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ABN 50 105 256 228

15 December 2023

Michael Juttner  
Acting Director – Development Approvals and Design  
DTP  
PO Box 500  
East Melbourne VIC 8002  
Sent via email to: [development.approvals@delwp.vic.gov.au](mailto:development.approvals@delwp.vic.gov.au)

Dear Michael,

## **APPLICATION UNDER SECTION 72 OF THE ENVIRONMENT AND PLANNING ACT 1987 - PERMIT PA1900745-1 – MOKOAN 2 SOLAR FARM**

### **1. BACKGROUND**

We act on behalf of European Energy regarding planning permit PA1900745-1 issued 1 June 2021 for the Mokoan 2 Solar Farm located at Lot 1 Title Plan 903174T and Lot 3 Title Plan 903174T, Nelson Road, Winton. The Department of Transport and Planning (DTP) approved the Mokoan 2 solar farm under permit PA1900745-1. Upon a process of review and preparation of the construction of the facility, a number of minor changes have been required to be made to the layout of the solar farm. This has also resulted in some of the conditions of consent on PA1900745-1 being amended and/or re-endorsement of management plans). Therefore, we have prepared this application to amend the permit in accordance with Section 72 of the Planning and Environment Act 1987.

### **2. PROPOSAL**

Since the issue of this permit, European Energy has acquired the project from the previous proponent, Lightsource bp. European Energy has been actively coordinating with Urbis and engaging with Council and responsible authorities to prepare for the construction phase of the Mokoan Solar Farm.

European Energy needed to make minor changes to site plans to accommodate for changing market conditions and logistical requirements. For example, the previous double inverters proposed by Lightsource bp have been discontinued by the manufacturer, with only single inverters being available for this project.

In order to achieve the construction of the solar farm within a feasible timeframe for the proponent, road logistic challenges have to be pursued to avoid major delays and provide with more flexibility, without impacting the overall conditions of the existing traffic and road network. Moreover, feasibility challenges included the landscaping and existing screening, which have been revised to comprehensively adjust to the size of the project.

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However, the solar farm's form and appearance have not fundamentally changed and retain all the positive qualities of the previously approved design.

Whilst fundamentally the built form is to remain as approved, this amendment allows for the adjusted road use and functionality of the solar farm, making changes to provide flexibility to the proponent during the construction phase of the project. The revised site and landscaping plans have capitalised on the strengths of the approved solar farm by broadly maintaining the original layout and overall disposition of all the components while accommodating existing conditions. For example, the landscaping screening along the conservation areas has been removed, since the vegetation of the Conservation Area itself would act as a screening element on the eastern boundary.

The key components of the proposal are:

- Changes to the site plan, including new panel row arrangements and location of inverters.
- Changes to the landscape plan, including reducing number of plants and removing screening along the conservation area.
- Changes to conditions 19, 22, and 23, proposed amendments to allow for all-weather surfacing.

### **3. AMENDMENTS TO THE PLANS**

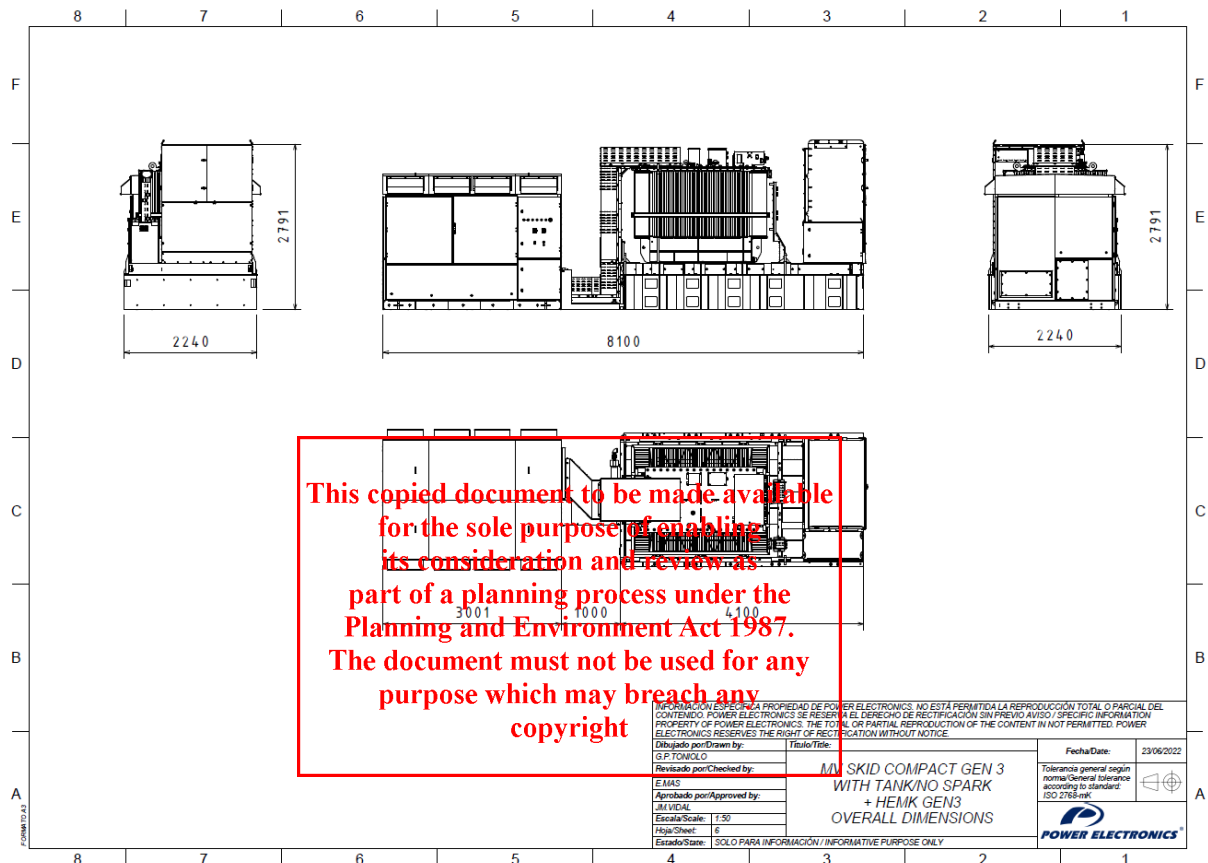
The approved site plan is 'AUS\_Mokoan\_LP2-Preliminary Design Layout\_16'. It is proposed that this be replaced with 'AUS\_Mokoan-Solar-Farm\_LP2-Preliminary Design Layout-22' (noting that the site plan also shows Mokoan 1, which was approved separately by Benalla Rural City Council permit P0070/18).

The amendments can be described as follows:

- Minor changes to the access track layout amended and passing bays included as per CFA requirements to accommodate for the new fenced area and perimeter. This avoids potential impacts on retained tree number 19.
- Relocated inverters to accommodate the new model specifications. The new model is smaller in size, leaving slightly more area to fit a number of panels (Figure 1).

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Figure 1 PCUs overall dimensions.



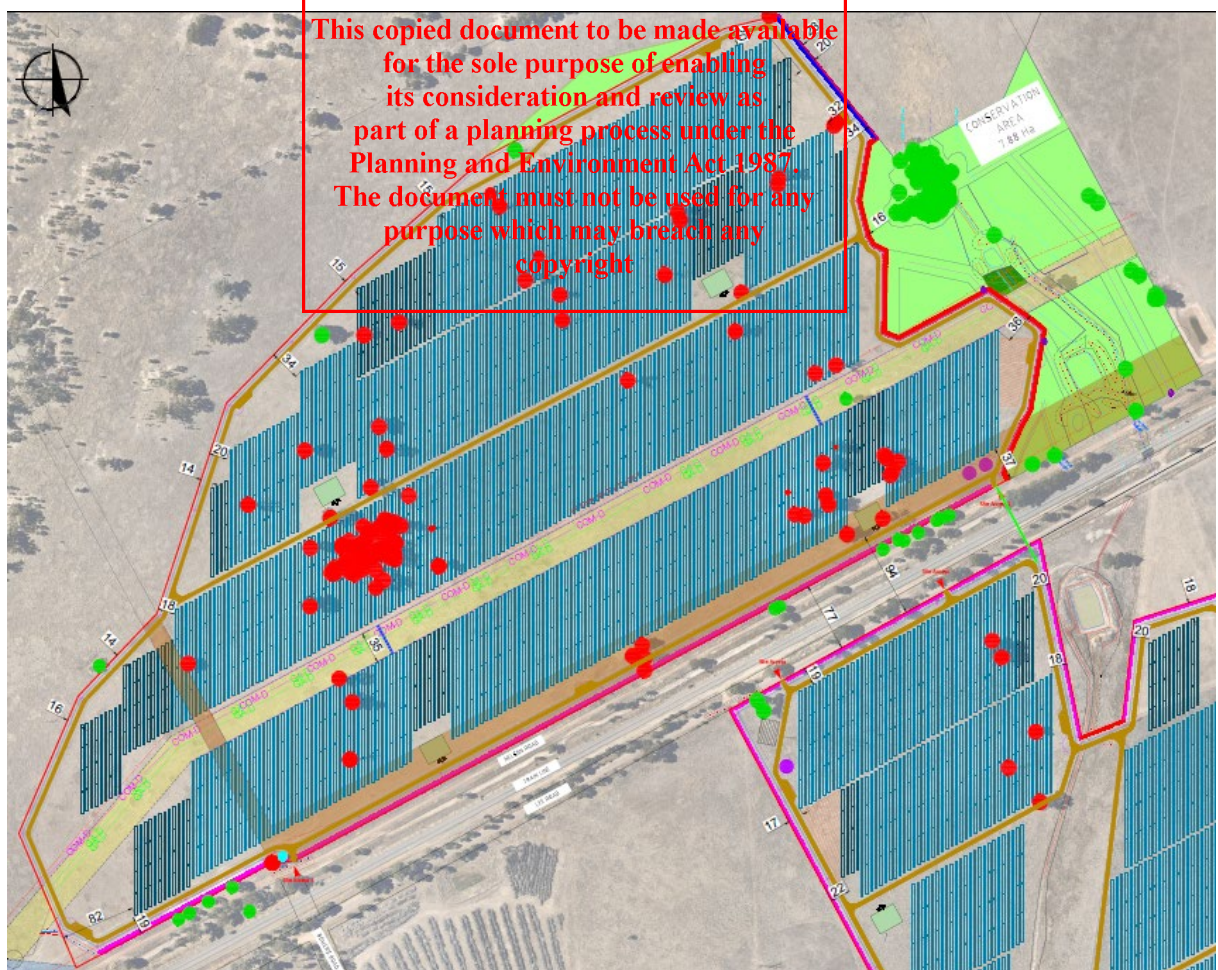
Source: European Energy

- Panel row arrangement –
  - Updated to accommodate a slight increase in the number of panels and a more efficient arrangement of infrastructure.
- The number of inverters and arrangement has changed based on the size of new models of inverters available in the market (labelled as PCUs). PCUs are made up of the inverter and transformer (refer to elevations provided). Batteries will not be installed on the project as part of the construction phase, though space has been allowed to install these on the project at a later stage during project operations. (Note: the new models have been adopted because the old models have been discontinued)
- Note outlining the resting angle of the trackers is shown. Resting angle between 5 and 7 pm is provided to avoid glare and glint impacts.
- Landscaping Plan changes:
  - Typology 1 swapping Mix 1 and 3 and Mix 2 and 4 respectively.
  - Typology 2 removing Mix 4, extending Mix 1 and 2.
  - Typology 3 changing Mix 4 to Mix 3 and previous Mix 3 to Mix 2.
  - Typology 4 changing Mix 3 to Mix 1 and Mix 4 to Mix 3.
  - Reduced overall number of plants from 38,430 to 21,442 (these numbers apply to Mokoan 1 and 2 combined).

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- Removal of screening along the conservation area. (Note: vegetation within the conservation area will already be screening the eastern site boundary)
- Landscape Maintenance Plan changes:
  - Changing Lightsource bp references to European Energy.
  - Reduced Mulch depth reduced from 100mm to 75mm; and mulch area constrained to a 500mm radius around each plant.
  - Changing 'Treemax' tree guards for 'SureJute' planting squares.
  - Changing bamboo stakes to individual hardwood marker stakes to tubestock planting stock.
  - Removing mulching between stock proof and security fences.
- Landscape Specification Plan changes:
  - Included 'Jute Matting' specifications.
  - Changed 'Guards and Staking' specifications to reflect changes in stakes and removal of 'Treemax' tree guards.

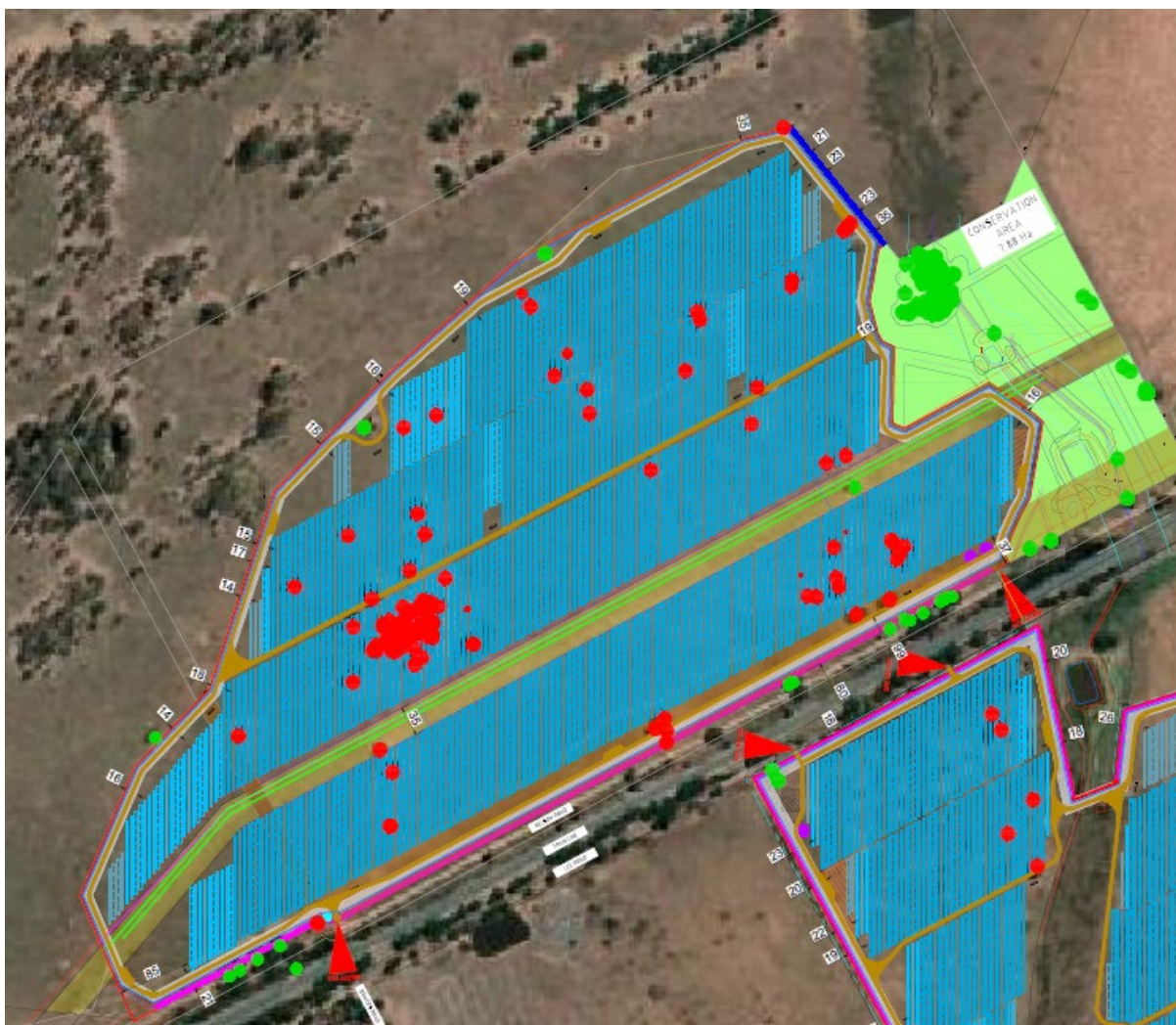
Figure 2 - Approved site plan PA1900745-1.





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Figure 3 – Updated Site plan subject of this amendment.



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## 3.1.1. Permit Conditions

Due to the aforementioned changes in the layout, we would also seek to amend the following conditions upon review of requirements and liaison with Council (please note these have been agreed by Council and we can supply a letter from them agreeing to these changes):

### Condition 19

Upon review and discussions with Benalla Rural City Council, it has been confirmed that condition 19 should apply to all weather surfacing, instead of seal roads. The condition read as follows:

*19. Vehicle access points must be designed and located to the following standards, to the satisfaction of the relevant road management authority (or authorities):*

*a. Truck movements to and from the site must be able to be accommodated on sealed roadways.*

*b. To the extent practicable, access points must be able to accommodate turning movements without vehicles encroaching onto the incorrect side of the road.*

*c. Safe sight distances must be provided.*

*d. Potential through traffic conflicts must be avoided.*

Amend to read:

*19. Vehicle access points must be designed and located to the following standards, to the satisfaction of the relevant road management authority (or authorities):*

*a. Truck movements to and from the site must be able to be accommodated on **all-weather surfaced roadways**.*

*b. To the extent practicable, access points must be able to accommodate turning movements without vehicles encroaching onto the incorrect side of the road.*

*c. Safe sight distances must be provided.*

*d. Potential through traffic conflicts must be avoided.*

### Condition 22

Upon review and discussions with Benalla Rural City Council I, it has been confirmed that condition 22 should apply to vehicle crossings to be constructed and surfaced with all-weather materials, instead of sealed. The condition read as follow:

*22. Vehicle crossings as shown on the endorsed plans must be constructed and sealed to the standards of Council's Infrastructure Design Manual. The final location of the crossings must be approved by Benalla Rural City Council.*

Amend to read:

*22. Vehicle crossings as shown on the endorsed plans must be constructed and **surfaced with all-weather materials** to the standards of Council's Infrastructure Design Manual. The final location of the crossings must be approved by Benalla Rural City Council.*

## Condition 23

Upon review and discussions with Benalla Rural City Council I, it has been confirmed that condition 23 should apply to vehicle crossings to be constructed and surfaced with all-weather materials, instead of sealed. The condition read as follow:

*23. The permit holder must undertake road upgrades as follows:*

*a. Before development starts, the permit holder must upgrade the road, drainage and other civil work from the intersection of Nelson / Gould Road to 100 metres past the main subject site entrance along Nelson Road. The works must be in accordance with the Infrastructure Design Manual and any other plan or document endorsed under this permit and must include:*

*i. All weather sealing (including turning lanes and passing lanes), gravelled shoulders, signage and vehicular crossings from nelson Road / Gould Road intersection to 100 metres past the westernmost subject site entrance.*

*ii. Passing lane at the entrance for the safe movement of heavy vehicles.*

*iii. Underground drainage.*

*iv. Appropriate signage; intersection and traffic (control / mitigation) measures.*

*v. Stormwater retention and quality treatments.*

*b. Before the completion of the works in accordance with condition 23.a, the permit holder may undertake the following site preparation works:*

*i. Site establishment works, including general survey and set out.*

*ii. Vegetation clearing and earthworks, including weed management.*

*iii. Construction of internal roads, including grading and stormwater management / drainage infrastructure.*

*iv. Construction of all-weather pad for construction compound and laydown areas.*

*v. Laying out of temporary buildings (construction compound).*

*vi. Dust suppression works.*

*vii. Perimeter fencing works.*

*viii. Minor piling works.*

*c. Before site preparation works start in accordance with condition 23.b, the road network must be upgraded to a condition capable of accommodating those works, if required, to the satisfaction of the responsible authority.*

*d. During site preparation works, the road network must be maintained in good condition, to the satisfaction of the responsible authority, until the road upgrades required by condition 23.a are complete.*

Amend to read:

*23. The permit holder must undertake road upgrades as follows:*

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a. Before development starts, the permit holder must upgrade the road, drainage and other civil work from the intersection of Nelson / Gould Road to 100 metres past the main subject site entrance along Nelson Road. The works must be in accordance with the Infrastructure Design Manual and any other plan or document endorsed under this permit and must include, **to the satisfaction of Benalla Rural City Council:**

- i. All weather **surfacing** (including turning lanes and passing lanes), gravelled shoulders, signage and vehicular crossings from Nelson Road / Gould Road intersection to 100 metres past the westernmost subject site entrance.
- ii. **Suitable site** at the entrance for the safe movement of heavy vehicles.
- iii. Underground drainage.
- iv. Appropriate signage, intersection and traffic (control / mitigation) measures.
- v. Stormwater retention and quality treatments.

b. Before the completion of road upgrades in accordance with condition 23.a, the permit holder may undertake the following site preparation works:

- i. Site establishment works, including general survey and set out.
- ii. Vegetation clearing and earth works, including weed management.
- iii. Construction of internal roads, including grading and stormwater management / drainage infrastructure.
- iv. Construction of all-weather pad for construction compound and laydown areas.
- v. Laying out of temporary buildings (construction compound).
- vi. Dust suppression works.
- vii. Perimeter fencing works.
- viii. Minor piling works.

c. Before site preparation works start in accordance with condition 23.b, the road network must be upgraded to a condition capable of accommodating those works, if required, to the satisfaction of the responsible authority.

d. During site preparation works, the road network must be maintained in good condition, to the satisfaction of the responsible authority, until the road upgrades required by condition 23.a are complete.

## 4. SUBJECT SITE AND SURROUNDINGS

### 4.1. SUBJECT SITE

European Energy has an agreement with the landowner to purchase the following land, located at Nelson Road, Winton North, Victoria 3673:

- Lot 1 Title Plan 903174T
- Lot 2 Title Plan 903174T (Note: Lot 2 is not developed as part of this permit application.)





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- Lot 3 Title Plan 903174T

The grid connection to the Glenrowan substation from the subject site across the following land:

- Lee Road
- Nelson Road
- VicTrack owned land.

The proposed installation also encompasses an area of road reserve (Nelson Road) that is undeveloped and sits within the existing southern boundary fence of the property and an area of discontinued road (Bowers Road) located between Lot 1 and Lot 3. Both areas of land are within the Farming Zone (FZ).

## **4.2. CERTIFICATE OF TITLE**

The subject site is formally described as Lot 1 and Lot 3 on Title Plan 903174T.

An electricity easement (G383) exists within Lot 1 on Title Plan 903174T for the benefit of Ausnet. A pipeline easement (G185466) passes through the site and is currently managed by APA Group.

Please refer to **Appendix A** for further details on title particulars.

## **4.3. IMMEDIATE SURROUNDINGS**

The site is within the Benalla Rural City Council local government area approximately 53 kilometres south of the New South Wales/Victoria border and 175 kilometres northeast of Melbourne.

The nearest settlements are Benalla (10 kilometres west) and Wangaratta (21 kilometres east).

A rail corridor runs parallel and in between Nelson Road and Lee Road. The nearest railway stations are Glenrowan (10 kilometres east) and Benalla (13 kilometres west).

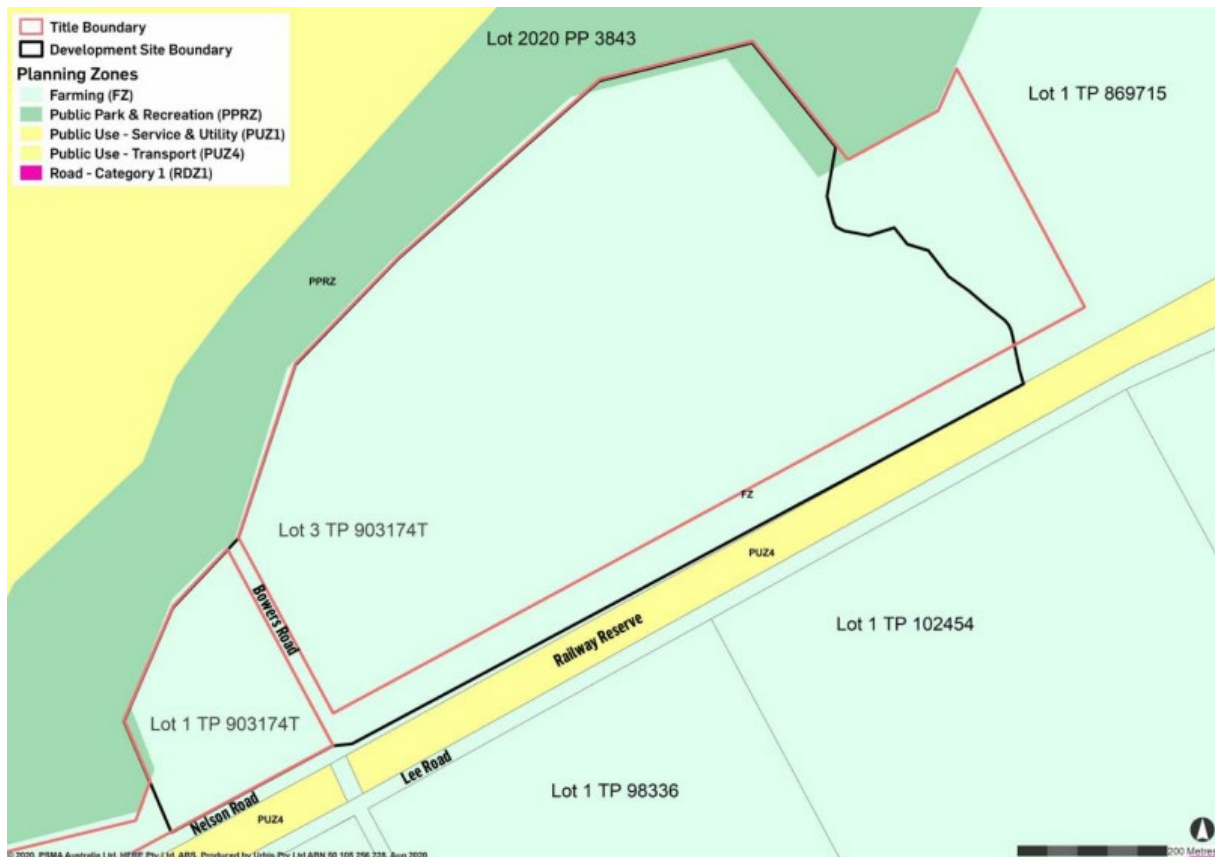
The Hume Freeway (VicRoads) is within close proximity to the site. Site access will be from Nelson Road on the southern property boundary. Nelson Road is accessible from the Hume Freeway via Bowers Road and Lee Road. This requires crossing of the railway line via the level crossing at Gould Road/Eleven Mile Creek Road.

Winton Wetlands adjoins the site to the north. The Winton (Mokoan) Swamp was flooded in 1971 to create Lake Mokoan but decommissioned and drained in 2010. The Minister for Environment and Climate Change has appointed the Winton Wetlands Committee of Management Inc. as an incorporated committee of management under the Crown Land (Reserves) Act 1978.

The surrounding land use of the area is predominantly Farming Zone (FZ) and Public Use Zone - Service and Utility (PUZ1). The site is bordered by Public Park, Recreation Zone (PPRZ), Road Zone - Category 1 (RDZ1) and Public Use Zone - Transport (PUZ4) land (Figure 4).

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Figure 4. Zones applicable to the subject site



## 5. PLANNING CONSIDERATIONS

This assessment addresses the following key matters:

- Amenity Impacts.
- Road Network.

### 5.1. ARE THE AMENITY IMPACTS ACCEPTABLE?

#### 5.1.1. Glare and Glint

An updated Glare and Glint Assessment was undertaken by Urbis in December 2023. It concluded that for the proposed layout there will not be any glare predicted from any assessed receptor when the project is configured with a resting angle of 3° or greater.

Under the worst-case scenario, with the project configured with a resting angle of 0°, the above-mentioned proposed changes resulted in predicted green or yellow glare of up to 20 minutes daily during the late afternoon to evening, between the hours of 4:20pm and 7:35pm (AEST). Therefore, the tracker resting angle will always be set to three degrees or greater between 4:20-7:35pm (AEST) to avoid any glare and glint impacts.

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A copy of the updated Glint and Glare Assessment is attached as **Appendix F** to this letter.

## 5.1.2. Visual Amenity

A Landscape and Visual Impact Assessment was undertaken by Urbis in September 2020. It concluded that the project was assessed as having a low level of visual impact on surrounding sensitive viewpoints, due to the limited number of sensitive viewpoints and relative lack of visibility. Amelioration strategies proposed included perimeter screen planting. Urbis and Peter Haack Consulting reviewed the Landscape Strategy in September 2023 and concluded that, due to the overall low visual impact of the project, appropriate amelioration could still be achieved by re-distributing planting mixes within the typologies to reduce the number of plants needed.

It was also concluded that the Eastern boundary will not need perimeter screening, due to the boundary being identified as '*mostly obscured from view by existing vegetation and elevated topography*' and the conservation area being heavily vegetated with an appropriate number and species of plants.

## 5.1.3. Noise

An acoustic assessment is being undertaken by NDY to verify noise impacts that will be provided separately in the following days.

## 5.2. ARE THE ROAD NETWORK IMPACTS ACCEPTABLE?

Upon discussion with Council and the respective team of engineers, it was concluded that upgrading Nelson Road could be achieved with all-weather surface materials. As such, truck movements can be accommodated from and to the Solar Farm on Nelson Road upgraded with all-weather surface materials, such as crushed rock. A written statement from Council will be provided to DTP under a separate letter.

Furthermore, we point out that CFA requirements state that *roads must be of all-weather construction and capable of accommodating a vehicle of fifteen (15) tonnes*, with no requirements for sealing. Thus, the road network can be appropriately upgraded without impacts and achieve the objectives of the previous conditions with all-weather surfacing. Engagement with CFA was undertaken to seek their advice on proposed changes; upon review, CFA noted that the changes remain compliant with the Renewable Energy Design guidelines.

## 6. CONDITION DISCHARGE

The conditions that we seek to discharge in conjunction with the section 72 amendment include:

- Condition 1 – Development Plans
- Condition 4 – Landscaping
- Condition 5 – Landscaping
- Condition 6 – Landscaping
- Condition 11 – Glint and Glare
- Condition 12 – Glint and Glare
- Condition 13 – Glint and Glare

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- Condition 19 – Vehicle Access Point
- Condition 22 – Traffic Management
- Condition 23 – Traffic Management

Documents to respond to Conditions 1, 4, 11, 19, 22, and 23 have been included in the appendices of the report. A response to Conditions 19, 22, and 23 has also been included below.

We note that all other conditions have been discharged separately.

## 6.1. CONDITION 19 – AMENDED PLANS

Condition 19 – Amended Plans	Response
<p><b>19. Vehicle access points must be designed and located to the following standards, to the satisfaction of the relevant road management authority (or authorities):</b></p> <p>a. Truck movements to and from the site must be able to be accommodated on <b>all-weather surfaced roadways</b>.</p> <p>b. To the extent practicable, access points must be able to accommodate turning movements without vehicles encroaching onto the incorrect side of the road.</p> <p>c. Safe sight distances must be provided.</p> <p>d. Potential through traffic conflicts must be avoided.</p>	<p>Upon discussion with Council and the respective team of engineers, it was concluded that upgrading Nelson Road could be achieved with all-weather surface materials. As such, truck movements can be accommodated from and to the Solar Farm on Nelson Road upgraded with all-weather surface materials, such as crushed rock.</p> <p>Furthermore, we point out that CFA requirements state that <b>roads must be of all-weather construction and capable of accommodating a vehicle of fifteen (15) tonnes</b>, with no requirements for sealing. Thus, the road network can be appropriately upgraded without impacts and achieve the objectives of the previous conditions with all-weather surfacing.</p>
<p><b>Condition 22 – Amended Plans</b></p> <p><b>22. Vehicle crossings as shown on the endorsed plans must be constructed and <b>surfaced with all-weather materials</b> to the standards of Council's Infrastructure Design Manual. The final location of the crossings must be approved by Benalla Rural City Council.</b></p>	<p>It should also be noted that Council has endorsed these changes, as they recognized that the proposed changes do not represent significant changes to the previous approval or to the objectives of the project. This confirmation is verbal, a written confirmation has been seek and will be provided to DTP after being issued.</p> <p>Furthermore, other engaged stakeholders who have issued approvals or reviewing documentation to undertake site works include:</p>
<p><b>Condition 23 – Amended Plans</b></p> <p><b>23. The permit holder must undertake road upgrades as follows:</b></p> <p>a. Before development starts, the permit holder must upgrade the road, drainage and other civil work from the intersection of Nelson / Gould Road to 100 metres</p>	<ul style="list-style-type: none"> <li>▪ CFA, who have provided written commentary stating no concerns with the proposed changes.</li> </ul>



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*past the main subject site entrance along Nelson Road. The works must be in accordance with the Infrastructure Design Manual and any other plan or document endorsed under this permit and must include, to the satisfaction of Benalla Rural City Council:*

*i. All weather **surfacing** (including turning lanes and passing lanes), gravelled shoulders, signage and vehicular crossings from Nelson Road / Gould Road intersection to 100 metres past the westernmost subject site entrance.*

*ii. **Suitable site** at the entrance for the safe movement of heavy vehicles.*

*iii. Underground drainage.*

*iv. Appropriate signage, intersection and traffic (control / mitigation) measures.*

*v. Stormwater retention and quality treatments.*

*b. Before the completion of road upgrades in accordance with condition 23.a, the permit holder may undertake the following site preparation works:*

*i. Site establishment works, including general survey and set out.*

*ii. Vegetation clearing and earthworks, including weed management.*

*iii. Construction of internal roads, including grading and stormwater management / drainage infrastructure.*

*iv. Construction of all-weather pad for construction compound and laydown areas.*

*v. Laying out of temporary buildings (construction compound).*

*vi. Dust suppression works.*

*vii. Perimeter fencing works.*

*viii. Minor piling works.*

*c. Before site preparation works start in accordance with condition 23.b, the road network must be*

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*upgraded to a condition capable of accommodating those works, if required, to the satisfaction of the responsible authority.*

*d. During site preparation works, the road network must be maintained in good condition, to the satisfaction of the responsible authority, until the road upgrades required by condition 23.a are complete.*

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## CONCLUSION

The proposed amendment and subsequent development at Mokoan Solar Farm will contribute positively to the renewable energy targets of Victoria. The proposal not only aligns with the policy objectives of the Benalla Planning Scheme but responds to the Australian Sustainable Development Goals to combat climate change and promote low-carbon energy sources.

The proposed amendments have no significant impacts upon the physical nature of the development, achieving the objectives of its conditions. The proposed amendments will not negatively impact the road network nor the amenities of the surrounding site, thus we respectfully request that the application for the amendment of the conditions detailed above is approved.

If you have any questions please don't hesitate to contact me on (03) 9617 6613.

Yours sincerely,

A handwritten signature in black ink that reads "Jon Mills".

Jon Mills  
Director

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## **APPENDIX A**

## **CERTIFICATE OF TITLE**

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## **APPENDIX B**

## **APPROVED SITE PLAN**

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## **APPENDIX C**

## **PROPOSED SITE PLAN**

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## **APPENDIX D**

## **APPROVED LANDSCAPE PLAN**

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## **APPENDIX E**

## **PROPOSED LANDSCAPE PLAN**

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## **APPENDIX F**

## **GLINT AND GLARE ASSESSMENT**

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## **APPENDIX G**

## **ACOUSTIC ASSESSMENT**

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