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Tarrone Road Subdivision Permit Application

Application for Subdivision

Prepared for AusNet Services

Prepared by Beca Pty Ltd

ABN: 85 004 974 341

6 June 2024

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Appendix A – Certificates of Title

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Revision History

Revision N°	Prepared By	Description	Date
A	Belle Shanks	Report Structure	14/04/2024
B	Belle Shanks	Draft Report	06/05/2024
C	Belle Shanks	Draft Report for submission to DTP	09/05/2024
D	Belle Shanks	Final Report for submission to DTP	30/05/2024
E	Melody Valentine	Final Report for submission to DTP v2	06/06/2024

Document Acceptance

Action	Name	Signed	Date
Prepared by	Belle Shanks		30/05/2024
Reviewed by	Melody Valentine		06/06/2024
Approved by	Melody Valentine		06/06/2024
on behalf of	Beca Pty Ltd		

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1 Introduction

1.1 Purpose

Beca Pty Ltd (Beca), acts on behalf of AusNet Transmission Group Pty Ltd (AusNet) in making this application. AusNet seeks to amend the boundary between Lots 1 and 2 of PS918386. The purpose of the subdivision is to re-align the boundaries of a lot earmarked to be transferred to AusNet to allow for the on-going operation and maintenance of the transmission lines which connect Hawkesdale and Ryan Corner Wind Farms to the transmission network.

1.2 Scope

This application relates to subdivision only. The following table summarises the application details.

Table 1-1. Application Details.

Item	Application Details
Proposal	Subdivision of land to re-align the boundary of two lots.
Subject Site	Lot 1/PS918386 and Lot 2/PS918386
Zones	Farming Zone (FZ)
Overlays	Environmental Sensitivity Overlay – Schedule 5 (ESO5)
Other Layers	Aboriginal Cultural Heritage Sensitivity Designated Bushfire Prone Area
Permit Triggers	Clause 35.07-3 – a permit is required to subdivide land in the FZ. Clause 42.01-2 – a permit is required to subdivide land in the ESO, unless a schedule specifically states a permit is not required. Clause 52.02 – a permit is required to create an easement.
Municipality	Moyne Shire Council
Responsible Authority	The Minister for Planning (as per Clause 72.01-1)
Application Pathway	53.22 – Significant Economic Development

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2 Subject Land

2.1 Location

The land proposed for subdivision is located in Western Victoria, to the north of Port Fairy, within the Local Government Area (LGA) of the Moyne Shire Council.

2.2 Legal Description

The land is at 574 Tarrone North Road, Tarrone, formally known as Lots 1 and 2 of PS918386. The current lot arrangement is illustrated in Figure 2-1 below.



Figure 2-1: Site Location and current lot arrangement (Source: VicPlan)

A copy of the certificates of title can be found attached in Appendix A to this report. The titles identify Ryan Corner Development Pty Ltd, the owner and operator of Ryan Corner Wind Farm, to be the sole proprietor of the land. The titles further identify five easements, as follows:

Table 2: Easement Identification

Lot	Easement	Use	Width
Lot 1	Easement 2	Transmission of Electricity	60m
Lot 1	Easement 3	Transmission of Electricity	11m
Lot 1	Easement 4	Powerline	15m
Lot 1	Easement 5	Powerline and Transmission of Electricity	15m
Lot 2	Easement 1	Transmission of Electricity	2m
Lot 2	Easement 4	Powerline	15m

Each of these easements is consistent with the current use and existing infrastructure. There are no covenants identified on the land, as shown on the copies of the certificates of title contained in Appendix A.

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2.3 Use & Access

Agriculture is the predominant land use of the local area. There are several dwellings, presumably ancillary to agricultural use, including a dwelling in the southwest of Lot 2\PS918386.

A series of transmission lines traverse the land, primarily located within Lot 1\PS918386. This includes the 500kV Mortlake to Heywood transmission lines and the transmission lines which connect the Hawkesdale and Ryan Corner wind farms to the transmission network. The Tarrone Terminal Station is located to the immediate west of the subject land. The existing lines are shown on Figure 2-3 below.

Access to the lots is via Tarrone North Road (Lot 1 and 2) and Riordans Road (Lot 2).

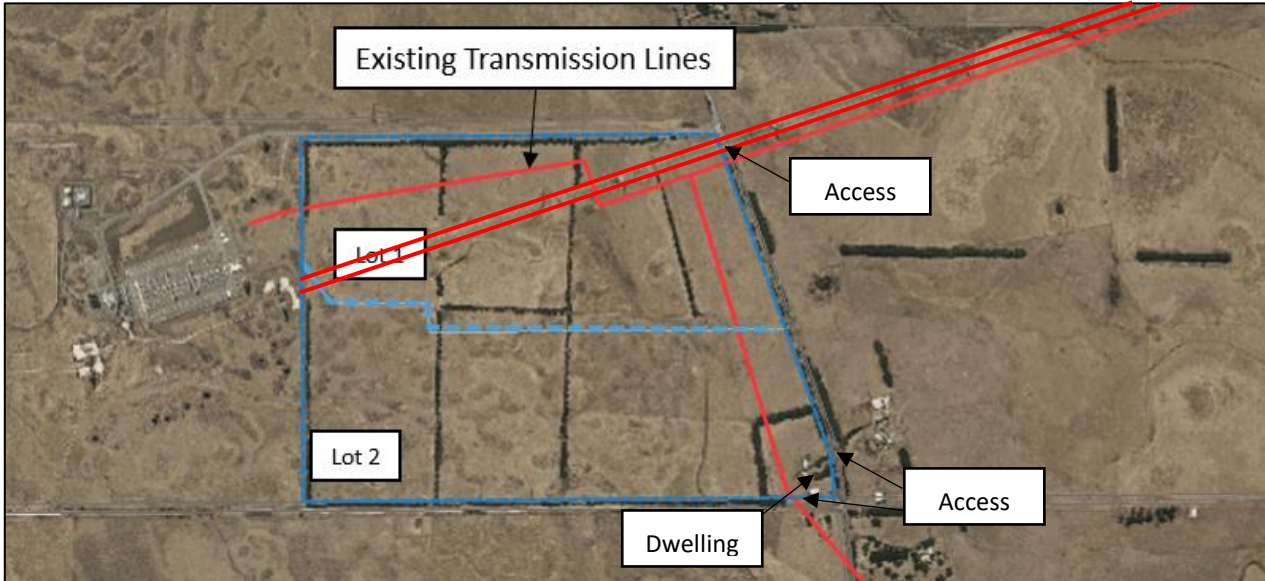


Figure 2-2: Existing Uses (Source: VicPlan)

2.4 Topography

The land is gently sloping from north to south, as shown on Figure 2-5. There are some steeper areas to the middle of Lot 1.



Figure 2-3: Topography of Land (Source: Mapshare)

2.5 Vegetation

The land is primarily vegetated by grass. There are several shelter belts that border and transect the land. As no works are proposed as part of this application no vegetation will be removed.

2.6 Waterways

There are no mapped waterways identified on either Lot 1\PS918386 or Lot 2\PS918386.

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3 Subdivision Proposal

3.1 Purpose

Due to the way they were registered, the access rights to the easements which contain the lines connect Hawkesdale and Ryan Corner wind farms to the electricity network is attributed to land ownership. This means that AusNet (as the transmission network service provider) needs to own at least part of the land within the subject lot to access the easements and fulfil its duties to operate and maintain these lines.

3.2 Description

The area of the lot most encumbered by transmission infrastructure has been selected for subdivision to limit potential further impacts to agricultural land use. It is proposed that the existing boundary between Lots 1 & 2 of PS918386 be relocated further north and west (refer Figure 3-1) to form two revised lots:

- Lot 1 – 5.401 hectares, ownership to be transferred to AusNet Transmission Group Pty Ltd (refer to Section 4.3 of this report for information on the exemptions from the minimum lot size requirements of the farming zone).
- Lot 2 – 77.94 hectares, ownership to be retained by Ryan Corner Development Pty Ltd.

There is existing access to the proposed Lot 1 via the northeastern corner of the site. Access to the proposed Lot 2 will be maintained via existing access points on Tarrone North Road and Riordans Road.

As the use is already established and no works are proposed there will not be any environmental impacts.

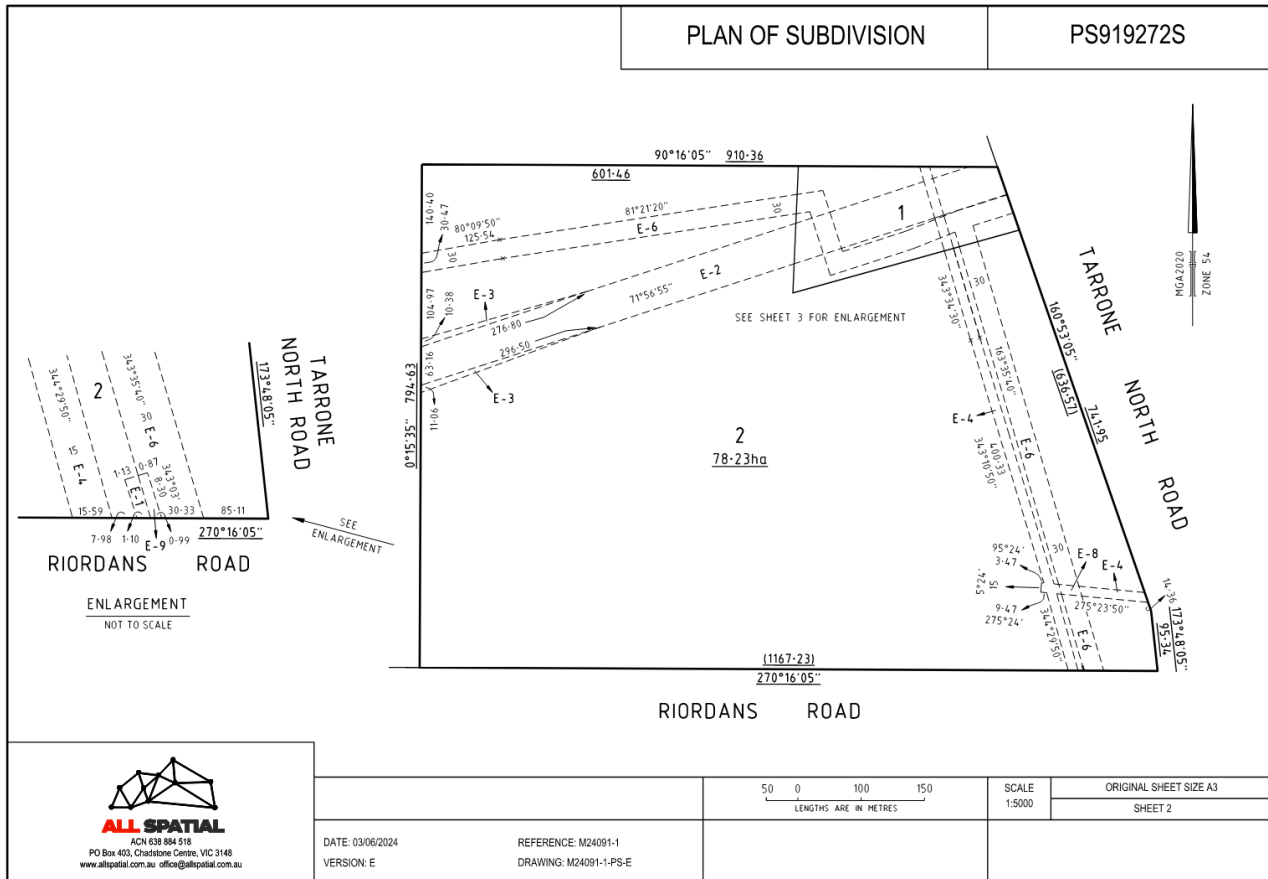


Figure 3-1: Proposed Subdivision (Source: VicPlan)

The proposed plan of subdivision is attached at Appendix B.

3.3 Landowner Consent

Ryan Corner Wind Farm and Hawkesdale Wind Farms are owned and operated by Ryan Corner Development Pty Ltd and Hawkesdale Asset Pty Ltd as trustee for the Hawkesdale Asset Trust, respectively, both of which are subsidiaries of Global Power Generation Australia Pty Ltd.

The landowner of the subject land is Ryan Corner Development Pty Ltd who has consented to the proposed subdivision.

This letter of consent is attached at Appendix C.

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4 Planning Assessment

4.1 Planning Context

The land is within the Moyne Local Government Area and is subject to the planning requirements of the Moyne Planning Scheme.

4.2 Responsible Authority

The responsible authority for the administration and enforcement of the Planning Scheme or provision of the Planning Scheme is specified in Clause 72.01-1.

Pursuant to Clause 72.01-1 of the Planning Scheme, the Minister for Planning is the responsible authority for any matters under Divisions 1, 1A, 2 and 3 of Part 4 of the *Planning and Environment Act 1987*. And the endorsement of, approval of or satisfaction with matters required by a permit or the scheme to be endorsed or approved or completed to the satisfaction of the responsible authority, with regards to the use and development and land for:

- Utility installation used to transmit or distribute electricity.
- Use or development to which Clause 53.22 applies.

4.3 Assessment Pathway

It is requested that this application be assessed as per the Significant Economic Development pathway, as outlined in Clause 53.22 of the Moyne Planning Scheme.

Clause 53.22-1 sets out the circumstances in which the pathway applies:

- Table 2 of Clause 53.22-1 sets out the uses (and conditions) to which the clause applies.
 - Table 2 includes 'a utility installation used to transmit or distribute electricity'.
- Table 1 of Clause 53.22-1 sets out the three categories of applications.
 - Table 1 of Clause 53.22 establishes utility installation as a Category 1 application, with the conditions:
 - The use must be specified in Table 2 and the condition corresponding to that use must be met.
 - Must have written advice from the CEO, Invest Victoria confirming the likely financial feasibility of a proposal. This condition does not apply to an application for the use or development of land for a utility installation.

While in general, Clause 53.22 does not apply to an application to subdivide land, Clause 53.22-1 states "this clause does not apply to an application to subdivide land, other than an application to subdivide land that includes...a utility installation used to transmit or distribute electricity".

As this application seeks subdivision of land used to transmit or distribute electricity it is eligible for this assessment pathway.

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4.4 Land Use Definition

No change to the existing use of the land is proposed by this application.

The proposed Lot 1 is currently approximately 70% occupied by transmission infrastructure, inclusive of those relating to Ryan Corner Wind Farm and Hawkesdale Wind Farm. These transmission lines operate at a combination of 500kV and 132kV. The land use is therefore defined under Clause 73.03 as:

- “Utility Installation”: Land used to transmit, distribute or store power.

It is acknowledged that at the time of approval of Ryan Corner Wind Farm and Hawkesdale Wind Farm (circa 2006), the 132kV transmission lines associated with each wind farm was defined as a minor utility installation, exempt from planning approval for use and development.

On 15 March 2019, prior to the construction of the transmission lines, VC157 was gazetted to amend the definition of Minor Utility Installation to exclude any power lines directly associated with an energy generation facility, therefore redefining the land use definition of the lines to Utility Installation.

VC157 included transitional provisions to allow the power lines associated with a generation facility approved prior to 15 March 2019 to remain exempt from planning permits for use and development.

Therefore, to construct the transmission lines associated with Ryan Corner Wind Farm and Hawkesdale Wind Farm, only planning permits for the removal of native vegetation and creation of access to the principal road network were required.

However, since no transitional provisions apply to the land use definition, the current definition of Utility Installation applies to the Ryan Corner and Hawkesdale Wind Farms’ transmission lines.

The proposed Lot 2 is predominantly used for agricultural purposes, though is also occupied by transmission lines and a dwelling. It’s primary land use as defined under Clause 73.03 is:

- “Agriculture”: Land used to keep, breed, board, or train animals, including livestock, and birds.

4.5 Zones and Overlays

The land is entirely located within the Farming Zone (FZ1). Environmental Significance Overlay Schedule 5 (ESO5) also applies in part.

4.5.1 Farming Zone

Pursuant to Clause 35.07-3, a permit is required to subdivide land in the FZ.

It is noted that there is a general minimum lot requirement of 40 hectares for any new lot within a FZ. The proposed lot sizes are:

- Lot 1 – 5.401 hectares
- Lot 2 – 77.94 hectares

Clause 35.07-3 states that a permit may be granted to create lots smaller than 40 hectares if the subdivision is by a utility service provider to create a lot for a utility installation. This application meets the requirements of this exemption as this subdivision is:

- Proposed by AusNet, a utility service provider as per the definition in Clause 73.01 and the provisions of the *Electricity industry Act 2000*
- Lot 1 is for the purpose of operating and maintaining power lines directly associated with an energy generation facility, which as outlined in section 4.2 of this report, is defined as a Utility Installation.

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4.5.2 Environmental Significance Overlay

The lots proposed for subdivision are partly subject to the Environmental Significance Overlay – Schedule 5 (ESO5). Schedule 5 of Clause 42.01 provides specific controls for the Tarrone Power Station Environs and environmental objectives for the land surrounding the power station.

The environmental objectives established in this overlay relate to management encroachment of sensitive uses to the Tarrone Power Station on the land to which the ESO5 area surrounds.



Figure 4-1: Environmental Significance Overlay (Source: VicPlan)

Pursuant to Clause 42.01 of the Planning Scheme, the planning permit requirements are as follows:

- A permit is required to subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.

Clause 42.01 – Schedule 5 of the Planning Scheme contain the following planning permit requirements:

- A permit is not required to construct a building or construct or carry out works except if the buildings or works are to be used for accommodation including a dwelling.
- A permit is not required to remove, destroy, or lop any non-native vegetation, including non-native dead vegetation.

Clause 42.01-Schedule 5 does not specifically state that a permit is not required for subdivision, and therefore the area is subject to the permit requirements for subdivision under Clause 42.01 of the Moyné Planning Scheme.

4.6 Other

4.6.1 Aboriginal Cultural Heritage Sensitivity

The *Aboriginal Heritage Act 2006* is the primary legislation providing for the protection of Aboriginal cultural heritage and Aboriginal intangible heritage in Victoria. Pursuant of the *Aboriginal Heritage Act 2006*, a Cultural Heritage Management Plan (CHMP) is mandatory if:

- All or part of the proposed development is in an area of cultural heritage sensitivity that has not previously been significantly disturbed; and
- All or part of the activity is a high-impact activity.

Under the Aboriginal Heritage Regulations 2018, Regulation 49 outlines triggers for a CHMP for subdivision work, as follows:

'(1) The subdivision of land into 3 or more lots is a high impact activity if –

(a) The planning scheme that applies to the activity area in which the land to be subdivided is located provides that at least 3 of the lots may be used for a dwelling or may be used for a dwelling subject to the grant of a permit; and

(b) The area of at least 3 of the lots is less than 8 hectares.

(2) The subdivision of land into 2 or more lots in an industrial zone is a high impact activity.

(3) In this regulation, "industrial zone" has the same meaning as in the VPP.'

The proposed subdivision does not trigger any of the regulatory requirements for a CHMP, as the subdivision of land is not for 3 or more lots and does not propose subdivision of land into 2 or more lots in an industrial zone. The proposed subdivision is therefore considered to be exempt under Regulation 49 of the Aboriginal Heritage Regulations 2018.

While the land subject of the subdivision is within an area of Aboriginal Cultural Heritage Sensitivity, as shown on Figure 4-2, the activity is not considered a high impact activity a CHMP is therefore not mandatory under the *Aboriginal Heritage Act 2006* and the Aboriginal Heritage Regulations 2018.

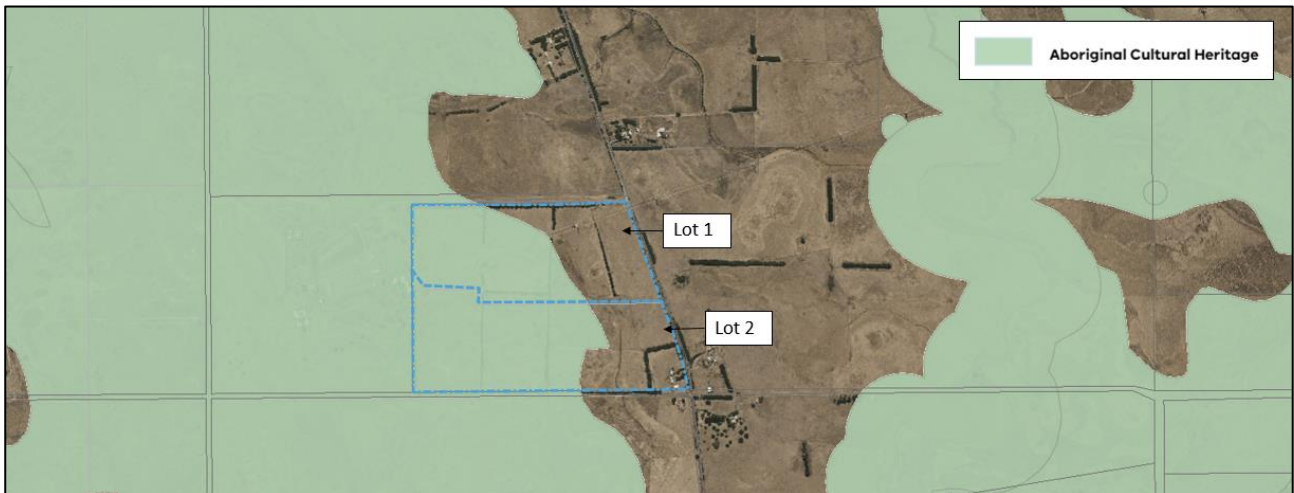


Figure 4-2: Aboriginal Cultural Heritage Sensitivity (Source: VicPlan)

4.6.2 Designated Bushfire Prone Area

The land subject of the proposed subdivision is within a Designated Bushfire Prone Area (refer Figure 4-3).

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Figure 4-3: Designated Bushfire Prone Land

The policy for Bushfire Planning is established in Clause 13.02 of the Moyne Planning Scheme, which '*must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is within a designated bushfire prone area*'.

Pursuant to Clause 13.02-1S of the Moyne Planning Scheme, use and development controls include:

'In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for the following uses and developments:

- *Subdivision of more than 10 lots'*

As the proposed subdivision does not exceed 10 lots, there are no further requirements under Clause 13.02 of the Moyne Planning Scheme. The application proposes no works and therefore does not trigger any other bushfire risk considerations.

4.6.3 Clause 52.02 - Easements, Restrictions and Reserves

The proposed subdivision includes the creation of a new easement (E-6 as shown on Figure 3-1). The intended purpose of the easement is to capture existing transmission lines and ancillary infrastructure. The easement is to be in the interest of AusNet, for the ongoing management and maintenance of the transmission line.

Pursuant to the requirements of Clause 52.02, a permit is required:

- Under Section 23 of the *Subdivision Act 1988* to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.

This permit application includes the plan of subdivision (refer to Appendix B) to satisfy the requirements of Clause 52.02 under the Planning Scheme.

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4.7 Decision Guidelines

Table 4-1 summarises the decision guidelines that are applicable to the application. An assessment of each is provided in the following table.

Table 4-1. Assessment of Decision Guidelines.

Decision Guidelines	Assessment
Clause 35.07-6 Farming Zone	
General Issues	
<p>The Municipal Planning Strategy and the Planning Policy Framework.</p> <div style="text-align: center;"> <p>ADVERTISED PLAN</p> <div style="border: 2px solid red; padding: 10px; margin: 10px auto; width: fit-content;"> <p>This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright</p> </div> </div>	<p>The proposed subdivision is consistent with the Municipal Planning Strategy and Planning Policy Framework, namely:</p> <ul style="list-style-type: none"> • The objective to Clause 19.01-1S 'To facilitate the appropriate development of energy supply infrastructure' • The objective to Clause 19.01-2S 'To support the provision and use of renewable energy in a manner that ensures appropriate siting and design considerations are met'. <p>The purpose of the subdivision is to facilitate the access rights necessary for the ongoing operation and maintenance of energy supply infrastructure. The proposal is therefore consistent with Clauses 19.01-1S and 19.01-2S.</p>
<p>Any Regional Catchment Strategy and associated plan applying to the land.</p>	<p>The Glenelg Hopkins Regional Catchment Strategy 2021-2027 applies to the land. The proposal does not include any physical works, and will not negatively impact biodiversity, land, or water associated with the catchment.</p>
<p>The capability of the land to accommodate the proposed use or development, including the disposal or effluent.</p>	<p>The proposed subdivision will not alter the current land use and does not propose the disposal of effluent.</p>
<p>How the use or development relates to sustainable land management.</p>	<p>The proposed subdivision does not alter the current land management of the lot, does not involve any works or development that may impact sustainable land management.</p>
<p>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining or nearby land uses.</p>	<p>The proposal facilitates the access rights necessary for the ongoing operation and maintenance of existing infrastructure. The transmission lines connect to the neighbouring Tarrone Power Station. The subdivision is consistent with the existing land use, does not propose any development and is compatible with adjoining and nearby land use.</p>
<p>How the use and development makes use of existing infrastructure and services.</p>	<p>The proposal does not include any physical works and does not require any additional infrastructure.</p>
Agricultural issues and the impacts from non-agricultural uses.	
<p>Whether the use or development will support and enhance agricultural production.</p>	

Decision Guidelines	Assessment
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	The purpose of the subdivision is to facilitate the access rights necessary for the ongoing operation and maintenance of energy supply infrastructure.
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	The proposal will not have any impact on land use.
The capacity of the site to sustain the agricultural use.	The subdivision has been designed to capture the area of the land most encumbered by transmission infrastructure in Lot 1. The primary use of the proposed Lot 1 is Utility Installation. This land is approximately 70% occupied by transmission infrastructure.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	The primary use of the proposed Lot 2 is Agriculture. The subdivision has no anticipated impact on current levels of agricultural production.
Any integrated land management plan prepared for the site.	Not applicable.
Whether Rural worker accommodation is necessary having regard to: <ul style="list-style-type: none"> The nature and scale of the agricultural use. The accessibility to residential areas and existing accommodation, and the remoteness of the location. 	Not applicable. The proposal does not include rural worker accommodation.
The duration of the use of the land for Rural worker accommodation.	
Accommodation Issues	
Whether the dwelling will result in the loss or fragmentation of productive agricultural land.	Not applicable. The proposal does not include any dwellings.
Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.	
Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	
The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.	
The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject to: <ul style="list-style-type: none"> A permit for a wind energy facility; or An application for a permit for a wind energy facility; or 	Not applicable. The application does not propose accommodation, or a wind energy facility.

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Decision Guidelines	Assessment
<ul style="list-style-type: none"> An incorporated document approving a wind energy facility; or A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the <i>Environment Effects Act 1978</i>. 	
The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i> .	Not applicable. The proposal does not include any accommodation or an extractive industry operation.
Environmental Issues	
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	Not applicable. The proposal does not include any works. Therefore, there are no anticipated impacts on natural physical features and resources.
The impact of the use or development on the flora and fauna on the site and its surrounds.	Not applicable. The proposal does not include any works, and there are no anticipated impacts on biodiversity.
The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.	
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	Not applicable. The subdivision does not propose any effluent disposal.
Design and Siting Issues	
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.	Not applicable. The proposal does not include any development or works.
The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.	<div style="border: 2px solid red; padding: 10px; color: red; font-weight: bold;"> <p>This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright</p> </div>
The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.	

Decision Guidelines	Assessment
<p>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</p>	
<p>Whether the use and development will require traffic management measures.</p>	<p>Not Applicable. The proposal does not include any works and will not result in an increase in traffic volume.</p>
<p>The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to:</p> <ul style="list-style-type: none"> • A permit for a wind energy facility; or • An application for a permit for a wind energy facility; or • An incorporated document approving a wind energy facility; or • A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the <i>Environment Effects Act 1978</i>. 	<p>Not applicable. The application does not propose any accommodation.</p> <div style="border: 2px solid red; padding: 10px; text-align: center; color: red; font-weight: bold;"> <p>This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright</p> </div>
<p>The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</p>	<p>Not applicable. The application does not include any accommodation or an extractive industry.</p>
<p>Clause 42.01-5 Environmental Significance Overlay</p>	
<p>The Municipal Planning Strategy and the Planning Policy Framework.</p> <div style="text-align: center; color: red; font-weight: bold; font-size: 24px; margin-top: 20px;"> <p>ADVERTISED PLAN</p> </div>	<p>The proposed subdivision is consistent with the Municipal Planning Strategy and Planning Policy Framework, namely:</p> <ul style="list-style-type: none"> • The objective to Clause 19.01-1S 'To facilitate the appropriate development of energy supply infrastructure' • The objective to Clause 19.01-2S 'To support the provision and use of renewable energy in a manner that ensures appropriate siting and design considerations are met'. <p>This application proposes to subdivide land to facilitate access required to operate and maintain energy supply infrastructure. This is consistent with Clause 19.01-1S and 19.01-2S.</p>
<p>The statement of environmental significance and the environmental objective contained in a schedule to this overlay.</p>	<p>The proposed subdivision is subject to Schedule 5 of the Overlay. The overlay seeks to avoid the development of uses that are sensitive to noise emitted by the Tarrone Power Station facility. The application is considered consistent with the</p>

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Decision Guidelines	Assessment
	objective of the ESO as it does not propose any development.
The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.	Not applicable. The proposal does not include any vegetation removal.
Any other matters specified in a schedule to this overlay.	See below.
Schedule 5	
The comments of the Environment Protection Authority.	Not applicable – the proposal does not include any development.
The comments of the manager of the Tarrone Power Station in relation to the likely acoustic impacts of the power station on the development.	Not applicable – the proposal does not include any development.
Proposed sound attenuation measures to be used in construction of the development, and the effectiveness of such measures.	
The likely amenity of the proposed development.	Not applicable. The proposed subdivision does not include development or works.
The potential impact of the development upon the continued use of the Tarrone Power Station, corner Landers Land and Riordans Road, Tarrone.	Not applicable – the proposal does not include any development. Tarrone Power Station has not been constructed and its use has not commenced.
Clause 65.02 – Decision Guidelines for Approval of an Application to Subdivide Land	
The suitability of the land for subdivision.	The proposal facilitates the access rights necessary for the ongoing operation and maintenance of existing infrastructure. The transmission lines connect to the neighbouring Tarrone Terminal Station. The subdivision is consistent with the existing land use, does not propose a change of use or any development.
The existing use and possible future development of the land and nearby land.	
The availability of subdivided land in the locality, and the need for the creation of further lots.	The proposed subdivision does not alter the number of lots within the locality and does not prevent the creation of further lots in the surrounding area.
The effect of the development on the use or development of other land which has a common means of drainage.	Not applicable. The proposed subdivision does not include development or works.
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.	The proposed subdivision realigns the existing boundaries and does not include development or works that may impact the physical characteristics of the land.
The density of the proposed development.	Not applicable. The proposed subdivision does not include development or works.
The area and dimension of each lot in the subdivision.	The subdivision has been designed so that Lot 1, which will facilitate access for operation and maintenance of the transmission lines, captures the

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Decision Guidelines	Assessment
	<p>area of the land most encumbered by transmission infrastructure. This land is approximately 70% occupied by transmission infrastructure.</p> <p>The proposal increased the area of Lot 2, which is primarily used for agricultural purposes. The lot area and dimensions are appropriate for this use.</p>
The layout of roads having regard to their function and relationship to existing roads.	<p>Not applicable.</p> <p>The proposed subdivision does not include roads or alter access.</p>
The movement of pedestrian and vehicles throughout the subdivision and ease of access to all lots.	The proposed lots include existing access points and do not propose or necessitate further access points.
The provision and location of reserves for public open space and other community facilities.	<p>Not applicable.</p> <p>The proposed subdivision does not impact existing public spaces and facilities and does not propose public spaces or facilities.</p>
The staging of the subdivision.	<p>Not applicable.</p> <p>The proposed subdivision comprises of a boundary realignment and does not require staging.</p>
The design and siting of buildings having regard to safety and the risk of spread of fire.	<p>Not applicable.</p> <p>The proposed subdivision does not include buildings.</p>
The provision of off-street parking.	<p>Not applicable.</p> <p>The proposed subdivision does not include development or works, including parking.</p>
The provision and location of common property.	<p>Not applicable.</p> <p>The proposed subdivision does not include development or works including common property.</p>
The function of any owner's corporation.	Not applicable.
The availability and provision of utility services, including water, sewerage, drainage, electricity and where the subdivision is not a residential subdivision, gas.	<p>Not applicable.</p> <p>The proposed subdivision does not include development or works. There are no dwellings or ancillary buildings on the site.</p>
If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.	<p>Not applicable.</p> <p>The proposed subdivision does not include development or works, and there is no new sewerage or sullage anticipated.</p>
Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.	<p>Not applicable.</p> <p>The proposed subdivision does not include development or works that may impact native vegetation.</p>
The impact the development will have on the current and future development and operation of the transport system.	<p>Not applicable.</p> <p>The proposed subdivision does not include the addition of roads, or road access and is not anticipated to impact the current or future development or operation of the transport system.</p>

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Decision Guidelines	Assessment
52.02 Easements, Restrictions and Reserves	
Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people.	Other than AusNet and the existing landowner, this application is not anticipated to affect other people. The consent of the existing land owner is attached at Appendix C.

4.8 Notice and Referral Requirements

4.8.1 Referral

Pursuant to Clause 66.01 of the Moyne Planning Scheme, the following referrals are applicable to this subdivision application:

- To subdivide land within 60 metres of a major electricity transmission line (220 kilovolts or more) or an electricity transmission easement requires referral to the relevant electricity transmission authority.

Referral to the relevant electricity transmission authority is a determining referral authority. AusNet is the owner and operator of the transmission lines that traverse the site. A letter of advice from AusNet has been provided with this application, attached as Appendix D, stating no objection to this application.

4.8.2 Notice

Under Section 52(1) of the *Planning and Environment Act 1987*, notice of application is required for the following:

- (1) *Unless the responsible authority requires the applicant to give notice, the responsible authority must give notice of an application in a prescribed form –*
 - (a) *To the owners and occupiers of allotments of lots adjoining the land to which the application applies unless the responsible authority is satisfied that the grant of the permit would not cause material detriment to any person; and*
 - (b) *To a municipal council, if the application applies to or may materially affect land within its municipal district; and*
 - (c) *To any person to whom the planning scheme requires it to give notice.*

Given that this planning permit application seeks to realign the boundaries of two existing lots, it is considered that the granting of this permit is not likely to cause material detriment to any person. Notice is to be given to the Moyne Shire Council in accordance with Section 52(2)(b) of the Act. There are no further notice requirements under the Moyne Planning Scheme.

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5 Conclusion

This application relates to subdivision of Lots 1 and Lot 2 of PS918386, which are located at 574 Tarrone North Road, Tarrone.

The lots to be created are as follows:

- Lot 1\PS918386 – 5.401ha, to be owned by AusNet.
- Lot 2\ PS918386 – 77.94ha, no change in ownership.

The subdivision is required to allow access to the easements for the transmission lines which connect the Hawkesdale and Ryan Corner Wind Farms to the transmission network. Access rights to the easements is attributed to land ownership. Therefore, AusNet (as the Victorian transmission network service provider) needs to own at least part of the land within the subject lot to fulfil its duties to operate and maintain these lines. The area of the lot most encumbered by transmission infrastructure has been selected for subdivision to limit potential further impacts to agricultural land use.

The application is restricted to subdivision and does not include any change of use or works.

Overall, the proposal will support the function of the Victorian transmission network and is consistent with the with the objectives of the Planning Policy Framework.

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A

Appendix A – Certificates of Title

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Appendix B – Proposed Plan of Subdivision

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Appendix C – Letter of Landowner Consent

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Appendix D – AusNet Letter of Advice – Referral Authority

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