most important industry in the Shire and that its protection and enhancement is linked to the environmental and economic well being of the Shire.

The objectives of this Clause are as follows:

- *To protect the natural and physical resources upon which agricultural industries rely.*
- *To promote agricultural industries which are ecologically sustainable and incorporate best management practices.*
- *To prevent land use conflicts between agricultural uses and sensitive uses and ensure that use and development in the Shire is not prejudicial to agricultural industries or the productive capacity of the land.*
- *To support the diversification of agriculture, the development of agro forestry and the processing of agricultural products grown within the municipality.*

It is local policy in relation to Agricultural Resources that:

- *Land capability and land suitability will be taken into account in the assessment of use and development proposals.*
- *Agricultural land will be protected as an economic and environmentally valuable resource. Conversion of land to non-soil based use and development will be strongly discouraged unless there is no other suitable site for the proposed use and development and overwhelming public benefit is demonstrated.*
- *The retention of the resource of agricultural land in productive units will be preferred and the fragmentation of land will be strongly discouraged.*
- *Use and development which alienates agricultural resources, is sensitive to off-site effects, lessens the capacity of essential infrastructure or in any other way may prejudice agricultural resources and agricultural production will be strongly discouraged.*

The proposed terminal station will accommodate a relatively small part of the existing agricultural land holding and allows the remainder of the land holding to continue to be used for agricultural purposes. Furthermore, the proposed terminal station will not adversely impact upon the agricultural use of surrounding land. The subject land has not been identified as strategically significant in a regional or local context.

The proposed siting of the terminal station seeks to minimise potential impact upon environmental, ecological and heritage considerations of the site and surrounding area. It is therefore considered that the proposal is entirely consistent with this Clause.

22.04 – Particular Use and Development

22.04-1 Building Lines and Height

This policy applies to use and development of land in a number of zones, including rural zones.

The relevant objective for the policy is:

- *To ensure that rural development is sited so as not to prejudice the landscape features and environmental attributes of the surrounding area.*

It is local policy that:

Setbacks

The preferred setback for buildings on the alignment of any road, proposed road or proposed road widening where such alignment forms the frontage, or to any road alignment not forming a frontage, within a Rural Zone is as follows:

- *Minor Road – 25 metres;*
- *Watercourse – 100 metres; and*
- *Adjoining Properties – 15 metres.*

Height

The preferred height for buildings within a Farming Zone is 10 metres.

Where these setbacks or heights are not met the applicant should demonstrate that an equivalent or better outcome is achieved having regarded to:

Rural zones

- *The use of the natural topographical features to screen the proposed development.*
- *Whether the proposed development abuts an existing township and the existing setbacks in the locality.*
- *Effect on attractive views of the road or natural landscape, the screening of caravan parks and tourist establishment by natural topographical features or its proximity to existing township areas.*
- *Design of both buildings and landscaping to allow the development to be accommodated by the surrounding landscape.*

The proposed terminal station meets the specified setback requirements for the zone.

Whilst elements of the terminal station infrastructure exceed the preferred building height, the terminal station is screened to the north and south-east by Blue Gum plantations and part of a shelter belt. The proposed facility will also be located adjacent to an existing 500kV NEG high voltage powerline supported by lattice suspension towers more than 40 m in height.

In this context the proposed maximum height of some components of the terminal station are considered to be consistent with the policy objective of protecting landscape features and environmental attributes of the surrounding area.

7.3 *ZONING AND OVERLAY CONTROLS*

Zoning and overlay controls establish whether a planning permit is required for particular use and development. The controls set out the land use objectives for the area by giving direction as to how the land should be developed and used now and in the future.

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

7.3.1 *Zoning Controls*

The proposed terminal station is located within a Farming Zone – Schedule 1 (FZ 1) under the Corangamite Planning Scheme. A copy of the zoning map with the terminal site location depicted is shown overleaf at *Figure 7.1*.

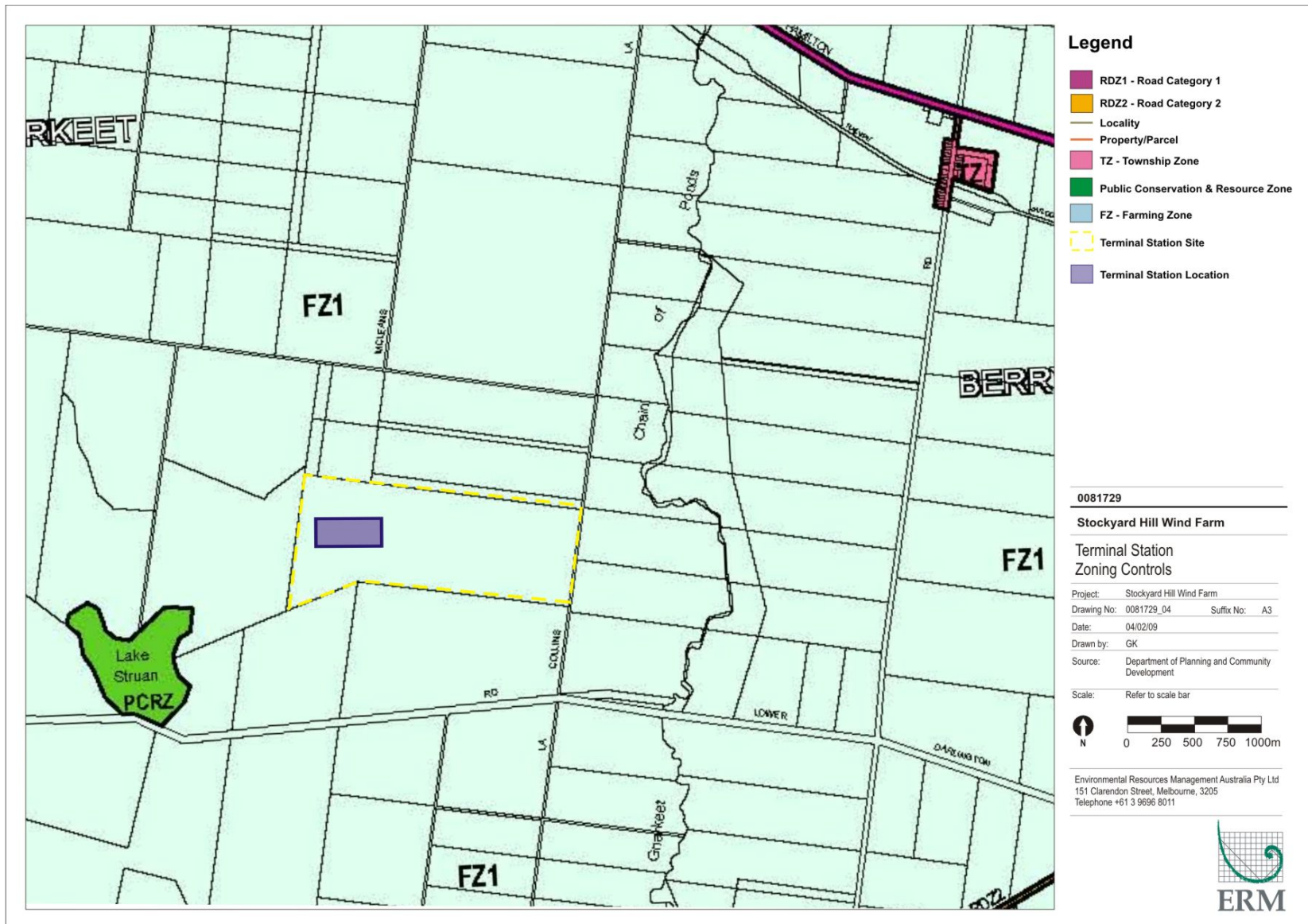


Figure 7.1 Zoning Plan

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.*

The terminal station falls under the definition of a *Utility installation* under Clause 74 of the Scheme. Under the Farming Zone a permit is required for use and development of a Utility installation.

Under the Schedule to the zone, the following minimum development setbacks apply:

- Minimum setback from a minor road – 20 metres;
- Minimum setback from a boundary - 5 metres; and
- Minimum setback from a dwelling not in the same ownership - 100m

No planning permit is required for the use or works associated with the proposed access road under the Zone.

The proposed terminal station site is of a minimal area in the context of the surrounding vast rural environment and the proposed use of the site allows for the continuation of productive agricultural uses in the locality.

The proposed terminal station exceeds the minimum development setback requirements of the Schedule to the zone.

It is considered that the proposed terminal station is consistent with the purpose of the zone.

7.3.2

Overlay Controls

The terminal station site and part of the access road are affected by a Wildfire Management Overlay (WMO). A copy of the Overlay map with the terminal station site depicted is shown at *Figure 7.2*.

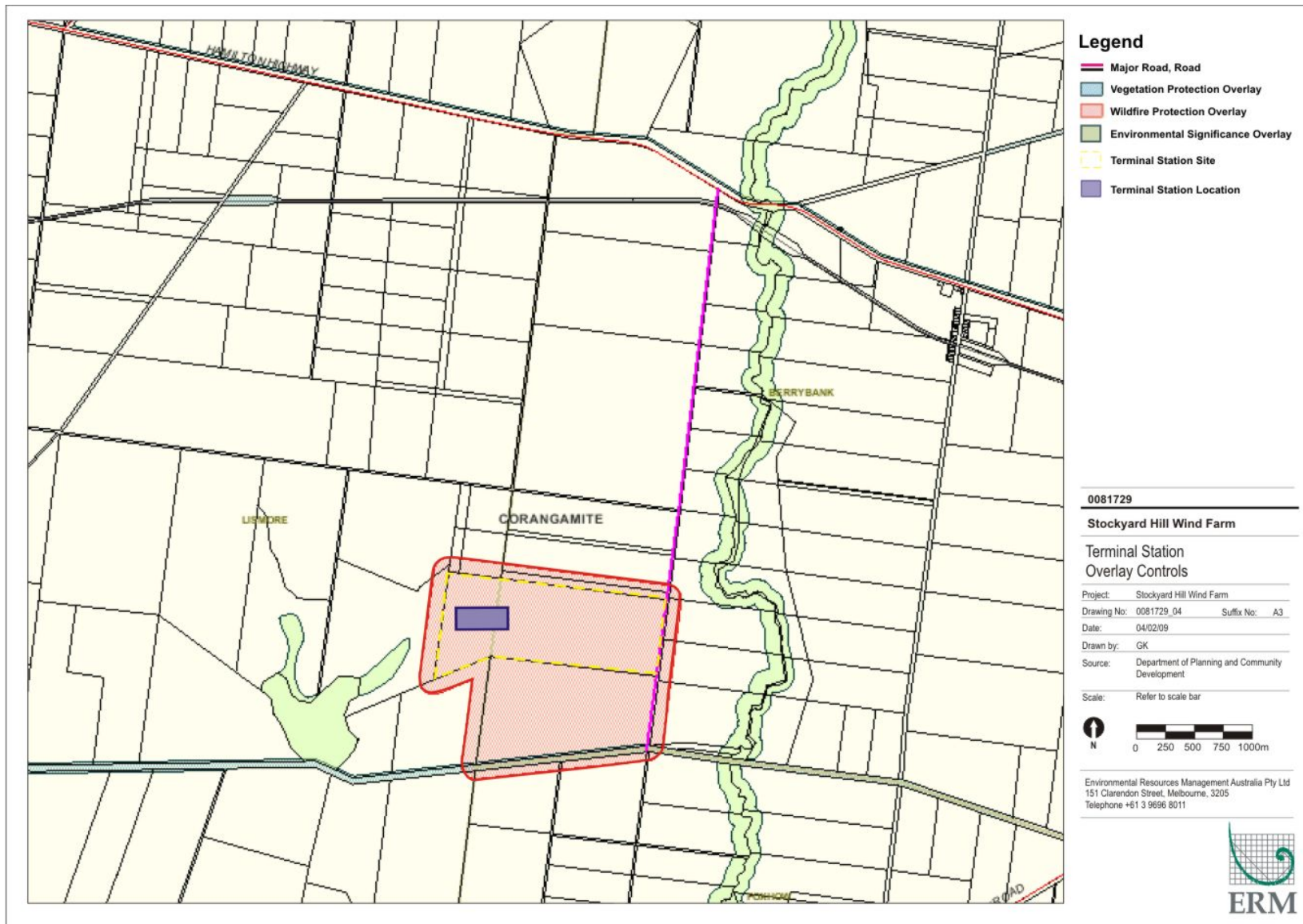


Figure 7.2 Overlay Plan

No planning permit is required for the proposed use or development under this Overlay.

7.4 PARTICULAR PROVISIONS

The Particular Provisions outline the detailed planning provisions and controls that also apply to the proposed wind farm terminal station. Relevant provisions are outlined in this Section.

7.4.1 Clause 52.06 – Car parking

The purpose of this Clause is principally to ensure the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality and ensure that their siting and design does not affect the amenity of the locality.

The terminal station compound includes a parking area adjacent to the control room and work shop area. No permanent staff will work at the terminal station and staff will only make operational visits as required. Sufficient space is available for the parking of more than ten vehicles and this is considered more than sufficient to cater for the operational requirements of the terminal.

7.4.2 Clause 52.17 – Native Vegetation

In accordance with the Clause a permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply if the vegetation is specifically exempted from requiring a permit under the Clause.

No native vegetation is proposed to be removed as part of the terminal station works. A section of the planted shelter belt is proposed to be removed; however no planning permission is required for its removal.

7.5 OTHER RELEVANT DOCUMENTS

There are a number of other documents referred to or Incorporated in the Planning Scheme, which are relevant to the planning considerations of a wind farm development. These include:

- Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (2009);
- Victoria’s Native Vegetation Management – A Framework for Action (2002); and
- Glenelg-Hopkins Regional Catchment Strategy 2003-2007.

These are each discussed briefly below.

7.5.1 *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 Guidelines define a Wind Energy Facility as:

"...land used to generate electricity by wind force. It includes any turbine, building, or other structure or thing use in or in connection with the generation of electricity by wind force."

The Guidelines outline that a Terminal Station is defined as a 'utility installation' and that a 'utility installation' is subject to a separate planning application and approval.

"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."

These Guidelines confirm the approval process this submission is undertaking, in terms of presenting a separate planning application for the terminal station to the main wind farm application.

7.5.2 *Victoria's Native Vegetation Management – A Framework for Action*

As part of any proposed development, the proponent is required to take into account the principles of *Victoria's Native Vegetation Management – A Framework for Action* (DSE 2002) (the Framework). The Framework is an incorporated document in the Victorian Planning Provisions.

The aim of the Framework is to achieve a Net Gain approach in the quality and quantity of indigenous vegetation across the Victorian landscape. In particular, the proponent must demonstrate that:

1. The removal of native vegetation has been avoided where practical;
2. Where avoidance of native vegetation cannot be achieved, techniques to minimise impacts have been implemented; and
3. Native vegetation offsets have been provided where necessary to compensate for the removal of native vegetation.

A flora and fauna assessment has been undertaken as part of the assessment process for the proposed terminal station.

No native vegetation is proposed to be removed from the terminal station site. Therefore, the proposed terminal station is fully in compliance with the first step of the Framework which is to “avoid” native vegetation removal.

7.5.3

Glenelg-Hopkins Regional Catchment Strategy 2003-2007

The Glenelg-Hopkins Regional Catchment Strategy for 2003-2007 provides 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.

The proposed terminal station is located within the Lake Corangamite Basin area of the Corangamite Catchment Management Authority (CCMA). It is considered that the proposed terminal station will have minimal impacts as a result of erosion, compaction and contamination on soil, groundwater and the water cycle throughout the construction and operation phases of the project. However, any potential impacts associated with the terminal station will be managed via the proposed EMP with input from the CCMA as required.

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OTHER PLANNING ISSUES

There are several planning issues that are frequently raised by landowners relating to major construction of utility installation projects. This section addresses these issues from a planning perspective, with the key issues identified as follows:

- Amenity impacts and reasonable expectations in the Farming Zone; and
- Electromagnetic Fields (EMF).

Further discussion of these issues is detailed below.

8.1

AMENITY IMPACTS IN THE FARMING ZONE

Visual amenity is one of the key issues associated with the development of major infrastructure projects, such as the terminal station. Visual amenity is not explicitly identified as an objective in the Farming Zone although the SPPF at Clause 22.04-1 – *Particular Use and Development - Building Lines and Height* does address the issue. Specific reference is made to the need to consider the degree to which structures generally have 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 terminal station site is located in a highly modified landscape. Elements such as a high voltage powerline and supporting towers are located in the immediate area. The terminal station exceeds the minimum setback requirements from minor roads, lot boundaries and dwellings under the Zone and sufficient space is available around the proposed terminal station site to allow for additional landscaping to further soften the setting of the development.

In relation to visual impact, the *Landscape and Visual Impact Assessment* (ERM, September 2009) (refer to *Annex J*) identifies that agricultural activity, associated structures and other signs of human intervention have created a landscape that can absorb other changes such as the proposed terminal station, given the highly modified environment. Accordingly the report states that visual amenity impacts as a result of the proposal will not be significant.

In addition, it is considered that the proposed terminal station will not result in unreasonable amenity impacts to adjoining properties as a result of noise. The acoustic assessment prepared by Marshall Day (refer to *Annex H*) indicates predicted noise levels can be suitably controlled at the site.

8.2

ELECTROMAGNETIC FIELDS

Electromagnetic Fields (EMF) are often an area of concern in relation to terminal station sites. EMFs are invisible fields produced by the generation, transmission, distribution and use of electric power. They are found near electrical infrastructure, wiring in homes and offices, electric clocks, computers, hair dryers, electric blankets and any other devices that use electricity. They are not unique to terminal stations and transmission lines.

The question of the possible adverse health effects of electromagnetic fields continues to be an environmental and occupational health and safety issue for the community and electricity supply industry throughout the world. Considerable international research effort over 25 years has been undertaken in an attempt to resolve many of the scientific uncertainties surrounding the health effects issue.

In the management of this issue, SHWF is guided by the findings of independent authoritative scientific and medical reviews, which evaluate all the research findings. Many reviews have been published worldwide. None have concluded that EMFs cause or contribute to adverse health effects. SHWF continues to closely monitor all aspects of research into the EMF issue.

In Australia, the national body charged with the responsibility for developing safety standards for electromagnetic fields are the Australian Radiation Protection and Nuclear Safety Agency (www.arpansa.gov.au), an agency of the Commonwealth Department of Health. The Australian Radiation Protection and Nuclear Safety Agency says the results of all EMF studies to date have indicated either no association or a weak association between EMF and adverse health effects. It says association does not mean causation.

Throughout the planning and development of new electrical infrastructure within the community, SHWF follows good industry practice of acting prudently. This includes avoiding locating powerlines near homes, schools and community facilities where possible. It is considered that the construction of the terminal station south of the transmission line will not result in any significant additional EMFs than are currently produced by the existing 500kV NEG.

CONCLUSION

The following conclusions can be made in relation to the proposed terminal station:

- The proposed terminal station is consistent with the relevant Commonwealth and State legislation;
- The proposed terminal station is entirely appropriate in the context of State sustainability;
- An assessment of the terminal station against the relevant State and Local policies of the Corangamite Planning Scheme clearly demonstrates that it is consistent with the key direction of the Planning Scheme from an environmental, cultural heritage and economic perspective and will not have any adverse impact on these policy objectives;
- The proposed terminal station is also appropriate in the context of relevant zone and overlay controls of the Corangamite Planning Scheme and is consistent with the objectives of the zone and the overlay;
- The proposed terminal station is not expected to have any significant impact on the amenity of surrounding landholdings either via landscape and visual impacts or noise;
- The proposed terminal station will not affect the existing land-uses or those proposed in the future, on the remainder of the landholding or the surrounding properties;
- The proposal will not result in any significant adverse traffic or car parking impacts; and
- Any potential off site impacts that may be generated by the proposal can be suitably controlled through the preparation of an Environmental Management Plan that could be required as a condition of any planning permit that may be issued.

In conclusion, based on a balanced assessment of key planning issues and policies, it is considered that the proposed terminal station will be an appropriate planning outcome that will result in an overall net community benefit for the Shire of Corangamite and wider Victoria.

Environmental Resources Management Australia Pty Ltd

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