



144 Ingles Road, Devon North

**VCAT Application for Review
P2691/2006**

**Planning Evidence prepared by Virginia Jackson
for Synergy Wind Pty Ltd**

June 2007

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Name and address

My full name is Virginia Sarah Sandford JACKSON.

I am a director of Harlock Jackson Pty Ltd, Urban Policy Analysts and Town Planners, located at Level 1, 160 Johnston Street, Fitzroy.

Area of expertise

I hold a degree in Town and Regional Planning from the University of Melbourne.

For the past 22 years I have worked in the field of planning in Victoria.

I have been involved in 4 other wind farm proposals in Victoria.

My qualifications and experience are detailed in Annexure A.

Scope

Instructions and background

I was not involved in the preparation of this application. My company was briefed to assist the applicant with preparing this application for review and to prepare a statement of planning evidence for the hearing.

In relation to the statement of planning evidence, I was instructed by Synergy Wind Pty Ltd to assess the planning merits of the proposed wind farm to be constructed at 144 Ingles Rd, Devon North (Yarram) and in particular to consider its consistency with the Wellington Planning Scheme and the *Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria 2002*.

Process and Methodology

I have assessed the proposal against the Wellington Planning Scheme and the *Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria 2002*.

In doing so, I have

- Inspected the site and its environs;
- Examined the application material;
- Reviewed submissions received;
- Considered relevant planning controls and policies;
- Reviewed the proposal and submissions received against the *Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria 2002*; and
- Considered the statements of evidence prepared by Stephen Schutt and Timothy Marks.

Persons assisting with this work

This work was prepared with the background assistance of Zoe Dillon and Ben Nicholson, planners employed by Harlock Jackson.

Findings

In summary, I believe the proposal demonstrates a high degree of consistency with current planning policies and controls that makes it worthy of planning approval. In summary, the development:

- Is consistent with both the state and local planning policy frameworks.
- Is consistent with the zoning of the land.
- Is consistent with the Policy and Planning Guidelines for the development of Wind Energy Facilities in Victoria.

In my opinion, there are no matters within my expertise that would justify the application's refusal.

Declaration

I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Victorian Civil and Administrative Tribunal.

Virginia Sarah Sandford JACKSON

7th June, 2007

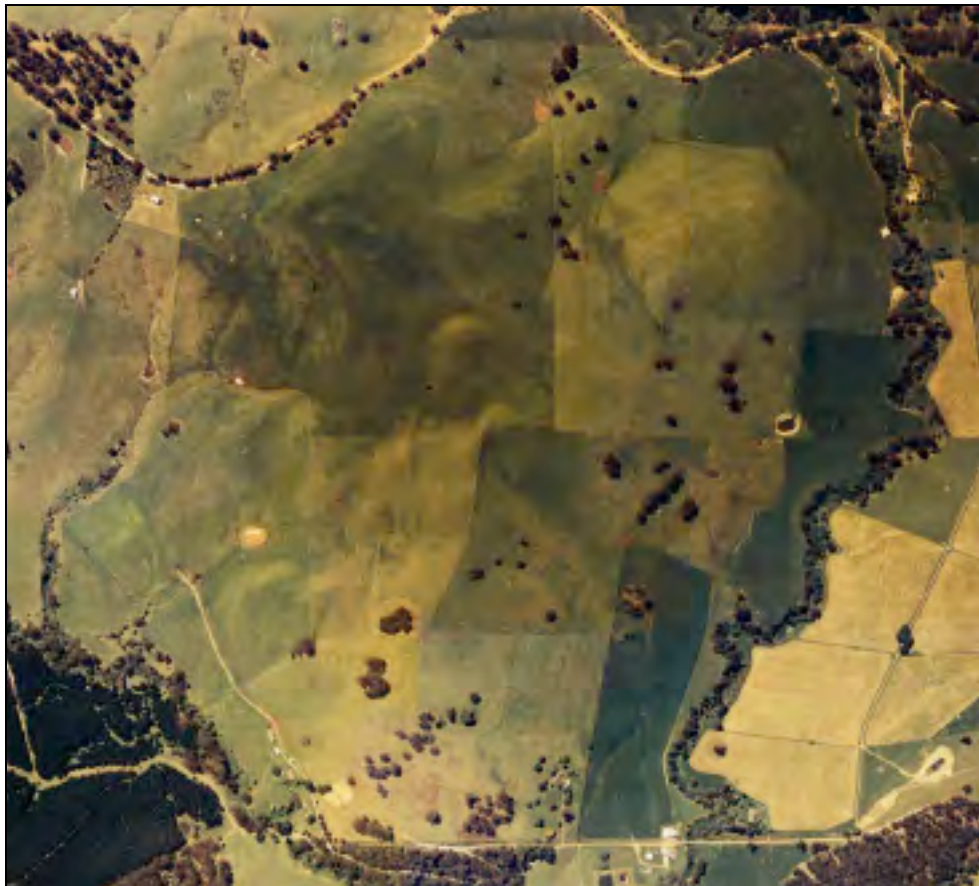
1 Introduction

I have been requested by Synergy Wind Pty Ltd to consider and assess the planning issues in respect of the proposed wind energy facility (WEF) at 144 Ingles Road, Devon North (Yarram) comprising 7 wind turbines, 7 service 'kiosks', underground cabling, maintenance access tracks, a temporary site office, vehicle parking area and portable amenities. A low voltage transmission line will also be constructed to the nearest 66kW line, located approximately 8km south-east of the WEF. A transformer station will be constructed at the junction of the two lines.

I am aware that assessments of the proposal have been made by the following people on behalf of the applicant:

- Steven Schutt, Hansen Partnership Pty Ltd in relation to visual impacts; and
- Timothy Marks, Marshall Day Acoustics Pty Ltd in relation to noise impacts.

Figure 1: Aerial View of Review Site



2 Site Context

Figure 2: Location of site in Victoria



Source: <http://services.land.vic.gov.au/maps/interactive.jsp>


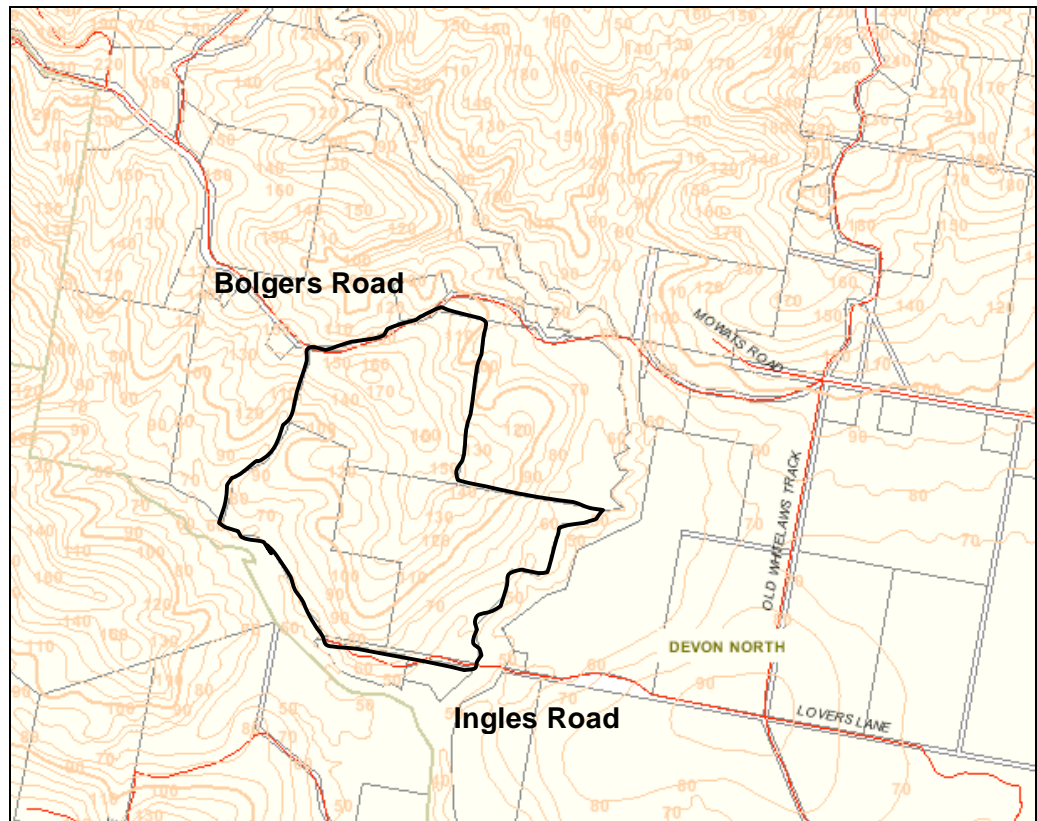

 = Review site

Figure 3: Location of site in Devon North



Source: <http://services.land.vic.gov.au/maps/interactive.jsp>

 = Review site

The site and its environs are described in the application material and other witness statements. Key site context characteristics are summarised as follows:

- The site covers an area of approximately 225 hectares.
- It is located approximately 85km south west of Sale and 10km north-west of Yarram. It is 20km inland from Port Albert. Melbourne is approximately 230km to the north west.
- The site is characterised by an undulating landform of cleared valleys and ridges, with a maximum elevation of 170 metres.
- The area surrounding the site is predominantly agricultural land with areas of State forest and private timber plantations. Agricultural practices are primarily livestock grazing.
- An existing 66kV sub-transmission line lies approximately 8km south-east of the site.
- I am advised that the average mean wind speed at the site is 7m/s at turbine hub height and that this is suitable for wind farm development.

3 The Proposal

I have relied on the detailed description of the proposal contained in the application material and additional material prepared for the Tribunal's consideration.

In summary, it is proposed to construct a wind energy facility and associated infrastructure comprising 7 turbines to a maximum height of 130m, with 7 service 'kiosks', associated access tracks. A low voltage transmission line will also be constructed from the site to a transformer station adjacent to the nearest 66kV line, located 8km south west of the site. A temporary site office, vehicle parking area and portable amenities will also be required during the construction phase of the project. Existing rural land use will continue on the site.

The turbine layout is arranged in an asymmetrical pattern. In line with accepted practice, it is possible that some micro-siting of the turbines may be required after the permit is approved.

I am advised that the layout has been designed to respond to the local site context. In particular the layout has been designed to maximise the wind resource and to ensure that no dwelling external to the subject site is located within 500m of a turbine.

Aviation obstacle lighting would be provided on the turbine hubs, as determined by CASA requirements.

In terms of output, the development will generate up to 42,924MWh of electricity per year sufficient to supply 8,053 average households.

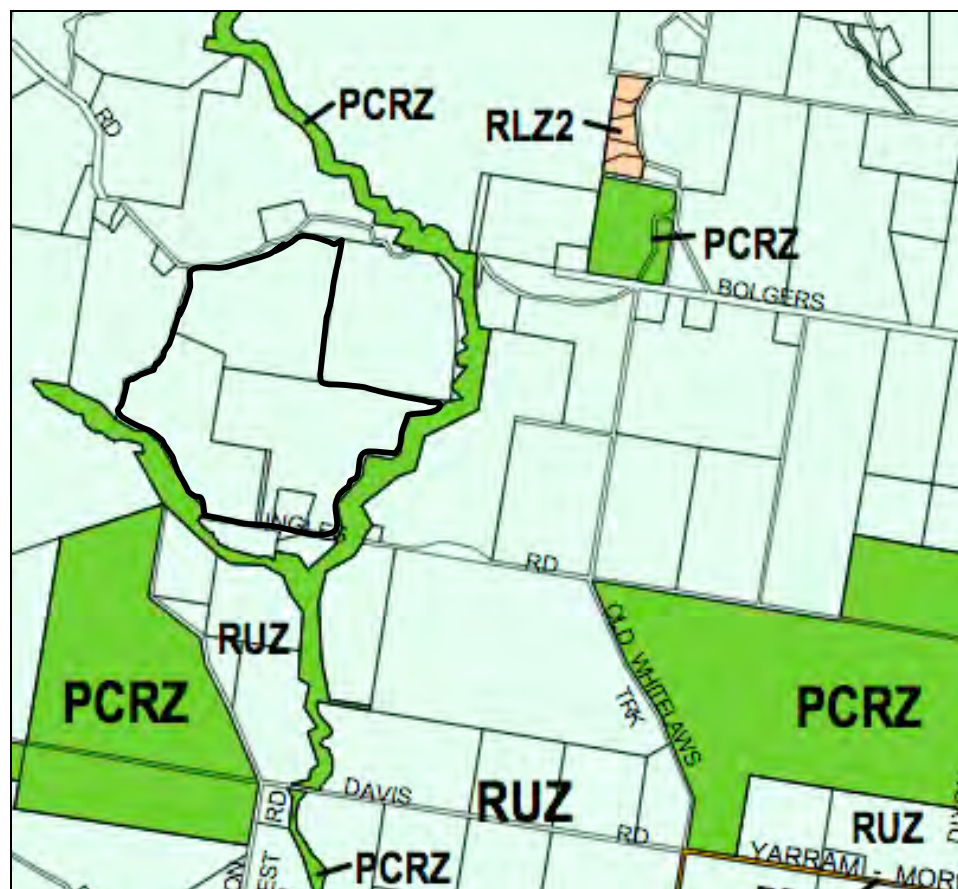
The project is estimated to cost \$38 million with significant proportions to be spent locally and in other parts of Australia. The proposal is likely to generate approximately 45 EFT jobs during construction and 3 EFT jobs for the life of the project.

4 Relevant Planning Context

4.1 Zoning

The site is located within the **Rural Zone (RUZ)**. A **Public Conservation and Resource Zone (PCRZ)** abuts part of the south-western and south-eastern boundaries. There are 3 other areas of PCRZ in the vicinity and a small pocket of Rural Living Zone 2 to the north east of the site.

Figure 4: Zoning



Source: <http://www.dse.vic.gov.au/planningschemes/wellington/inset5map.html>

—— = Review Site

The purpose of the RUZ is:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To provide for the sustainable use of land for Extensive animal husbandry (including dairying and grazing) and Crop raising (including Horticulture and timber production).

To encourage:

- *An integrated approach to land management.*
- *Protection and creation of an effective rural infrastructure and land resource.*
- *Improvement of existing agricultural techniques.*
- *Protection and enhancement of the bio-diversity of the area.*
- *Value adding to agricultural products at source.*
- *Promotion of economic development compatible with rural activities.*
- *Development of new sustainable rural enterprises.*

To ensure that subdivision promotes effective land management practices and infrastructure provision.

A WEF is a Section 2 use within the RUZ.

A permit is also required to construct a building or works associated with any of the following (**Clause 35.01-3**):

- *A building or works associated with a use in Section 2 of Clause 35.01-1*
- *Earthworks specified in a schedule to this zone, if on land specified in a schedule.*
- *A building which is within any of the following setbacks:*
- *100m from a Road Zone Category 1 or any land in a Public Acquisition Overlay to be acquired for a road, Category 1.*
- *40m from a Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2.*
- *20m from any other road.*
- *5 m from any other boundary.*
- *100m from a dwelling not in the same ownership.*
- *100m from a waterway, wetlands or designated flood plain.*

A permit is also required to subdivide land (**Clause 35.01-4**). The minimum lot size is 40 hectares.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider, as appropriate:

General issues

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *Any Catchment and Land Protection Strategy and policies applying to the land.*
- *The capability of the land to accommodate the proposed use or development, addressing site quality attributes including soil type, soil fertility, soil structure, soil permeability, aspect, contour and drainage patterns.*
- *How the use or development relates to rural land use, rural diversification and natural resource management.*
- *Whether the dwelling is reasonably required for the operation of the rural activity conducted on the land.*

Rural issues

- *The maintenance of farm production and the impact on the rural economy.*
- *Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining and nearby farming and other land uses.*
- *The farm size and the productive capacity of the site to sustain the rural enterprise and whether the use or development will have an adverse impact on surrounding land uses.*
- *The need to prepare an integrated land management plan.*
- *The requirements of any existing or proposed rural industry.*
- *The impact on the existing and proposed rural infrastructure.*
- *An assessment of industry requirements, growth expectations, staging of the development and investment requirements.*

Environmental issues

- *An assessment of the likely environmental impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.*
- *The impact of the use or development on the flora, fauna and landscape features of the locality.*
- *The protection and enhancement of the natural environment and the character of the area, including the retention of vegetation and fauna habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridge lines, property boundaries, discharge and recharge areas.*
- *The impact on the character and appearance of the area of features of architectural, historic or scientific significance or natural scenic beauty or importance.*

Design and siting issues

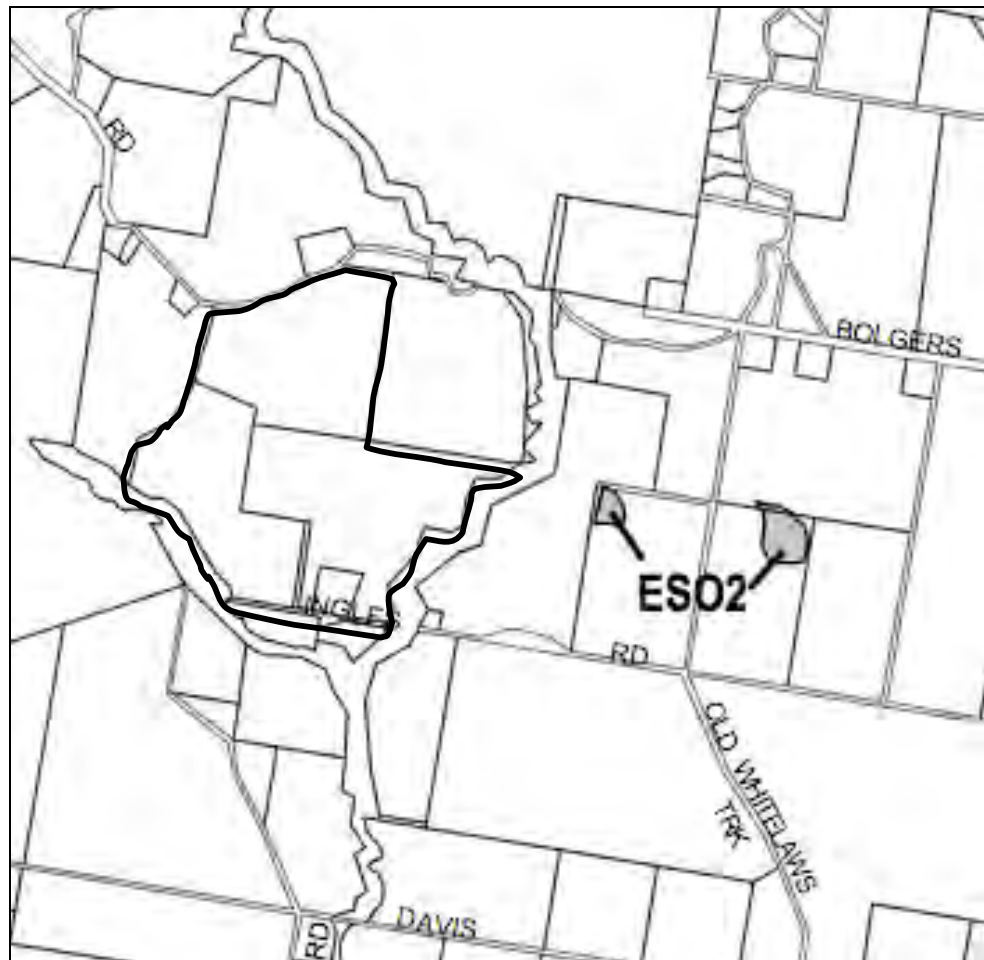
- *The design, colours and materials to be used and the siting, including the provision of development and effluent envelopes for any building or works.*
- *The impact of the use or development on the existing and surrounding rural uses.*
- *The location of any building or works with respect to the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The location and design of existing and proposed roads and their impact on the landscape and whether the use or development will cause significant traffic generation which will require additional traffic management programs to be initiated.*
- *The location and design of existing and proposed infrastructure services including gas, water, drainage, telecommunications and sewerage facilities.*

The schedule to the RUZ states that the minimum subdivision area is 40 hectares and the minimum area for which no permit is required to construct a dwelling is 40 hectares.

4.2 Overlays

There are no overlays affecting the site however there is an area of ESO2 to the west of the site. ESO2 relates to the protection of wetlands.

Figure 5: Environmental Significance Overlay (ESO2)



Source: <http://www.dse.vic.gov.au/planningschemes/wellington/inset5map.html>

—— = Review Site

4.3 Wind Energy Facility Provisions

The wind energy facility provisions of the WPS to which I have had regard include:

- *The policy on renewable energy at Clause 15.14 of the SPPF;*
- *The particular provision on wind energy facilities at Clause 52.32; and*
- *The Policy and Planning Guidelines for the development of Wind Energy Facilities in Victoria (WEF Guidelines).*

These policies, provisions and guidelines seek to promote the provision of renewable energy including wind energy facilities in a manner that ensure appropriate siting and design considerations are met.

The WEF Guidelines include 5 matters for consideration in assessing wind farm applications:

1. Contribution to government policy objectives. The guidelines state that considerable weight should be given to contribution to Government Policy objectives in relation to the development of renewable energy.
2. Visual amenity.
3. Amenity of the area including noise, blade glint, shadow flicker, overshadowing and electromagnetic interference.
4. Aircraft safety; and
5. Impacts on flora and fauna.

I assess the proposal against these policies, provisions and guidelines in Section 5 of this report.

4.4 Particular and General Provisions

Relevant particular and general provisions of the WPS include:

- Clause **52.17** in relation to Native Vegetation. The purpose of this clause is to protect and conserve native vegetation to reduce the impact of land and water degradation and provide habitat for plants and animals. A permit is required to remove, destroy or lop vegetation on land with an area of more than 0.4ha, unless specified exemptions apply. A range of decision guidelines is provided included the goal of net gain expressed in Victoria's Native Vegetation Management – A Framework for Action (Department of Natural Resources and Environment 2002) and relevant operational guidelines.
- Clause **65** which sets out general decision guidelines for consideration of planning permit applications including the orderly planning of the area and the effect on the amenity of the area.

4.5 State Planning Policy Framework

Relevant policies in the SPPF to which I have had regard include:

- 15.01: Protection of catchments, waterways and groundwater.
- 15.02: Floodplain management.
- 15.03: Salinity.
- 15.04: Air quality.
- 15.05: Noise abatement.
- 15.06: Soil contamination.
- 15.07: Protection from wildfire.
- 15.09: Conservation of native flora and fauna.
- 15.12: Energy efficiency.

- 15.14 Renewable energy.
- 17.02: Business
- 17.04: Tourism.
- 17.05: Agriculture.
- 18.09: Water supply, sewerage and drainage.

4.6 Local Planning Policy Framework

4.6.1 Municipal Strategic Statement

The Municipal Profile at Clause **21.01** describes the shire as having relatively unspoilt coastal, lake and mountain areas, together with some of the richest agricultural land and oldest urban settlements in the State. It states that the population declined from 39,815 to 39,288 between 1997 and 2001 and experienced a significant ageing of the population during that time. The MSS describes Yarram as the largest township in the south-west area of the Shire which fulfils the primary commercial and cultural function for the rural areas and smaller settlements in this part of the municipality.

The Municipal Profile also describes the wetlands in the Shire as being a haven for bird life with many recognised by their listing on the register of the National Estate and declarations under the RAMSAR Convention on Wetlands of International Importance (especially as water fowl habitat).

The Shire is wholly within the area of the West Gippsland Catchment Management Authority.

At **Clause 21.02**, the MSS states that the economy and lifestyle enjoyed by the Wellington Shire community is closely linked to the Shire's unique natural environment. The Shire's main industries are said to include dairying, beef production, timber production and industries based on oil and gas exploration. It goes on to say that the future development of the Shire will depend on the utilisation, management and protection of these natural resources. It concludes that future strategic industries including tourism horticulture, dairying, timber production, viticulture, value adding industries and other niche industries will depend on the maintenance and improvement of the natural environment.

This following Key Influences are identified at this clause (as potentially relevant to this proposal):

Settlement

- *Land capability is an important consideration for most land use activities in the Shire;*
- *The Shire's rural areas make a significant contribution to the economic well being of the community.*
- *The value of the Shire's agricultural sector will be diminished if high quality agricultural land is fragmented and lost from production.*
- *Rural residential development is an important lifestyle feature for the Shire.*

Environment

- *The Shires ecological, cultural, heritage and landscape features are important state and national assets.*
- *Water catchments are vital to the Shire's prosperity and are highly sensitive to inappropriate development.*
- *The natural resource base provides a significant economic opportunity for the Shire.*
- *The Shire has areas of high value biodiversity habitat.*
- *Inadequate drainage and sewerage services can lead to significant environmental degradation.*
- *Sustainability is often a critical consideration in terms of economic development and employment creation.*
- *Long term prosperity will rely on the diversification and strengthening of the Shire's economic base.*
- *The environmental diversity of the Shire is a key tourism opportunity.*
- *High quality agricultural land, particularly in the Macalister Irrigation District, is the cornerstone of the Shire's agricultural sector.*

I note that the Strategic Framework Plan at **Clause 21.03** does not provide any description for the site or any land near it.

At **Clause 21.04**, the MSS states that there are numerous low density rural lifestyle and rural living areas in the Shire and that these provide a legitimate residential lifestyle choice. It says they are predominantly located in attractive rural or natural settings accessible to township services but beyond the urban fringe and away from urban growth corridors. It says that key characteristics of these areas include a clustering of lots between 4000sqm to 2 hectares, a lack of reticulated services and limited drainage. It goes on to say that Longford is well positioned to cater for a significant proportion of the demand for rural living in the Sale area.

Two objectives relating to settlement as relevant to this proposal are:

- *To provide rural lifestyle opportunities in appropriate locations.*
- *To protect agricultural land from inappropriate encroachment by urban settlement.*

And specifically in relation to rural lifestyle, the MSS has the following objectives:

- *Limit the areas zoned for rural living purposes to those located in close proximity to developed settlements, to utilise existing social, cultural and infrastructure facilities.*
- *Have regard to environment features and constraints, in particular waste water and effluent disposal when assessing rural living proposals.*
- *Discourage rural living activity that would reduce or adversely impact on the productive capacity of high quality agricultural land.*

- *Discourage dwellings in agricultural areas except where there is a clear connection between the use of the dwelling and a legitimate rural activity on the land (eg farming, mining, timber production, caretakers dwelling etc).*

In relation to the environment, Clause 21.05 states that the Shire's rural areas contain some of the most ecologically important and diverse areas in the State. It says there are significant issues in the Shire's rural areas, including water quality, inappropriate residential development, protection of vegetation habitat and impacts on neighbouring wetlands and coastal parks. It goes on to say that infrastructure such as windfarms and high voltage transmission lines can also have significant detrimental impacts on the landscape. The MSS refers to rural amenity which it says is worthy of protection. It says even the highly modified areas of the Shire possess high landscape values.

The environment objectives of the MSS include (as relevant to this proposal):

- *To achieve integrated catchment management that addresses salinity, erosion, sedimentation, water quality, biodiversity and native vegetation retention.*
- *To protect biodiversity including important natural landscapes, endangered flora and fauna species, and indigenous vegetation on public and private land.*
- *To achieve ecologically sustainable management of rural land, particularly in relation to the agricultural, timber and other industries that rely on the Shire's natural resources.*
- *To protect, improve and sustainably manage the Shire's natural environment and diverse landscapes.*
- *To promote the natural environment as a strength for the Wellington community and its visitors particularly through sustainable eco-tourism.*
- *To protect the Shire's heritage including Aboriginal cultural heritage values.*
- *To protect watercourses, wetlands, remnant native vegetation and areas of ecological, cultural, historic, archaeological and scientific interest.*

Relevant strategies include:

- *Promote the use of appropriate building materials, the retention of native vegetation and revegetation that enhance the scenic landscape of the Shire's rural areas.*
- *Limit non agricultural use and subdivision on high quality agricultural land.*
- *Discourage residential development and associated uses in areas which have high agricultural value, environmental or scenic significance are near main landfill sites or are in areas that are subject of high bush fire risk or flooding.*
- *Recognise and protect native flora and fauna and maintain biological diversity within the Shire, particularly in alpine, coastal and wetland systems.*
- *Promote the identification, protection and maintenance of Aboriginal cultural heritage values.*

The overview in relation to economic development at **Clause 21.06** states that the promotion of greater diversity in the Shire's industrial and commercial sectors is important in securing a more robust economic profile.

In relation to agriculture, it says that the community benefits directly and indirectly from the ongoing prosperity of this agricultural industry.

In relation to tourism, it says this industry has potential for growth particularly from cultural and eco-tourism.

The economic objectives of the MSS include (as relevant to this proposal):

- *To support the contribution that agriculture and rural industries make to the regional economy.*
- *To expand and diversify the regional economy and increase employment.*
- *To generate employment within a framework of ecologically sustainable development.*
- *To promote and develop opportunities for value adding industries, plantation timber production, eco-tourism and cultural tourism.*
- *To achieve sustainable industrial development, particularly in the agricultural and timber industries.*
- *To encourage the development of tourism around the Shire's natural environment, and cultural and heritage assets.*
- *To discourage the use or development of high quality agricultural land that would be incompatible with its sustainable agricultural use of the land.*
- *To ensure that the safety and efficiency of airfield operations is not prejudiced by any new use or development of land nearby.*

Industry and commerce objectives include (as relevant to this proposal):

- *Support new and innovative rural and other industries to help achieve a diverse regional economy.*

Agriculture and timber production objectives include (as relevant to this proposal):

- *Discourage subdivision which realigns boundaries to create small lots for dwellings, particularly in irrigated areas.*
- *Encourage agricultural activities such as horticulture and dairying on areas of high agricultural quality.*
- *Ensure that use or development in rural areas, including advertising, is compatible with, and has an association with the surrounding agricultural activity.*
- *Facilitate more intensive and diversified use of rural land for higher value products, including horticulture, viticulture, intensive animal husbandry and agroforestry, where environmental conditions permit.*
- *Limit the fragmentation of agricultural land into small rural lots and rural living areas especially in environmentally sensitive areas.*

Aviation objectives include (as relevant this proposal):

- *Ensure that land use or development around aerodromes does not impact upon their existing and future use.*

Tourism objectives include as relevant this proposal:

- *Encourage rural based tourism activities that do not adversely impact upon legitimate agricultural activities, lead to fragmentation of high quality agricultural land or cause adverse impacts on the Shire's natural resources.*
- *Facilitate high quality tourist use and development which links to the agricultural economy, natural environment, and heritage of the Shire.*

4.6.2 Local Planning Policies

22.02 Small Rural Lots

The policy applies to land in the Rural Zone. Its policy basis is that the Shire recognises that small lot rural subdivisions in rural areas can cause a range of problems. It goes on to say that:

Small lot subdivision will only be facilitated if the outcomes are housing associated with agriculture, agricultural practices which do not require the minimum lot size in the zone in order to be viable and for other activities (excluding housing) which are appropriate and have a notable relationship with normal activities in rural areas.

The objectives of this policy include (as relevant to this proposal):

- *To ensure that the creation of small rural lots on farming properties results in a clear improvement to farming efficiency and land management.*
- *To ensure that dwellings on small rural lots do not prejudice rural production activities and are properly sited.*
- *To discourage subdivision which realigns boundaries, particularly in irrigated areas, for the purpose of creating small lots for housing purposes unless there is a demonstrable rural and/or community benefit for the dwelling.*

The policy then contains a range of matters to be taken into account when considering applications to use or develop land in rural areas. It makes it clear that dwellings should only be permitted where there is a clear nexus between the proposed dwelling and rural activities occurring thereon.

5 Assessment

5.1 Overview

It is clear that there is strong policy support for the development of wind energy facilities in Victoria. The renewable energy policy of the SPPF seeks to promote and facilitate the provision of renewable energy, including wind energy whilst the wind energy facility provisions at Clause 52.32 require authorities to facilitate the establishment of wind energy facilities in appropriate locations. This supports the conclusion contained in the WEF Guidelines that:

Considerable weight should be given to the Government policy objectives in relation to the development of renewable energy (at page 24).

It is also clear that the potential detriment to environmental and visual qualities and off-site amenity needs to be assessed against the environmental benefits to be gained. This proposal would displace 55,801 tonnes of greenhouse gases a year and will produce electricity to supply approximately 8,053 average households a year. These are significant benefits and when assessed against the moderate to negligible impacts on environmental and visual qualities and off-site amenity, I believe the proposal would result in a net community benefit.

The remainder of this section assesses the proposal against:

- Relevant provisions of the WPS including the policy frameworks, zoning of the land and the wind energy provisions;
- Council's grounds of refusal; and
- Statements of grounds lodged by objectors in respect of the proposal.

5.2 Assessment against the WPS

5.2.1 Policy frameworks

I consider the proposal performs well against relevant policies of the SPPF and LPPF.

The WEF Guidelines discuss balancing economic, scenic and environmental values and provide clear protection of critical ecological and scenic values through the prohibition of wind farms in National Parks (which cover 43% of the coastline) and a range of other legislation that would protect critical scenic and ecological values.

As part of this, there is also a strong commitment to wind farm development with the relevant policy in Clause 15.14 requiring planning to: 1) facilitate the consideration of wind energy development proposals and 2) recognise that

economically viable wind farms depend on locations where there is a good wind resource.

In relation to the LPPF I note that a repeated theme of the MSS is to strengthen and diversify the local economy. In my opinion, this proposal will contribute to this objective by reason of local expenditure and employment. There are presently no other windfarms operating in the Shire.

Another repeated theme of the LPPF is the need to protect rural enterprise in rural areas. One related concern relates to pressure for small lot subdivision and the building of homes in rural areas. I note that whilst the MSS recognises rural living as a legitimate housing choice in the Shire (Clause 21.04), it tempers this with considerable policy attention to discouraging this form of housing where it may conflict with rural enterprise and where there is no nexus with rural activities occurring on the land. In particular I paid regard to the following objective of the local policy on small lots at Clause 22.02 which states:

- *To ensure that dwellings on small rural lots do not prejudice rural production activities and are properly sited.*

In my opinion, the windfarm is a legitimate rural activity and the building of new houses in the area should not be permitted to prejudice its operation.

The MSS talks of the environmental values of the Shire and nominates areas where sensitivity is greatest. The review site is not nominated on the Strategic Framework Plan or in any other documents that I am of aware that would suggest it requires special attention for the protection of avian fauna or landscape values.

Overall, therefore I believe the proposal is consistent with both the SPFF and the LPPF.

5.2.2 Zoning

In my view, a WEF is eminently suited to a rural zoning. The loss of land to the wind farm is very small and normal farming operations can co-exist with the WEF. Wind farming is also a reliable source of additional income for the farmer.

In my opinion, the amenity impacts on neighbours are acceptable. The proposal has been designed to comply with the WEF Guidelines and has been judged to be acceptable by Timothy Marks and Stephen Schutt. Nevertheless to the extent that concerns have been raised by neighbours about impacts on their amenity, it is also relevant to distinguish between the rural zoning of the land that applies to this site. In my opinion, residents of a rural zone cannot expect to benefit from the same level of amenity as residents of a residential zone can expect to experience.

Specific issues raised in the decision guidelines to the RUZ are discussed below. I am satisfied that the proposal responds well to these decision guidelines.

Table 1: Assessment against decision guidelines of the RUZ

General issues	
SPPF & LPPF	Proposal is consistent with the policy context.
Any catchment and Land Protection Strategy and policies applying to the area.	Proposal is consistent with relevant policies and strategies.
Capability of land to accommodate the development.	The land is able to accommodate this development.
How the use relates to rural land use etc.	The proposal is consistent with existing rural land use and will broaden the economic base of stakeholder properties.
Rural issues	
Maintenance of farm production and impact on rural economy	Farm production will not be affected. The proposal will have positive impacts on the rural economy.
Compatibility with neighbouring farming uses.	The proposal will co-exist with existing and neighbouring farming uses. All dwellings are able to satisfy appropriate amenity standards.
Farm size and the productive capacity of the site to sustain the rural enterprise and whether the proposal will have an adverse impact on surrounding land uses.	The proposal will not have any impact on farm size, the capacity of the site to sustain rural enterprise. The proposal will not adversely affect surrounding rural land uses. The proposal will not unacceptably impact on surrounding dwellings.
Need for an integrated land management plan.	Permit conditions will ensure integrated land management is achieved.
Requirements of existing or proposed rural industry	Will not be affected by this proposal.
Impact on any rural infrastructure.	No adverse impacts likely.
Assessment of industry requirements, growth expectations, staging of the development and investment requirements.	The proposal has been carefully planned and designed in accordance with best practice for wind energy facility development.
Environmental issues	
Assessment of the likely environmental impact (soil and water quality and emission of noise, dust and odours).	Detailed analysis undertaken. Impacts judged to be acceptable.

Environmental issues (cont'd)	
Impact on flora, fauna and landscape features.	The flora and fauna assessments accompanying the application conclude that impacts on native flora and fauna are expected to be minimal.
Protection & enhancement of the natural environment & character of the area.	Impacts judged to be acceptable.
Impact on the character and appearance of the area or features of significance, beauty or importance.	Impacts judged to be acceptable.

5.2.3 Policy and Planning Guidelines for Wind Energy Facilities

An assessment of the proposal against the WEF Guidelines is set out in Table 2 below.

The proposal will make a significant contribution to government policy objectives and it is clear that considerable weight is to be given to this guideline.

The proposal performs well against the other potential impacts that require assessment under these guidelines.

Table 2: Assessment against Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria

Contribution to Government Policy Objectives	
Considerable weight should be given to the contribution to Government Policy objectives in relation to the development of renewable energy.	The amount of electricity generated each year is 42,924MWh. It will displace 55,801 tonnes of CO2 per year. The electricity produced will be sufficient to supply 8,053 households.
Visual amenity	
Consider if the site or surrounds is affected by ESO, VPO, SLO. Consideration of the visual impact should be weighted having regard to the Government's Policy in support of renewable energy development.	Detailed visual impact assessment has been undertaken by Stephen Schutt who has judged the impacts to be acceptable.
Amenity of the surrounding area	
Noise: WEF should comply with NZ6808:1988	The proposal has been assessed by Timothy Marks who has judged the proposal to be acceptable.

Amenity of the surrounding area (cont'd)	
Blade glint: blades should be finished with a surface treatment of low reflectivity.	The blades will be non-reflective and so blade glint would not be a problem. Off-white colours, as proposed, are accepted as the most suitable colour for wind turbines.
Shadow flicker: no more than 30 hours a year experienced at any dwelling.	None of the dwellings will experience more than 30 hours per year.
Electromagnetic radiation: the siting of turbines in the line of sight of transmitters and receivers should be avoided.	Layout complies with the requirement of the telecommunications provider. No turbine under a radio path.
Aircraft safety	
Turbines should not protrude any obstacle limitation surface for any airfield. CASA should be consulted.	CASA has approved the layout subject to lighting of some turbines.
Flora and fauna	
Flora and fauna should be considered in relation to whether the species and communities are protected under the EPBC Act or the FFG Act, the sensitivity of any protected species to disturbance, the potential loss of habitat of species protected under the EPBC Act or the FFG Act. Design and management techniques to manage the risk should be considered.	The fauna assessment accompanying the application concludes that potential impacts on native birds are unlikely to be significant and operation of the wind farm will not prejudice regional populations of threatened birds.

5.3 Grounds of Refusal

Impact on local amenity in terms of ongoing noise emissions

This ground has been addressed by Timothy Marks who judged the acoustic impacts of the proposal to be acceptable and consistent with relevant decision guidelines of the WPS.

I do not believe this ground can be substantiated.

Impact on local amenity in terms of disruption to views

This matter has been addressed by Stephen Schutt who judged the visual impacts of the proposal to be acceptable and consistent with relevant decision guidelines of the WPS.

I do not believe this ground can be substantiated.

5.4 Submissions received from the community

One of the submissions received in respect of this application review supports the proposal. It says that the proposal meets all noise requirements and that the site is in an area of high wind, which is appropriately zoned for rural purposes.

The remaining discussion in this section addresses the opposing submissions.

Too close to residences - area is in small residential holdings.

The layout has been designed to ensure impacts on neighbouring dwellings are acceptable. I note that the area is in a rural zone. It is not a residential area.

I do not believe this ground can be substantiated.

Fire hazard

As far as I am aware there are no fire hazards associated with the use and development of land for a windfarm. I note that the CFA has no objection to the proposal.

I do not believe this ground can be substantiated.

Blade glint and shadow flicker

The proposal complies with the WEF guidelines.

I do not believe this ground can be substantiated.

Impacts on flora and fauna

The fauna assessment accompanying the application concludes that potential impacts on native birds are unlikely to be significant and operation of the wind farm will not prejudice regional populations of threatened birds.

I do not believe this ground can be substantiated.

Rural road use – increase in dust

Once construction is complete, traffic levels will largely return to normal.

I do not believe this ground can be substantiated.

Loss of rural amenity

The proposal has been carefully assessed for its impacts on neighbouring properties including noise, visual impact, blade glint and shadow flicker.

I do not believe this ground can be substantiated.

Inappropriate industrial operation in a rural area

The proposal is not inappropriate in a rural area. In fact a windfarm is ideally suited to a rural area.

I do not believe this ground can be substantiated.

Loss of business potential

There is no evidence to suggest that a windfarm would adversely affect a business operating in the area. The proposal is consistent with the rural zoning of the land.

I do not believe this ground can be substantiated.

Noise

This ground has been addressed by Timothy Marks who judged the acoustic impacts of the proposal to be acceptable and consistent with relevant decision guidelines of the WPS.

I do not believe this ground can be substantiated.

Impact on property values

This is not a relevant planning consideration.

Loss of views

This ground has been addressed by Stephen Schutt who judged the visual impacts of the proposal to be acceptable and consistent with relevant decision guidelines of the WPS.

I do not believe this ground can be substantiated.

Lack of consultation with neighbours

I am advised that an all day open day was held in December 2005 before the application was lodged to provide the community with information about the windfarm and to receive submissions and generally discuss the proposal with the community. In addition, the applicants' website has provided detailed information about the proposal. In my opinion, the consultation undertaken was appropriate.

I do not believe this ground can be substantiated.

Land stability

I am advised that the earthquake loads are usually far below the loads of extreme wind speeds and that this could be considered in the foundation design calculation. In my opinion, this could be handled by way of a permit condition.

I do not believe this ground can be substantiated.

Electromagnetic interference

Layout complies with the requirement of the telecommunications provider. No turbine under a radio path.

6 Conclusion

In summary, I believe the proposal demonstrates a high degree of consistency with current planning policies and controls that makes it worthy of planning approval. In summary, the development:

- Is consistent with both the state and local planning policy frameworks.
- Is consistent with the zoning of the land.
- Is consistent with the Policy and Planning Guidelines for the development of Wind Energy Facilities in Victoria.

There are no matters within my expertise that would justify the application's refusal.

Annexure 1

Qualifications

Bachelor of Town and Regional Planning (Honours).

Professional Associations

Fellow of the Planning Institute of Australia since 2005.

Member of PIA and RAPI since 1989 including 3 years serving as a committee member and secretary from 1998-1990.

Member of the Victorian Planning and Environmental Law Association.

Employment history and achievements

1990-present

Director: Harlock Jackson Pty Ltd

1987-1990

Senior Planner: Wilson Sayer Core Pty Ltd.

1985-1987

Planner: City of Malvern

1984

Awarded First Class Honours degree in Town and Regional Planning from the University of Melbourne.