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16. Planning Assessment

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ADVERTISED ENERGY PLAN FORMS

WIMMERA PLAINS WIND FARM

PLANNING REPORT

JULY 2020

PREPARED FOR BAYWA R.E

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Prepared for
BayWa RE

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Version	Author	Date	Description of changes
1	FI Cotter	12/02/20	First draft
2	Tim Doolan	25/4/20	Updated draft
3	FI Cotter	21/05/20	Final Draft
4	Tim Doolan	22/05/20	Final
5	FI Cotter	22/07/20	Updated as response to RFI

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EXECUTIVE SUMMARY

The proposed Wimmera Plains Energy Facility is located approximately 10 km north-east of Horsham in north-western Victoria. The wind farm will consist of up to 52 turbines with a total capacity of approximately 291 megawatts. It will connect into the national electricity grid via an existing 220 kV transmission line which traverses the site.

In accordance with the Horsham Planning Scheme a planning permit is required for use and development of a wind energy facility, utility installation, signage, and removal of native vegetation.

The proposal is well supported by the balance of policies under the planning scheme, particularly those which seek to encourage the provision of renewable energy with minimal impact on the amenity of the area. The subject site is well suited for a wind farm of the proposed scale, given its context of a lightly populated landscape and direct access to the national electricity grid.

This report provides an assessment of the proposal against the provisions of the Horsham Planning Scheme.

Technical reports completed by consultants and the proponent form part of the planning permit application and have informed the assessment. A brief summary of these reports is provided below.

Noise

Marshall Day Acoustics prepared a pre-construction (predictive) noise impact assessment *Operational Noise Assessment* dated 4 March 2020 and a *Background Noise Assessment* dated 17 April 2020.

These reports conclude that the proposal is able to be designed and developed to achieve the requirements of the relevant noise standard NZS 6808:2010, with the highest predicted noise level for non-stakeholder dwellings being 38.0 dB LA90.

The assessment includes the cumulative impact of the Wimmera Plains Energy Facility and two other wind farm projects in the surrounding area. A high amenity noise limit does not apply. The required pre-construction audit report and audit requirements have been met.

Blade Glint

Blade glint can result from the sun reflecting from the turbines. The Landscape and Visual Assessment recommends the use of non-reflective finishes through the detail design period to achieve low impact.

Given industry standard finishes for wind turbines blades, glint is not a significant issue and will not impact the amenity of surrounding residences or the area in general. Blades will have low reflectivity finishes to ensure glint is minimised, and this may be detailed on any plans provided for approval under the permit should one be issued.

Electromagnetic Interference

An Electromagnetic Interference Risk Assessment dated March 2020 was carried out by the proponent.

The assessment outlines that only two services are able to be affected by wind farm activities, those being television broadcasting and microwave links.

The assessment concludes that the wind energy facility will not be capable of causing large scale interference to television broadcasting and will not cause interference to microwave links.

Shadow Flicker

The effects of the facility in relation to shadow flicker have been modelled by the proponent with WindPro software.

Of the 34 dwellings within a 3 kilometre radius of a turbine, 1 stakeholder dwelling will receive 30 hours or more of shadow flicker. All non-stakeholder dwellings will receive less than 30

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The assessment concluded that the visual impact of the wind farm is likely to be low to moderate from publicly accessible locations. The impact of the wind farm on Mount Arapiles and Grampian and Black Range Environs was determined as negligible with the closest turbine being approximately 40km away from these landmarks.

In relation to private locations, the assessment identified 43 non-associated dwellings within the 5 kilometre viewshed of the wind farm, with 1 dwelling location to have a High visual effect and 4 dwellings locations to have the potential for Moderate to High visual effects. The remainder of dwellings would bear a Low to Moderate impact.

Cumulative impacts of the Wimmera Plains Energy Facility together with wind farms in the area were considered unlikely to be significant given the distance between projects.

The assessment concluded overall impacts to be acceptable with some mitigation measures (landscape screening) potentially appropriate for some private residences.

Aircraft Safety

Landrum & Brown Worldwide (Australia) Pty Ltd has prepared an *Aeronautical Impact Assessment* (V2) dated April 2020.

The report concluded that the proposal will not have unacceptable impacts on aviation safety, with the requirement that a specific application be made to Airservices Australia and CASA to increase the 10 nm MSA for Horsham Airport.

The report also recommended that details of the facility should be provided to Airservices Australia to enable WTGs to be included in the Aeronautical Charts, on other Aeronautical Information Publications, and to be included in Aeronautical Databases. These requirements may be included via permit condition.

The report highlights that the proposal is located between two airports both equipped for night-time flights, and that should lighting be requested by CASA, lighting can be provided with shielding that only permits lights to be seen from above, and thereby alleviating impacts on local populations.

All met masts will have aviation safety markings in accordance with NASF guideline D.

Aviation Obstacle Lighting

No aviation obstacle lighting is proposed.

The Aeronautical Impact Assessment did not recommend the provision of lighting, noting that given the facility's location in close proximity to Horsham airport, it is likely that CASA will require the fitting of obstacle lighting enough to delineate the extent of the facility at night.

Flora and Fauna

Ecology and Heritage Partners prepared an *Ecological Assessment* dated 20 April 2020 detailing flora and fauna impacts of the proposal.

The assessment identifies the extent and type of native vegetation present within the site, and determines the presence of and impact to any significant flora and fauna species/ecological communities.

In relation to flora, the report concluded:

- Removal of 0.288 hectares of native vegetation will be required under the Intermediate assessment pathway. The offset requirement for native vegetation removal is 0.034 General Habitat Units (HUs). No specific HUs are generated.

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The project is unlikely to significantly impact any EPBC Act listed species, ecological communities or other matters of National Environmental Significance. EPBC Act referral was considered unwarranted.

Referral under the EES Act for ecological impacts is not required. Impacts on native vegetation will require FFG Act permission.

In relation to fauna, the report concluded:

- It is unlikely the wind farm will have a significant impact on avifauna of the region, with only 0.25% of bird movements observed during surveys occurring within the RSA area, and birds likely to be impacted at all being of high abundance/low ecological significance.
- Due to the absence of nearby breeding or flocking habitat, appropriate buffer distances will be achieved and any potential impact to Brolga will be low to negligible.
- The potential impacts to bats during operation of the wind farm are expected to be low due to the RSA heights between 85 and 247 m.
- The wind farm is unlikely to significantly increase cumulative pressures within the broader landscape.
- Permit conditions should include a Bat and Avifauna Management Plan to monitor impacts and ensure bat and avifauna mortality remains within acceptable limits.

Cultural Heritage

A *Cultural Heritage Due Diligence Report* has been prepared by Green Compliance and Research, dated 9 April 2020. The report concluded that the proposal does not trigger the requirement for a mandatory CHMP under the Aboriginal Cultural Heritage Act 2006.

The report strongly recommended the preparation of a voluntary CHMP and desktop historical archaeological assessment given the large-scale nature of the project and the lack of local and regional studies in proximity to the site.

A voluntary Cultural Heritage Management Plan Complex Assessment dated April 2020 was prepared by Green Compliance and Research. A Complex Assessment includes a Standard assessment. No Aboriginal cultural material was identified during the Complex Assessment, with one Aboriginal Place approximately 80 m south of Turbine 5 identified during the Standard Assessment.

A *Desktop Historical Archaeological Assessment* dated 9 April 2020 was prepared by Green Compliance and Research and submitted with the application. There are no Heritage Overlay places within the project site, with the closest HO place being 16km to the south east of the activity area.

Traffic

Impacts on traffic and the road network have been assessed by Impact Traffic Engineers in their *Preliminary Transport Assessment*.

The assessment outlines that impacts will be acceptable with a number of road upgrades proposed and a traffic management plan to be developed via condition on any permit that may issue.

Bushfire

The CFA Guidelines for Renewable Energy Installations (February 2019) include provisions relating to wind farms. The proposal has taken these into consideration in the design of the facility, having a 300m setback between turbines on open grassed areas and the provision of onsite static water supply. A Fire Management Plan will be prepared prior to the commencement of construction.

Geotechnical and Hydrology

A geotechnical desktop study has been completed by Hard Rock Geotechnical Pty Ltd to provide an initial assessment of the site. The study did not raise any significant issues with the proposal

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in relation to the site being able to accommodate turbine foundations and other aspects of the project such as roads and construction activities.

A Geology and Hydrology Assessment Report has been provided by the proponent to explore existing ground water conditions at the project site and wider area. The report details that the site has been assessed for turbines and associated infrastructure positioned to minimise impact to waterways and vegetation and to avoid waterways and culturally significant sites.

Construction Impacts

As detailed throughout the various technical reports accompanying the application, there will not be any significant impacts to the land or local area that would preclude the development of a standard Environmental and Construction Management Plan to guide construction and operational processes.

An environmental management plan including any monitoring or rehab requirements may be included via standard permit conditions. This may include details of any rehabilitation works considered necessary to ensure the site is decommissioned appropriately.

Consultation and Engagement Plan and Outcomes Report

A Consultation and Engagement Plan was prepared in May 2019 and has been adapted to respond to the community feedback and activities. The purpose of the plan is to:

- identify stakeholders;
- characterise the stakeholder groups in terms of their interests, concerns and consultation needs and potential to provide local knowledge;
- describe the consultation methods to be used and outline a schedule of consultation activities; and
- outline how inputs from stakeholders will be recorded, considered and/or addressed through various stages of the Project.

A range of consultation activities have been undertaken over the period and these are contained in the Consultation Outcomes Report. A number of FAQ sheets that outline the proposed Community and Neighbour Benefit Schemes have been prepared and distributed.

As part of the development, BayWa r.e. will initiate a community reference group made up of local community members who will guide the distribution of the proposed annual Community Fund which is equivalent to \$1,000 per wind turbine (approximately \$52,000 per annum).

After construction is complete (from when all turbines are operational) the Proximity Grade 1 benefit will include all habitable dwellings within 2 km of the wind farm. These will receive \$1,500 per annum for each wind turbine that is closer than 2 km to their house.

Additionally, after construction is complete (within 3 months after all turbines are operational), the Proximity Grade 2 benefit offers all habitable dwellings within 3.6 km of a wind turbine to receive a rooftop solar panel system of 5 kW.

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Glossary

AAV	Aboriginal Affairs Victoria
AHD	Australian Height Datum
AIS	Aeronautical Information Service
AMCA	Australian Media and Communications Authority
AMSL	Above Mean Sea Level
ARENA	Australian Renewable Energy Agency
BMP	Bushfire Management Plan
CASA	Civil Aviation Safety Authority
CEFC	Clean Energy Finance Corporation
CFA	Country Fire Authority
CFA Guidelines	CFA Guidelines for Renewable Energy Installations
CHMP	Cultural Heritage Management Plan
CO ₂	carbon dioxide
CVU	Central Victorian Uplands
dB	Decibels
dBA	Decibels (A-weighted)
DELWP	Department of Environment, Land, Water & Planning
DHAA	Desktop Historical Archaeological Assessment
DTM	digital terrain model
EES	Environmental Effects Statement
EHP	Ecology and Heritage Partners
EMI	Electromagnetic interference
EMP	Environmental Management Plan
EPBC	Environment Protection and Biodiversity Conservation Act 1999
EVC	Ecological vegetation class
FFG	Flora and Fauna Guarantee Act 1988
Framework	Victoria's Native Vegetation Management: A Framework for Action
Future Energy	Future Energy Pty Ltd
FZ	Farming Zone
GBD	Green Bean Design Pty Ltd
GH	Green Heritage Compliance and Research Pty Ltd
GIS	Geographical Information System
GWh	Gigawatt hours
Heritage Act	Aboriginal Heritage Act 2006
HHa	Habitat Hectare
HO	Heritage Overlay
IPCC	Intergovernmental Panel on Climate Change
km	Kilometre
kV	Kilovolt

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LGCs	Large-scale Generation Certificates
LVI	Landscape and Visual Impact assessment
m	Metre
MW	Megawatt
MWh	Megawatt hour
NASAG	National Airports Safeguarding Advisory Group
NASF	National Airports Safeguarding Framework
National Guidelines	Draft National Wind Farm Guidelines July 2010
NZS 6808:2010	New Zealand Standard 6808:2010 Acoustics
OLS	Obstacle Limitation Surface
PCHS	Preliminary Cultural Heritage Study
Photoshop CS3	Image editing software
RAAF	Royal Australian Air Force
RAP	Registered Aboriginal Party
RDZ1	Road Zone Category 1
RET	Renewable Energy Target
RSA	Rotor Swept Area
SLO	Significant Landscape Overlay
SPPF	State Planning Policy Framework
SRES	Small-scale Renewable Energy Scheme
SWVLAS	South West Victoria Landscape Assessment Study
VAHR	Victorian Aboriginal Heritage Register
VCAT	Victorian Civil and Administrative Tribunal
Vestas V162	Model turbine type
VHI	Victorian Heritage Inventory
VHR	Victorian Heritage Register
VVP	Victorian Volcanic Plain
WEF Guidelines	Policy and planning guidelines for development of wind energy facilities in Victoria 2016
WindPro	Wind Farm modelling software
Wind turbine or WTG	Triple blade horizontal axis wind turbine generator
ZVI	Zone of Visual Influence

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1 INTRODUCTION

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This document has been prepared in support of an application for a planning permit to use and develop land for the purposes of a wind energy facility, herein referred to as the Wimmera Plains Energy Facility (the Project).

The subject site is located on the Wimmera Plains in north-western Victoria, approximately 10 km north-east of the Rural City of Horsham. The site is wholly within the local government area of Horsham.

The wind farm will consist of up to 52 turbines and associated infrastructure, signage of 3sqm and native vegetation removal of 0.288 hectares. The associated infrastructure will include connection to the 220kV transmission line on site.

This planning report and associated technical reports form an assessment of the proposal against all relevant provisions of the Horsham Planning Scheme. The remainder of this report includes the following information:

- A description of the proposal (Section 2)
- An analysis of the project site and its context (Section 3)
- An outline of the relevant planning provisions (Section 4)
- An outline of other relevant legislation (Section 5)
- An assessment of the proposal against all relevant provisions of the Horsham Planning Scheme under the *Planning and Environment Act 1987*, most notably Clause 52.32 Wind Energy Facility and reference document *Development of Wind Energy Facilities in Victoria, Policy and Planning Guidelines* (DEWLP March 2019) (the WEF Guidelines) (Section 6)

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2 THE PROPOSAL

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The proposal is for use and development of the subject land for the purposes of a wind energy facility and associated infrastructure and activities. The list of permit triggers is included in Section 4.1 of this report. This section outlines the proposal in detail and is taken directly from the description provided in Wimmera Plains Energy Facility Report prepared by BayWa r.e.

2.1 TURBINES

The proposal consists of up to 52 wind turbines with the following dimensions:

- Maximum tip height of 247m agl
- Hub height of 166m agl
- RSA diameter of 162m
- Minimum RSA height agl of 85m

Turbines will be coated in low reflectivity light grey paint as per standard industry practise.

Each turbine will have a reinforced concrete slab foundation of approximately 20m by 20m. Following construction of the wind farm the turbine tower, a collar around the base and hardstand will remain to allow maintenance. The edges of the hardstand and collar will be blended with surrounding paddock and covered with topsoil.

All the above dimensions are based on the candidate turbine model; the Vestas V162, which has a capacity of 5.6MW. Use of this turbine would result in a total potential output of approximately 291MW for the facility.

The final selection of wind turbine will depend upon intervening developments in policy, as well as technological and the economic developments. In the event that the final choice of turbine differs from the Vestas V162, the selected wind turbine generator will comply with the dimensions listed above, and all modelling will be redone on the basis of the final choice of turbine, with the Wimmera Plains Energy Facility to comply with all conditions of development approval.

2.2 TURBINES WITHIN ONE KILOMETRE OF A DWELLING

There is one dwelling within one kilometre of a turbine as measured from the centre of the tower at ground level. This dwelling is the stakeholder dwelling at 1797 Henty Highway, Jung (Dwelling 4) and is approximately 700 m from the nearest turbine (Turbine 41).

The written consent of the owner of this dwelling has been provided with the application.

There are a further 9 dwellings within 1.5 km from the nearest turbine, with 5 of these being stakeholder dwellings and 4 being non-stakeholder dwellings. The nearest non-stakeholder dwelling is located at 1729 Henty Highway, Jung (Dwelling 5) and is 1172 m from the closest turbine (Turbine 7).

In accordance with Clause 52.32-3 of the Horsham Planning Scheme, a plan of all dwellings within one kilometre is provided with the application. The plan also shows the additional information of all dwellings within 3 km from a turbine. Exact distances of all these dwellings from nearest turbines is contained in the Project Report.

2.3 ASSOCIATED INFRASTRUCTURE

Other proposed permanent infrastructure includes:

- Two substations. The substation areas will be approximately 200m x 100m each (including a 10m fire break around the whole perimeter) and will convert the power collected from the wind turbines from 33kV to 220kV. The westernmost substation will connect the western section of the facility to the easternmost main substation and the rest of the facility. Control and operations / maintenance buildings will be contained within the substation areas.
- New 220kV overhead power lines, comprising:

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Approximately 3630 m of 220kV line with supporting poles between 36 and 42 m in height, connecting the substations. There will also be an underground section of this powerline approximately 330 m in length, east of Henty Highway.

Approximately 300 m of 220kV line connecting the easternmost main substation to the existing 220kV line traversing the site.

- Underground cabling connecting all turbines to the substations. Underground cables will follow the route indicated on the Site Plan in trenches 450mm wide and 600mm deep.
- Internal access tracks of crushed rock 5.5m in width and 22.4km in length, routes shown on the Site Plan. Once construction is complete the access tracks will remain in place and will be used by the landowner and facility maintenance crews.
- Hard stand areas of 50m x 30m for each turbine will be established during the construction phase of the wind farm. Cumulatively, the hard stand areas will take up 78,000 sqm of land. At the completion of the construction, the hard stand areas will remain to be used for maintenance/vehicle parking.
- Four met masts. One met mast is existing, installed adjacent to proposed Turbine 20 and is 120 m in height. The further three masts will be up to 160m in height. All masts have/will have aviation safety markings in accordance with NASF guideline D.
- Four above ground water tanks of at least 45,000L volume will be installed on site. Two will be located adjacent to each substation, and the remaining two on the outskirts of the facility (one on the northeast and the other on the southwest).

The wind farm will not require a designated parking area for its continued operation. Once construction is complete the vast majority of visits to the wind farm will be made by general maintenance staff using standard passenger vehicles who will be able to utilise the space beneath turbines for parking. Each substation will provide eight parking places for maintenance purposes, shown on the Indicative Substation Layout and Elevation plan.

2.4 SITE ACCESS AND ROAD UPGRADES

The site straddles the Henty Highway (RDZ1) and three intersections with the highway will be used for main site access at the following intersections:

- Shearwoods Road
- Bayena Road
- Ladlows Road

Ten local roads are proposed for upgrading as part of the project. Five of these road upgrades directly intersect with the Henty Highway. Further details are included in the Project Report and within the Traffic Assessment.

2.5 SIGNAGE

Business identification signage is proposed to identify the wind farm at its main access point on Bells Road East. A single, permanent 1.5 x 2m sign is proposed elevated approximately 1.5m from ground level.

2.6 NATIVE VEGETATION REMOVAL

Up to 0.288 hectares of native vegetation will be required to be removed, within Location Category 2 under the Intermediate assessment pathway. The project avoids the remainder of 11.03 hectares of native vegetation on site. The Ecological Vegetation Class of vegetation to be removed is Plains Savannah.

The offset requirement for native vegetation removal is 0.034 General Habitat Units (HUs). No specific HUs are generated.

2.7 AVIATION OBSTACLE LIGHTING

No aviation obstacle lighting is proposed.

2.8 OTHER TEMPORARY WORKS

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During construction a temporary construction compound/staging area will be erected. The area will contain site offices, container storage, and crew amenities. Details are shown on the construction compound plans (East and West).

Two temporary concrete batching plants will be constructed, one adjacent to each substation.

The site plan for the project is shown at Figure 1 below.

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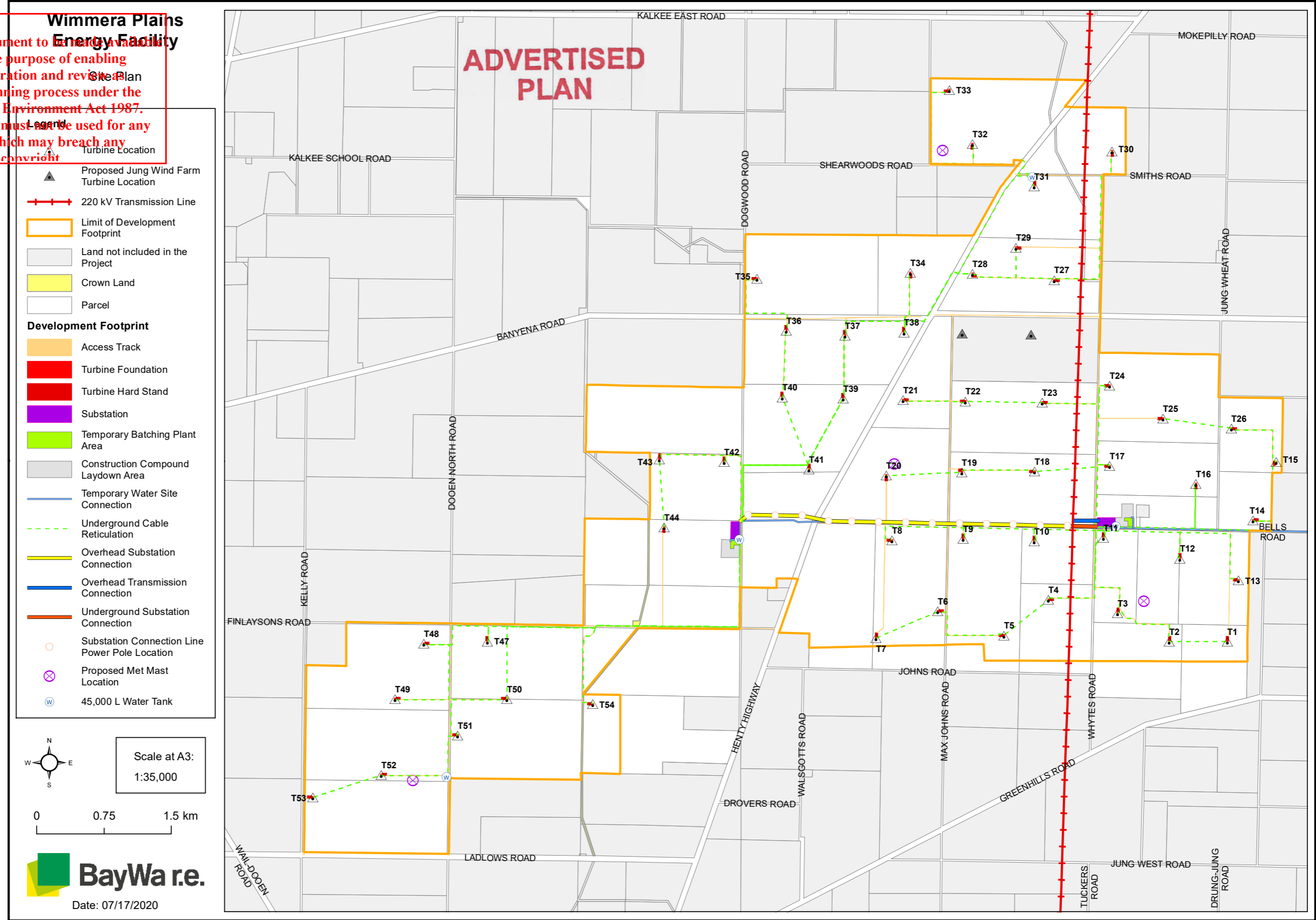


FIGURE 1 SITE PLAN

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3 SITE AND CONTEXT ANALYSIS AND DESIGN RESPONSE

3.1 SUBJECT SITE

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The project site is located approximately 10 km north-east of the township boundary of Horsham in north-western Victoria, within the local government area of Horsham.

The site is irregular in shape and is bounded by Kalkee East Rd and Mokepilly Rd to the north, Dogwood Road, Dooen-North Rd and Kelly Rd to the west, Ladlows Road and Johns Rd to the south and Jung Wheat Road and Jung North Rd to the east. Various local roads transect the site with the main arterial road Henty Highway running in a south-west to north-east direction through the middle of the site. Further details of existing conditions are shown on the Existing Conditions plan.

The site area is a total of approximately 3800 hectares, comprising 44 parcels of land. 42 parcels are in private ownership and 2 parcels are crown land. A full list of titles and formal descriptions of land including road reserves is contained as part of the application material and detailed description of the land parcels are included overleaf in Table 1.

TABLE 1 LAND PARCEL DETAILS

Description	Land Ownership	Parcel SPI	Certificate of Title	Zone	Contained in Part, Whole or Outside	Overlays	Area (ha)	Description	Land Ownership	Parcel SPI	Certificate of Title	Zone	Contained in Part, Whole or Outside	Overlays	Area (ha)	Description	Land Ownership	Parcel SPI	Certificate of Title	Zone	Contained in Part, Whole or Outside	Overlays	Area (ha)
Private Farm Land	Private	1\TP830187	Vol. 3795 Folio 395	FZ	Whole	NIL	127.56	Private Farm Land	Private	99\PP2820	Vol. 5367 Folio 304	FZ	Whole	NIL	129	Wail-Dooen Road Reserve	Public	N/A	N/A	FZ	Outside	NIL	-
Private Farm Land	Private	1\TP398880	Vol. 1957 Folio 1957	FZ	Whole	NIL	66.18	Private Farm Land	Private	1\TP248895	Vol. 5584 Folio 694	FZ	Whole	NIL	74.87	Blue Ribbon Road Reserve	Public	N/A	N/A	RDZ1	Outside	NIL	-
Private Farm Land	Private	1\TP567605	Vol. 3415 Folio 832	FZ	Whole	NIL	80.12	Private Farm Land	Private	1\TP663294	Vol. 5114 Folio 726	FZ	Whole	LSIO	51.73	Rules E Road Reserve	Public	N/A	N/A	FZ	Outside	NIL	-
Private Farm Land	Private	2\TP567605	Vol. 3415 Folio 832	FZ	Whole	NIL	128.2	Private Farm Land	Private	2\TP663294	Vol. 5114 Folio 726	FZ	Whole	LSIO	28.6	Ladlows Road Reserve	Public	N/A	N/A	FZ	Outside	NIL	-
Private Farm Land	Private	224\PP2811	Vol. 9603 Folio 689	FZ	Whole	NIL	72.27	Private Farm Land	Private	1\TP742692	Vol. 5648 Folio 432	FZ	Whole	NIL	74.47	Smiths Road Reserve	Public	N/A	N/A	FZ	Part	NIL	2.12
Private Farm Land	Private	227\PP2811	Vol. 7794 Folio 042	FZ	Whole	NIL	131.55	Private Farm Land	Private	1\TP675930	Vol. 5648 Folio 433	FZ	Whole	NIL	48.36								
Private Farm Land	Private	190\PP2811	Vol. 7794 Folio 041	FZ	Whole	NIL	129.67	Private Farm Land	Private	186\PP2811	Vol. 4061 Folio 076	FZ	Part	NIL	130.86	Shearwoods Road Reserve	Public	N/A	N/A	FZ	Part	NIL	1.97
Private Farm Land	Private	191\PP2811	Vol. 9302 Folio 679	FZ	Whole	NIL	66.94	Private Farm Land	Private	187\PP2811	Vol. 5170 Folio 952	FZ	Part	NIL	128.44								
Private Farm Land	Private	189\PP2811	Vol. 8179 Folio 174	FZ	Whole	NIL	131.38	Private Farm Land	Private	2\PS746710	Vol. 11923 Folio 774	FZ	Part	BMO	114.82	Unknown Road Reserve (adjacent to 1\TP830187)	Public	N/A	N/A	FZ	Part	NIL	1.68
Private Farm Land	Private	2\PS306972	Vol. 4696 Folio 021	FZ	Whole	NIL	96.56	Private Farm Land	Private	1\TP181102	Vol. 8028 Folio 094	FZ	Whole	NIL	128.94								
Private Farm Land	Private	188\PP2811	Vol. 4303 Folio 540	FZ	Whole	NIL	122.1	Private Farm Land	Private	1\TP240472	Vol. 7806 Folio 055	FZ	Whole	NIL	126.39	Banyena Road Reserve	Public	N/A	N/A	FZ	Part	NIL	23.22
Private Farm Land	Private	193\PP2811	Vol. 9358 Folio 368	FZ	Whole	NIL	127.87	Private Farm Land	Private	2\TP240472	Vol. 7806 Folio 055	FZ	Whole	NIL	128.19								
Private Farm Land	Private	194\PP2811	Vol. 8671 Folio 416	FZ	Whole	NIL	129.79	Private Farm Land	Private	1\TP515586	Vol. 2663 Folio 565	FZ	Whole	NIL	130.7	Dogwood Road Reserve	Public	N/A	N/A	FZ	Part	NIL	5.18
Private Farm Land	Private	196\PP2811	Vol. 6377 Folio 246	FZ	Whole	NIL	131.52	Private Farm Land	Private	1\TP160623	Vol. 9197 Folio 682	FZ	Part	NIL	78.95								
Private Farm Land	Private	107\PP2820	Vol. 8028 Folio 093	FZ	Whole	LSIO	118.48	Private Farm Land	Private	169\PP2811	Vol. 6389 Folio 754	FZ	Whole	NIL	49.27	Dooen N Road Reserve	Public	N/A	N/A	FZ	Part	NIL	5.14
Private Farm Land	Private	2\TP878608	Vol. 1855 Folio 974	FZ	Whole	NIL	1.28	Private Farm Land	Private	168\PP2811	Vol. 7766 Folio 018	FZ	Whole	NIL	48.38								
Private Farm Land	Private	170\PP2811	Vol. 6389 Folio 754	FZ	Part	NIL	82.27	Crown Land	Public	101A\PP2820	N/A	FZ	Whole	NIL	2.84	Finlaysons Road Reserve	Public	N/A	N/A	FZ	Part	NIL	9.32
Private Farm Land	Private	166\PP2811	Vol. 3375 Folio 850	FZ	Part	NIL	65.63	Crown Land	Public	105A\PP2820	N/A	FZ	Part	NIL	2.04								
Private Farm Land	Private	103\PP2820	Vol. 4135 Folio 910	FZ	Part	NIL	128.56	Western Highway Reserve	Public	N/A	N/A	RDZ1	Outside	NIL	-	Max Johns Road Reserve	Public	N/A	N/A	FZ	Part	NIL	7.31
Private Farm Land	Private	172\PP2811	Vol. 8912 Folio 534	FZ	Whole	NIL	49.55																
Private Farm Land	Private	167\PP2811	Vol. 7766 Folio 018	FZ	Whole	NIL	80.46	Dimboola-Minyip Road Reserve	Public	N/A	N/A	FZ	Outside	NIL	-	Bells Road Reserve	Public	N/A	N/A	FZ	Part	NIL	9.62
Private Farm Land	Private	173\PP2811	Vol. 8619 Folio 479	FZ	Part	NIL	131.09																
Private Farm Land	Private	195\PP2811	Vol. 6377 Folio 246	FZ	Whole	NIL	80.27	Henty Hwy Reserve	Public	N/A	N/A	RDZ1	Part	NIL	37.01	Whytes Road Reserve	Public	N/A	N/A	FZ	Part	NIL	10.95
Private Farm Land	Private	195A\PP2811	Vol. 6377 Folio 246	FZ	Whole	NIL	46.17																
Private Farm Land	Private	199\PP2811	Vol. 8354 Folio 149	FZ	Whole	NIL	57.39	Wail-Kalkee Road Reserve	Public	N/A	N/A	FZ	Outside	NIL	-	Jung Wheat Rd Reserve	Public	N/A	N/A	FZ	Part	NIL	2.95
Private Farm Land	Private	201\PP2811	Vol. 1614 Folio 711	FZ	Whole	NIL	38.17																
Project Area																						3,801.74	
Total Works Area																						52.72	

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3.1.1 TOPOGRAPHY

The topography of the site is generally flat, typical of its immediate surrounds and the Wimmera Plains region of Victoria. Elevation is approximately 140 m a.s.l across the site.

3.1.2 EXISTING LAND USE

The existing use of the site is predominantly agriculture in the form of broad acre cropping. This is typical of the immediate and broader surrounds. There is one stakeholder dwelling within the site boundaries.

There is an existing 220kV transmission line running north to south through the site inclusive of an electricity easement through the relevant parcels. A 22kV line also runs through the site alongside the 220kV line.

3.1.3 EXISTING VEGETATION AND HABITAT

Vegetation on site is typical of the broader area, with the site being part of a highly modified landscape converted to agriculture currently under use for broadacre cropping and pasture. Scattered stands of medium and small trees are spread across the site, particularly east of Henty Highway, with notable stands of native vegetation along the north-eastern perimeter.

Though the landscape has been heavily cleared for agricultural production, a small amount of ecologically significant vegetation remains scattered throughout paddocks, within road reserves and along water bodies and property boundaries. As detailed in the Ecological Assessment, a total of 11.03 hectares of native vegetation patches and 439 scattered trees occur throughout the project area.

3.1.4 CULTURAL HERITAGE

There are no areas of cultural heritage sensitivity directly impacted by the project footprint. According to the Cultural Heritage Due Diligence Report there are no known historical heritage places located on the site, nor is it likely that any would be present. Nonetheless a Desktop Historical Archaeological Assessment and voluntary CHMP have been undertaken on the site and have been submitted to AAV for approval.

3.1.5 WIND CHARACTERISTICS

The subject site has been chosen because it receives undisturbed wind flow with strong consistent wind speeds.

3.1.6 LAND RESTRICTIONS

There are no land restrictions that would affect the ability to develop the site for a wind energy facility.

It is noted that a transmission line easement runs through the centre of the site in a north-south direction, and a mining lease exists to the south of the site.

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3.2 SURROUNDING AREA

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The surrounding land use is consistent with the subject site, being predominantly agricultural, with scattered dams, sheds and rural dwellings, with the majority of land under non-intensive agricultural production.

There are numerous private tracks and public roads located within the area as well as decommissioned sections of the now defunct Wimmera Mallee Channel Irrigation System. These features are shown on the Existing Conditions Plan.

The closest residential centres are Jung 3 km to the south-east, Dooen 6.5 km to the south, Horsham 10 km to the south, Pimpinio 10 km to the west and Murtoa 13 km to the east (approximate distances). Longerenong Agricultural College is located 8 km to the south. Aside from Horsham, these are all very small towns with populations less than 1000 people.

Significant water bodies include Yarriambiack Creek 3.5 km to the east, Darlot Swamp 6.7 km to the south-east, and Dooen Swamp 8.9 km to the south-east.

3.2.1 LANDSCAPE

As detailed within the Landscape and Visual Impact Assessment accompanying this application, the district is distinctly flat with some very gently inclined landforms extending throughout the area from south to north and running parallel to Yarriambiack Creek. The landscape lacks strong topographical elements but for distant views (40 km) towards the Grampians and Mount Arapiles to the south.

3.2.2 PROXIMITY TO DWELLINGS

The area is lightly populated with farm dwellings scattered throughout the area, generally associated with the agricultural uses of adjoining and nearby sites.

There are 34 dwellings located within a 3 kilometre radius of proposed turbines, with 9 dwellings within 1.5 km of a turbine. Five of the dwellings within a 1.5 kilometre radius are stakeholder dwellings.

Further details on distances of specific dwellings from turbines is contained in the Project Report. The Nearby Dwellings plan showing all dwellings within a 3km radius is included at Figure 2.

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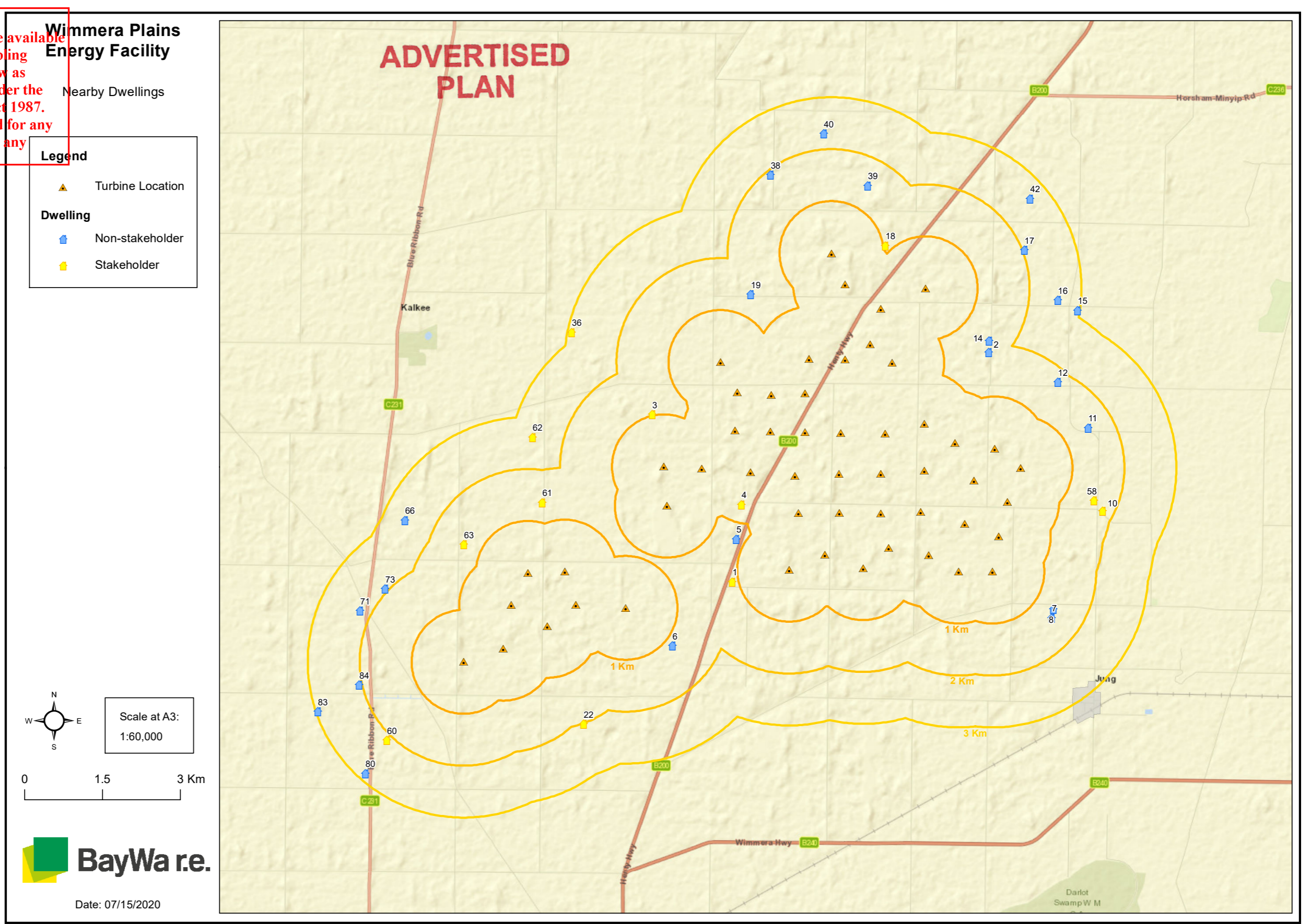


FIGURE 2 NEARBY DWELLINGS PLAN

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3.2.3 PROXIMITY TO NATIONAL POWER GRID

A 220kV power line runs through the middle of the site allowing for on-site connection and minimisation of amenity impacts from any additional power line to reach the national power grid.

3.2.4 PROXIMITY TO OTHER WIND FARMS

Other energy facilities within the vicinity of the project include Murra Warra Wind Farm approximately 10 km to the north, and Jung Wind Farm which directly adjoins the subject site. Further afield are Rifle Butts wind farm (30 km south) and Kiata wind farm (47 km west).

Murra Warra Wind Farm has 116 turbines to a maximum of 220 m in height, with Stage 1 of 61 turbines constructed and operational.

Jung Wind Farm (Planning Permit PA1800346) has 2 turbines to a maximum of 241 m in height. This project is approved but not constructed.

3.2.5 PROXIMITY TO AVIATION FACILITIES

Two airports are within proximity to the subject site. Horsham Airport is approximately 8 km to the south-west and Warracknabeal Airport is approximately 24 km to the north east. Both airports are equipped for night time flying as detailed in the Aeronautical Assessment accompanying the application.

3.2.6 AMENITIES AND INFRASTRUCTURE

The site is generally well serviced, being within close proximity to a major service centre in the rural city of Horsham. As previously mentioned in this report, the availability of a 220kV transmission line through the site is of significance.

3.2.7 AVONBANK HEAVY MINERAL SANDS PROJECT

The Avonbank Heavy Mineral Sands project adjoins the southern boundary of the subject site (refer Avonbank Mineral Sands Mine Area plan accompanying the application). The AHMS project has an approximate area of 2,500 hectares and concerns a potential open pit mineral sands mine.

On 17 August 2019 the Minister for Planning required the proponent of the AHMS project to prepare an environment effects statement (EES) under the *Environment Effects Act 1978* to assess the potential environmental effects of the project. It is understood no planning permit application has been lodged at present.

Proposed works are entirely outside of the EES Project Area for the Avonbank Heavy Mineral Sands project.

3.3 DESIGN RESPONSE

The following section details how the application has satisfied the application requirements of Clause 52.32-4 (Design Response).

3.3.1 PLANS

Detailed plans of the proposed development accompany the application and include plans and elevations of all works required to connect the facility to the electricity network, such as transmission infrastructure and utility works. The accompanying plans also detail internal and external access options.

Visual simulations illustrating the development in the context of the surrounding area and from key public view points are provided with the Landscape and Visual Impact Assessment.

3.3.2 WRITTEN REPORT

This planning report documents the necessary details of the proposal and an assessment of its impacts, providing reference to technical reports where relevant. This includes:

- Description of the proposal (Section 2)
- An explanation of how the proposal responds to the site, including significant landscape features (Section 3)

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- Assessment of noise impacts (Section 6.5 and Noise Assessment)
- Assessment of visual impact (Section 6.7 and Landscape and Visual Impact)
- Assessment of impacts on flora and fauna (Section 6.8 Flora and Fauna)
- Assessment of cultural heritage (Section 6.9 and Cultural Heritage Assessment)

3.3.3 STATEMENT OF SUITABILITY OF THE SITE

The subject land has been selected due to the characteristics including:

- Willing landowners
- Larger land holdings
- Relatively low population density and distances to residential communities
- Strong wind resource
- Proximity to the grid, with on-site connection available
- Appropriate terrain and land capability
- Location of available infrastructure.

This site selection is consistent with the provisions of Clause 52.32. the application includes the consent of the single landholder within 1km of a turbine as required by Clause 52.32-3.

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4 PLANNING PROVISIONS

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The following is an outline of the key provisions of the Horsham Planning Scheme that apply to the proposal.

A full assessment of the proposal is provided at Section 6.

4.1 PERMIT TRIGGERS

A planning permit is required under the following clauses of the Horsham Planning Scheme:

- Clause 35.07-1 (Farming Zone) Use and development of a wind energy facility, use and development of a utility installation
- Clause 35.07-4 (Farming Zone) Works within 100m from Road Zone Category 1, works which change the rate of flow or the discharge point of water across a property boundary
- Clause 36.04-1 (Road Zone) Use and development of a utility installation
- Clause 52.05-2 (Signs) Construct or put up for display a business identification sign
- Clause 52.17 (Native Vegetation) Remove, destroy or lop native vegetation, including dead vegetation
- Clause 52.29-2 (Land Adjacent to a Road Zone Category 1) Create or alter access to a Road Zone Category 1
- Clause 52.32 (Wind Energy Facility) Use and development of land for a wind energy facility
- This application also seeks approval of car parking spaces to the satisfaction of the responsible authority under Clause 52.06-6.

4.2 REFERRAL TRIGGERS

4.2.1 CREATE OR ALTER ACCESS TO RDZ1

Under Clause 52.29-4 and 66.03 and application to create or alter access to a RDZ1 must be referred to the Roads Corporation as a Determining Referral authority under Section 55 of the Act.

4.2.2 WORKS WITHIN 60 METRES OF MAJOR ELECTRICITY TRANSMISSION LINE

Under Clause 66.02-4, an application to construct a building or construct or carry out works on land within 60 m of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement must be referred to the relevant electricity transmission authority as a Determining Referral Authority under Section 55 of the Act.

4.3 ZONING PROVISIONS

4.3.1 FARM ZONE

The subject land is within the Farming Zone with a section of new power line crossing the Henty Highway in the Road Zone.

The relevant purposes of the FZ are:

To implement the Municipal Planning Strategy and the Planning Policy Framework

To provide for the use of land for agriculture

To encourage the retention of productive agriculture land

To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

To encourage the retention of employment and population to support rural communities.

To encourage the use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The relevant purposes of the Road Zone are:

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To implement the Municipal Planning Strategy and the Planning Policy Framework.

To identify significant roads.

An assessment of the proposal against the provisions of the Farming Zone and Road Zone is included at Section 6.2 of this report.

4.4 OVERLAY PROVISIONS

There are no relevant overlays.

A small part of the site is affected by the Land Subject to Inundation Overlay (LSIO) however no works are proposed within the overlay therefore there is no permit trigger and no requirement for an assessment under this provision.

4.5 PARTICULAR PROVISIONS

4.5.1 CLAUSE 52.05 SIGNS

The relevant purposes of this Clause are:

To regulate the development of land for signs and associated structures.

To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.

To ensure signs do not contribute to excessive visual clutter or visual disorder.

To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Clause 35.07-7 of the Farming Zone specifies sign requirements under Category 4 of Clause 52.05. The purpose of Category 4 is to provide for unobtrusive signs in areas requiring strong amenity control.

Under Category 4 a permit is required to construct or put up for display a business identification sign. The total display area to each premises must not exceed 3sqm.

4.5.2 CLAUSE 52.06 CAR PARKING

The relevant purpose of Clause 52.06 is to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.

Under Clause 52.06-2 (Car Parking), before a new use commences the number of car parking spaces required under Table 1 at Clause 52.06-5 must be provided to the satisfaction of the responsible authority.

If the use of the land is not specified in Table 1, pursuant to Clause 52.06-6 car parking spaces must be provided to the satisfaction of the responsible authority. Wind energy facility and utility installation are not listed uses under Table 1. Therefore, parking spaces must be provided to the satisfaction of the responsible authority.

4.5.3 CLAUSE 52.17 NATIVE VEGETATION

The relevant purposes of this particular provision are:

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

- 1. Avoid the removal, destruction or lopping of native vegetation.*
- 2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
- 3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*

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To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation

Any application under this provision must comply with the application requirements specified in the Guidelines.

If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset, in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and the timing to secure the offset.

The first step in determining the type of assessment required for any site in Victoria is to determine the assessment pathway for the proposed native vegetation removal. The three possible assessment pathways for applications to remove native vegetation in Victoria are:

- Basic
- Intermediate; or
- Detailed.

The assessment pathway is determined by two factors being the Location Category and the Extent of Native Vegetation.

This application falls under the Intermediate assessment pathway.

4.5.4 CLAUSE 52.29 LAND ADJACENT TO A ROAD ZONE CATEGORY 1

The purpose of this clause is to ensure appropriate access to identified roads.

In accordance with Clause 52.29-4 a permit is required to create or alter access to a road in a RDZ1. Under this Clause VicRoads is a Determining Referral Authority.

The proposal will alter access to the Henty Highway (RDZ1) via the upgrade of five roads at their intersection with the highway. This will change access arrangements to the RDZ1 by increasing the capacity of traffic flow that the road receives from local roads and from the wind energy facility.

In *Peninsula Blue Developments Pty Ltd v Frankston CC (Red Dot) [2015]* VCAT 571, two criteria were used to expand the application of Clause 52.29. The tribunal determined that the phrase “create or alter access to a road in a Road Zone Category 1” applies to a change in the opportunity for traffic to approach or enter a road in a Road Zone Category 1 in either of the following ways:

- Any physical change, including creating or altering access and deleting existing access.
- Any change to the use or development which may result in traffic changes in terms of volume, frequency or type of traffic, whether it is an increase or a reduction.

4.5.5 CLAUSE 52.32 WIND ENERGY FACILITY

The purpose of Clauses 52.32 is to facilitate the establishment and expansion of wind energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

In accordance with Clause 52.32-2 a planning permit is required to use and develop land for a wind energy facility.

Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria, DELWP March 2019

The *Policy and Planning Guidelines Development of Wind Energy Facilities* (the WEF Guidelines) are a reference document listed under Clauses 19.01 (Renewable Energy) and 52.32 (Wind Energy Facility).

These Guidelines recognise Victoria’s abundant wind resources that will support a large-scale grid of connected wind energy facilities which can contribute to the sustainable delivery of Victoria’s future energy needs. The purpose of these Guidelines is to provide:

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A framework for a consistent and balanced approach to the assessment of wind energy projects across the state

A set of consistent operational performance standards to inform the assessment and operation of a wind energy facility project.

Guidance as to how planning permit applications requirements might be met.

The guidelines provide advice for responsible authorities, proponents and applicants and the community to provide guidance about suitable sites to locate wind energy facilities and to inform planning decisions about a wind energy facility proposal.

The guidelines outline what information and assessment should be provided with an application for a wind energy facility. These considerations include:

- Consistency with the Planning Policy Framework (PPF).
- Noise impacts. The Project must comply with the New Zealand Standard NZS 6808:200 Acoustics – Wind Farm Noise (the Standard). There are mandatory conditions which must appear on any permit that may be issued.
- Landscape and visual amenity. To reduce visual impact, the Guidelines suggest measures such as minimizing views from areas used for recreation and dwellings, spacing turbines to respond to the landscape characteristics, protecting waterways and drainage lines, minimizing removal of vegetation, consistency in height, appearance and rotation of turbines, colour and limiting night lighting.
- Flora and fauna and removal of native vegetation. The Responsible Authority (RA) needs to consider the survey effort made to support the application and what may be made in the future. The extent and type of native vegetation to be removed is to be considered.
- Aircraft safety. The responsible authority will assess whether appropriate consultation has been undertaken with the Civil Aviation Safety Authority (CASA) and with any other private airstrip operators that may not be identified by CASA. Recommendations from CASA may include reducing the number of turbines with obstacle lights, mitigating light glare with the use of baffling; matching light intensity to meteorological visibility or minimising light intensity at ground level.

4.5.6 GUIDELINES FOR RENEWABLE ENERGY –INSTALLATIONS (CFA 2019)

The purpose of the guidelines is to provide information and standard measures and processes for renewable energy facilities, such as solar, wind and batteries and possible emerging technologies.

Specifically, in relation to wind energy facilities, the guidelines suggest that wind energy facilities should be sited on open grassed areas such as grazed paddocks. Specific measures for siting are outlined below:

5.1 Siting for Wind Facilities

5.1.1 Where practicable, wind energy installations can be sited on open grassed areas (such as grazed paddocks). Vegetation is to be managed as per the requirements of this guideline, or as informed through a risk management process.

5.1.2 Wind turbines are to be located no less than 300 metres apart. This provides adequate distance for aircraft to operate around a wind energy facility given the appropriate weather and terrain conditions. Fire suppression aircraft operate under visual flight rules. As such, fire suppression aircraft only operate in areas where there is no smoke and can operate during the day or night.

5.1.3 Installed weather monitoring stations can be high and difficult to see and are hazardous to CFA flight operations during fires. CFA requires the following in relation to the installation of these monitoring stations:

Monitoring towers higher than 100 feet must be clearly marked and guy wires fitted with markers

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The installation must be notified to CFA and Geoscience Australia (for inclusion in the Vertical Obstruction Database).

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1.1.4 Adjuncting property use and distances to habitable buildings must be considered in the design of wind energy installations, with regard made to turbine height and prevailing wind speed. (page 12)

In relation to the maintenance of wind farms there are specific requirements which include:

5.2.1 Wind turbine manufacturers must provide specifications for safe operating conditions for temperature and wind speed. This information must be provided within the content of the emergency information book.

5.2.2 A wind energy facility emergency plan must include maximum operational wind speed and temperature conditions and operating procedures to limit fire risk. This information must be provided within the content of the emergency information book.

4.6 PLANNING POLICY FRAMEWORK (PPF)

The planning policy framework guides the consideration of the application, with all sections of the framework having been considered as relevant.

The following provides an overview of the most relevant sections of the PPF and provides a reference for the assessment section of this document at Section 6.

Clause 11.03-5S Distinctive areas and Landscapes

The objective of this clause is to protect and enhance the valued attributes of identified distinctive areas and landscapes.

Clause 12 Environmental and Landscape Values

The purpose of this clause is to help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity.) and conserve areas with identified environmental landscapes. The clause states that “*Planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.*”

Clause 12.01-1S Protection of Biodiversity

The objective of this clause is to assist the protection and conservation of Victoria’s biodiversity. This includes ensuring that decisions take into account the impacts of land use and development on Victoria’s biodiversity including consideration of cumulative impacts and fragmentation of fragmentation of habitat.

Clause 12.01-1R Protection of Biodiversity – Wimmera Southern Mallee

The Strategies include:

To facilitate greater connectivity between areas of medium to high natural value to improve ecosystem resilience.

Protect and manage environmental assets as cropping expands in the southern parts of the region.

Clause 12.01-2S – Native Vegetation management

The objective of this Clause is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Decisions should apply the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017).

Clause 12.05-2S Landscapes

The objective is to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments. The relevant strategies to achieve this are:

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Ensure development does not detract from the natural qualities of significant landscape areas.
Improve landscape qualities, open space linages and environmental performance in significant landscape types and open spaces, including green wedges, conservation areas and non-urban areas.
Recognise the natural landscape for its aesthetic value and as a fully functioning system.
Ensure that natural features are protected and enhanced.

Clause 13 Environmental Risks and Amenity

This clause seeks to strengthen resilience and safety of communities by adopting best practice environmental management and risk management approach.

This clause states that “*Planning should prepare for and respond to the impacts of climate change*”.

Clause 13.01-1S Natural hazards and climate change

The objective of this clause is to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.

The relevant strategies to achieve this include the consideration of risks associated with climate change in planning and management decision making processes and to site and design development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards.

Clause 13.02-1S Bushfire Planning

The objective of this policy is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Clause 13.05-1S Noise Abatement

The objective is to assist the control of noise effects on sensitive land uses.

Clause 13.07-1S Land use compatibility

The objective of this clause is to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

This is achieved through directing land uses to appropriate locations and using a range of design or operational separation measures where applicable.

Clause 14.01-1S Protection of agricultural land

The objective is to protect Victoria’s agricultural base by preserving productive farmland. For new uses on agricultural land, this is done through considering the compatibility of alternate uses on agriculture, and the quality and quantum of agricultural land to be taken out of production.

Clause 14.01-2S Sustainable agricultural land use

The objective is to encourage sustainable agricultural use of land. This is achieved through supporting productive rural enterprises in establishing long term sustainable land use practices.

Clause 14.01-2R Agricultural productivity – Wimmera Southern Mallee

The relevant strategy under this clause is to support local activities or infrastructure than complements and enhances the region’s agricultural sector.

Clause 14.03-1S Resource exploration and extraction

The relevant objective is to encourage exploration and extraction of natural resources in accordance with acceptable environmental standards. This is through protecting the opportunity for extraction of resources through appropriate buffer areas and avoiding siting of incompatible uses.

Clause 15.02-1S Energy and Resource Efficiency

The objective of this clause is to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

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Relevant strategies include to “improve efficiency in energy use through greater use of renewable energy technologies and other energy efficiency upgrades.”

Clause 19.03 Heritage

This clause encourages cultural heritage conservation where relevant.

Clause 17.01-1R Diversified Economy

This clause aims to strengthen and diversify the economy through facilitating growth in a diversity of employment sectors and supporting rural economies to grow and diversify.

Clause 17.01-1R Diversified economy – Wimmera Southern Mallee

This clause specifically aims to “Capitalise on economic development opportunities through building on the region’s assets, particularly agriculture, energy, mining and tourism.”

Clause 18.02-3S Road System

The objective of the clause is to manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

Clause 18.04 Airports

This clause seeks to facilitate appropriate planning for airports, including considering potential impacts of other land uses on existing airports.

Clause 19.01 Energy Supply

This key clause outlines the following objectives and strategies.

To facilitate appropriate development of energy supply infrastructure.

Support the development of energy facilities in appropriate locations where they take advantage of existing infrastructure and provide benefits to industry and the community.

Support transition to a low-carbon economy with renewable energy and greenhouse emission reductions including geothermal, clean coal processing and carbon capture and storage.

Facilitate local energy generation to help diversify the local economy and improve sustainability outcomes.

Clause 19.01-2S Renewable Energy

This key clause outlines the following objectives and strategies.

To promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met.

Facilitate renewable energy development in appropriate locations.

Protect energy infrastructure against competing and incompatible uses.

Develop appropriate infrastructure to meet community demand for energy services.

Set aside suitable land for future energy infrastructure.

Consider the economic and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.

Recognise that economically viable wind energy facilities are dependent on locations with consistently strong winds over the year

Clause 19.01-2R Renewable Energy – Wimmera Southern Mallee

This key clause aims to support the development of locally generated renewable energy.

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1.6.1 AMENDMENT VC148 (INTEGRATING THE LOCAL PLANNING POLICY FRAMEWORK INTO THE NEW PLANNING POLICY FRAMEWORK)

Amendment VC148 was gazetted on 31 July 2018 and introduced the structure and thematic framework of the LPPF integrating state and regional policy. The amendment did not translate the LPPF into the framework. The next phase of implementation is to translate LPPF into the framework, which will complete the integration of all existing policy. This has not occurred yet.

As referenced under the transitional Clause 23.01 Relationship to the Planning Policy Framework, Clauses 21 and 22 (Local Planning Policy Framework) form part of the Planning Policy Framework. Where the planning scheme requires consideration of the Planning Policy Framework, that consideration must include Clauses 21 and 22.

4.7 LOCAL PLANNING POLICY FRAMEWORK (LPPF)

The Local Planning Policy Framework sets out the Municipal Strategic Statement and the specific planning policies that apply to the Horsham municipality.

The following is an outline of the most relevant sections of the LPPF.

Clause 21.01 Municipal Strategic Statement

This clause gives a municipal profile of Horsham and identifies key issues and influences under the Horsham Rural City Council Plan.

Of particular note is the changing economy with the farming sector diversifying into new practices and technologies, particularly with continuing changes in global economics and climate changes. Population is increasing and rates of disadvantage are high.

Clause 21.03-1 Biodiversity Conservation and Habitat Protection

This clause seeks to improve the quality of the land and water resources through the municipality, including reversing the longer-term decline of remnant vegetation.

Clause 21.03-2 Waterways

This clause seeks to protect surface and ground water quality and preserve important wetlands and areas of environmental significance.

Clause 21.03-3 Landscape

This clause seeks to protect the landscape character and significance of the municipality.

These locations include:

- Mount Arapiles and
- Grampian & Black Range Environs.

Clause 21.03-4 Ecological Sustainable Development

This clause seeks to promote a high standard of ecologically sustainable development.

Clause 21.04-3 Climate Change

This key clause outlines the relevance the particular importance of climate change projections for the municipality. The aim of the clause is to increase the consideration of climate change in planning decisions.

Clause 21.04-4 Bushfire

Much of the Horsham municipality is subject to bushfire risk. This clause seeks to ensure that any new development is compatible with and considers bushfire risk.

Clause 21.05-1 Agriculture

This key clause summarises the significance of agriculture for the Horsham municipality and prioritises its retention. It is directly related to the application of the Farming Zone.

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Relevant objectives include supporting agriculture as an economic and employment driver, ensuring productive land remains available, and to enhance the productivity of the sector. The clause aims to support value adding industries and restrict inappropriate use and development of agricultural land.

Clause 21.05-4 Mining and Extractive Industry

This clause seeks to facilitate and encourage growth of the mining sector through limiting particular types of development that would limit the ability to mine and extract resources.

Clause 21.06-2 Built Heritage

This clause seeks to conserve heritage values within the municipality.

Clause 21.09-4 Industry

This clause seeks to facilitate establishment and further development of industry in the Shire while protecting the amenity of residential uses.

Strategies include providing industry adjacent to highways or major roads away from existing residential areas.

Clause 21.09-4 Roads

The relevant objective under this clause is to develop and maintain a network of roads and road corridors suitable for multiple forms of transport.

Clause 21.10-1 Infrastructure Planning, Design and Construction

The relevant objectives and strategies under this clause seek to encourage a consistent approach to planning and engineering of infrastructure development across the municipality.

Clause 22.01 Commercial Development Policy

This policy summarises relevant directions for large scale commercial and industrial development in rural areas. Aims include to minimise impact on agricultural land and land management practices, access road usage and seal access roads where necessary, and maintain the visual qualities of the rural landscape.

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5 OTHER RELEVANT LEGISLATION AND POLICIES

5.1.1 ABORIGINAL HERITAGE ACT 2006

In Victoria, Aboriginal cultural heritage is primarily protected by the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018. Under this legislation Aboriginal cultural heritage is protected by requiring planning permit applicants to prepare Cultural Heritage Management Plans (CHMP) if and when their proposed actions pose a risk to Aboriginal cultural heritage. Under the Heritage Act actions are considered to pose a risk to Aboriginal cultural heritage, and therefore require the preparation of a mandatory CHMP, when they are both a “high impact activity” and occur in an “area of cultural heritage sensitivity”.

As detailed in the Cultural Heritage Due Diligence report provided with the application, a mandatory CHMP is not required because under the Heritage Regulations the proposal fails to satisfy both triggers for the preparation of a plan. No part of the activity area is in an area of cultural heritage sensitivity.

5.1.2 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999 (COMMONWEALTH)

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) came into force on 16 July 2000. The EPBC Act protects matters of National Environmental Significance. The objectives of the EPBC Act are as follows:

- *To provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;*
- *To promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources;*
- *To promote the conservation of biodiversity;*
- *To provide for the protection and conservation of heritage;*
- *To promote a cooperative approach to the protection and management of the environment involving governments, the community, landholders and Indigenous peoples;*
- *To assist in the cooperative implementation of Australia’s international environmental responsibilities;*
- *To recognise the role of Indigenous people in the conservation and ecologically sustainable use of Australia’s biodiversity; and*
- *To promote the use of Indigenous peoples’ knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.*

The Ecological Assessment provided with the application identified that the project is unlikely to significantly impact any EPBC Act listed species, ecological communities or other matters of National Environmental Significance. EPBC Act referral was therefore unwarranted.

5.1.3 CROWN LAND RESERVES ACT 1978 (VIC)

The Crown Land Reserves Act 1978 is an act to provide for the reservation of Crown Lands for certain purposes and for the management of such reserved lands and for other purposes. Crown land can be reserved for a range of public purposes, including public parks and gardens, the beds and banks of waterways and railways.

Two parcels of crown land form part of the subject site.

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5.1.4 FLORA AND FAUNA GUARANTEE ACT 1988 (VIC)
Victoria's Flora and Fauna Guarantee Act 1988 provides a framework for biodiversity management in Victoria. The FFG Act provides for the listing of threatened species, communities of flora and fauna and potentially threatening processes. A number of non-threatened flora species are also protected under the Act.

A permit is required to remove species protected under the Act from public land and may also be required to remove protected species from private land in certain circumstances.

As detailed in the Ecological Assessment provided with the application, an FFG permit will be required to remove listed native vegetation species.

5.1.5 LAND ACT 1958 (VIC)

Victoria's Land Act 1958 deals with the sale, grants and occupation of unreserved Crown land in Victoria. Unreserved Crown land within the Project site includes a number of unnamed government roads (or 'paper roads').

Works or activities that may occur on Crown land comprising unnamed government roads within the site may include the creation of access to and from other roads, underground electrical infrastructure and overhead powerlines.

There is an exemption in the Land Act 1958 from the requirement to obtain a license. It is likely that the exemption will apply to the access tracks, cables and grid connection infrastructure. A lease under the Land Act 1958 is not required for construction of a road in a designated road on a Crown survey and section 93(1)(d) of the Electricity Industry Act 2000 enables an electricity corporation (and a generation company) subject to the Road management Act 2004 to construct power infrastructure on, under or over any road.

5.1.6 RENEWABLE ENERGY TARGET AUSTRALIA (RET)

Australia has a large scale generation target is 33,000 GWh by 2020 which equates to 23.5% of the country's energy generation will be from renewable sources in 2020.

The Clean Energy Regulator oversees the operation of the RET scheme in accordance with the RET legislation.

The LRET includes legislated annual targets which will require significant investment in new renewable energy generation capacity in coming years.

5.1.7 RENEWABLE ENERGY TARGET VICTORIA (VRET)

On 30 October 2019, the Renewable Energy (Jobs and Investment) Amendment Bill 2019 came into effect, increasing the target for Victorian renewable energy to 50% by 2030.

The increased target of 50% will be embedded in the *Renewable Energy (Jobs and Investment) Act 2017 (Vic)* building on the existing legislated renewable energy generation targets of 25% by 2020 and 40% by 2025.

5.1.8 WATER ACT 1989

Victoria's Water Act 1989 promotes the orderly, equitable and efficient use of water resources to make sure that water resources are conserved and properly managed for sustainable use for the benefit of present and future Victorians. The Act regulates the impacts on and use of surface water and groundwater.

5.1.9 WILDLIFE ACT 1975 (Vic)

Victoria's Wildlife Act 1975 establishes procedures for the protection and conservation of wildlife, the prevention of wildlife becoming extinct and the sustainable use of and access to wildlife. The Act also includes procedures to prohibit and regulate the conduct of persons engaged in activities concerning or related to wildlife.

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6. ASSESSMENT
This planning assessment provides an assessment of the proposal against all relevant sections of the Planning and Environment Act 1987, including against the purposes and decisions guidelines of the provisions outlined in Section 4 of this report, the decision guidelines in Clause 65, and any other relevant matter.

6.1 MUNICIPAL PLANNING STRATEGY AND PLANNING POLICY FRAMEWORK

The overarching policy statement regarding proposed wind energy facilities can be found at Clause 19.01-2S (Renewable energy), which states:

Objective

To promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met.

Strategies

Facilitate renewable energy development in appropriate locations.

Consider the economic and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.

Recognise that economically viable wind energy facilities are dependent on locations with consistently strong winds over the year.

The proposal is strongly supported by this policy:

- The site is a high quality location for a wind energy facility. Although there are some residences in the vicinity (approximately 34 dwellings within a 3-kilometre radius), the site is on the national electricity grid, within a low-sensitivity landscape, and on non-intensive agricultural land with an excellent wind resource. The relative concentration of dwellings is low for an area with a high quality wind resource and access to the grid.
- There will be limited adverse impact on the immediate area, with any impacts generally limited to visual and noise impacts, assessed in the following sections of this report. The broader community will benefit from a new stabilising factor in the agricultural economy.
- Impacts on the environment, including native vegetation removal and any impacts on aerial fauna, will be balanced with benefits of providing renewable energy and responding to climate change.

In addition to Clause 19.01-2, the key themes throughout the PPF that apply to this assessment can be summarised as:

- Avoid siting incompatible land uses together, particularly where new use and development may impact the productivity and sustainability of agriculture
- Avoid impacting the expansion of the Horsham Airport with new use and development
- Promote sustainable development, particularly through the provision of renewable energy and consideration of climate change impacts in planning assessments
- Promote diversification of the regional economy and leverage industries that support existing rural economies such as agriculture
- Encourage ecological sustainability and protection of biodiversity by minimising any impacts of development on flora and fauna
- Conserve heritage values
- Protect important landscapes and environmental values from inappropriate development
- Minimise amenity impacts

These themes are assessed in the following sections of this report.

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The balance of policy objectives throughout the PPF support the development of a wind energy facility on the subject site.

8.2 ZONING

The thrust of Clause 35.07 (Farming Zone) encourages retention of agricultural land and supports non-agricultural uses that do not adversely affect the use of the land for agriculture. Clause 36.04 (Road Zone) seeks to implement the intent of the PPF while considering effects of use and development on road safety.

Agriculture is identified under the PPF as a key economic driver of the Wimmera Southern Mallee region. Primarily, the impacts of the proposal must be considered against the relevant provisions which seek to retain and support agriculture.

The proposed wind energy facility and utility installation integrates well with agricultural uses and is generally supported by the FZ and the RDZ1 for the following reasons:

- The siting of the facility is highly appropriate in relation to existing infrastructure. The facility makes use of the existing 220kV transmission line running through the site to connect to the national electricity grid. This has significant cost and amenity benefits by preventing long stretches of power lines over the landscape.
- Agricultural production is supported. Cropping/grazing uses can easily continue around the turbines through the life of the facility.
- The facility provides a stable source of income for agricultural landholders through leasing small parts of their land to host turbines. This can assist with fluctuations in commodity prices, crop yields, and assist with investing in agriculture by using the stable income for purchasing agricultural business investments.
- The site is not an intensive agricultural site. The facility provides increased diversification of the economic base of the municipality while using a negligible amount of low yield agricultural land to do so.
- The effect of the facility on sustainable agricultural potential of the land is negligible, with the small amount of land being utilised able to be reinstated after the life of the facility without significant impacts on future uses.
- The operation of the wind energy facility will not limit the agricultural capabilities of adjoining land or land in the wider vicinity. Wind Energy Facility is a compatible use with adjoining land holdings and zoning of the wider area.
- The new power lines crossing the RDZ1 will replicate similar crossings around the state and will have negligible impact on road safety.

6.3 LAND ADJACENT TO A ROAD ZONE CATEGORY 1

The purpose of this clause is to ensure appropriate access to identified roads.

VicRoads is a Determining Referral Authority under this clause under Clause 52.29-4.

The proposal will not have a significant ongoing impact on the road network and will have negligible day to day impacts on traffic flows. Appropriate access will be maintained and improved by upgrading local roads that connect to the Henty Highway (RDZ1).

A Traffic Assessment is included with the application, with a summary of the assessment of construction and operation impacts on traffic is provided in the following sections of this assessment.

6.4 WIND ENERGY FACILITY (CLAUSE 52.32 AND WIND FARM GUIDELINES)

Clause 52.32 outlines the key provisions relevant to the application, seeking to facilitate the establishment and expansion of wind energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

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Reference document: *Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria, DELWP March 2019* includes a guide for evaluating the planning merits of a wind energy facility.

The proposal is supported by the balance of policies throughout the Planning Policy Framework.

The proposed development of a wind energy facility comprising up to 52 turbines and other associated infrastructure directly and specifically supports Clause 52.32 as it proposes an increase in wind energy resources contributing to Victoria's renewable energy target and decreasing reliance on fossil fuels. This will be achieved with minimal detrimental impact on the amenity of the area.

The following sections address the specific planning issues relevant to wind farm developments as outlined under this clause and as supported through various sections of the planning scheme.

6.5 NOISE

6.5.1 COMPLIANCE WITH NZS 6808:2010

The relevant noise standard determining what constitute 'acceptable' noise from a wind energy facility in Victoria is the *New Zealand Standard 6808:2010*.

The NZS 6808:2010 sets a standard noise limit at 40 decibels (dBLA90) for facility sound levels outdoors at noise sensitive locations (with noise sensitive locations in rural landscapes generally being dwellings), or, the background sound level +5dB, whichever is the greater. These limits are outlined under Section 5.2 of the NZS 6808:2010 as directed by Clause 52.32 of the planning scheme.

Marshall Day Acoustics prepared a pre-construction (predictive) noise impact assessment *Operational Noise Assessment* dated 4 March 2020 and a *Background Noise Assessment* dated 17 April 2020.

The results of the predictive noise assessment on page 20 of the report show that the proposal is able to be designed and developed to achieve the policy requirements of the relevant noise standard NZS 6808:2010. The highest predicted noise level for non-stakeholder dwellings are 38.0dBLA90 (receiver 5), 35.3dBLA90 (receiver 19) and 34.8dBLA90 (receiver 2).

Predicted noise levels include a +1.0dB adjustment for the typical margin of test uncertainty.

Predicted noise levels are based on when the wind farm's noise emissions have reached their highest level (corresponding to hub height wind speeds of 9m/s and above).

6.5.2 CUMULATIVE IMPACTS

Predicted noise levels include the cumulative noise impacts of the two nearest wind farms to the subject site. The NZS 6808:2010 requires any wind farms in the surrounding area to be included in the predictive noise assessment.

This includes the total combined operational noise of the proposed wind farm, Jung Wind Farm (approved not constructed) and Murra Warra Wind Farm (approved and partially constructed and operational). Predicted noise levels from the two additional wind farms were considered to be so low as to be inconsequential to the noise levels of the proposed Wimmera Plains wind farm.

6.5.3 HIGH AMENITY NOISE LIMIT

As outlined under section 3.2.4 of the *Operational Noise Assessment*, the High Amenity Noise limit under 5.3 of the NZS 6808:2010 is not applicable to any receivers in the area.

As all land within the vicinity of the wind farm is within the Farming Zone.

The Victoria Civil and Administrative Tribunal (VCAT) considered the applicability of high amenity limits in *Cherry Tree Wind Farm Pty Ltd v Mitchell Shire Council & Ors* (Red Dot) [2013] VCAT 521 (Cherry Tree). VCAT found that the Farming Zone does not expressly or by implication promote a higher degree of protection of amenity related to the sound environment. Nor does it require that a particularly quiet environment be preserved. The decision ruled that a high amenity limit therefore should not apply in the Farming Zone.

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6.5.4 ENVIRONMENTAL AUDIT

Level of construction noise findings is provided and confirms the findings of the Operational Noise Assessment.

6.6 BLADE GLINT, SHADOW FLICKER AND ELECTROMAGNETIC INTERFERENCE

6.6.1 BLADE GLINT

Blade glint can result from the sun reflecting from turbine blades.

As shown on the elevation plans of the candidate turbine Vestas V162 Turbine Elevation Profile, turbine blades, towers, nacelles, cooler tops and rotor hubs will be coated in an industry standard non-reflective finish of Light Grey. It has become standard practise to use this type of finish to avoid blade glint and achieve low visual impact generally.

Page 91 of the Landscape and Visual Assessment recommends the use of non-reflective finishes through the detail design period to achieve low impact.

Given industry standard finishes for wind turbines blades, glint is not a significant issue and will not impact the amenity of surrounding residences or the area in general. Blades will have low reflectivity finishes to ensure glint is minimised, and this may be detailed on any plans provided for approval under the permit should one issue.

6.6.2 SHADOW FLICKER

Shadow flicker results from the position of the sun in relation to the blades of the wind turbine as they rotate and has the ability to adverse impact the amenity of dwellings.

The WEF Guidelines specify that shadow flicker experienced immediately surrounding the area of a dwelling (garden fenced area) must not exceed 30 hours per year as a result of the operation of the wind energy facility. The measure applies to any pre-existing dwelling as at the date of the application for a planning permit, unless an agreement has been entered into with the landowner waiving the requirement.

The effects of the facility in relation to shadow flicker has been modelled by the proponent with WindPro software.

Of the 34 dwellings within a 3 kilometre radius of a turbine, 1 stakeholder dwelling will receive 30 hours or more of shadow flicker. As outlined in the WEF Guidelines, written agreement of dwellings with more than 30 hours of shadow flicker may be provided by way of permit condition.

A total of 34 dwellings have been identified and mapped within 3km of the Wimmera Plains Energy Facility, being 12 stakeholder properties and 22 non-stakeholder properties.

The shadow flicker as a result of the operation of the Wimmera Plains Energy Facility has been modelled using the WindPro software. The full report is presented in Volume 2 and the results are summarized in the table below.

TABLE 2 SHADOW FLICKER PREDICTION RESULTS

Predicted Shadow Flicker (hours per year)	Stakeholder	Non-stakeholder	Total
<30	11	22	33
≥30	1	0	1
Total	12	22	34

All non-stakeholder dwellings will receive less than 30 hours of shadow flicker, in accordance with the requirement. The maximum shadow hours per year for a non-stakeholder dwelling will be 23.53. There will therefore not be unreasonable amenity impacts resulting from shadow flicker. This is compliant with the Guidelines and consistent with the General Provisions of the Horsham Planning Scheme that relate to amenity impacts.

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6.6.2 ELECTROMAGNETIC INTERFERENCE RISK ASSESSMENT

Interference Risk Assessment dated March 2020 was carried out by the

The assessment outlines that only two services are able to be affected by wind farm activities, those being television broadcasting and microwave links.

The assessment concludes that the wind energy facility will not be capable of causing large scale interference to television broadcasting and will not cause interference to microwave links.

6.7 LANDSCAPE AND VISUAL IMPACT

6.7.1 PUBLIC VIEWPOINTS AND LANDSCAPE IMPACT

Accurate visual illustrations of development in the context of the surrounding area and from key public viewpoints are provided as part of the Landscape and Visual Impact Assessment. The BayWa r.e cover report also explains the various viewpoints and impacts in great detail.

In relation to significant landscape features or national parks, the assessment concluded:

- Specific features of the landscape include Barrett State Forest, Yarriambiack Creek and associated vegetative patterns extending alongside the creek line corridor, and the Henty Highway corridor
- The project sits within a landscape of low sensitivity to change, scoring 14 out of 30 in terms of sensitivity. The report concludes that;

“In consideration of the existing landscape characteristics, the landscape within and surrounding the project site is determined to have a low sensitivity to the wind farm development. The majority of the landscape character area characteristics are generally robust and would be less affected by the proposed project. The degree to which the landscape may accommodate the wind turbines would not significantly alter existing landscape character.”

- The visual impact of the wind farm is likely to be low to moderate from publicly accessible locations, including from local areas of Jung, Dooen, Murtoa and Horsham.
- The impact of the wind farm on Mount Arapiles and Grampian and Black Range Environs was determined as negligible with the closest turbine being approximately 40 km from these features.

This LVIA has considered and assessed key view locations within 3km of the substations and transmission line. The visual magnitude of the substation and transmission line structures would not result in significant visual effects from view locations beyond 3km.

The location of Mount Arapiles and the Grampian & Black Range Environs are located within the order of 40 km from the proposed facility. At this distance it is unlikely that the proposed Wimmera Plains wind turbines would result in any significant level of visual impact and would not be readily discernible depending on climatic conditions.

The impact of the project on public viewpoints and the landscape generally, including on significant features and national parks is demonstrated as generally low-moderate. This level of impact within the context of the strength of renewable energy policy objectives is acceptable and consistent with the provisions of 23.03-3.

6.7.2 PRIVATE VIEWPOINTS

The Landscape and Visual Assessment identified 43 non-stakeholder dwellings within the 5 kilometre viewshed of the wind farm.

- 1 of the 43 dwelling locations (R19) would have a High visual effect
- 4 of the 43 dwelling locations would have a Moderate to High to Low visual effect
- 16 of the 43 dwelling locations would have a Moderate visual effect
- 12 of the 43 dwelling locations would have a Low to Moderate visual effect and

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10 of the 43 dwelling locations would have a low visual effect. The assessment considered cumulative impacts of proximal wind farms and concluded these wind farms to be of little significance given the distance between the proposal and Murra Warra wind farm, and the small 2 turbine size of Jung wind farm. On balance, this level of impact on private dwellings within the viewshed of the wind farm is acceptable. The strength of renewable energy policies throughout the scheme must be balanced with *minimal* amenity impacts (in contrast with *no* amenity impacts).

Although the level of proposed impact is acceptable, impacts may be further reduced through providing permit conditions which offer further landscape screening mitigation measure for specific dwelling locations.

The proposal is not located in a landscape of high significance and has appropriate visual mitigation measures can be undertaken where appropriate. The proposal is consistent with the provisions of Clause 12.05 and 21.03 as they relate to the landscape.

To help guide appropriate site selection, design and layout of individual wind turbines, consideration has been given to the landscape as described in relevant planning scheme objectives, and the *Development of Wind Energy Facilities in Victoria Guidelines*.

6.7.3 CUMULATIVE IMPACTS

Cumulative visual impacts are also a consideration for this proposal. As stated in the Visual Impact Assessment “*The Wimmera Plains wind turbines are likely be visible from view locations where both the proposed Wimmera Plains and partially constructed Murra Warra wind turbines are visible within the same field of view. These view locations, including potential sensitive residential dwellings, would tend to be located either proximate to one of the wind farms and at a greater distance from the other, or more distant locations from either wind farm. It is therefore unlikely that direct views toward wind turbines within each wind farm would result in a significant magnitude of visual effect.*” (Page 39)

The report concludes that whilst one may be able to see both wind farms from certain locations, such as vehicles travelling along the Henty Highway, or from a combination of local roads however that these views would be transitory and generally short term. The Kiata and Rifle Butts Wind Farms were considered to be located too greater distance away to cause any cumulative impact.

The cumulative impacts are considered minimal and therefore will not have any undue amenity impact on an area consistent with the consideration in Clause 65.01 and also the WEF Guidelines.

6.7.4 AIRCRAFT SAFETY

Guiding clauses in the planning scheme in relation to aircraft safety include Clause 21-09-3 Horsham Airport which seeks to protect safety and future development of Horsham Aerodrome by applying a Design and Development Overlay to restrict development within the identified airspace. It is noted that the project is not within the relevant DDO.

Landrum & Brown Worldwide (Australia) Pty Ltd has prepared an *Aeronautical Impact Assessment V2 dated 24 January 2020*.

The main conclusions of the report were that:

- The proposal will not have an unacceptable impact on aviation safety.
- A specific application is to be made to Airservices Australia and CASA to increase the 10 nm MSA.
- Details of the facility should be provided to Airservices Australia to enable publication of WTGs to be included in the Aeronautical Charts, other areas of the Aeronautical Information Publication and to be included in Aeronautical Databases.
- The provision of aviation obstacle lighting was not specifically recommended.

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The report highlights that the proposal is located between two airports both equipped for night time flights, and that should lighting be required by CASA it can be provided with shielding that only permits lights to be seen from above thereby alleviating impacts on local populations. In order to minimise potential impacts on the landscape, and given that lighting was not proposed by the expert report, no aviation obstacle lighting is proposed. It is noted that the supporting documentation has accounted for its potential inclusion with the Landscape and Visual Assessment conducted on the basis of turbines being lit in accordance with NASF guideline D.

The proposal will not pose an unacceptable risk to aviation safety.

6.7.5 AVIATION OBSTACLE LIGHTING

Although no lighting is proposed its impact has been considered in this assessment and by the Landscape and Visual Impact Assessment. The impact of obstacle lighting would be negligible given the ability to screen lighting so as to only be viewed from above as detailed on page 9 of the Aeronautical Impact Assessment.

6.8 FLORA AND FAUNA

6.8.1 FLORA

Ecology and Heritage Partners prepared an Ecological Assessment dated 20 April 2020 detailing flora impacts of the proposal. The assessment identifies the extent and type of native vegetation present within the site and determines the presence of and impact on any significant flora and fauna species/ecological communities.

As detailed within the Ecological Assessment, all relevant application requirements under the Clause 52.17 and the Guidelines for the removal, destruction or lopping of native vegetation have been satisfied.

In the study area there are 439 scattered trees, 158 of which are Large trees and 281 are Small Trees with a total area of 11.03 Ha of native vegetation within the study area. The identified native vegetation is largely restricted to road reserves, whilst the scattered trees are mostly dispersed throughout the study area. The 11.03 Ha of native vegetation is comprised of 7.64 Ha of Plains Savannah (EVC826) and 2.70 Ha of Plains Woodland (EVC 803) and 0.69 Ha of Plains Grassland (EVC 132).

Of the 11.03 Ha of native vegetation identified on site, the project will impact 0.288 Ha of low-quality Plains Savannah, avoiding 10.73 Ha of the native vegetation and all scattered trees. The vegetation to be removed is under the Intermediate assessment pathway with the study area being within Location Category 2. The amount of vegetation proposed to be removed is in addition to the 0.009 hectares already approved under planning permit PA1800346 (Jung Wind Farm).

The project footprint has been designed in response to the ecological data collected by Ecology and Heritage Partners. This information was used to redesign the preliminary project footprint in order to avoid and minimise impacts to environmental values. This included revision of turning locations, relocation of underground cabling, and realignment of access tracks. These measures have allowed the project footprint to avoid and minimise impacts to native vegetation in accordance with Clause 52.17.

In relation to offsets, the offset requirement for native vegetation removal is 0.034 General Habitat Units (HUs). No specific HUs are generated. Ecology and Heritage Partners are a DELWP accredited OTC offset broker and BushBroker site assessor. Ecology and Heritage Partners has confirmed that the offset obligations generated by this development can be met through existing credits registered with Victoria's Native Vegetation Credit Register.

Outside of the provisions of Clause 52.17, the project is unlikely to significantly impact any EPBC Act listed species, ecological communities or other matters of National Environmental Significance. EPBC Act referral was considered unwarranted. Referral under the EES Act for ecological impacts is not required.

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It is noted that impacts on native vegetation will require FFG Act 1988 permission and this will be sought outside the planning permit application process.

FAUNA
The Ecological Assessment outlines the likely impact of the facility on aerial and terrestrial fauna. The conclusions of the report can be summarised as follows:

- No nationally significant fauna species were recorded within the study area;
- One state significant fauna species was recorded within the study area, namely the Black Falcon. However, it was found that, due to the availability of higher quality habitat in surrounding areas this species is unlikely to make significant use of the site, and will therefore not be significantly impacted by the proposed wind farm;
- Of the 799 individual birds recorded within the study area, over 99% of specimens were observed flying below the Rotor Swept Area. Only 0.25% of individual bird sightings were observed at RSA height and these were the Black Falcon and Brown Falcon;
- A Level 1 Brolga Assessment was carried out for the project which found that the potential impact to Brolga was considered to be low to negligible due to the absence of breeding and flocking sites in the vicinity of the project;
- Microbat surveys using Anabat detectors were conducted in February and October of 2019. No significant bat species were identified during these surveys. Moreover, given the height of the Rotor Swept Area and the location of the wind farm in a predominantly cleared landscape, the potential impact of the wind farm on local bats is expected to be low;
- There are no anticipated impacts to terrestrial fauna;
- The proposed activity is considered highly unlikely to significantly impact any EPBC Act listed species (threatened or migratory), ecological communities or any other matters of National Environmental Significance (NES). As such, an EPBC Act referral regarding these matters is considered unwarranted;
- As the ecological impacts of the proposed project will not meet any of the ecological thresholds listed in the EES Act, a referral under the EES Act is considered unwarranted; and
- A Bird and Avifauna Management Plan should be prepared and endorsed prior to the commencement of construction.

The ecology assessment demonstrates that there will not be any unreasonable impacts on the flora and fauna in this area or on site. The project meets the key objectives of Clause 12.01-S Protection of biodiversity.

6.9 CULTURAL HERITAGE

A *Cultural Heritage Due Diligence Report* has been prepared by Green Compliance and Research, dated 9 April 2020. The report concluded that the proposal does not trigger the requirement for a mandatory CHMP under the Aboriginal Cultural Heritage Act 2006.

The report strongly recommended the preparation of a voluntary CHMP and desktop historical archaeological assessment given the large-scale nature of the project and the lack of local and regional studies in proximity to the site.

A voluntary *Cultural Heritage Management Plan Complex Assessment* dated April 2020 was prepared by Green Compliance and Research. A Complex Assessment includes a Standard assessment. These documents are submitted to and considered by AAV.

A *Desktop Historical Archaeological Assessment* dated 9 April 2020 was prepared by Green Compliance and Research. There are no Heritage Overlay places within the project site, with the closest HO place being 16km from the activity area.

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6.10 Traffic Impacts

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Impacts on traffic and the road network have been assessed by Impact Traffic Engineers in the Traffic Assessment.

The assessment outlines that impacts will be acceptable with a number of road upgrades proposed and a traffic management plan to be developed via standard permit condition.

In summary:

- Operational impacts on the road network will be negligible, with a small maintenance crew of approximately six people (maximum six vehicle movements per day).
- Portland will be the preferred port for receiving turbines and other major components.
- During construction the project will generate an estimated 37,193 vehicle movements, with a peak of 84 daily movements. The Henty Highway has an environmental capacity for up to 7,000 vehicles on a daily basis. Data sourced from VicRoads indicated that Henty Highway currently carries 800 vehicles per day within the vicinity of the subject site, resulting in a peak of approximately 880 vehicles per day. This is well within the capacity of the road.
- The impact of the project on local roads has been considered by the Traffic Assessment, with a number of local roads recommended to be upgraded as part of the project to accommodate haulage routes. The roads and extent of upgrade proposed is further detailed in the Traffic Assessment.
- The development of a traffic management plan via standard permit condition, in consultation with Horsham Council and VicRoads, will suitably manage any impacts of the project during construction and operation.

There will not be unreasonable impacts on the road network during construction or through operation of the facility. Construction and operational logistics will be able to be suitably managed through provision of a Traffic Management Plan by way of standard permit condition.

6.11 BUSHFIRE

There is no specific zoning or overlay provisions that apply to the subject site relating to bushfire risk.

The Country Fire Authority has provided the Guidelines for Renewable Energy Installations dated February 2019. These guidelines provide guidance to developers and decision makers as to the appropriate fire safety measures for wind farms.

The proposal has suitably responded to bushfire risk by providing a design response to this document through:

- Siting all turbines on open grassed areas spaces well in excess of the prescribed 300m separation distance, allowing for firefighting aircraft between turbines.
- Providing a permanent on-site static water supply in the form of four above ground water tanks of at least 45,000L volume. Two will be located adjacent to each substation, and the other two on the outskirts of the facility (one in the northeast and one in the southwest).

The network of access tracks that are provided also act as a fire break and access for fire fighting vehicles in the case of a bushfire emergency.

A Fire Management Plan will be prepared prior to the commencement of construction in consultation with CFA to ensure best practice operational procedures around bushfire risk. This may include measures such as vegetation control procedures. The plan will be prepared outside of the planning permit process but may be included as a condition on any permit that may issue.

The proposal has given due consideration to bushfire risk and taken appropriate steps to ensure risks are managed to an acceptable level. The proposal accords with the relevant sections of the

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Clause 13.02-15 (Bushfire Planning) in relation to managing fire risks. The proposal has also had regard to the considerations of the CFA Guidelines.

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6.12 GEOTECHNICAL AND HYDROLOGY

A Geotechnical Assessment has been completed by Hard Rock Geotechnical Pty Ltd to provide an initial assessment of the site. The study did not raise any significant issues with the proposal in relation to the site being able to accommodate turbine foundations and other aspects of the project such as roads and construction activities.

A Geology and Hydrology Assessment has been provided by the proponent to explore existing ground water conditions at the project site and wider area. The report details that the site has been chosen and turbines and associated infrastructure positioned to minimise impact to surrounding houses and vegetation and to avoid waterways and culturally significant sites.

6.13 CONSTRUCTION IMPACTS AND DECOMMISSIONING

As detailed throughout the various technical reports accompanying the application, there will not be any significant impacts to the land or local area that would preclude the development of a standard Environmental and Construction Management Plan to guide construction and operational processes.

An environmental management plan including any monitoring or rehab requirements may be included via standard permit condition. This may include details of any rehabilitation works considered necessary to ensure the site is decommissioned appropriately.

6.14 CONSULTATION AND COMMUNITY BENEFITS

A Consultation and Engagement Plan was prepared in May 2019 and has been adapted to respond to the community feedback and activities. The purpose of the plan is to:

- identify stakeholders;
- characterise the stakeholder groups in terms of their interests, concerns and consultation needs and potential to provide local knowledge;
- describe the consultation methods to be used and outline a schedule of consultation activities; and
- outline how inputs from stakeholders will be recorded, considered and/or addressed through various stages of the Project.

A range of consultation activities have been undertaken over the period and these are contained in the Consultation Outcomes Report. A number of FAQ sheets have been prepared that outline the proposed Community and Neighbour Benefit Schemes.

As part of the development, BayWa r.e. will initiate a community reference group made up of local community members who will guide the distribution of the proposed annual Community Fund which is equivalent to \$1000 per wind turbine (approximately \$52,000 per annum).

After construction is complete (from when all turbines are operational) the Proximity Grade 1 benefit will include all habitable dwellings within 2 km of the wind farm. These will receive \$1500 per annum for each wind turbine that is closer than 2 km to their house.

Additionally, after construction is complete (within 3 months after all turbines are operational), the Proximity Grade 2 benefit offers all habitable dwellings within 3.6 km of a wind turbine to receive a rooftop solar panel system of 5 kW.

Further details are contained in the Consultation and Engagement Plan and the Consultation Outcomes Report provided with the application.

7 CONCLUSION

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This report has provided an assessment against all relevant sections of the Horsham Planning Scheme, including the Municipal Planning Strategy, the Planning Policy Framework, the decision guidelines at Clause 65, and any other relevant matter.

Overall, the proposal is strongly supported by the policies and objectives of the Horsham Planning Scheme for the following reasons:

- The proposal is consistent with the Planning Policy Framework, Municipal Strategic Statement and relevant Particular Provisions.
- The proposal responds to the *Policy and Planning Guidelines for the Development of Wind Energy Facilities in Victoria* (March 2019).
- The proposal meets the decision guidelines of the Guidelines for the removal, destruction or lopping of native vegetation (December 2017).
- The application responds to the requirements of the Farming and Road Zones.
- The proposal will not impact on agricultural uses within the area.
- The proposal responds to site conditions.
- The proposal will not impact on the existing environmental values of the subject site or the adjoining or surrounding properties.
- The proposal will not have an unreasonable impact on the landscape.
- The proposal will result in an increase to the State's wind energy supply, and importantly assist in reducing the reliance on non-renewable energy.
- The project will provide for a positive social impact through the delivery of Community and Neighbour Benefit Schemes.

On balance, the proposal is strongly supported by the suite of policies that seek to facilitate renewable energy provided there are minimal adverse impacts. The proposal is in a high-quality location for a wind energy facility, with minimal and acceptable impacts on landscape, environment and residential amenity.

It is respectfully submitted that the application warrants approval resulting in issue of a planning permit subject to conditions.