

### Planning and Environment Act 1987

### **GANNAWARRA PLANNING SCHEME**

### SWAN HILL PLANNING SCHEME

### **AMENDMENT GC218**

### **EXPLANATORY REPORT**

### Who is the planning authority?

This amendment has been prepared by the Minister for Planning who is the planning authority for this amendment.

The amendment has been made at the request of VHM Limited.

### Land affected by the amendment

The Amendment applies to land on which infrastructure associated with the Goschen Rare Earths and Mineral Sands Project (**the Project**) is to be located which falls outside the area subject to Mining Licence ### (the **Project Infrastructure Land**). The Project Infrastructure Land is affected by the Specific Controls Overlay (**SCO**) on the Planning Scheme Maps proposed to form part of the Gannawarra and Swan Hill Planning Schemes.

The Project Infrastructure Land consists of road reserves required for road upgrades to the north and east of the Project, a water supply pipeline running east from the Project to Kangaroo Lake, and the site of the water pump station at Kangaroo Lake. The Project Infrastructure Land includes the following road reserves:

- Sea Lake-Swan Hill Road, Ultima
- David Street, Ultima
- Lake Boga-Ultima Road, Ultima / Ultima East / Goschen
- Donald-Swan Hill Road, Goschen / Meatian / Lalbert
- Mystic Park-Meatian Road, Goschen / Meatian / Lalbert
- Jobling Road, Lalbert
- Bennet Road, Lalbert
- Shepherd Road, Lalbert
- · Bish Road, Lalbert
- Quambatook-Swan Hill Road, Lalbert / Beauchamp
- Lookout Road, Beauchamp
- Teague Road, Beauchamp
- Mystic Park-Beauchamp Road, Beauchamp / Mystic Park
- Mystic Park East Road, Mystic Park
- Gorton Drive, Mystic Park

The SCO will further cover portions of the following parcels to accommodate the water pump station:

- 28B~6\PP2162 (Gorton Drive, Mystic Park)
- 3B~A\PP2499 (15 Lake View Road, Mystic Park)
- 11D~6\PP2162 (Mystic Park East Road, Mystic Park)

The Project Infrastructure Land affected by the Amendment is shown in Attachment A.

#### What the Amendment does

The Amendment introduces the *'Goschen Rare Earths and Mineral Sands Project Incorporated Document, August 2023'* (the **Incorporated Document**) into the Gannawarra and Swan Hill Planning Schemes (the **Planning Schemes**) to facilitate the use and development of the Project Infrastructure Land for the purpose of the Project.

Specifically, the Amendment changes the Planning Schemes to:

- Amend the following Overlay Maps:
  - Gannawarra Planning Scheme Maps: 4SCO and 5SCO
  - Swan Hill Planning Scheme Maps: 35SCO
- Amend the Schedules to Clause 45.12 (Specific Controls Overlay) to insert reference to the Goschen Rare Earths and Mineral Sands Project in accordance with the specific controls in the 'Goschen Rare Earths and Mineral Sands Project, August 2023' incorporated document
- Amend the Schedule to Clause 72.03 (What Does this Scheme Consist of?) to insert the following Overlay Maps:
  - Gannawarra Planning Scheme Map: 1SCO and 3SCO
  - Swan Hill Planning Scheme Maps: 33SCO, 34SCOand 46SCO
- Amend the Schedules to Clause 72.04 (Incorporated Documents) by inserting an incorporated document titled 'Goschen Rare Earths and Mineral Sands Project, August 2023' into the Planning Schemes.

The Amendment proposes a single consolidated planning control for the use and development of the Project Infrastructure Land for the purposes of the Project in the form of an Incorporated Document that will provide for a co-ordinated, streamlined, and integrated assessment of the Project by a single approving authority, the Minister for Planning.

### Strategic assessment of the Amendment

### Why is the Amendment required?

Planning approval is not required for the use and development of project components that will be undertaken on the land subject to Mining Licence ### (the **Mining Licence Area**). However, the use and development of land outside the Mining Licence Area require multiple planning approvals to facilitate the water pipeline, pump station, works associated with road intersection and infrastructure upgrades, and associated removal, lopping and destruction of vegetation, including native vegetation (the **Infrastructure Works**). The Infrastructure Works are critical components that are required to facilitate the broader Project. The Amendment is required to deliver the Infrastructure Works associated with the Project in a timely, efficient, and coordinated manner.

The Project will facilitate the mining of high-grade, rare earths and critical minerals, that can be exported both nationally and internationally. Notably, the critical minerals (rare earth, zircon, and titanium minerals) produced by the Project are listed on the Australian critical mineral list and are vitally important to the green energy transition. The Project offers strong economic exposure to the rare earth permanent magnet sector, which is the fastest-growing end-use category most in need of additional rare earth supplies. The magnets are crucial for green technology as they critical components of climate economy products such as electric vehicles, wind turbines, computers, phones, televisions, refrigerators, jets, and more.

The Project will therefore strengthen Victoria's position as a global mining hub and assist to achieve key policy objectives of the Victorian Government.

In particular, the Project will help to further objectives of the *State of Discovery: Mineral resources* strategy 2018-2023 by investing in regional jobs in the mineral sector and upgrading the surrounding road infrastructure to accommodate anticipated increases in freight transport. The Project will a contribute an average annual impact of \$126 million in additional Gross State Product to Victoria.

The Amendment will provide for a single consolidated planning control to facilitate the Infrastructure Works and support the Project's delivery. The control demonstrates consideration of the planning objectives in Victoria, the planning context of the Project Infrastructure Land, Planning Policy

Frameworks, community, agency and council submissions, a range of technical due diligence reports and the zoning, overlays and particular provisions that are relevant to the Infrastructure Works.

Consultation and stakeholder engagement has been undertaken for the Project with a broad range of community participants and stakeholders. Consultation involved community information sessions at Lalbert, Kerang and Swan Hill on 27-28 July 2022, and 28-29 September 2022. Community information sessions were also held online on 15 November, 22 November, and 30 November 2022.

The Amendment will be exhibited with the Project's Environment Effects Statement (**EES**), minimising approval timeframes and the administrative burden on Gannawarra Shire Council and Swan Hill Rural City Council. Exhibition with the Project's EES also allows the Amendment to be the subject of further public submissions and to be considered by the inquiry and advisory panel established for the EES.

The use of a consolidated control will remove the requirement to seek multiple planning approvals from the affected Councils, as the responsible authorities. While there is broad support for the Infrastructure Works including from Gannawarra Shire Council and Swan Hill Rural City Council, the Amendment will reduce administrative burden on Councils and will streamline the delivery of the Project.

### How does the Amendment implement the objectives of planning in Victoria?

The Amendment implements the objectives of planning in Victoria as set out in Section 4(1) of the PE Act as follows:

- a) To provide for the fair, orderly, economic, and sustainable use, and development of land.
  - The design solution for the Infrastructure Works seek to minimise ecological and environmental impacts and provide economic investment to the local area and the State of Victoria through support of the fair and orderly use of the Project.
- b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity
  - The Infrastructure Works will be subject to an Incorporated Document which enforces an Environmental Management Plan (**EMP**). The EMP will ensure all recommended mitigation measures of the Environmental Management Framework (**EMF**) (as established by the Minister's decision under the *Environment Effects Act 1978*) are carried out to ensure the protection of natural and man-made assets and amenity.
- c) To secure a pleasant, efficient, and safe working, living and recreational environment for all Victorians and visitors to Victoria
  - The Infrastructure Works will be subject to an **EMF** (described above) which seeks to secure a pleasant, efficient, and safe living, working and recreational environment, and conserve areas/places of cultural value.
- d) To conserve and enhance those buildings, areas or other places which are of scientific aesthetic, architectural or historical interest or otherwise of special cultural value
  - The Infrastructure Works will ensure that Aboriginal cultural heritage and other heritage within the Project Infrastructure Land is protected though consultation, EMP measures, and a Cultural Heritage Management Plan (CHMP).
- e) To protect public utilities and other assets and enable the orderly provision of coordination of public utilities and other facilities for the benefit of the community
  - The Infrastructure Works upgrades public roads for the benefit of all users, draws available water from the Goulburn-Murray Water managed Kangaroo Lake for the operation of the mine, and will potentially provide the water pipeline for the use of the community following the decommissioning of the mine. The water pump station will be located near similar infrastructure on the Kangaroo Lake foreshore and will have negligible impacts to the amenity of nearby users of the Lake's foreshore.

f) To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e)

The Infrastructure Works will ensure the provision of necessary infrastructure and facilities to support the development of a new mine for critical and rare minerals in northern Victoria in accordance with the above objectives.

g) To balance the present and future interests of all Victorians

The Infrastructure Works themselves and through supporting the development of a mine will balance the economic and resource needs of Victorians without impacting the ability of the region to continue to support agriculture.

### How does the Amendment address any environmental, social, and economic effects?

This Amendment is being exhibited jointly with the Goschen Rare Earths and Mineral Sands Project EES.

An EMF is required for the Project through the EES, which captures the Project Infrastructure Land for this Amendment. It outlines conditions and requirements to be met by the construction, operation, rehabilitation and closure phases of the Project. Generally, the EMF will:

- Articulate clear accountabilities for managing and monitoring environmental effects and hazards.
- Describe the environmental conditions to monitor and evaluate residual environmental effects.
- Describe the efficacy of applied environmental management and contingency measures.
- Outline auditing requirements for the effectiveness of environmental management.
- Ensure compliance with statutory conditions.
- Set the scope for environmental management plans for all phases of the Project.
- Outline a program for community consultation, stakeholder engagement and communications.

This PSA implements an Incorporated Document that enforces the mitigation measures as outlined in the EMF through an Environmental Management Plan (EMP). This EMP requires detailed plans to cover the stage specific considerations through various management plans.

The EES includes further detailed investigations of the environmental, social and economic effects of the activities both within and outside the Mining Licence Area. A summary of these effects in relation to the Project Infrastructure Land are as follows:

### **Environmental Impacts**

- The VHM Ltd Goschen Vertebrate Fauna Technical Report 2022 found that significant bird species, and reptiles may utilise the remnant vegetation associated with the road reserves as corridors to move across the landscape. Despite the heavily modified landscape and lack of significant vegetation corridors in the surrounding region, impacts to these sections will not cause significant change to the network of remnant vegetation that allow conservation significant species, in particular birds, to move across the landscape. Potential impacts on vertebrate fauna due to the Infrastructure Works would be avoided, minimised, or managed to required standards through the recommended mitigation measures in the EMP. Placing the water supply in the middle of existing roads and using roads with the maximum road width minimises disturbance to the road reserve vegetation as much as is practicable. The preferred pipeline route is a result of it having the least impact to native vegetation. It is not envisaged that there would be any residual impacts post-mitigation providing the management, mitigation strategies and performance Key Performance Indicators' written into the endorsed Construction Environment Management Plan are strictly adhered to.
- The Goschen Rare Earths and Mineral Sands Project Native Vegetation and Flora Assessment
  found that the existing vegetation in the area includes patches of native vegetation and scattered
  trees (many or which occur along road reserves and farm fence lines). Vegetation consists of
  threatened and protect flora species, as well as declared pests. The works relating to road and

intersection upgrades will have their construction footprint fully within the existing road reserve, resulting in limited vegetation clearance.

The removal of vegetation for the water supply pipeline will involve a 6 metre construction right of way within the road reserve that would impact tree protection zones. Potential impacts on native vegetation and ecological values due to the Infrastructure Works would be avoided, minimised or managed to required standards through the recommended mitigation measures. The mitigation measures include requiring arborist tree surveys to assist with micro-siting of the pipeline to avoid adverse impacts to structural root zones, and siting the water pipeline on the roadside with the least native vegetation, or in the middle of roads where native vegetation was present on both roadsides. Where relevant, these measures will be enforced by the Incorporated Document and will significantly reduce the total vegetation and number of trees deemed to be removed.

- The Goschen Rare Earths and Mineral Sands Project Phase 1 Desktop Aquatic Ecology Assessment of Kangaroo Lake found that impacts to Kangaroo Lake were assessed as low risk impacts and it is anticipated the water drawdown will be proportionally negligible to that drawn down for irrigation. The areas of aquatic habitat likely to be lost will be small, of lower quality habitat and negligible in terms of the overall area of habitat available in the lake. Impacts can all be adequately managed by the implementation of the recommended measures in the EMP.
- The Air Quality Impact Assessment Goschen Rare Earths and Mineral Sands Project highlights impacts due to diesel generator emissions of the proposed pumping station at Kangaroo Lake. The assessment concluded that due to the rural and relatively remote nature of the pump station, the likelihood of a third party occupying the impacted areas for more than a few minutes at a time is low. There are unlikely to be impacts from exceedances to human health or vegetation criterion, and ground level contaminants resulting from pumping station emissions to the air are negligible.
- The Draft Noise Impact Assessment Goschen Rare Earths and Mineral Sands Project found that operating noise from the pumping station at Kangaroo Lake is predicted to comply with standards at all nearest receptors provided noise is mitigated by a suitably designed acoustic enclosure and silencer selection for the generator. Predicted noise from the pipeline construction is likely to be below ambient background noise levels, with only a small number of receptors in the town of Mystic Park anticipated to receive construction noise at an elevated level. As the construction work is short term (anticipated to be only a few days in Mystic Park) and occurs during 'normal' day-time hours, the level of impact is considered reasonable if impacts are appropriately controlled through the use of appropriate mitigation measures. Noise mitigation measures will be managed via the development of a Noise Management Plan that will be incorporated within the Projects Construction Environment Management Plan (CEMP).
- The Technical Report H: Surface water impact assessment found that the Project Infrastructure Land has relatively low rainfall and is largely not in direct proximity to any waterways, except where the pipeline crosses the Back Creek floodplain, a distributary of the Avoca River, and where the water supply pumpstation is located on the banks of Kangaroo Lake. The assessment concluded that there are no residual impacts expected during construction and operation of the pipeline.
  - Works within areas impacted by flood management overlays, including the Floodway Overlay and Land Subject to Inundation Overlay, are addressed in the Incorporated Document which includes a requirement that all buildings and works must be undertaken to the satisfaction of the relevant floodplain management authority.
- The Soil & Land Resource Assessment Goschen Rare Earths and Mineral Sands Project found that risks include the mixing of different types of soils, degradation of soil structure, exposure of dispersive subsoils, and erosion and soil loss during rainfall. The resulting residual risk of the mixing of soil types, degradation of soil structure, the exposure of dispersive subsoil, and weed infestation is low (and not expected) if the Assessment's recommended mitigation measures are undertaken.
- The Geotechnical Impact Assessment investigated geotechnical risks from the construction, operation and ultimately rehabilitation of the Project and associated infrastructure. The investigation and assessment undertaken indicates that the presence of significantly weaker material strengths is considered unlikely. The risks, including addressing pavement life, soil and subgrade strength and susceptibility to dispersive soils, though unlikely will be addressed through geotechnical investigations, engineering, and design.

### **Social Impacts**

- The Goschen Rare Earths and Mineral Sands Project Cultural Heritage Impact Assessment found there is a very low likelihood of subsurface Aboriginal cultural heritage on the Project Infrastructure Land with no Aboriginal cultural heritage places identified despite some parts of the Project Infrastructure Land falling within an area of Aboriginal cultural heritage sensitivity. In lieu of providing a statement of significance the Wemba Wamba Aboriginal Corporation confirmed that there were no tangible or intangible values recorded. A Cultural Heritage Management Plan will be prepared to manage impacts on Aboriginal Cultural Heritage.
- The Landscape & Visual Impact Assessment Goschen Rare Earths and Mineral Sands Project assessed the visual impact of the proposed pumping station. Views of the pump station are likely to be available in areas that receive a high number of visitors on the lake's shorefront, as well as from certain roads and the nearby canals and irrigation channels. It was concluded that due to existing infrastructural associations and low scenic associations with the canals and channels the impact of a pump station is likely to be low.

### **Economic Impacts**

- The Agricultural Impact Assessment Goschen Rare Earths and Mineral Sands Project found there is low residual risk concerning:
  - Potential impacts to the local road network through road closures and increased vehicle movements during construction and operation of the Project
  - Potential impact to agricultural resources and production during construction, operation and decommissioning of the water supply pipeline from Kangaroo Lake
  - Potential impact to available irrigation water for agricultural use.

Access impacts during construction of the water supply pipeline and road upgrades will be minimal and managed through landholder consultation and measures outlined in a Traffic Management Plan (**TMP**). Potential impacts would be avoided, minimised or managed to required standards through further recommended mitigation measures.

- The Technical Report E: Transport concluded that impacts to the transport network during the eight months of the water pipeline construction are expected to be relatively minor. A site access strategy is to be completed to ensure that each of the access point intersections provide safe access and egress for construction vehicles. It is likely that short and long term road closures will be necessary to accommodate different aspects of road works, impacting the accessibility and connectivity of local road users. Therefore, delays, diversions, and connectivity will be maintained and managed through the design and delivery of a TMP. Overall, the residual impact of construction and subsequent operational stage local vehicles access on transport infrastructure and operations is expected to be negligible.
- The Economic Impact Assessment Report found that over the 20-year life of the Project, the development and operations are estimated to generate a net uplift of \$1.3 billion to the Victorian economy. This equates to an average annual impact of \$126 million in additional Gross State Product to Victoria. The Project is also expected to sustain net employment gains in the Mining Licence Area of around 480 jobs per annum on average. Road upgrades are likely to create benefits for all users through greater connectivity.

The Project offers strong economic exposure to the rare earth permanent magnet sector, which is the fastest-growing end-use category most in need of additional rare earth supplies. Demand for rare earths will rise in future as industries decarbonise, fuelling greater electrification of the energy mix. The Project presents clear opportunities to develop Australian capability in the rare earths and critical minerals sector.

### Does the Amendment address relevant bushfire risk?

The entirety of the Project Infrastructure Land is located within a designated bushfire prone area. There is no ability to avoid provision of infrastructure in a designated bushfire prone area. Small areas of the Project Infrastructure Land associated with transport route upgrades are within the Bushfire Management Overlay. Works are limited to road infrastructure, utilities, and associated infrastructure and works. It is therefore anticipated that increase of risk to life and property as a result of the proposed works is limited and can be appropriately managed. The EMF requires the preparation of a

Bushfire Management Plan in consultation with the CFA to identify specific bushfire hazards, identify risk for bushfire in the immediate area, and manage the risk through identified bushfire mitigation measures. The measures outlined in the Bushfire Management Plan will also apply to the Project Infrastructure Land through the EMP.

### Does the Amendment comply with the requirements of any Minister's Direction applicable to the Amendment?

The Amendment is consistent and complies with:

- the Ministerial Direction The Form and Content of Planning Schemes under section 7(5) of the Planning and Environment Act 1987
- the Ministerial Direction No. 11 Strategic Assessment of Amendments under section 12(2)(a) of the Planning and Environment Act 1987, as outlined in this report
- the Ministerial Direction No. 15 the planning scheme amendment process
- the Ministerial Direction No. 19 Amendments that may result in impacts on the environment, amenity and human health

In accordance with Ministerial Direction 19 the views of the Environment Protection Authority Victoria have been sought in the preparation of and incorporated into the EES and the Amendment. The Environment Protection Authority Victoria will be notified about the exhibition of both the EES and the Amendment and invited to make a submission to both.

### How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?

The Amendment applies only to the Infrastructure Works outside of the Mining Licence Area and supports the Project as a whole. The Infrastructure Works have been assessed against the Planning Policy Framework as follows:

<u>Clause 11 (Settlement)</u> recognises the need for planning to contribute towards adaptation in response to changing technology, economic viability and the protection of environmentally sensitive areas and natural resources. In addition, it acknowledges that planning is required to prevent adverse environmental and amenity impacts created by siting incompatible land uses close together.

The Project seeks to provide sustainable growth and investment to the region to support settlement patterns and objectives over the next 20 years. Rehabilitation of the land for agricultural purposes at the end of the Project also ensures that there is no long-term impact to agricultural land use and established settlement patterns.

 Clause 11.01-1S (Settlement) seeks to 'promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements' and identifies a series of strategies that seek to support investment, growth, and sustainable development in accordance with relevant regional growth plans.

The Loddon Mallee North Regional Growth Plan (Victorian Government, 2014) identifies that mineral sands deposits have significant economic potential. The Infrastructure Works are consistent with the objectives of Clause 11.01-1S as it supports the development of the emerging mining sector, (specifically the Project) and seeks to adopt streamlined regulatory processes through an Incorporated Document for land use to enable economic growth opportunities.

Clause 12 (Environmental Landscape Values) identifies that planning must assist to 'protect the health of ecological systems and the biodiversity they support' and conserve areas with identified environmental and landscape values. Planning must also implement the environmental principles of ecologically sustainable development and should protect sites and features of nature conservation, biodiversity, geological or landscape value.

The Infrastructure Works have been sighted to avoid impacts on flora and fauna values where possible. Residual impacts post-mitigation management are expected to be limited provided the management, mitigation strategies and performance requirements are strictly adhered to. Where

native vegetation avoidance has not been possible, offsets will be secured in accordance with relevant legislation and guidelines to ensure no net loss to the region's biodiversity.

The proposed pump infrastructure has been co-located with other agricultural infrastructure including pumps and water channels in a location that has low recreational value. The pipeline will align with road reserves and will be located in the centre of roads. These design measures will limit the Infrastructure Works' impact on the environmental, cultural and landscape values of Kangaroo Lake.

Clause 12.01-1S (Protection of biodiversity) aims to protect and enhance Victoria's biodiversity
by ensuring decision making takes into account the impacts of land use and development on
Victoria's biodiversity, including consideration of cumulative impacts, fragmentation of habitat,
and the spread of pest plants, animals, and pathogens into natural ecosystems.

The Infrastructure Works seeks to avoid any further fragmentation of biodiversity, especially concerning the wildlife corridor that follows the local road networks. The pipeline alignment and design will actively try to avoid disruption to these areas. The impacts of the Infrastructure Works on flora and fauna values and policies are assessed in detail in technical assessments prepared for the EES.

Clause 12.01-1L (Flora and fauna protection) (Gannawarra) provides local strategies to support
the state-wide objectives and strategies and protect and enhance remnant native vegetation and
flora and fauna habitat.

The Infrastructure Works supports Clause 12.01-1L as it will maintain vegetated links and roadside vegetation between remnant vegetation areas along the pipeline alignment.

- Clause 12.01-1L (Protection of biodiversity) (Swan Hill) identifies the following key strategies:
  - 'Protect and enhance native habitat, particularly where it contains rare and threatened flora and fauna species
  - Retain and enhance high-value remnant native vegetation
  - Encourage links between existing remnant vegetation
  - Discourage works where the removal of native vegetation would be required.'

The Infrastructure Works will retain and enhance high-value remnant native vegetation and their links where possible. Where possible, works will actively avoid areas where native vegetation would be required to be removed or destroyed.

 <u>Clause 12.01-2S (Native vegetation management)</u> aims to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation, offset in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning (**DELWP**), 2017).

There will be no net loss of biodiversity as a result of the removal, destruction or lopping of native vegetation. The unavoidable removal of native vegetation will be offset in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017). It is anticipated the Infrastructure Works will satisfy all offset requirements, and therefore also Clause 12.01-2S.

Clause 12.03-1S (River corridors, waterways, lakes and wetlands) seeks to protect and enhance
the environmental, cultural and landscape values of all water bodies and wetlands by ensuring
development is sensitively designed and sited to maintain and enhance environmental assets,
significant views and landscapes along and adjacent to river corridors and waterways, and
ensuring development does not compromise bank stability, increase erosion or impact on a water
body or wetland's natural capacity to manage flood flow.

Kangaroo Lake forms part of the Kerang Ramsar wetlands (*Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)). It is not expected that there will be any direct changes from the baseline conditions to the ecological character of Kangaroo Lake. Whilst indirect impacts cannot be eliminated, provisions to minimise the indirect impacts to fauna and fauna habitat fauna (e.g., fauna salvage during construction, nest box installation, site rehabilitation, revegetation, light inhibitors and, vehicle speed limits), have been developed for input into the EMP.

Clause 12.05-1S (Environmentally sensitive areas) seeks to protect environmentally sensitive
areas with significant recreational value from development that would diminish their
environmental conservation or recreational values.

Kangaroo Lake is an environmentally sensitive area as it forms part of the Kerang Ramsar wetlands. It is not expected that there will be any direct changes from the baseline conditions to the ecological character of Kangaroo Lake. No additional surface water from the Goulburn-Murray Water system will be removed as a result of the Project and the design of the water pump will minimise damage caused to the flora and fauna of Kangaroo Lake. Noise, air quality, and visual impacts for the water pump station will be negligible following implementation of mitigation measures and will not diminish recreational values of the area.

<u>Clause 13 (Environmental Risks and Amenity)</u> provides overarching objectives which seek to 'strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.' Subclauses seek to ensure that climate change impacts are considered, bushfire risk is properly assessed, flood hazard is properly mitigated, and floodplains are appropriately managed.

Environmental risks and amenity will be managed in accordance with regulatory requirements for construction, operation and rehabilitation of the Project. This includes regulatory requirements for management of blasting, vibration noise impacts and air quality as outlined in the relevant specialist technical reports of the EES. Management measures, where relevant, will be addressed within the Projects CEMP.

Clause 13.02-1S (Bushfire planning) applies to all planning and decision making under the PE
 Act relating to land that is within a designated Bushfire Prone Area and seeks to strengthen the
 resilience of settlements and communities to bushfire through risk-based planning that prioritises
 the protection of human life.

The entire Project Infrastructure Land is within a designated bushfire prone area (BPA), and small portions of the study area (primarily sections of the transport route) are affected by the Bushfire Management Overlay (BMO).

The Infrastructure Works do not include sensitive development and are not expected to result in risks to human life. Nevertheless, fire safety practices will maintain the area's bushfire resilience and protect human life. A Bushfire Management Plan will be developed in consultation with the Country Fire Authority to implement fire management measures to manage potential bushfire hazards and risks. To support planning for bushfire resilience, areas that are generally cleared of hazardous vegetation will be utilised for works. A Bushfire Management Plan will appropriately manage bushfire risk during construction, operation, and rehabilitation.

 <u>Clause 13.03-1S (Floodplain management)</u> aims to assist with the protection of life, property, and community infrastructure from flood hazard as well as the natural flood carrying capacity of rivers, streams, and floodways.

The design and construction of the water pipeline and pump station will consider the mitigation measures recommended in the EES technical studies, particularly regarding surface water, to protect the proposed infrastructure from damages due to inundation and flooding, and to ensure the natural water paths are not disrupted by the proposed development and works.

• <u>13.05-1S (Noise management)</u> contains the objective to 'assist the management of noise effects on sensitive land uses.' Key strategies within the clause seek to ensure that development is not prejudiced, and community amenity and human health is not adversely impacted by noise emissions.

Noise effects have been assessed in line with Clause 13.05-1S for the construction of works and the operation of the proposed water pump at Kangaroo Lake. Impact to human health and the amenity of surrounding sensitive uses has been minimised through the mitigation measures in the EMP (informed by the *Draft Noise Impact Assessment* prepared for this EES). Mitigation measures include the pumping station diesel generators to be specified with an appropriate acoustic enclosure, and construction impacts limiting the hours of construction to standard daytime hours and ensuring prior community consultation and notification occurs.

• <u>Clause 13.06-1S (Air quality management)</u> seeks to assist the protection and improvement of air quality by ensuring that there is suitable separation between land uses that pose a human health risk or reduce amenity due to air pollutants and sensitive land uses.

In most cases risk, particularly regarding the water pump station, impacts could be managed through the application of proposed dust management and mitigation strategies. These strategies would be enforced via the Incorporated Document via the EMP. They would include dust emission mitigation measures employed for all aspects of the Infrastructure Works (especially for wheel generated dust from haul roads which has been identified as the primary potential source of dust emissions) and upgrading transport routes from dirt roads to finished roads where appropriate.

 Clause 13.07-1S (Land use compatibility) aims to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. Strategies to achieve this include avoiding or otherwise minimising adverse off-site impacts through land use separation, siting, building design and operational measures.

The construction and operation of the Infrastructure Works is compatible with the surrounding land uses because there are low or negligible risks for residual and off-site impacts, as demonstrated throughout this explanatory report and the EES assessment. There has been careful consideration of environmental, social, and economic impacts in the siting of the pipeline route and water pump station, the enclosure design for the water pump station, and construction and operation procedures of all works to ensure minimal disruption. Where there is potential for impacts, they will be mitigated through measures in the EMP.

• <u>Clause 14 (Natural Resource Management)</u> aims to assist in the conservation of natural resources including energy, water, land, stone, and minerals to support both environmental quality and sustainable development. Further strategies to support this Clause include protecting the State's agricultural base and declared irrigation districts by preserving productive farmland, the protection and restoration of catchments, water bodies, ground water and the marine environment, protecting water quality, encouraging the exploration and extraction of natural resources in accordance with acceptable environmental standards and putting strategies in place to provide for the long-term protection of natural resources in Victoria.

The Infrastructure Works supports objectives and strategies of Clause 14 through the preparation and implementation of a CEMP, which will help to manage potential land use conflicts between agricultural and non- agricultural uses, ensuring that operation is in accordance with environmental standards. In addition, the region's agricultural base will be protected through the rehabilitation of the land at the end of the Project, thus ensuring no permanent loss of agricultural land.

<u>Clause 14.01-1S (Protection of agricultural land)</u> aims to protect the state's agricultural base by
preserving productive farmland through strategies including avoiding permanent removal of
productive agricultural land from the state's agricultural base.

The Infrastructure Works utilises the existing road reserves to the maximum extent possible and avoids the permanent or temporary occupation of farming land.

Clause 14.01-1L (Agriculture) (Swan Hill) applies to all land within the Farming Zone and seeks
to avoid land use conflicts between agricultural and non-agricultural land uses and encourages
mineral sands facilities and renewable energy facilities in dryland areas only.

The Project was assessed in the Agricultural Impact Assessment prepared for this EES as having low residual risk for potential impacts and conflicts with agricultural resources and production, including water availability and access to the road network. The decommissioning of the Project may leave behind benefits for surrounding farms with the use of the pipeline.

<u>Clause 14.02 (Water)</u> seeks to assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment by ensuring that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses, and by requiring appropriate measures to restrict sediment discharges from construction sites.

The Project and Infrastructure Works seek to maintain the environmental and water quality of the Murray-Darling catchment. No additional surface water from the Goulburn-Murray Water system will be removed as a result of the Project. Further, the design of the water pump station prevents the impingement of aquatic fauna, and studies concluded that no residual impacts to surface water are expected during construction and operation of the water pump station. Any potential impacts will be addressed and mitigated in the EMP and a Works on Waterway approval will be obtained from North Central Catchment Management Authority prior to works.

• <u>Clause 14.02-1L (Murray-Darling catchment) (Gannawarra)</u> provides a local context to the statewide objectives and strategies by identifying the need to protect the environmental values and water quality of land and waters of the Murray-Darling catchment.

The Infrastructure Works protects the environmental values of the Murray-Darling catchment by only purchasing or leasing currently licenced surface water for the Project, so no additional surface water from the Goulburn-Murray Water system will be removed as a result of the Project. The design of the water pump will also ensure that there will be no damage caused to the flora and fauna of Kangaroo Lake. The Project and Infrastructure Works will have negligible detrimental impacts to the Lake or Catchment.

<u>Clause 14.03 (Earth and Energy Resources)</u> seeks to encourage exploration and extraction of
natural resources in accordance with acceptable environmental standards. The Infrastructure
Works do not directly relate mining however one of the strategies to achieve the Clause's
objective is to recognise the possible need to provide infrastructure, including transport networks,
for the exploration and extraction of natural resources.

The Infrastructure Works support the development and operation of the Project. The infrastructure works provide critical supporting infrastructure that supply the Project with the water required for mineral processing (and other uses) and facilitate transport infrastructure upgrades to be able to efficiently and safely transport mined product off site via vehicle freight.

<u>Clause 15 (Built Environment and Heritage)</u> requires that planning ensures all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context. Planning should protect places and sites with significant heritage, architectural, aesthetic, natural, scientific. and cultural value.

Cultural heritage has been considered as part of the EES for the Project to identify and protect heritage values on and around the Mining Licence Area, including the Project Infrastructure Land. A Cultural Heritage Management Plan (CHMP) has also been prepared which will provide for management and protection of cultural heritage values.

 <u>Clause 15.01-6S (Design for rural areas)</u> seeks to ensure development respects valued areas of rural character, including visual amenity of valued rural landscape and views to surrounding natural scenery and landscape features.

The only Infrastructure Works likely to affect the visual amenity of the surrounding area is the pump station. The *Landscape & Visual Impact Assessment Goschen Rare Earths and Mineral Sands Project* assessed the visual impact of the pump station and found that due to existing infrastructural associations and low scenic associations with the canals and channels the impact of the pump station is likely to be low.

<u>Clause 15.03-2S (Aboriginal cultural heritage)</u> seeks to ensure the protection and conservation of
places of Aboriginal cultural heritage significance. This includes ensuring that permit approvals
align with the recommendations of any relevant Cultural Heritage Management Plan approved
under the *Aboriginal Heritage Act 2006*.

Kangaroo Lake and nearby land on the pipeline route is covered by 'Aboriginal Cultural Heritage Sensitivity'. The pump station would be wholly contained within this area. This mapping relates to where Aboriginal heritage is likely to be located based on landforms and soil types. A CHMP has been prepared to determine if heritage will be disturbed for the Infrastructure Works. Final design and location of works will be informed by the CHMP to avoid any sensitive locations.

<u>Clause 17 (Economic Development)</u> requires that planning provides for a strong and innovative economy, where all sectors are critical to economic prosperity. Sustainable economic growth and diversification of the economy is to be promoted by providing for land, facilitating decisions, and resolving land use conflicts.

The Project (and the Infrastructure Works) supports mining which is identified in local policy as an emerging growth sector for the region and will have a positive economic impact on the region. Specifically, the Socio-Economic Chapter of the EES confirms that the Project will contribute to the economic wellbeing of nearby townships through direct and indirect employment opportunities.

• <u>Clause 17.01-1R (Diversified economy – Loddon Mallee North)</u> provides regional context by identifying the need to support emerging and potential growth sectors such as mining.

The Project (and the Infrastructure Works) supports the operation and growth of the mining sector in the local area and the state of Victoria by bringing investment and job creation to the local region. The Project will boost the local economy, particularly that of Gannawarra which has been slowly declining since 2001, and create on average 480 full time equivalent (FTE) jobs per year the Project is operating, helping to bring working age adults to the region. The presence of the Project will also have positive flow-on effects for business by contributing to a building of the population base and therefore improving services and lifestyle, as well as positive effects relating to diversifying the economy of the region by helping to deviate from a dependency on the agriculture industry (also declining).

**Clause 18 (Transport)** endeavours to ensure that planning provides a safe, integrated, and sustainable transport system that provides access to social and economic opportunities, facilitates network-wide efficient, coordinated, and reliable movements of people and goods, and facilitates economic prosperity.

The preparation and implementation of a CEMP and TMP will help to ensure that local road infrastructure is maintained or improved to ensure the safety and amenity of the local road network.

<u>Clause 18.02-4S (Roads)</u> aims to facilitate an efficient and safe road network that integrates all
movement networks and makes best use of existing infrastructure. Strategies include 'improve
road connections for all road users,' and 'accommodate the expansion of the High Productivity
Freight Vehicle Network, and oversize and overmass vehicles.'

The Infrastructure Works supports Clause 18.02-4S as the increased use of roads, particularly by heavy vehicles, will be addressed through road upgrades to make the road network safer for all road users, including after the Project and associated traffic have left the local area.

 <u>Clause 18.02-4L (Roads – Gannawarra) (Gannawarra)</u> provides local context to the Planning Policy Framework (**PPF**) by acknowledging the need to protect road infrastructure and agricultural areas.

The Infrastructure Works protects and upgrades the surrounding local road infrastructure to accommodate an increase of heavy vehicles and their mobility needs. This will make the road network safe for freight vehicles but also community and agricultural road users as well.

**Clause 19 (Infrastructure)** notes that planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible, and timely and notes that planning should seek to minimise the impacts of use and development on the operation of national, state and regionally significant infrastructure.

Existing highway and railway infrastructure of national, state, and regional significance will be protected in accordance with policies and objectives set out in the PPF through the preparation and implementation of a CEMP and TMP.

Clause 19.03-2S (Infrastructure design and provision) aims to provide timely, efficient, and costeffective development infrastructure that meets the needs of the community.

The facilitation of the Infrastructure Works by a Planning Scheme Amendment to support the Project to provide for a timely, efficient, and cost-effective provision of development infrastructure that meets the needs of the community. The Infrastructure Works will enable the Project to supply rare earths and mineral sands which will help meet the needs of the Victorian community to decarbonise through the adoption of green technology and meet the needs for products like computers, fridges, and other products reliant on rare earths and mineral sands. The Project will also generate a net uplift of \$1.3 billion for the Victorian economy and bring much needed jobs and investment to the local community.

<u>Clause 19.03-2L (Infrastructure design and provision)</u> aims to provide a consistent approach to
the design and construction of infrastructure across the municipality. The Swan Hill Municipality
have adopted the standards identified in the *Infrastructure Design Manual*, Version 5.30 (Local
Government Infrastructure Design Association, 24 March 2020).

The design of the Infrastructure Works considers as appropriate the *Infrastructure Design Manual*, Version 5.30 (Local Government Infrastructure Design Association, 24 March 2020).

How does the Amendment support or implement the Municipal Planning Strategy?

The Gannawarra and Swan Hill Planning Schemes both contain Clause 02, forming part of the MPS of each planning scheme. The Amendment is consistent with, and gives effect to, the following clauses forming part of the MPS.

### **Gannawarra Planning Scheme**

- <u>Clause 02.02 (Vision)</u> sets out the Shire's vision for the municipality: 'building upon our strengths of people, place and pride to inspire a positive future together.'
  - The Project is compatible with the vision for the municipality as it brings investment into the local area, including 480 new jobs, while minimising environmental impact.
- Clause 02.03-2 (Environmental and landscape values) provides an overview of the natural landscape within the municipality and identifies key strategic directions for the environment.
  - The Infrastructure Works actively avoid impacts to ecology of the Murry-Darling Catchment, Kangaroo Lake, and the remnant vegetation in the local area. Through mitigation measures residual impacts have been assessed as minimal/negligible. Construction works and operation resources will not significantly impact agricultural activities.
- Clause 02.03-3 (Environmental risks and amenity) identifies environmental risks including bushfire and flooding within the municipality and sets out strategic directions for climate change, floodplains, and fire risks.
  - The Infrastructure Works considers inundation and bushfire in its design and management to mitigate damage to infrastructure and impacts to the environment.
- Clause 02.03-4 (Natural resource management) highlights the diversity of the Shire's agricultural sector and emphasises that the future of agriculture is dependent on sustainable practices that minimise pollution of waterways, soil salinity and erosion.
  - Licenced surface water will be purchased or leased for the Project. Further, mitigation measures in the EMP will be utilised to ensure works do not negatively affect human or environmental health. The pipeline offers opportunities for surrounding farms to use it following the decommissioning of the Project.
- <u>Clause 02.03-8 (Transport)</u> provides an overview of transport services across the municipality
  and seeks to 'support use and development that maintains and improves existing local transport
  infrastructure, including local roads, streets and bridges that are essential for local access and
  economic activity.'
  - The use and development of the Infrastructure Works maintains and improves existing local transport infrastructure, through upgrades to local roads that are essential for local access and economic activity. These upgrades will accommodate an expected increase in heavy freight traffic association with the Project.

### **Swan Hill Planning Scheme**

- <u>Clause 2.02 (Vision)</u> sets out the land use and development vision for the municipality, which seeks to 'encourage new business development, provide support for business expansion and continuously seek to help existing businesses prosper and implement policies that reduce environmental impacts and protect the environment.'
  - The Project supports the growing mine industry in the region, bringing much needed investment to the local area.
- <u>Clause 2.03-2 (Environmental and landscape values)</u> describes the municipality's environmental landscape and identifies the need to protect the environmental, visual and landscape values of the Murray River and environs, as well as protect and maintain remnant native vegetation for catchment heath and prevention of erosion.
  - The Infrastructure Works aims to protect and maintain remnant native vegetation through mitigation measures including a tree protection zone and aligning the pipeline to ensure minimal disruption to vegetation. The Infrastructure Works will have minimal visual and environmental impacts as assessed through the technical reports attached to the EES.
- <u>Clause 2.03-4 (Natural Resource Management)</u> outlines key strategic directions aimed at managing the natural resources of the municipality.

The use Infrastructure Works will not have an adverse impact on the nearby agricultural industry as only currently licenced surface water will be purchased or leased for the Project from the Goulburn-Murray Water system. Further, mitigation measures will be utilised to ensure works do not negatively affect human or environmental health which would affect agricultural activities. The Project (and the Infrastructure Works) will not affect future supply of water. Kangaroo Lake forms part of the Kerang Ramsar wetlands (*Environment Protection and Biodiversity Conservation Act* 1999). It is not expected that there will be any changes from the baseline conditions to the ecological character of Kangaroo Lake as a result of the Project or Infrastructure Works.

 <u>Clause 02.03-5 (Built form and heritage)</u> seeks to protect Aboriginal and European heritage and minimise visual, acoustic, or other off-site effects of industrial use and development on surrounding land.

The Cultural Heritage Management Plan (CHMP) that is required for the Project includes consideration of land within the pipeline route and where the water pump station is sited on Kangaroo Lake. The pipeline route is the only area where the Project or Infrastructure Works affect an area of Aboriginal Cultural Heritage Sensitivity. Measures outlined in the CHMP to manage and protect Aboriginal cultural heritage will be undertaken before, during and after any applicable buildings and works. Unexpected cultural finds will be addressed according to the CHMP.

 <u>Clause 02.03-6 (Economic development)</u> acknowledges emerging mineral sand mining and solar industries in the region and aims to 'facilitate the growth of the mineral sands and solar energy generation industries.'

The Project helps to support and facilitate the growth of the mineral sands generation industries in the region. The Project consequently also supports the solar energy generation industries by adding to the supply of the rare earth elements and mineral sands necessary in the production of solar energy generation components. The demand for these materials is high and will continue to rise as future industries decarbonise.

 <u>Clause 02.03-7 (Transport)</u> confirms that the local economy is dependent on efficient transport corridors and that the local road network is important transport infrastructure that needs to be maintained and improved.

The Infrastructure Works upgrades surrounding local roads to accommodate for an increase in heavy vehicle traffic associated with the Project. This will make the roads safer and more efficient for freight vehicles and all road users. The Infrastructure Works upgrades the local road network infrastructure for the benefit of all road users.

• <u>Clause 02.03-8 (Infrastructure)</u> identifies that the delivery of efficient infrastructure is vital to generating economic growth and notes the following strategic directions 'encourage development to be in accordance with the Infrastructure Design Manual (Local Government Infrastructure Design Association 2020)' and 'Protect and consolidate water supply and irrigation infrastructure.'

The pipeline will supply water to the Project, however following the Project's decommissioning, there may be an opportunity for water sourced from the pipeline to aid in establishment of pasture and/or cover crops on soil stockpiles and rehabilitation areas and leave the pipeline operating whereby surface water would be available for purchase by landholders along the pipeline route via Goulburn-Murray Water, likely for farming irrigation.

The Infrastructure Works are in accordance with the *Infrastructure Design Manual (*Local Government Infrastructure Design Association 2020).

### Does the Amendment make proper use of the Victoria Planning Provisions?

The Amendment makes proper use of the Victoria Planning Provisions (**VPP**). The Amendment applies an Incorporated Document via the Specific Controls Overlay (SCO) under Clause 45.12 of the Planning Schemes. The purpose of Clause 45.12 is to apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances. The use of this provision for the Infrastructure Works is appropriate because the Project is of genuine State and regional significance as it will increase revenue and job creation and support the state's aspiration to be a 'critical minerals powerhouse.'

More specifically, Clause 45.12 and Clause 72.04 were selected as the most appropriate tools available in the VPP given:

- The Project is considered to represent an 'extraordinary' circumstance. It is a one-off mining project that, without the proposed Amendment, would require multiple planning permit approvals and a Planning Scheme Amendment as some components are prohibited.
- Clause 45.12 (SCO) applies the incorporated document, which provides for exemptions to
  planning controls elsewhere in the Planning Schemes, but does not affect permit triggers
  applying to any other development not associated with the Infrastructure Works to support the
  Project.
- The use of an Incorporated Document provides the opportunity to 'streamline' the range of planning approvals and within one planning process, allowing the Project Infrastructure Land to be used and developed, and environmental effects to be managed in a coordinated, consistent, transparent, and timely manner.
- There is an established precedence for the use of incorporated documents for a range of large scale infrastructure projects in Victoria, including projects requiring approval for a range of land uses and linear infrastructure.

### How does the Amendment address the views of any relevant agency?

Consultation has occurred with the following agencies, authorities and stakeholders in the process of developing the Project and preparing the Amendment:

- Department of Transport and Planning (DTP)
- Department of Energy, Environment, and Climate Action
- Department of Health and Human Services
- Department of Transport (now Department of Transport and Planning)
- Earth Resources Regulation
- Environment Protection Authority Victoria
- First Peoples State Relations
- Gannawarra Shire Council
- Goulburn-Murray Water
- Grampians Wimmera Mallee Water
- Heritage Victoria
- Mallee Catchment Management Authority
- North Central Catchment Management Authority
- Swan Hill Rural City Council
- VicRoads / Regional Roads Victoria (Part of DTP)

Consultation with the broader community will occur as part of the EES consultation process.

### Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The Amendment will not have a significant impact on the transport system.

A Traffic Management Plan, Road Safety Audit(s), site access strategy, and heavy vehicle transport route assessments will be prepared to the satisfaction of Department of Transport and Planning.

### Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The implementation of the new planning provisions is expected to reduce the regulatory burden of the Infrastructure Works on the relevant responsible authorities and will have a minimal impact on the resource and administrative costs by consolidating approvals into one streamlined process.

### Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Swan Hill Rural City Council Gannawarra Shire Council
<a href="https://www.swanhill.vic.gov.au">www.swanhill.vic.gov.au</a>
<a href="https://www.gannawarra.vic.gov.au">www.gannawarra.vic.gov.au</a>

45 Splatt Street 47 Victoria Street

Swan Hill Kerang

The Amendment can also be inspected free of charge at the Department of Transport and Planning's website at <a href="http://www.planning.vic.gov.au/public-inspection">http://www.planning.vic.gov.au/public-inspection</a> or by contacting the office on 1800 789 386 to arrange a time to view the Amendment documentation.

### Attachment A – Project Infrastructure Land subject of the Amendment



### Planning and Environment Act 1987

### **GANNAWARRA PLANNING SCHEME**

#### **SWAN HILL PLANNING SCHEME**

### **AMENDMENT GC218**

### **INSTRUCTION SHEET**

The planning authority for this amendment is the Minister for Planning.

The Gannawarra Planning Scheme is amended as follows:

### **Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 6 attached map sheets.

### **Overlay Maps**

- 1. Amend Planning Scheme Map No. 4SCO in the manner shown on the 2 maps marked "Gannawarra Planning Scheme Amendment GC218".
- 2. Amend Planning Scheme Map No. 5SCO in the manner shown on the 2 attached maps marked "Gannawarra Planning Scheme, Amendment GC218".
- 3. Insert new Planning Scheme Map No.1SCO in the manner shown on the 2 attached maps marked "Gannawarra Planning Scheme, Amendment GC218".
- 4. Insert new Planning Scheme Map No. 3SCO in the manner shown on the 3 attached maps marked "Gannawarra Planning Scheme, Amendment GC218".

### **Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

- 5. In **Overlays** Clause 45.12, replace the Schedule with a new Schedule in the form of the attached document.
- 6. In **Operational Provisions** Clause 72.03, replace the Schedule with a new Schedule in the form of the attached document.
- 7. In **Operational Provisions** Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

The Swan Hill Planning Scheme is amended as follows:

### **Planning Scheme Maps**

The Planning Scheme Maps are amended by a total of 4 attached map sheets.

### **Overlay Maps**

8. Amend Planning Scheme Map No. 35SCO, in the manner shown on the 1 attached map marked "Swan Hill Planning Scheme, Amendment GC218".

- 9. Insert new Planning Scheme Map No. 33SCO in the manner shown on the 2 maps marked "Swan Hill Planning Scheme, Amendment GC218".
- 10. Insert new Planning Scheme Map No. 34SCO in the manner shown on the 1 map marked "Swan Hill Planning Scheme, Amendment GC218".
- 11. Insert new Planning Scheme Amendment Map No. 46SCO in the manner shown on the 2 attached maps marked "Swan Hill Planning Scheme, Amendment GC218".

### **Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

- 12. In **Overlays** Clause 45.12, replace the Schedule with a new Schedule in the form of the attached document.
- 13. In **Operational Provisions** Clause 72.03, replace the Schedule with a new Schedule in the form of the attached document.
- 14. In **Operational Provisions** Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

End of document

30/06/2020 GC160

### SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY

### 1.0 Specific controls

xx/xx/202x GCXXX

PS Map Ref	Name of incorporated document
SCO1	Hospital Emergency Medical Services - Helicopter Flight Path Protection Areas Incorporated Document, June 2017
SCO2	Goulburn-Murray Water: Connections Project and Water Efficiency Project Incorporated Document, November 2021
SCO3	Goschen Rare Earths and Mineral Sands Project Incorporated Document, August 2023

#### 31/07/2018 VC148

### SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

### 1.0 Maps comprising part of this planning scheme:

#### xx/xx/202x GCXXX

- 1, 1BMO, 1ESO2, 1ESO3, 1ESO4, 1LSIO, 1RFO
- 2, 2EAO, 2ESO2, 2ESO4
- 3, 3BMO, 3ESO4, 3LSIO, 3RFO, 3SCO, 3VPO
- 4, 4BMO, 4ESO1, 4ESO2, 4ESO3, 4ESO4, 4LSIO, 4RFO, 4SCO, 4VPO
- 5, 5LSIO, 5SCO
- 6, 6ESO1, 6ESO2, 6ESO3, 6ESO4, 6HO, 6LSIO, 6RFO, 6SCO
- 7, 7BMO, 7ESO1, 7ESO2, 7ESO3, 7ESO4, 7HO, 7LSIO, 7RFO, 7SCO, 7VPO
- 8, 8ESO2, 8ESO4, 8LSIO, 8SCO
- 9, 9BMO, 9ESO1, 9ESO4, 9HO, 9LSIO, 9PAO, 9SCO, 9VPO
- 10, 10BMO, 10ESO1, 10ESO2, 10ESO3, 10ESO4, 10LSIO, 10RFO, 10VPO
- 11, 11BMO, 11ESO1, 11ESO2, 11ESO4, 11LSIO, 11RFO, 11VPO
- 12, 12EAO, 12ESO1, 12ESO2, 12ESO4, 12LSIO, 12RFO
- 13, 13BMO, 13ESO1, 13ESO2, 13ESO3, 13ESO4, 13HO, 13LSIO, 13RFO, 13SCO, 13VPO
- 14, 14AEO, 14BMO, 14DDO, 14DPO, 14ESO1, 14ESO2, 14ESO3, 14ESO4, 14HO, 14LSIO, 14PAO, 14RFO, 14SCO, 14VPO
- 15, 15AEO, 15BMO, 15DDO, 15DPO, 15EAO, 15ESO1, 15ESO2, 15HO, 15LSIO, 15RFO, 15SCO
- 16, 16BMO, 16ESO1, 16ESO2, 16ESO3, 16ESO4, 16HO, 16LSIO, 16RFO, 16SCO, 16VPO
- 17, 17BMO, 17EAO, 17ESO1, 17ESO2, 17ESO4, 17HO, 17LSIO, 17SCO
- 18, 18BMO, 18DDO, 18DPO, 18ESO1, 18ESO2, 18ESO4, 18HO, 18LSIO, 18SCO, 18VPO
- 19, 19BMO, 19DDO, 19DPO, 19EAO, 19ESO1, 19ESO2, 19ESO4, 19HO, 19LSIO, 19SCO, 19VPO
- 20, 20BMO, 20ESO1, 20ESO4, 20LSIO, 20RFO, 20RO, 20VPO
- 21, 21BMO, 21ESO1, 12ESO4, 21LSIO, 21RFO, 21SCO, 21VPO
- 22, 22BMO, 22ESO2, 22ESO3, 22ESO4, 22LSIO, 22RFO, 22SCO, 22VPO
- 23, 23BMO, 23ESO1, 23ESO2, 23ESO3, 23ESO4, 23LSIO, 23PAO, 23RFO, 23SCO, 23VPO
- 24, 24ESO1, 24ESO3, 24ESO4, 24HO, 24LSIO, 24RFO, 24SCO
- 25, 25ESO4, 25HO, 25LSIO, 25SCO
- 26, 26BMO, 26ESO1, 26ESO2, 26ESO4, 26LSIO, 26RFO, 26SCO, 26VPO
- 27, 27ESO2, 27ESO4, 27SCO
- 28, 28BMO, 28ESO1, 28ESO2, 28ESO4, 28HO, 28LSIO, 28SCO

31/07/2018 VC148

### SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

### 1.0 Incorporated documents

xx/xx/202x GCxxx

Name of document	Introduced by:
Australian Standard AS2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, Standards Australia, 2015	VC107
Goulburn-Murray Water: Connections Project and Water Efficiency Project Incorporated Document, November 2021	GC196
Goulburn-Murray Water Native Vegetation Code of Practice, February 2011	C31
Hospital Emergency Medical Services - Helicopter Flight Path Protection Areas Incorporated Document, June 2017	GC49
Obstacle Limitation Surface Plan, Plan Sheet 2 of 2, Reference Number F1359, prepared by Price Merrett and Associates Pty Ltd	NPS1
Rail Gauge Standardisation Project, Integrated Approval Requirements, December 2002	VC17
Wimmera Mallee Pipeline Project Gannawarra Planning Scheme Incorporated Document	C20
Wimmera Mallee Pipeline Project Supply System 5 Murray/Culgoa, August 2007	C18
Goschen Rare Earths and Mineral Sands Project Incorporated Document, August 2023	GC218

30/06/2020 GC160

### SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY

### 1.0 Specific controls

xx/xx/202x GCxxx

PS Map Ref	Name of incorporated document
SCO1	Goulburn-Murray Water: Connections Project and Water Efficiency Project Incorporated Document, November 2021
SCO2	Goschen Rare Earths and Mineral Sands Project Incorporated Document, August 2023

#### 22/10/2021 C73swan

### SCHEDULE TO CLAUSE 72.03 WHAT DOES THIS PLANNING SCHEME CONSIST OF?

### 1.0 Maps comprising part of this planning scheme:

#### xx/xx/202x GCXXX

- 1, 1BMO, 1ESO, 1LSIO
- 2, 2BMO, 2DPO, 2ESO, 2HO, 2LSIO
- 3, 3AEO, 3BMO, 3DDO, 3ESO, 3HO, 3LSIO
- 4, 4BMO, 4HO
- 5, 5BMO, 5ESO, 5LSIO, 5VPO
- 6, 6BMO, 6ESO, 6HO, 6LSIO, 6VPO
- 6a, 6aBMO, 6aESO, 6aHO, 6aLSIO
- 7, 7BMO, 7ESO, 7LSIO, 7VPO
- 8, 8BMO, 8ESO, 8LSIO, 8VPO
- 9, 9BMO, 9VPO
- 10, 10BMO, 10HO, 10VPO
- 11, 11BMO, 11VPO
- 12, 12BMO, 12ESO, 12HO
- 13, 13BMO, 13ESO, 13HO, 13LSIO, 13VPO
- 14. 14BMO, 14HO, 14VPO
- 15, 15ESO, 15HO, 15VPO
- 16, 16BMO, 16HO, 16VPO
- 17, 17BMO, 17HO, 17VPO
- 18, 18BMO, 18ESO, 18HO, 18LSIO, 18SCO, 18VPO
- 18a, 18aBMO, 18aESO, 18aHO, 18aLSIO, 18aSCO
- 19, 19BMO, 19EAO, 19ESO, 19HO, 19LSIO, 19VPO
- 20, 20BMO, 20ESO, 20VPO
- 21, 21BMO, 21ESO, 21HO, 21LSIO, 21VPO
- 22, 22BMO, 22HO
- 23, 23HO
- 24, 24BMO, 24HO, 24VPO
- 25, 25BMO, 25HO, 25SCO
- 26, 26BMO, 26DPO, 26ESO, 26HO, 26LSIO, 26SCO
- 26a, 26aBMO, 26aDPO, 26aEAO, 26aESO, 26aHO, 26aLSIO, 26aSCO
- 27, 27DPO, 27ESO, 27HO, 27SCO
- 28, 28BMO, 28ESO, 28HO, 28LSIO, 28SCO
- 29, 29BMO, 29ESO, 29LSIO, 29PAO, 29SCO
- 30, 30BMO, 30ESO, 30LSIO, 30SCO, 30VPO
- 31, 31BMO, 31HO, 31SCO
- 32, 32BMO, 32ESO, 32HO, 32LSIO, 32VPO
- 33, 33BMO, 33HO, 33LSIO, 33SCO, 33VPO
- 34, 34BMO, 34HO, 34SCO
- 35, 35BMO, 35HO, 35SCO, 35VPO
- 36, 36AEO, 36BMO, 36DDO, 36DPO, 36ESO, 36HO, 36LSIO, 36SCO, 36VPO
- 37, 37DDO, 37DPO, 37ESO, 37LSIO, 37SCO

### SWAN HILL PLANNING SCHEME

- 38, 38DDO, 38EAO, 38ESO, 38HO, 38LSIO, 38PAO, 38PO, 38SCO
- 39, 39AEO, 39DDO, 39DPO, 39SCO
- 40, 40DDO, 40DPO, 40ESO, 40HO, 40LSIO, 40PO, 40SCO
- 41, 41BMO, 41ESO, 41HO, 41LSIO, 41PAO, 41SCO
- 42, 42BMO, 42DPO, 42ESO, 42HO, 42SCO, 42VPO
- 43, 43BMO, 43DPO, 43ESO, 43LSIO, 43SCO
- 44, 44BMO, 44DPO, 44ESO, 44HO, 44LSIO, 44SCO, 44VPO
- 45, 45BMO, 45ESO, 45LSIO, 45VPO
- 46, 46BMO, 46SCO, 46VPO
- 47, 47BMO, 47SCO, 47VPO

31/07/2018 VC148

### SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

### 1.0 Incorporated documents

xx/xx/202x GCxxx

Name of document	Introduced by:
Australian Standard AS2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, Standards Australia Limited, 2015	VC107
Goulburn-Murray Water: Connections Project and Water Efficiency Project Incorporated Document, November 2021	GC196
Goulburn-Murray Water Native Vegetation Code of Practice, February 2011	C43
Rail Gauge Standardisation Project, Integrated Approval Requirements, December 2002	VC17
Wimmera Mallee Pipeline Project, Supply System 5 Murray/Culgoa, August 2007	C28
Goschen Rare Earths and Mineral Sands Project Incorporated Document, August 2023	GC218

# GOSCHEN RARE EARTHS AND MINERAL SANDS PROJECT

Incorporated Document September 2023

Incorporated Document in the Gannawarra Planning Scheme and Swan Hill Planning Scheme pursuant to section 6(2)(j) of the Planning and Environment Act 1987 (Vic).

### 1.0 INTRODUCTION

- 1.1 This document is an Incorporated Document in the Gannawarra and Swan Hill Planning Schemes (**the Planning Schemes**) pursuant to section 6(2)(j) of *the Planning and Environment Act 1987*.
- 1.2 This Incorporated Document facilitates the delivery of infrastructure required to support the Goschen Mineral Sands and Rare Earth Project (**the Project**) by providing a specific control for the purpose of Clause 45.12 of the Planning Schemes.
- 1.3 The control in Clause 4.0 prevails over any contrary or inconsistent provision in the Planning Schemes.
- 1.4 The control in this Incorporated Document does not apply to the use and development of the Project Infrastructure Land (as defined in Clause 3.0) for purposes other than the Project. Use and development of the Project Infrastructure Land for purposes other than the Project must be in accordance with the Planning Schemes.

### 2.0 PURPOSE

2.1 The purpose of the control is to provide specific controls for the Project on the Project Infrastructure Land, as defined in Clause 3.0, in accordance with Clause 4.0.

### 3.0 LAND TO WHICH THIS DOCUMENT APPLIES

3.1 The control in this Incorporated Document applies to the land shown as SCOX on the Planning Scheme maps forming part of the Planning Schemes (the **Project Infrastructure Land**), and as shown as the 'Area to which Incorporated Document Applies' in Appendix A of this Incorporated Document.

### 4.0 CONTROL

### 4.1 EXEMPTION FROM PLANNING SCHEME REQUIREMENTS

- 4.1.1 Despite any provision in the Planning Schemes to the contrary or any inconsistent provision in the Planning Schemes, no planning permit is required for, and no provision in the Planning Schemes operates to prohibit, restrict, or regulate the use or development of the Project Infrastructure Land for purpose of, or related to, the Project.
- 4.1.2 The use and development of the Project Infrastructure Land for the purpose of, or related to, the Project includes:
  - a. A new water intake pump station at Kangaroo Lake, including, but not limited to, pumps, electric motors, fuel generators, and other associated buildings and works.
  - b. A new water supply pipeline connecting the water intake pump station at Kangaroo Lake to the Project.
  - c. Road works including:
    - i. Creation or alteration of access to a road in a Transport Zone 2.
    - ii. Road widening and re-surfacing.
    - iii. Creation of acceleration, deceleration and turning lanes.

- iv. Expanding intersections for increased turning circles.
- v. Installing appropriate signage and road markings.
- d. Removing, destroying and lopping of trees and removing vegetation, including native vegetation and dead vegetation.
- e. Ancillary activities, preparatory and enabling works, including but not limited to:
  - vi. Developing and using lay down areas and depots for construction purposes.
  - vii. Temporary stockpiling of excavation material for construction purposes.
  - viii. Constructing and using temporary site workshops and storage, administration, and amenities buildings.
  - ix. Constructing and using temporary access roads, diversion roads, staff and vehicle parking areas, loading, and unloading areas, access paths and pedestrian walkways.
  - x. Demolishing and removing buildings, structures, infrastructure and works.
  - xi. Relocating, modifying, protecting, and upgrading services and utilities.
  - xii. Constructing fences, temporary site barriers and site security.
  - xiii. Constructing or carrying out works to create or alter roads, car parking areas, bunds, mounds, landscaping, excavate land, salvage artefacts, and alter drainage.
  - xiv. Earthworks including cutting, stockpiling and removal of spoil, and formation of drainage works.
  - xv. Displaying signs in relation to the Project.
  - xvi. Carrying out works to alter watercourses.

### 4.2 CONDITIONS

The use and development permitted by this Incorporated Document must be undertaken in accordance with the conditions set out below:

### 4.2.1 Addressing the Minister's Assessment

Any plan required by the conditions of this Incorporated Document must be generally in accordance with the Minister's assessment of the environmental effects of the Goschen Rare Earths and Mineral Sands Project dated [INSERT] under the *Environment Effects Act* 1978 (Minister's Assessment) unless otherwise approved by the responsible authority.

### 4.2.2 <u>Development Plan</u>

- a. Prior to the use and development of the Project Infrastructure Land for the purpose of, or related to, the Project, a Development Plan must be prepared and approved:
  - (in respect of structures, works and proposed activities proposed on Project Infrastructure Land within the Gannawarra local government area), by Gannawarra Shire Council.
  - ii. (in respect of structures, works and proposed activities proposed on Project Infrastructure Land within the Swan Hill Rural local government area, by Swan Hill City Council.
- b. The Development Plan may be prepared and approved in stages or in respect of any of the individual Project components listed in Clause 4.1.2, but the Development Plan for each stage or component must be approved before the commencement of development for that stage or component.

- c. The Development Plan may be amended to the satisfaction of the relevant responsible authority.
- d. The Development Plan must show:
  - i. The location and boundaries of the Project Infrastructure Land.
  - ii. The location and layout of proposed structures, works and proposed activities within the Project Infrastructure Land, and
  - iii. If the Development Plan is to be approved in stages or in respect of individual components of the Project, a plan for each stage of development or component for which approval is currently being sought.
- e. The use or development as shown on the Development Plan must not be altered without the written consent of the relevant responsible authority.

### 4.2.3 Environmental Management Plan

- a. Prior to the commencement of works set out in Clause 4.1, excluding preparatory works listed in Clause 4.3, an Environmental Management Plan (**EMP**) must be prepared in consultation with Gannawarra Shire Council and Swan Hill Rural City Council, submitted to and approved by the Minister for Planning.
- b. The EMP must include:
  - Environmental mitigation measures which achieve the desired environmental outcomes during the design, construction, operation and rehabilitation of infrastructure required to support the Project on the Project Infrastructure Land.
  - ii. The process and timing for the preparation of Construction Environment
    Management Plans and other plans required by mitigation measures that apply to
    infrastructure works required to support the Project on the Project Infrastructure
    Land.
  - iii. Performance monitoring and reporting processes, including auditing to ensure environmental and amenity effects are managed in accordance with mitigation measures during construction and operation of infrastructure works required to support the Project on the Project Infrastructure Land.
- c. The EMP must be submitted to and approved by the Minister for Planning and may be prepared and approved in stages or parts and may be amended with the approval of the Minister for Planning.
- d. The use and development of the Project Infrastructure Land under the controls in this Incorporated Document must be carried out in accordance with the approved EMP to the satisfaction of the responsible authority.

### 4.2.4 Native Vegetation

- a. Prior to the removal, destruction and/or lopping of native vegetation as set out in Clause 4.1, excluding preparatory works listed in Clause 4.3, details of the proposed removal of native vegetation necessary for the construction and delivery of infrastructure required to support the Project on the Project Infrastructure Land must be prepared in accordance with the application requirements in the *Guidelines for removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning (DELWP), December 2017) to the satisfaction of the Secretary to the Department of Energy, Environment and Climate Action.
- b. Prior to the removal, destruction and/or lopping of native vegetation as set out in Clause 4.1, excluding preparatory works listed in Clause 4.3, the biodiversity impacts from the proposed removal of that native vegetation must be offset in accordance with the Guidelines. The offset must include any native vegetation removed under Clause

- 4.3. Evidence that the required offset has been secured must be provided to the satisfaction of the Secretary to the Department of Energy, Environment and Climate Action.
- c. In exceptional circumstances, the Secretary to the Department of Energy, Environment and Climate Action may vary the timing of the offset requirement.
- d. The offset(s) secured for the Project may be reconciled in accordance with the Assessor's handbook Applications to remove, destroy or lop native vegetation (DELWP, October 2018).
- e. The requirements of this Clause may be satisfied in separate components or stages of a development, but each requirement must be satisfied before the removal of native vegetation for that component or stage.

### 4.2.5 Creating and altering access to roads

a. Where, but for this Incorporated Document, a planning permit application to create or alter access to a road in a Transport Zone, Category 2 (Principal road network) would be referred to the Head, Transport for Victoria, the relevant creation or alteration of access must be undertaken in consultation with the Head, Transport for Victoria.

### 4.2.6 Flood Management

a. Where, but for this Incorporated Document, a planning permit would be required under the Planning Schemes for buildings and works within the Floodway Overlay, Land Subject to Inundation Overlay or Floodway Zone, the relevant buildings and works must be undertaken to the satisfaction of the relevant floodplain management authority.

### 4.2.7 Easements

- a. Where, but for this incorporated document, a planning permit would be required under the Planning Schemes to create, vary, or remove an easement, the instruments and documentation required to create, vary or remove an easement and register the creation, variation or removal of the easement must be prepared to the satisfaction of, and approved by, the Minister for Planning prior to the creation, variation, or removal of the easement.
- b. The creation, variation or removal of easements must be undertaken generally in accordance with the approved plans and documents.

### 4.2.8 Other Conditions

- a. Unless otherwise stated, the plans and other documents listed in Clause 4.1 must be prepared and approved to the satisfaction of the Minister for Planning or other relevant approving authority prior to the use or development of land or creation of easements.
- b. Plans and other documents may be prepared and approved by the Minister for Planning for separate components or stages of the Project but each plan or other document must be approved before commencement for that component or stage, excluding preparatory works set out in Clause 4.3.
- c. The plans and documents required under Clause 4.2 may be amended to the satisfaction of the Minister for Planning or relevant approving authority
- d. The use and development of the Project Infrastructure Land and creation of easements must be undertaken generally in accordance with the approved plans and documents.

### 4.3 PREPARATORY BUILDING AND WORKS

4.3.1 The following preparatory buildings and works may be undertaken, and the Project Infrastructure Land may be used in the following manner before the requirements specified

in Clause 4.2 are satisfied. Preparatory buildings and works may include, but are not limited to:

- Buildings and works, including vegetation removal, where but for this Incorporated Document, a planning permit would not be required under the provisions of the Planning Schemes.
- b. Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
- c. Creation and use of construction access points and working platforms.
- d. Site establishment works including temporary site fencing and hoarding, site offices, and hardstand and laydown areas.
- e. Construction, protection, modification, removal or relocation of utility services, and associated infrastructure.
- f. Establishment of environment and traffic controls, including designation of 'no-go' zones.
- g. Establishment of temporary car parking for works under clause 4.3.
- h. Demolition to the minimum extent necessary, to enable preparatory works.
- 4.3.2 Removal of vegetation associated with preparatory buildings and works may be undertaken before the requirements specified in Clause 4.2 are satisfied, limited to the following:
  - a. The removal of native vegetation to the minimum extent necessary to enable preparatory buildings and works.
  - b. The removal of vegetation within an Environmental Significance Overlay and Vegetation Protection Overlay to the minimum extent necessary to enable preparatory buildings and works.
- 4.3.3 Before the removal of native vegetation under Clause 4.3.2, associated with preparatory buildings and works, information about the native vegetation to be removed must be provided to the satisfaction of the Secretary to the Department of Energy, Environment and Climate Action in accordance with the application requirements in the Guidelines.
- 4.3.4 The biodiversity impacts from the removal of native vegetation under Clause 4.3 must be included in the total biodiversity impacts when determining offset(s) in accordance with Clause 4.2.2.

### 4.4 EXPIRY

- 4.4.1 The specific controls contained in this Incorporated Document will expire if:
  - a) The development of the Project Infrastructure Land authorised by these controls is not:
    - a. started within four years of the approval date; and
    - b. completed within four years of the commencement of development.
  - b) The use of the Project Infrastructure Land authorised by these controls is not started within 2 years after of the completion of development.

If the use and development is not completed within 25 years, any use and development of the Project Infrastructure Land for purposes related to the Project must cease other than decommissioning works undertaken in accordance with the EMP.

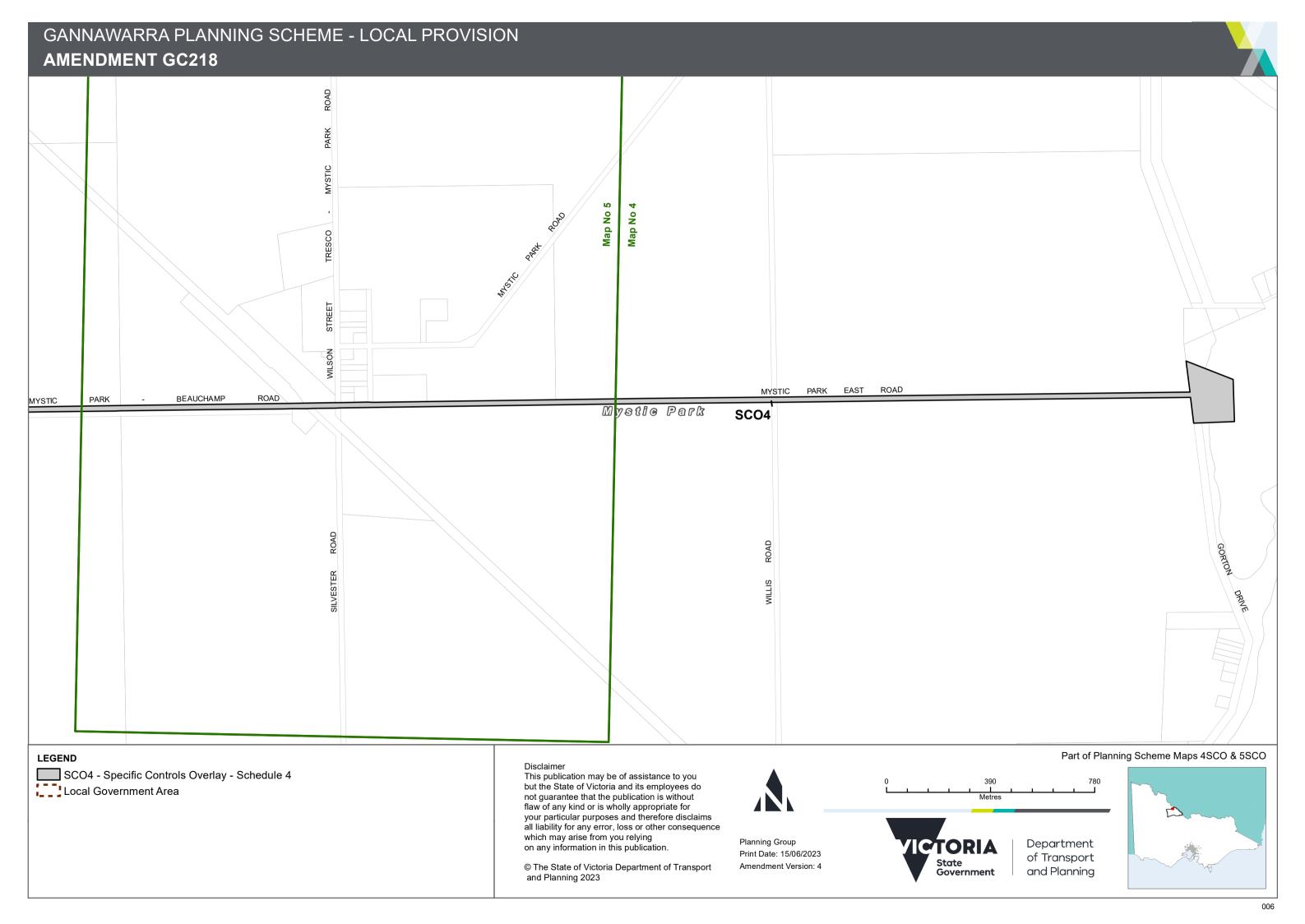
4.4.2 The Minister for Planning may extend any period referred to in this condition if a request is made in writing before these controls expire or within three months afterwards.

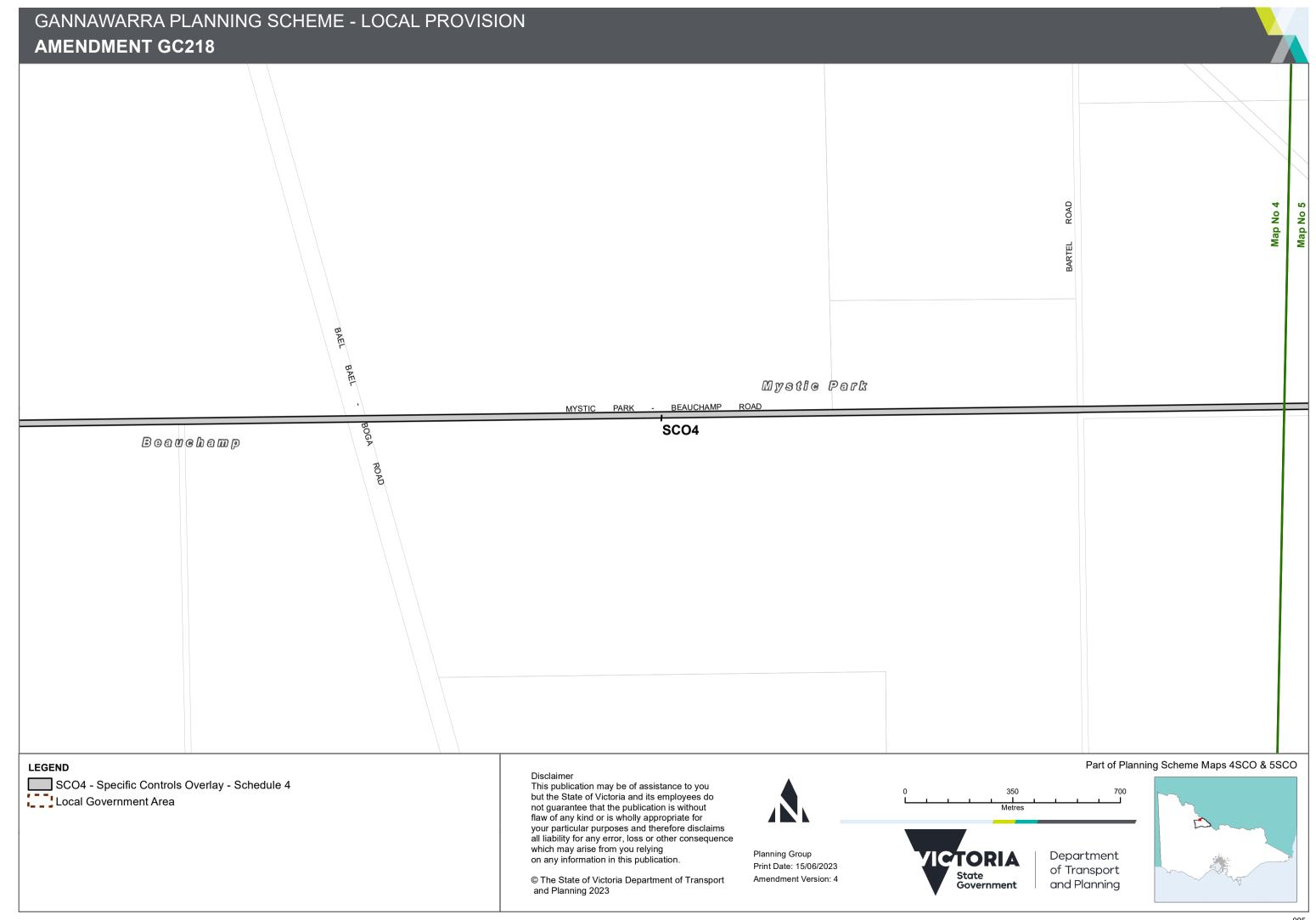
# Appendix A

AREA TO WHICH INCORPORATED DOCUMENT APPLIES

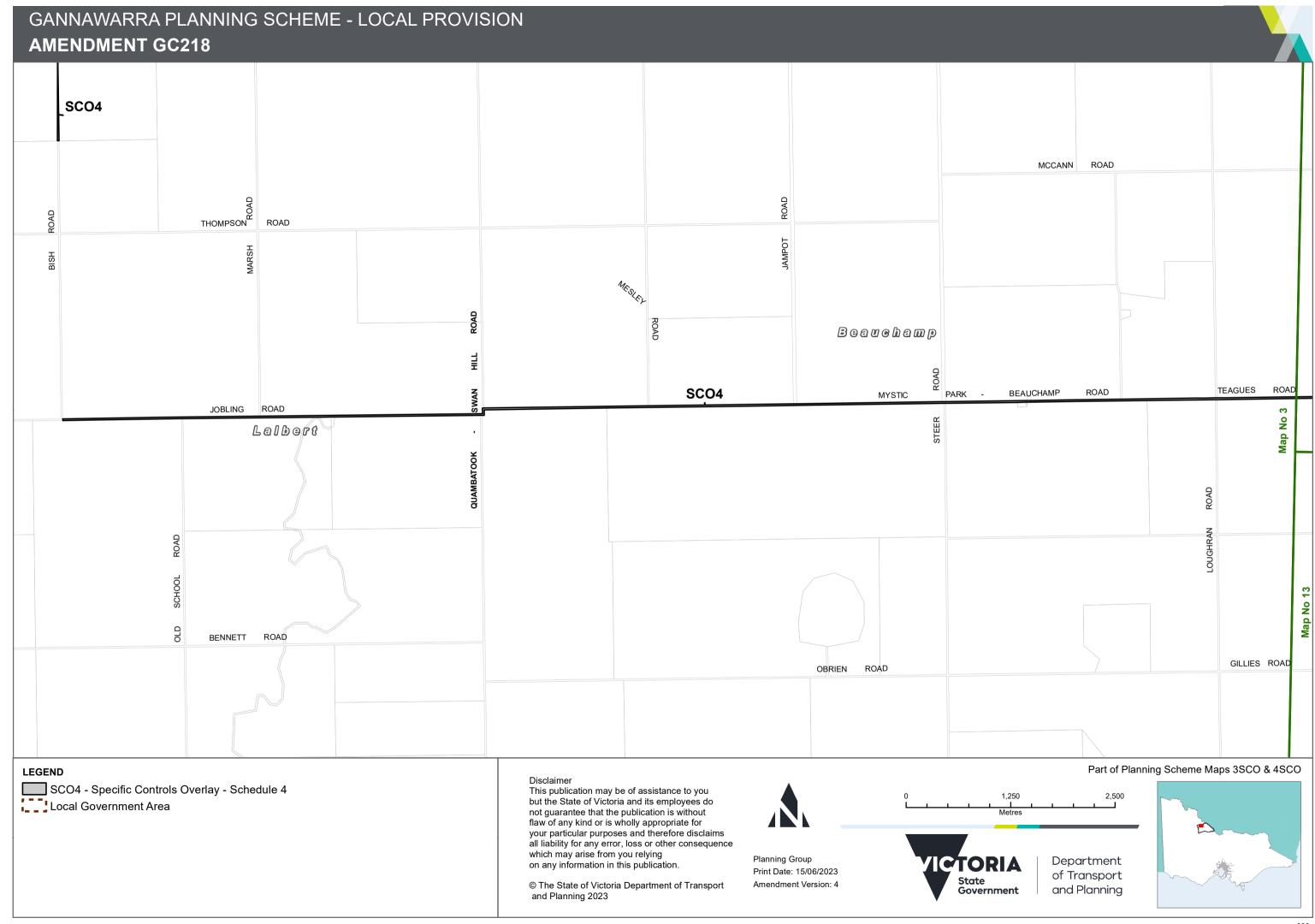
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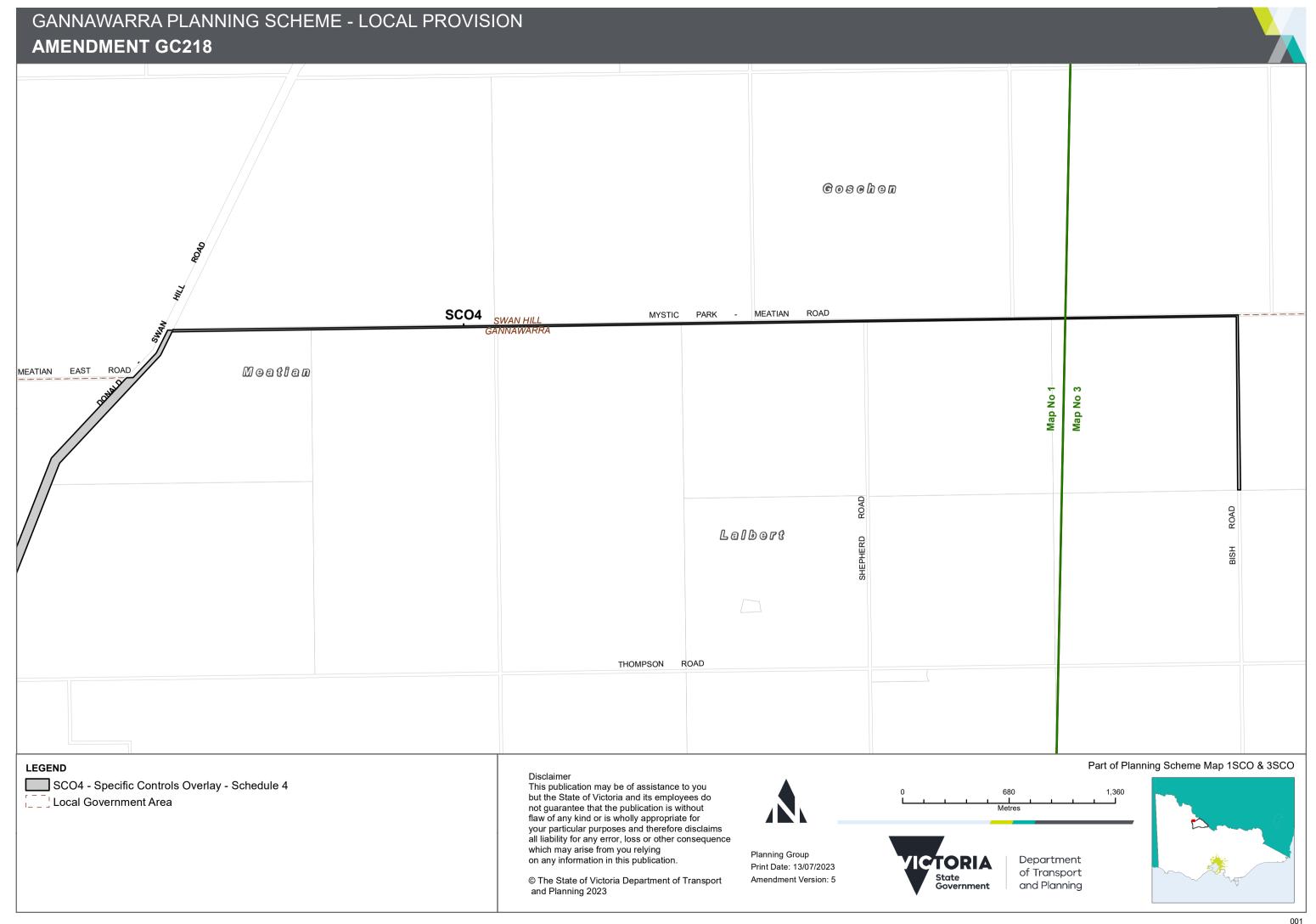


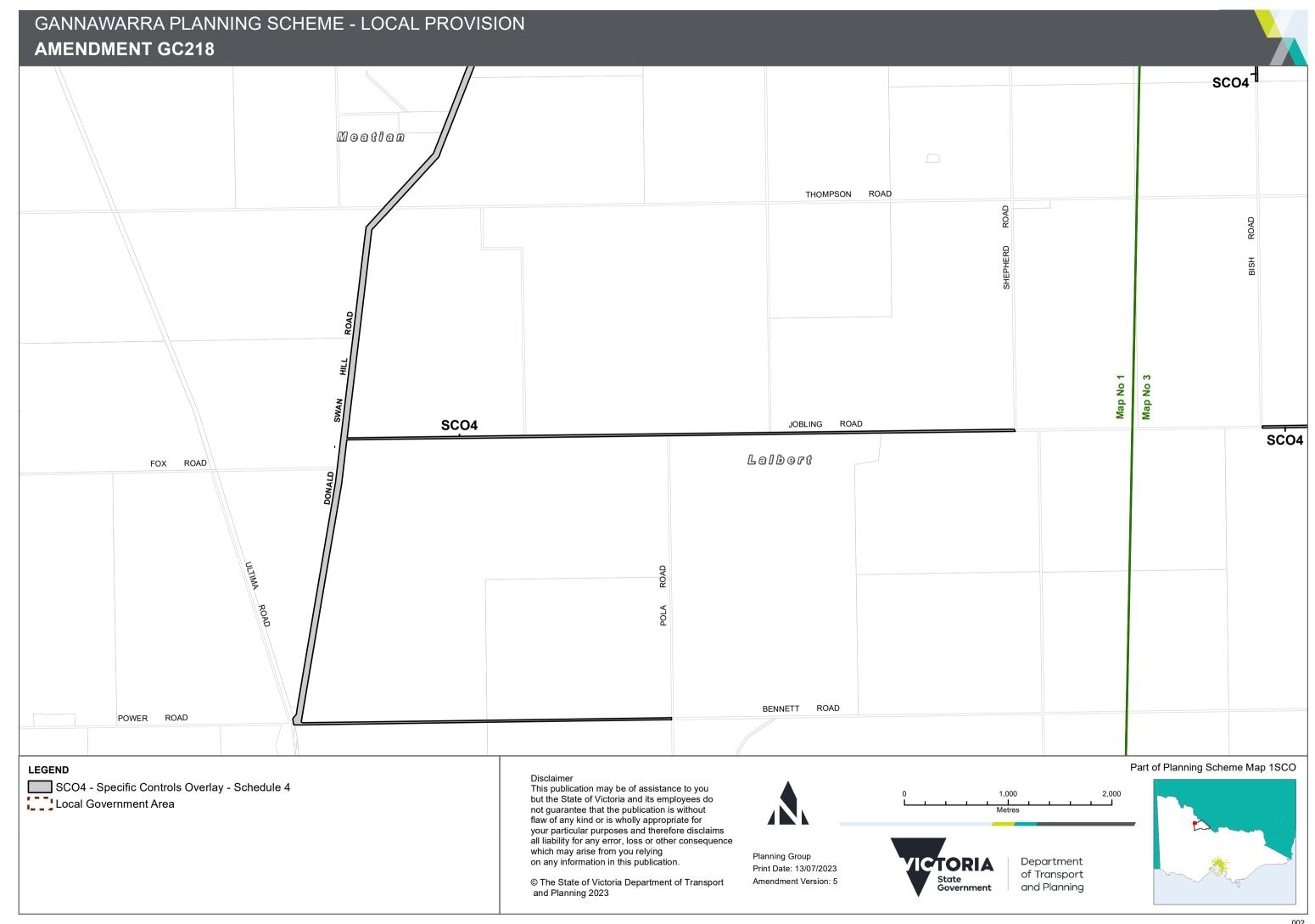


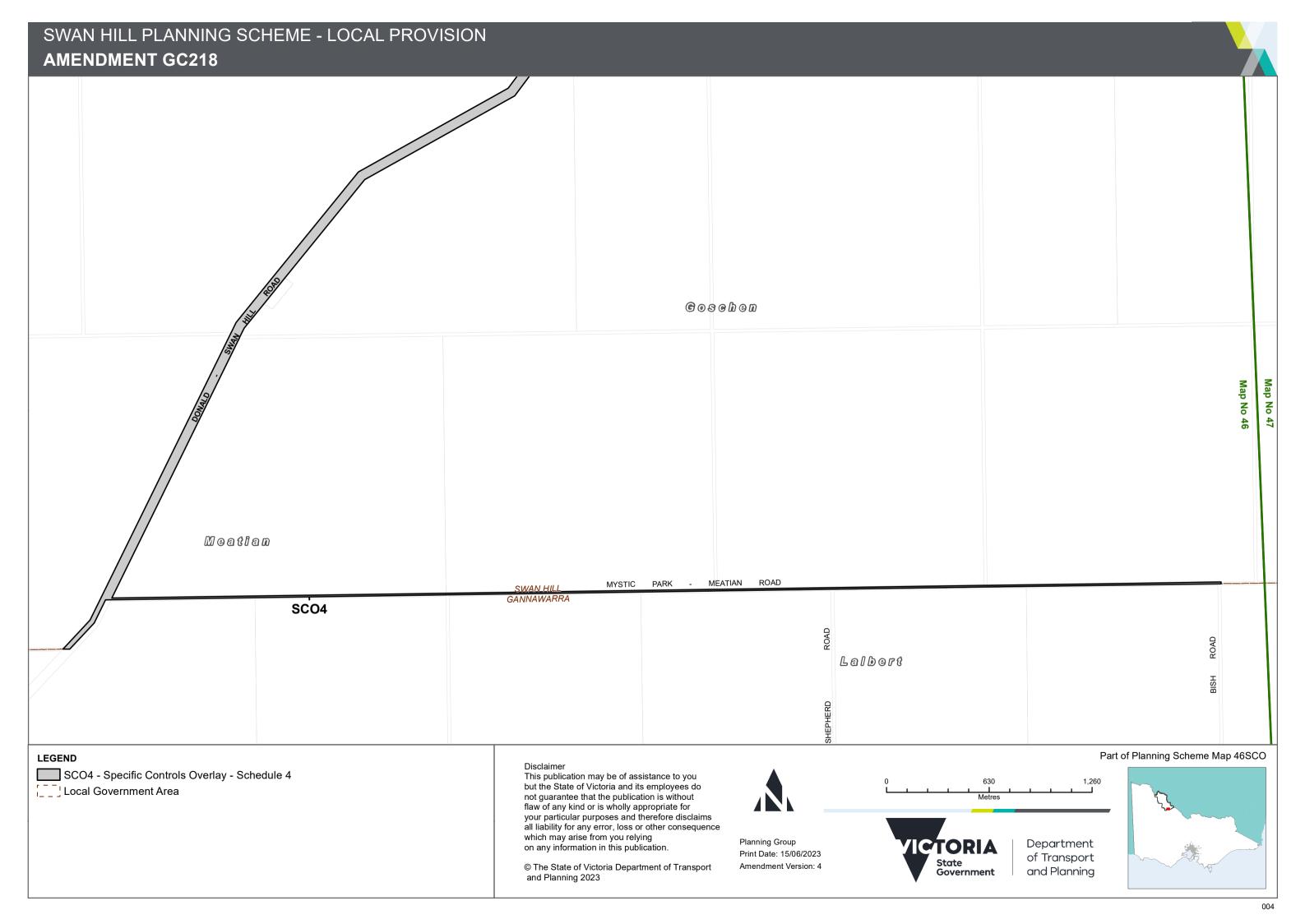


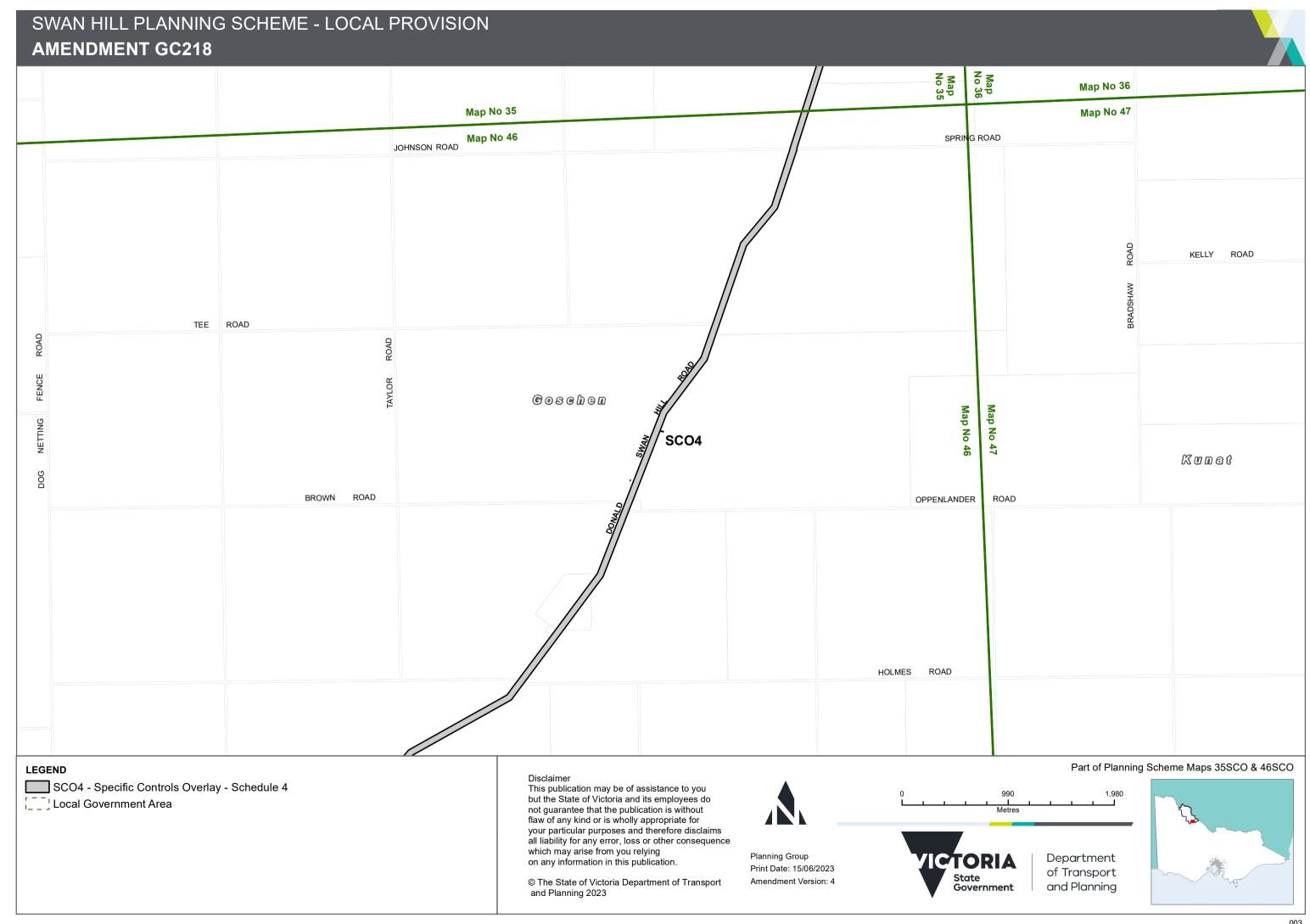


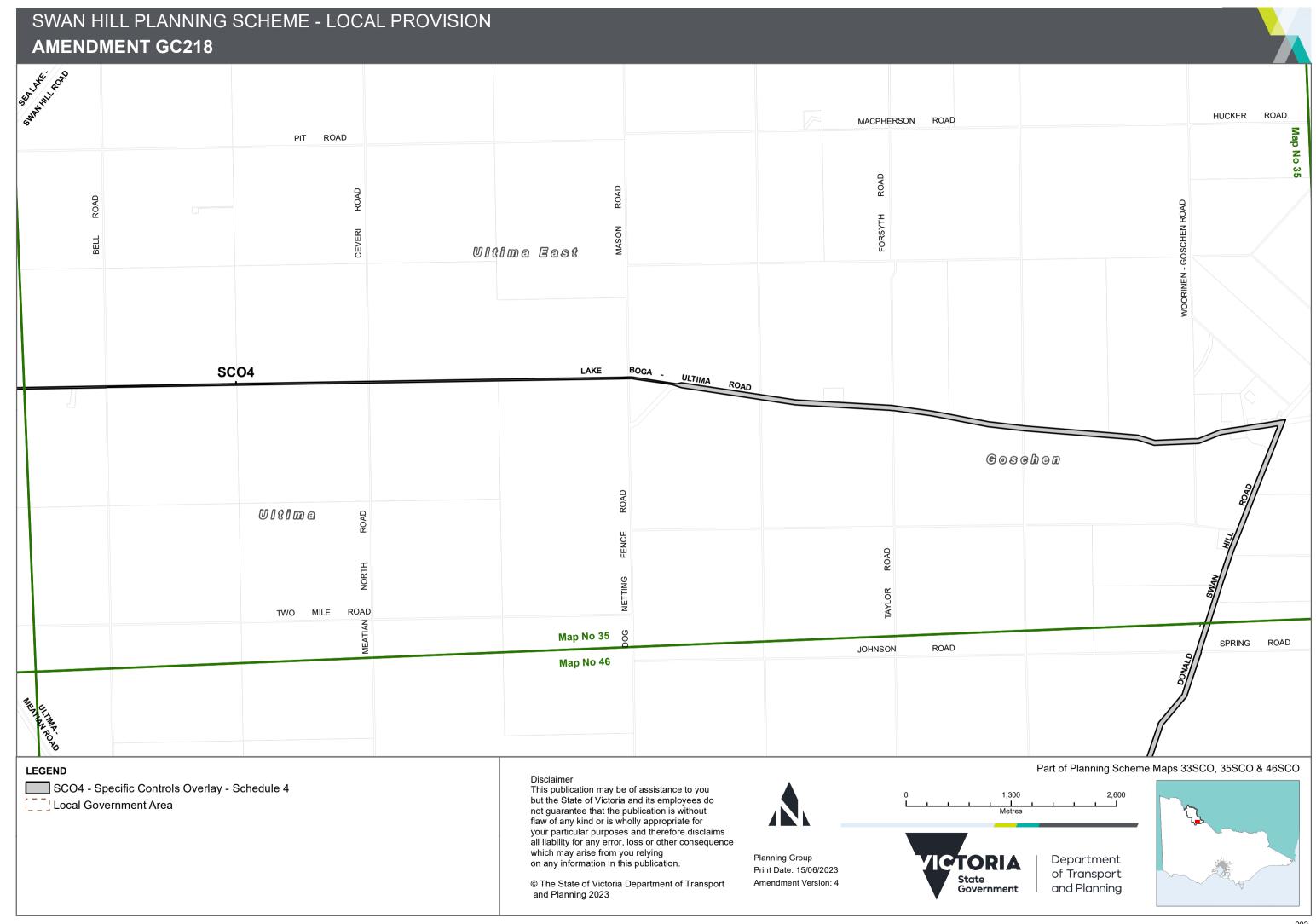


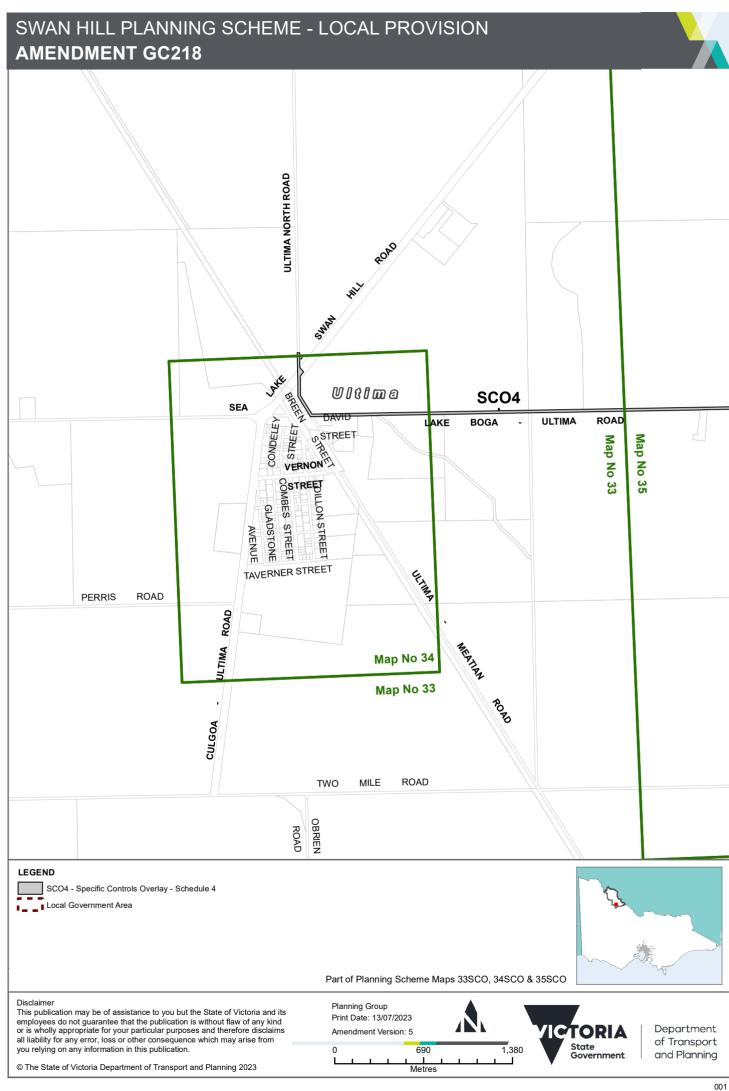












Prepared for VHM Limited ABN: 58 601 004 102



# Draft Planning Scheme Amendment GC218 -Planning Report

Goschen Rare Earths and Mineral Sands Project

10-Aug-2023 Goschen Rare Earths and Mineral Sands Project

# Draft Planning Scheme Amendment GC218 - Planning Report

Goschen Rare Earths and Mineral Sands Project

Client: VHM Limited
ABN: 58 601 004 102

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# **Quality Information**

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Originator Ellen Ryan and Kaity Munro

Checker/s Dan Haysom

Verifier/s

## **Revision History**

Rev	Revision Date	Details	Approved	
		Details	Name/Position Signature	
	08-Aug-2022		Vic Buljubasic Project Manager	

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# **Abbreviations**

Abbreviation	Term		
AECOM	AECOM Australia Pty Ltd		
AH Act	Aboriginal Heritage Act 2006		
ВМО	Bushfire Management Overlay		
DBPA	Designated Bushfire Prone Area		
CEMP	Construction Environmental Management Plan		
СНМР	Cultural Heritage Management Plan		
DEECA	Department of Energy, Environment, and Climate Action		
DCCEEW	Department of Climate Change, Energy, the Environment and Water		
DELWP	Department of Environment, Land, Water and Planning		
DTP	Department of Transport and Planning		
EE Act	Environment Effects Act 1978 (Victoria)		
EES	Environment Effects Statement		
EMF	Environmental Management Framework		
EMP	Environmental Management Plan		
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999 (Victoria)		
ESO	Environmental Significance Overlay		
FTE	Full-Time Equivalent		
FZ	Farming Zone		
GMW	Goulburn-Murray Water		
GPS	Gannawarra Planning Scheme		
LSIO	Land Subject to Inundation Overlay		
MRSD Act	Mineral Resources (Sustainable Development) Act 1990 (Victoria)		
MPS	Municipal Planning Strategy		
NCCMA	North Central Catchment Management Authority		
PCRZ	Public Conservation and Resource Zone		
PE Act	Planning and Environment Act 1987 (Victoria)		
PPF	Planning Policy Framework		
PSA	Planning Scheme Amendment		
RFO	Floodway Overlay		
S173	Section 173 Agreement of the PE Act		
SCO	Specific Controls Overlay		
SHPS	Swan Hill Planning Scheme		
The PSA	Amendment GC218 to the Gannawarra and Swan Hill Planning Schemes		

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Abbreviation	Term		
The Incorporated Document	The Goschen Rare Earths and Mineral Sands Project Incorporated Document, August 2023		
The Infrastructure Works	Works relating to Amendment GC218 including water pump station, pipeline, road and infrastructure upgrades, and associated vegetation removal		
The Mining Licence Area	Land covered by the mining or prospecting licence for Goschen Rare Earths and Mineral Sands Project		
The Planning Schemes	The Gannawarra and Swan Hill Planning Schemes		
The Project	Goschen Rare Earths and Mineral Sands Project		
The Project Infrastructure Land	Land shown as SCOX on the Planning Scheme maps, land outside the Mining Licence Area on which the Infrastructure Works take place		
TI Act	Transport Integration Act 2010 (Victoria)		
TRZ1	Transport Zone 1		
TRZ2	Transport Zone 2		
TZ	Township Zone		
VHM	VHM Limited		
VPO	Vegetation Protection Overlay		

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# **Executive Summary**

Goschen Rare Earths and Mineral Sands Project (the Project) comprises the development of a rare earth and mineral sands mine and processing facility in Goschen, near Swan Hill, approximately four hours' drive (280 kilometres) northwest of Melbourne. If approved, the Project would extract and process rare earth mineral deposits in the Loddon Mallee to produce and market a range of products to national and international consumers.

VHM Limited (the proponent) is seeking a mining licence (also referred to as MIN in Figure 1) which would exempt the Project from requiring approval under the *Planning and Environment Act 1987* for the use or development of the land for mineral extraction in accordance with the exemptions set out under Sections 42(6) and 42(7) of the *Mineral Resources (Sustainable Development) Act 1990*.

This report and Planning Scheme Amendment GC218 (**Amendment GC218**) request specifically relates to associated works that are required to facilitate the Project and are not subject to the exemptions set out above as they will be constructed outside of the proposed Mining Licence Area. These works include the proposed water pipeline, pump station, works associated with road intersection and infrastructure upgrades, and associated removal, destruction, and lopping of trees and vegetation, including native vegetation and dead vegetation (**the Infrastructure Works**).

Amendment GC218 seeks to insert a new Incorporated Document titled *'The Goschen Rare Earths and Mineral Sands Project Incorporated Document, August 2023'* into the Gannawarra and Swan Hill Planning Schemes. Amendment GC218 would create a single project-specific planning approval for the Infrastructure Works that would facilitate its development and delivery.

Extensive consultation is being undertaken for GC218. It is proposed that the amendment be jointly exhibited with the Environment Effects Statement associated with the Project and consultation is underway with relevant Councils, the community, nearby affected landowners, State Government agencies and other relevant stakeholders through the Environment Effects Statement process. The outcome of this consultation is shown in section 5.0.

VHM Limited requests the Minister for Planning to exercise the powers under Section 20(4) of the *Planning and Environment Act 1987* to prepare, adopt and approve Amendment GC218 to the Gannawarra Planning Scheme and the Swan Hill Planning Scheme.

#### 1.0 Introduction

## 1.1 Purpose of the Report

This Planning Report has been prepared by AECOM Australia Pty Ltd (AECOM) to facilitate the proposed Planning Scheme Amendment (PSA) GC218 (the PSA) required to support the development of the Goschen Rare Earths and Mineral Sands Project (the Project), specifically to the proposed water pipeline, pump station, works associated with road intersection and infrastructure, and associated removal, lopping and destruction of vegetation, including native vegetation (the Infrastructure Works)

The purpose of the Report is to:

- Describe the Infrastructure Works and their context
- Identify relevant legislation and policy
- Outline the results and findings of relevant specialist investigations
- Outline the context of the PSA request
- Provide justification for the use of Section 20(4) of the Planning and Environment Act 1987 (PE Act)

This Report supports the application of the PSA to the Gannawarra and Swan Hill Planning Schemes (the Planning Schemes). In summary the PSA would:

Amend the following Overlay Maps in their relevant Planning Schemes:

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Revision - 10-Aug-2023

Prepared for - VHM Limited - ABN: 58 601 004 102

- Gannawarra Planning Scheme Maps: 4SCO and 5SCO
- Swan Hill Planning Scheme Maps: 35SCO
- Insert the following Overlay Maps in their relevant Planning Schemes:
  - Gannawarra Planning Scheme Maps: 1SCO
  - Swan Hill Planning Scheme Maps: 33SCO, 34SCO and 46SCO
- Apply a Specific Controls Overlay (SCO) to the Project Infrastructure Land to allow the use and development of land for the Infrastructure Works in accordance with the specific controls in the Gannawarra and Swan Hill Planning Schemes
- Amend the Schedules to Clause 45.15 (SCO) in the Planning Schemes to allow the use and development of land for a water pump station, pipeline, and associated road and infrastructure upgrades in accordance with the specific controls in the 'The Goschen Rare Earths and Mineral Sands Project Incorporated Document, August 2023' (the Incorporated Document).
- Amend the schedule to Clause 72.03 (What Does this Scheme Consist of?) to reflect inclusion of the following Overlay Maps in the relevant Planning Schemes:
  - Gannawarra Planning Scheme Maps: 1SCO and 3SCO
  - Swan Hill Planning Scheme Maps: 33SCO, 34SCO, and 46SCO
- Amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) by inserting an incorporated document titled 'The Goschen Rare Earths and Mineral Sands Project Incorporated Document, August 2023' to the Planning Schemes.

### 1.2 Report Structure

This Report is presented as follows:

- Section 2.0 provides an overview of the Infrastructure Works and its benefits
- Section 3.0 outlines the legislation and policy context
- Section 4.0 summarises the relevant specialist investigations
- Section 5.0 presents an overview of the stakeholder consultation undertaken
- Section 6.0 provides an overview of the PSA approach
- Section 7.0 provides a conclusion to this Report.

# 2.0 Infrastructure Works Description and Benefits

#### 2.1 Overview

The Project is a 20-25 year rare earth and mineral sands mine and processing facility, in the Loddon Mallee Region of Victoria, approximately 35 kilometres south of Swan Hill. The Project would involve the mining and processing of heavy mineral sands and rare earths at a throughput of approximately 5 million tonnes per annum and the production of mixed heavy mineral concentrate, zircon concentrate, rutile product, leucoxene products, ilmenite product and rare earth mineral products, over an approximate 20-25 year Project life. Mine products are proposed to be transported via road or by rail for export overseas.

This report and the PSA specifically relates to works that fall outside the proposed mining licence boundary. This includes the proposed water pipeline, pump station, works associated with road intersection and infrastructure upgrades, and associated removal, lopping and destruction of vegetation, including native vegetation (the **Infrastructure Works**) specifically:

- A new water intake pump station at Kangaroo Lake, including two horizontal pumps, two electric motors, a dual-fuel generator, and other associated buildings and works.
- A new water pipeline would travel west from Kangaroo Lake along Mystic Park East Road and Mystic Park – Beauchamp Road, beneath the trafficked roadway rather than in the roadside. The pipeline would then follow Lookout Road south and Teague Road west, before joining Mystic Park – Beauchamp Road. This alignment will be carried forward in the PSA documentation and the alternate route, indicated in Figure 2,
- discounted.
- Alternate pipeline route (option 2) would follow Mystic Park Beauchamp Road south and to the
  west.
- Creation and variation of easements to accommodate the water supply pipeline.
- Road works including creation or alteration of access to a road in a Transport Zone 2, widening, resurfacing, acceleration, deceleration and turning lanes and expanding intersections for increased turning circles, and installing appropriate signage and road markings.
- Vegetation removal associated with any of the above.
- Ancillary activities, preparatory and enabling works

While the alternate pipeline route was assessed as part of the EES, the planning controls proposed to be introduced as part of the Planning Scheme Amendment, including associated mapping for the Specific Controls Overlay, will not include the 'alternate' route.

#### 2.1.1 Water Pipeline and Pump Station

Water would be required for construction earthworks, processing, dust suppression and rehabilitation. Up to 4.7 gigalitres a year would be needed for the Project. Water would be sourced from Goulburn-Murray Water (**GMW**) from a new pump station at Kangaroo Lake via the open water market. A 37 kilometre (approximate) underground pipeline is proposed beneath existing local road reserves to transport water from the pump station to the Mining Licence Area. Kangaroo Lake provides a year-round source of good quality, low salinity water channelled through the GMW channel network. Kangaroo Lake is a secure and reliable supply of water from the regulated Murray River supply system, underpinned by the buffer available in a number of large storages upstream. There is ample water available in all seasons to meet the Project's annual and peak demand. It is not expected that there would be any constraints put on existing or future agricultural availability as a result of the proposed works.

Based on the recommended option of a supply from Kangaroo Lake to the Project (via a nominated Goschen supply point) and discussions with Gannawarra Shire Council, the preferred option is a single privately owned pump station constructed as a GMW approved works near the existing supply point for

the GMW 4/7 channel on public land on the bank of Kangaroo Lake, with the underground pipeline following the most direct route possible utilising the local road network.

Groundwater is considered unsuitable as the water quality, water table depth and rate of extraction are all unfavourable.

The Infrastructure Works associated with the last phase of construction and operation of the Project would involve:

- Design of the pump station
  - The concept design for the pump station anticipates two 400 kilowatt horizontal pumps each with an electric motor. Each motor would be controlled by a variable speed drive powered from a common switchboard. It is expected that the switchboard would be connected to the Powercor electricity grid but would also be able to be powered by a diesel-powered generator. Powercor would be consulted regarding this connection.
  - The exact footprint and design solution for the pump would need to be agreed with the Gannawarra Shire Council, (the site managers), Department of Transport and Planning (DTP) planning staff (the owners) and GMW (the water authority).
- Construction of the intake pump station at Kangaroo Lake, including station building and control system.
- Ongoing operation and maintenance of pump for the lifetime of the Project.
- Pipeline construction
  - The water supply pipeline would be constructed in the alignment as shown in Figure 2. The pipeline would be placed either along the centre line of the nominated local roads or adjacent to the road reserve.
  - It is expected that the pipeline would take 8-12 months to construct. A pipe crew would commence construction from each end, one from the Mining Licence Area and one from the pump station. Each crew would lay approximately 70 metres of pipe per day.
  - Construction of the pipeline includes:
    - Approximately 38 kilometres of underground pipeline along road corridors
    - A pipe diameter of approximately 450 millimetres, installed in a nominal one-metre-wide trench to a maximum depth of 1.5 metres depending on ground conditions
    - Crossing under the live rail line (Swan Hill Bendigo V Line /Pacific National Railway) by directional drilling.
    - Irrigation channel crossings either by a pipe bridge or directional drilling
    - Main road (Swan Hill Quambatook Road) crossing by directional drilling.
    - Standard pipeline construction methodology of trenching, which would require approximately a 6-metre-wide construction corridor, predominantly within the existing road reserve. Where this is not feasible, construction may require non-destructive digging to minimise the construction footprint. Open trenching with reinstatement to Gannawarra Council specifications would be possible for the vast majority of the proposed route, except where trenchless construction methods may be needed at the crossings outlined above, subject to further investigation.
- Full decommissioning of the water pipeline and pump station would occur unless otherwise agreed with the Responsible authority, decommissioning of the water pipeline and removal of offtake pumping station unless it could be used by the local community.

#### 2.1.2 **Road Upgrades**

Where required, local roads surrounding and within the Mining Licence Area would be upgraded to support expected vehicle movements resulting from the construction and operation of the Project. Road upgrades may include widening, re-surfacing, acceleration, deceleration, turning lanes and expanding

intersections for increased turning circles. Appropriate signage and road markings would also be installed as required by the relevant road manager.

The key local access roads (outlined in Table 1) proposed to be used during construction and operation of the Project and the Infrastructure Works may require upgrades to facilitate the safe movement of vehicles to and from the Mining Licence Area.

Table 1 Proposed road upgrades

Road	Length (kilo- metres)	Condition	Width (metres)	Upgrade Requirements	
Bennett Road	6.3	Existing: Gravel Proposed: Sealed	Existing: 5 - 6.5 Proposed: 6.2 – 7 with 1.5 metre unsealed shoulders	Localised shoulder widening and shoulder sealing in the vicinity of the intersection with local roads including Donald Swan Hill Road to provide a wider turning lane	
				One culvert present along length of road	
Mystic Park – Meatian	6.8	Existing: Gravel Proposed: Sealed	Existing: 5 – 7 Proposed: 6.2 – 7 with 1.5 metre	Localised road widening to allow for bidirectional heavy vehicle movements	
Road		Sealed	unsealed shoulders	Localised shoulder widening and shoulder sealing in the vicinity of the intersection with local roads to provide a wider turning lane	
				Three culverts present along length of road	
Grave Propo	Existing: Gravel/ dirt Proposed:	Existing: 4 – 5 Proposed: 6.2 – 7 with 1.5 metre	Localised road widening to allow for bidirectional heavy vehicle movements		
		Sealed	unsealed shoulders	Localised shoulder widening in the vicinity of the intersection with local roads to provide a wider turning lane	
				One culvert present along length of road	
Jobling Road	Road Gravel/ dirt Proposed: 6.2 – 7 Proposed: with 1.5 m	<u>Proposed</u> : 6.2 – 7	Localised road widening to allow for bidirectional heavy vehicle movements		
Sealed	shoulders	Localised shoulder widening in the vicinity of the intersection with local roads to provide a wider turning lane			
				Three culverts present along length of road	
Shepherd Road	2.8	Existing: Gravel Proposed: Sealed	Existing: 5.5 – 6.4 Proposed: 6.2 – 7 with 1.5 m unsealed shoulders	Localised upgrades and widening to be confirmed	

Road	Length (kilo- metres)	Condition	Width (metres)	Upgrade Requirements
Donald- Swan Hill Road	20.8	Existing: Sealed Proposed: Sealed	Existing: 7 – 7.5 Proposed: 1.5 m unsealed shoulders	Localised upgrades and widening to be confirmed
Lake Boga - Ultima Road	18	Existing: Sealed Proposed: Sealed	Existing: 6.2 Proposed: 6.2 – 7 with 1.5 m unsealed shoulders	Localised upgrades and widening to be confirmed
David Street	0.4	Existing: Sealed Proposed: Sealed	Existing: 6.1 Proposed: 6.2 – 7 with 1.5 m unsealed shoulders	Localised upgrades and widening to be confirmed
Sea Lake – Swan Hill Road	0.3	Existing: Sealed Proposed: Sealed	Existing: 7.2 Proposed: 1.5 m unsealed shoulders	Localised upgrades and widening to be confirmed

#### 2.1.3 Native Vegetation Removal

Native vegetation removal assumed within the Project Infrastructure Land for the construction of the Infrastructure Works is summarised as:

- A six-metre-wide construction right of way for the installation of the water-supply pipeline located on a series of road reserves that support varying areas and quality of remnant native vegetation. An arborist's count of the likely tree losses generated by the pipeline construction was found to be a total of 61 trees (4.288ha) with the number likely to be less following arborist detailed tree surveys prior to construction.
- Vegetation clearance associated with widening of eight intersections and road corridors along the transport route.

The Construction footprint for the transport route and road upgrades are retained fully within the existing road resulting in no vegetation clearance.

Further information regarding the Goschen Rare Earths and Mineral Sands Project Native Vegetation and Flora Assessment can be found at Section 4.1.

#### 2.1.4 Preparatory Works

Preparatory buildings and works for the Infrastructure Works includes, but not limited to:

- Buildings and works, including vegetation removal, where but for this Incorporated Document, a
  planning permit would not be required under the provisions of the Planning Schemes.
- Investigating, testing and preparatory works to determine the suitability of land, and property condition surveys.
- Creation and use of construction access points and working platforms.
- Site establishment works including temporary site fencing and hoarding, site offices, and hardstand and laydown areas.

- Construction, protection, modification, removal or relocation of utility services, and associated infrastructure.
- Establishment of environment and traffic controls, including designation of 'no-go' zones.
- Establishment of temporary car parking.
- Demolition to the minimum extent necessary, to enable preparatory works.
- The removal of native vegetation to the minimum extent necessary to enable preparatory buildings and works.
- The removal of vegetation within an Environmental Significance Overlay and Vegetation Protection Overlay to the minimum extent necessary to enable preparatory buildings and works.

## 2.2 The proponent

VHM Limited (**VHM**) is an Australian owned and operated unlisted public company established in 2014. VHM is developing an integrated business comprising of heavy mineral sands projects across Victoria, providing raw material for processing and manufacturing to downstream customers. VHM seeks to be a sustainable and reliable producer of high-grade, ethically sourced rare earths and critical minerals, such as neodymium (Nd), praseodymium (Pr), dysprosium (Dy) and terbium (Tb), as well as zircon (Zr) and titanium (TiO2). Their mined resources as used in smart phones, LED lights, TVs, electric vehicles, paints, ceramics, wind turbines, pharmaceuticals, and medical and military hardware.

The company owns several exploration tenements within the Loddon-Mallee Region of Victoria, where it undertakes environmental and metallurgical assessments. VHM initially held over 7,000 square-kilometres of near-contiguous tenements in Victoria, which was reduced to 5,580 square-kilometres during 2021. This has provided VHM with access to significant historical exploration data and formed the basis of VHM's exploration program to generate its own data for estimating mineral resources and ore reserve estimates within its tenements. The exploration undertaken to date has discovered one of the world's largest, highest-grade zircon, rutile and rare earth mineral deposits, comprising an ore reserve of 300 million tonnes, located near Lalbert in the Murray Basin, Victoria (refer to Figure 1).

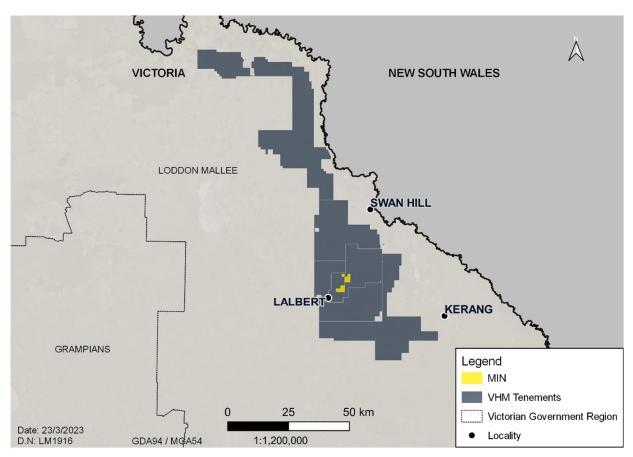


Figure 1 VHM Loddon-Mallee Tenements

#### 2.3 State and Regional Benefits

The Infrastructure Works supports the Project which would provide a rare earth elements, mineral sands, and zircon mine and related processing facility in the Loddon-Mallee region in northwest Victoria. The Project is expected to contain an estimated 199 million tonnes of ore.

As a result, there would be significant national, state, and regional benefits. This section outlines those benefits, largely informed by Deloitte's *Economic Impact Assessment Report*, April 2022. Deloitte Access Economics was engaged by VHM to undertake a study to estimate the economic impact of the Project to the local and state economies.

#### 2.3.1 Increased Revenue and Jobs Creation

Over the 20-year life of the Project, the development and operations are estimated to generate a net uplift of \$1.3 billion for the Victorian economy. This equates to an average annual impact of \$126 million in additional Gross State Product to Victoria.

The Project is also expected to sustain net employment gains of around 480 full-time equivalent (**FTE**) jobs per annum on average. Peak employment is expected to be generated towards the end of the Project's expected 20 year life, with 640 additional FTE jobs in the Mining Licence Area. Along with direct job creation in mining, the Project is estimated to sustain an additional 230 indirect FTE jobs per annum on average across the State.

#### 2.3.2 Critical Mineral Supply

Rare earth minerals are important for the functioning of the global economy. Their application is used in rechargeable batteries for electric and hybrid cars, advanced ceramics, computers, wind turbines, monitors, televisions, lighting, lasers, fibre optics, superconductors, and many more.

The Project offers strong economic exposure to the rare earth permanent magnet sector, which is the fastest-growing end-use category most in need of additional rare earth supplies. Demand for rare earths

will rise in future as industries decarbonise, fuelling greater electrification of the energy mix. Growing global demand for rare earth elements and critical minerals creates a significant opportunity for Australia, as it possesses the world's sixth largest reserves of rare earth elements and the world's largest resources of rutile, zirconium, and tantalum.

The development of the Project meets many key Commonwealth Government priorities. For example, the Commonwealth's Critical Minerals Strategy highlights the opportunity for Australia to develop its critical mineral deposits and outlines a vision to turn Australia into a 'critical minerals powerhouse' by 2030, with an aim to create a stable supply of rare earths from Australia to the world, develop sovereign capabilities in downstream processing of rare earths and critical minerals, and promote regional jobs and growth through this industry.

The Project presents clear opportunities to develop Australian capability in the rare earths and critical minerals sector in alignment with the Critical Minerals Strategy. While it is of strategic relevance, the Project also includes minerals with high-growth potential like neodymium, praseodymium, and dysprosium. The high concentration of these minerals would enable VHM to produce up to 10 per cent of global rare earth demand.

#### 2.3.3 **Road Upgrades**

The majority of the local area of Loddon-Mallee is rural agricultural farmland, dedicated to broadacre farming applications. The existing local traffic is minimal, and generally comprises of local farmingrelated light vehicles, trucks, and mobile farming equipment. Seasonal transportation peaks occur during harvesting and cropping seasons, when large trucks transport to regional rail loading centres.

VHM will develop a traffic management plan in conjunction with relevant transport authorities, Gannawarra Shire Council, Swan Hill Rural City Council, and intends to perform upgrades of roads within the perimeter of the Project Infrastructure Land. Road upgrades may include widening, resurfacing, developing acceleration, deceleration and turning lanes, and expanding intersections to account for larger vehicles with turning radii. Appropriate signage, road and lane marking, and similar measures would also be implemented.

Improved roads are likely to create benefits for all users through greater connectivity and agglomeration benefits. For example, the agricultural industry may realise cost savings through wider roads enabling the transit of larger vehicles, which in turn enable the transport of products in bulk during the harvest season. There may also be improved safety benefits from capacity improvements, and clearer and enhanced road markings.

#### 2.3.4 **Upgrades to Utilities Infrastructure**

As part of developing the requisite infrastructure for the Project, VHM will also develop pipelines and pump stations for water supply, and standalone generators to meet power supply needs.

The incoming point for power and water supply to the Project will be located at a Mining Separation Plant within the Mining Licence Area, and incoming water and power supply will be distributed to other users in the vicinity via an interconnecting services corridor. The services corridor will be established over a road easement connecting mining exploration sites, and include an overhead powerline, water piping, and potential future slurry piping.

The distribution of electricity and water supply provided through the established interconnection corridor will be distributed to other users within the mining area.

#### 2.4 **Project Infrastructure Land**

The Project is located approximately four hours' drive (280 kilometres) northwest of Melbourne and 30 minutes (20 kilometres) south of Swan Hill within Gannawarra Shire.

The Project Infrastructure Land combines the proposed water pipeline route ((Figure 2) and transport road upgrade routes (Figure 3). The water pipeline route runs entirely within the road reserve between the Mining Licence Area and Kangaroo Lake, through the localities of Lalbert, Beauchamp, and Mystic Park. The transport road upgrade routes involved areas where road upgrades would be required for freight heavy vehicles to safely and efficiently transport product from the Mining Licence Area to the

main state transport routes. The Project Infrastructure Land extends across the local government areas of Gannawarra Shire Council and Swan Hill Rural City Council.

The Project Infrastructure Land consists of the following road reserves:

- Sea Lake-Swan Hill Road, Ultima
- David Street, Ultima
- Lake Boga-Ultima Road, Ultima / Ultima East / Goschen
- Donald-Swan Hill Road, Goschen / Meatian / Lalbert
- Mystic Park-Meatian Road, Goschen / Meatian / Lalbert
- Jobling Road, Lalbert
- Bennett Road, Lalbert
- Shepherd Road, Lalbert
- Bish Road, Lalbert
- Quambatook-Swan Hill Road, Lalbert / Beauchamp
- Lookout Road, Beauchamp
- Teague Road, Beauchamp
- Mystic Park-Beauchamp Road, Beauchamp / Mystic Park
- Mystic Park East Road, Mystic Park
- · Gorton Drive, Mystic Park

Most roads nominated to accommodate the pipeline are subject to very low traffic counts, are unsealed and subject to minimal obstructions. Land use surrounding the Infrastructure Works typically comprises broadacre farming consisting of dryland cropping and the production of wheat, barley, pulses, legumes, sheep, and lambs. Closer towards Kangaroo Lake it is evident that some paddocks are irrigated and used for more intensive agriculture. The farms in the region commonly consist of land that has been significantly modified or cleared for use as farming. Kangaroo Lake itself is one of the largest and deepest permanent freshwater lakes supplied by the Torrumbarry Irrigation system. It is a vital water resource for the agricultural industry and a popular recreational boating and water sports destination.

A significant majority of the Project Infrastructure Land is located on land zoned Farming Zone (**FZ**) with a portion of the pipeline route running on land near Mystic Park zoned Transport Zone 1 (**TRZ1**), and Township Zone (**TZ**). The pump station and the start of the pipeline are located on the edge of Kangaroo Lake which is zoned Public Conservation and Resource Zone (**PCRZ**). The road upgrade route would additionally affect land in the Transport Zone 2 (**TRZ2**).

Towards Kangaroo Lake the pipeline runs through land subject to the Specific Controls Overlay 2 (SCO2), the Environment Significance Overlay 3 and 4 (ESO3 and ESO4), the Vegetation Protection Overlay 1 (VPO1), the Land Subject to Inundation Overlay (LSIO), and the Floodway Overlay (RFO). Further, parts of the land, particularly surrounding Kangaroo Lake, fall within an Aboriginal Cultural Heritage Sensitivity Area, and the entirety of the land is located within a Designated Bushfire Prone Area (DBPA).

The transport road upgrades routes runs through land subject to the Bushfire Management Overlay (**BMO**), Vegetation Protection Overlay 1 (**VPO1**), and Environmental Significance Overlay 2 (**ESO2**). Further, a small portion of land falls within an Aboriginal Cultural Heritage Sensitivity Area, and the entirety of the land is located within a DBPA.

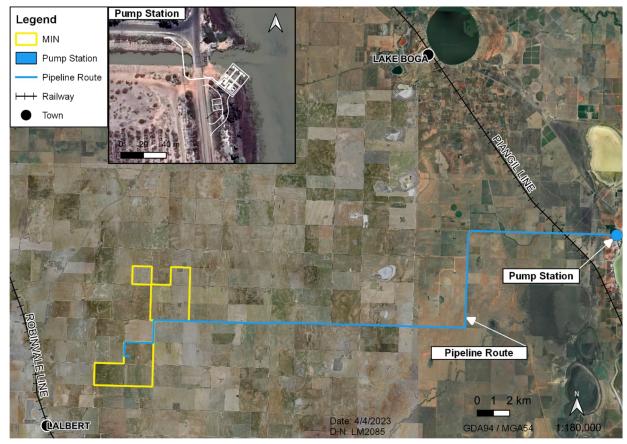
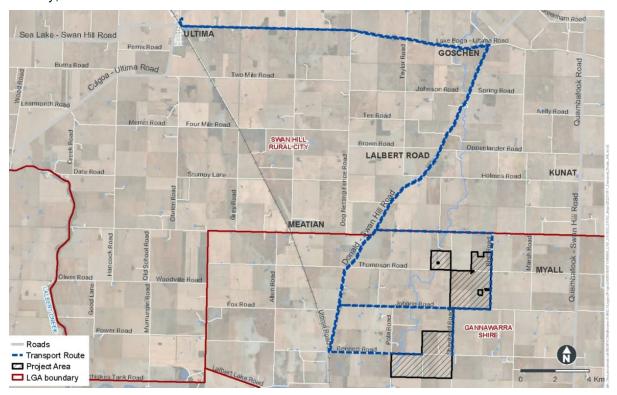


Figure 2 Proposed water supply pipeline

While the alternate pipeline route was assessed as part of the EES, the planning controls proposed as part of the Planning Scheme Amendment, including associated mapping for the Specific Controls Overlay, will not include the 'alternate' route.



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#### Figure 3 Transport route upgrades routes

An overview of the Project Infrastructure Land is provided in Appendix A – Project Infrastructure Land Maps.

## 2.5 Land Agreements

A land management agreement will be required to be entered into by the land manager (Gannawarra Shire Council) and the beneficiary landowner (VHM) prior to approval of works for pipeline infrastructure within the road reserve. It is also anticipated that agreements will need to be established between VHM Limited and relevant land managers including Council, and the Department of Energy, Environment and Climate Action for works on public land such as within the Public Conservation and Resource Zone and Road Reserves.

Separate agreements would also need to be established with relevant Road Authorities for any roadworks and DTP would facilitate works within the Public Conservation and Resource Zone.

## 2.6 Environmental Management

Environmental management would be integrated within the detailed design, construction and operation of the Infrastructure Works and measures would be included to ensure Infrastructure Works impacts are monitored, avoided, controlled, and mitigated as required.

#### 2.6.1 Environment Effects Statement

The Project was referred to the Minister for Planning to seek advice on the need for an Environment Effects Statement (**EES**) under the Environment Effects Act 1978 (Victoria) (**EE Act**). On 10 October 2018, the Minister for Planning decided that an EES was required on the basis that the Project has the potential for a range of significant environmental effects (EES referral number 2018-04).

The EES scoping requirements issued by the Minister for Planning, set out the specific environmental matters that the Project must address to satisfy the Victorian assessment and approval requirements. The scoping requirements include a set of evaluation objectives. These objectives identify the desired outcomes to be achieved in managing the potential impacts of constructing and operating the Project in accordance with the Ministerial guidelines for assessment of environmental effects under the EE Act.

Environmental management has been considered as follows:

- The Infrastructure Works scope was redefined to minimise environmental impacts on the surrounding land use while maximising Project output:
  - Avoiding all significant remnant patches of native vegetation
  - Avoiding mining below the water table
  - Avoiding all culturally sensitive locations
  - Reducing the footprint of the Project, thus minimising the extent of temporary land use change.
- The proposed water pipeline route alignment has sought to avoid and minimise temporary and permanent land use impacts by selecting alignments that:
  - Protect and conserve the natural environment of Kangaroo Lake in accordance with Clause 36.03 (Public Conservation and Resource Zone), by co-locating pumping infrastructure with existing infrastructure in an area of low environmental, cultural and amenity value.
  - Use existing road reserves as much as possible to avoid direct land use impacts to farming operations and avoid potential issues associated with land ownership and management agreements with multiple private landholders.
- The Infrastructure Works sought to minimise losses to local biodiversity in accordance with local planning policy and objectives of VPO1 by excluding areas of high biodiversity value.
- Dial Before You Dig investigations, site observations and consultation with relevant organisations during the design process was undertaken and is ongoing, to ensure that the final design of the

pipeline avoids any potential land use conflicts associated with existing above and below ground infrastructure.

- The pipeline alignment has been designed to avoid direct impacts on surrounding agricultural land uses by following the alignments of existing roads as much as possible
- The pipeline alignment is proposed to be located entirely within the road reserve. Some sections of the most suitable direct route contain significant remnant vegetation corridors. To minimise destruction or damage to flora when trenching, the alignment may need to be situated close to or within the formed road (i.e. away from the remnant vegetation). There may be short distances of directional drilling required under DTP's railway easements, GMW channels, drainage works and at least one relatively higher traffic regional road.

#### 2.6.2 Environmental Management Framework and Environmental Management Plan

Based on the findings of the environmental assessments conducted as part of the EES process, an Environmental Management Framework (**EMF**) has been prepared to monitor and control environmental management during Project implementation. The EMF has specified the committed mitigation measures to avoid, minimise and manage impacts, proposes contingency measures and offset commitments, and describes the roles and responsibilities for implementation throughout Project construction, operation, decommissioning and closure. Temporary changes to land use and impacts to existing infrastructure, fire management and the permanent loss of native vegetation during the Infrastructure Works construction would be managed through the mitigation measures set out in the EMF.

For land within the Mining Licence area, the approved EMF would be implemented through the approval of a Work Plan under the Mineral Resources (Sustainable Development) Act (MRSD Act). For the Infrastructure Works that are located outside of the Mining Licence, the relevant mitigation measures relating to construction, operation, rehabilitation, traffic management and bushfire within the approved EMF would be incorporated into the Environmental Management Plan (EMP) condition of the Incorporated Document under the PE Act.

VHM would deliver the Project and implement the mitigation measures outlined in the EMF and required by the EMP for the Infrastructure Works.

# 3.0 Planning, Legislative and Policy Context

## 3.1 National Strategies and Plans

#### 3.1.1 Critical Minerals Strategy

The Critical Mineral Strategy March 2022 sets out a long-term plan to leverage growing global demand and develop a thriving and durable Australian critical minerals sector – one that contributes to the national security and economic prosperity of Australia and the Indo-Pacific region. It aims to realise its vision of 'By 2030, Australia is a global critical minerals powerhouse. [Australia is] integral to international critical minerals supply chains and technologies crucial to the global economy.'

The Strategy highlights that the growing global demand for rare earth elements and critical minerals creates a significant opportunity for Australia, as it possesses the world's sixth largest reserves of rare earth elements.

The strategy comprises three objectives to achieve its vision:

- Ensure a stable supply or rare earth from Australia to the world
- Increase sovereign capability in downstream processing of rare earths and critical minerals
- Increase regional jobs and growth through this industry.'

The development of the Project aligns with this key Commonwealth Government priority, particularly by contributing to the supply of rare earth resources and by bringing investment into the region. While it is of strategic relevance, the Project also includes minerals with high-growth potential like neodymium, praseodymium, and dysprosium. The high concentration of these minerals would enable VHM to produce up to 10 per cent of global rare earth demand.

#### 3.2 Victorian State Strategies and Plans

## 3.2.1 Victoria's Regional Statement (2015)

Victoria's Regional Statement (2015) identifies the diverse aspects of Victoria's regional economy. It is built on the foundation that every region is unique and therefore requires specialised, dedicated management. The Infrastructure Works are located within the Mallee region, which includes the local government areas of Gannawarra Shire and Swan Hill Rural City. The region's economy is driven by agriculture, both broadacre cropping and irrigated agriculture. Key initiatives for the Mallee region include improving the wellbeing and economic participation of its people, protecting, and enhancing the liveability and appeal of the region and growing the region through agriculture, food processing and other regionally significant industries.

This PSA supports the construction and operation of the Project, which would bring investment into the region and boost the local economy and add on average 480 jobs per year to the Mining Licence Area. Increasing the population of working adults into the local area would in turn increase liveability by increasing services and activity in the region. The Project and Infrastructure Works do not detract from available agricultural land and bring benefits to the neighbouring farms by providing upgraded roads and new water and power supplies and infrastructure.

#### 3.2.2 Loddon Mallee North Regional Growth Plan (2014)

The Loddon Mallee North Regional Growth Plan 2014 establishes a framework for strategic land use and settlement planning and identifies important economic, environmental, social, and cultural resources to be preserved, maintained, or developed. Future directions seek to facilitate vibrant and prosperous commercial centres and maximise the local and regional benefits of emerging economic opportunities associated with future growth in mining, food production, energy, and tourism. The Plan identifies a number of relevant strategic directions, including:

- Balance our irrigation, amenity, and environmental water needs
- Strengthen our settlements and communities, especially our small towns
- Strengthen and diversity our economy

- Improve our infrastructure
- Improve education and training outcomes
- Protect and enhance our natural environment
- Resolve our cross-border issues.'

Furthermore, the Plan identifies future directions for addressing regional challenges and opportunities, the PSA and Project address the following:

- 'Further diversify the primary production, service and manufacturing industries to support job creation, investment and value-adding to local products
- Maximise the local and regional benefits of emerging economic opportunities associated with future growth in mining, food production and energy
- Protect and improve the condition of Loddon Mallee North's environmental and cultural heritage assets to achieve the best outcome for the region's environment, economy and community.
- Plan for and manage potential risks and opportunities arising from climate change initiatives that support national and global action to reduce greenhouse gas emissions.
- Support road, rail and logistics upgrades to improve economic growth and accessibility.'

The Project decreases the dependency on agriculture in the region and diversifies the economy, adding on average 480 jobs per year in the mining industry. During the construction and operation of the Project, mitigation measures would be implemented to minimise the impact to the environment, and upon decommission, the Project would be reinstated as agricultural land. The road upgrades would provide permanent benefits to the local community. The water infrastructure also has the opportunity to remain functional for the benefit of the community past the Project's operation, subject to consultation with stakeholders at the time of decommissioning.

#### 3.2.3 State of Discovery: Mineral Resources Strategy 2018-2023

State of Discovery: Mineral resources strategy 2018-2023 outlines the Victorian Government's strategy to grow investment and jobs in the minerals sector within Victoria. It recognises the role that State's mineral resources and mining operations play as the economic backbone of many regional towns, providing employment and opportunity.

The vision of the policy is to encourage 'a growing and responsible minerals sector that is valued by the community.'

The strategy seeks to grow investment and jobs in Victoria's minerals sector and the responsible exploration and development of Victoria's minerals by:

- Building community confidence in social, environmental and economic performance of mineral exploration and development
- Improving Victoria's attractiveness for minerals investment
- Strengthening Victoria's position as a global mining and mining services centre.'

A key part of the strategy seeks to outline a path to create confident communities and responsible explorers, whilst advancing geoscience and encouraging mineral exploration and development that will turn Victoria into a mining hub.

The Infrastructure Works support the Project to achieve policy objectives of the Victorian Government's *State of Discovery: Mineral resources strategy 2018-2023* by investing in regional jobs in the mineral sector and upgrading the surrounding road infrastructure to accommodate anticipated increases in freight transport. The Infrastructure Works would also leave lasting benefits to the local community through road improvements and the water pipeline to potentially be repurposed for community and/or agricultural use following the decommissioning of the Project, whether or not this happens would be determined closer to the end of its operating life.

## 3.3 Planning and Environment Act 1987

The PE Act is the key legislative framework used to guide and regulate land use, planning and development related matters within Victoria. The PE Act sets out the planning assessment process and provides the framework for Planning Schemes, which apply to each municipality in Victoria and manage land use development.

The PE Act requires land use and development to have regard to the objectives of planning in Victoria as set out in Section 4(1) of the PE Act. The relevant objectives are:

- a) To provide for fair, orderly, economic and sustainable use and development of land
- To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity
- c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- d) To conserve and enhance those buildings, areas or other places which are of scientific aesthetic, architectural or historical interest or otherwise of special cultural value
- e) To protect public utilities and other assets and enable the orderly provision of coordination of public utilities and other facilities for the benefit of the community
- f) To facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e)
- g) To balance the present and future interests of all Victorians

The holder of a mining or prospecting licence is not required to obtain a permit under the PE Act for the use or development of the land for mineral extraction in accordance with the exemptions set out under Sections 42(6) and 42(7) of the Mineral Resources (Sustainable Development) Act 1990 (MRSD Act) (see Section 3.4.2for further detail). This is further enforced by Clause 52.08 (Earth and energy resources industry) of the Planning Schemes that states that no permit is required to use or develop land for mining if it complies with Section 42(7) MRSD Act.

Nevertheless, the PE Act provides sets out the legislative framework for the approval for the PSA to facilitate the use and development of the water pipeline, pump station, and roadworks which fall outside the proposed mining or prospecting licence.

#### 3.4 Other Acts

#### 3.4.1 Environment Effects Act 1978

The EE Act enables statutory decision-makers (Ministers, local government, and statutory authorities) to make decisions about whether a project with potentially significant environmental effects should proceed. The Minister for Planning is responsible for deciding whether an EES is required, whilst the Project proponent is responsible for preparing the EES and undertaking the necessary investigations.

The Project was referred to the Minister for Planning to seek advice on the need for an EES under the EE Act. On 10 October 2018. The Minister for Planning decided that an EES was required on the basis that the Project has the potential for a range of significant environmental effects (EES referral number 2018-04).

#### 3.4.2 Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 (**EPBC Act**) provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities, and heritage places—defined in the EPBC Act as matters of national environmental significance. The EPBC Act is the Commonwealth's principal environmental protection and biodiversity conservation legislation. It provides for the conservation of biodiversity and the protection of the environment, including Ramsar Wetlands, nationally listed threatened species and ecological communities and listed migratory species.

On 19 December 2018 under delegated authority from the Minister for the Environment, the Department of the Environment and Energy (now referred to as the Department of Climate Change, Energy, the L:\Legacy\Projects\606X\60671345\400\_Technica\451\_Specialist Studies\Land use planning\PSA\Working Docs\PSA Report\GC218\_Planning Report\_Authorisation.docx

Environment and Water. (**DCCEEW**) (Commonwealth)) decided that the Project is a controlled action under the EPBC Act and would require assessment and a decision about whether approval should be given under the EPBC Act. DCCEEW also confirmed the Victorian Government's advice that the Project would be assessed under a bilateral agreement under the EE Act.

A 'notice of variation of proposal to take an action' was issued by DCCEEW under section 156B of the EPBC Act on 30 January 2023 to cover the area of the water supply pipeline and transport routes to Ultima.

#### 3.4.3 Mineral Resources (Sustainable Development) Act 1990

The MRSD Act is the primary legislation for mineral exploration, development, and operations in Victoria. It seeks to encourage mineral exploration and development which is 'compatible with the economic, social and environmental objectives of the state.'

The MRSD Act seeks to:

- 'encourage and facilitate the exploration for minerals and foster the establishment and continuation of mining operations
- establishes a legal framework that minimises adverse impacts on the environment and the community; and
- ensures that the exploration for, and mining or extraction of, mineral resources and stone is carried
  out in a way that is consistent with the Native Titles Act 1993 (Cth) and the Land Titles Validation
  Act 1994.'

VHM requires a mining licence and work plan under the MRSD Act. To facilitate the integrated consideration of issues and the timely completion of required approval processes, a Draft Mining Work Plan has been prepared in accordance with the *Preparation of Work Plans and Work Plan Variations* – Guideline for Mining Projects December 20 and the Preparation of Rehabilitation Plans, Guideline for mining and prospecting Projects, February 2020.

Approval of a Work Plan (and variations) would be required for the Project. Exemptions set out under Sections 42(6) and 42(7) of the MRSD Act mean the holder of a mining or prospecting licence is not required to obtain a planning permit for the use or development of the land for mineral extraction.

The PSA applies to specifically to the proposed water pipeline, pump station, works associated with road intersection and infrastructure upgrades, and associated vegetation removal as these works are not subject to the exemptions set out above because the works would be constructed outside of the proposed Mining Licence Area.

#### 3.4.4 Water Act 2007

The Water Act 2007 is the Commonwealth's legislative framework for ensuring that the Murray-Darling Basin is managed in the national interest. It acknowledges the Ramsar Convention and seeks to provide for the collection, collation, analysis and dissemination of information about Australia's water resources. The Kerang Wetlands, including Kangaroo Lake is a Ramsar Site as recognised under the Ramsar Convention.

#### 3.4.5 Water Act 1989

The *Water Act 1989* provides the legal framework for managing Victoria's water resources. The purpose of the Act is to:

- 'Promote the equitable and efficient use of our water resources
- Make sure our water resources are conserved and properly managed for the benefit of all Victorians
- Increase community involvement in conserving and managing our water resources."

The pump station would be constructed on the bank of Kangaroo Lake and the pipeline corridor would intersect a number of water channels. Consent for minor waterway works would be required for each crossing of a waterway for the Infrastructure Works. Approval from the North Central Catchment Management Authority would be required for any works on, over or under a designated waterway.

#### 3.4.6 Crown Land (Reserves) Act 1978

The Crown Land (Reserves) Act 1978 provides for the reservation of land for a range of public purposes, stipulates how reserved land must be dealt with and prescribes key governance arrangements for committees of management appointed to manage reserved land.

Approvals are required to access Crown Land for construction and use land for the water pipeline and pump station. VHM has commenced consultation with key stakeholders regarding access to and works on Crown Land.

#### 3.4.7 Roads Management Act 2004 and Road Management (General) Regulations 2016

The Roads Management Act 2004 and Road Management (General) Regulations 2016 provide a rigorous framework designed to protect the purpose of the road and the road user.

A land management agreement will be required to be entered into by the land manager (Gannawarra Shire Council) and the beneficiary landowner (VHM) prior to approval of works for pipeline infrastructure within the road reserve...

#### 3.4.8 **Transport Integration Act**

The Transport Integration Act 2010 (Vic) (TI Act) provides a legislative framework for transport in Victoria. The TI Act seeks to integrate land use, transport planning and decision-making by applying the framework to land use agencies whose decisions can significantly impact on transport ("interface bodies"). The TI Act requires agencies, including the DTP and planning authorities, to consider the potential impact of land use planning proposals on transport.

The TI Act sets out transport system objectives and decision-making principles which must be considered when assessing proposals that are likely to have a significant impact on the transport system. These objectives and principles include integrated decision making, transparency, the precautionary principle and consideration of the transport system user perspective.

The PSA is consistent with the requirements of the Transport Integration Act 2010. The PSA would not have a significant impact on the transport system.

A Traffic Management Plan, Road Safety Audit(s), site access strategy, and heavy vehicle transport route assessments will be prepared to the satisfaction of DTP to manage any potential impacts.

#### 3.4.9 **Aboriginal Heritage Act 2006**

The Aboriginal Heritage Act 2006 (AH Act) primarily provides the protection of Aboriginal cultural heritage in Victoria. Section 49 of the AH Act states that a Cultural Heritage Management Plan (CHMP) is required to be prepared when an EES under the EE Act is required in respect of any works. This CHMP must be prepared and approved prior to the commencement of works.

Prior to the commencement of Infrastructure Works a CHMP will be prepared and adopted to avoid and manage and impacts to Aboriginal cultural heritage,

#### 3.5 **Ministerial Directions**

The following Directions have been prepared by the Minister for Planning under sections 7(5) and 12(2)(a) of the PE Act and are relevant to Amendment GC218.

- Ministerial Direction The Form and Content of Planning Schemes This Direction sets out the form and content of Planning Schemes to which any PSA must comply.
- Direction No. 11 Strategic Assessment of Amendments
  - The Direction requires proposed PSAs to be comprehensively evaluated including the outcomes they will enable. This includes the consideration of the objectives of planning in Victoria, any environmental, social, and economic effects, State and Local Planning Policies, the views of any relevant agency and the requirements of the TI Act.
- Direction No. 15 The planning scheme amendment process

This direction outlines set times for completing steps in the PSAs process including Exhibition and notice of an amendment and confirms that the Minister for Planning may grant an exemption form the need to comply with one or more of the requirements of the Direction in relation to an amendment.

 Direction No. 19 - Amendments that may result in impacts on the environment, amenity and human health

This direction is to require planning authorities to seek the views of the Environment Protection Authority Victoria (**EPA**) in the preparation of Planning Scheme reviews and amendments that could result in use or development of land that may result in significant impacts on the environment, amenity, and human health due to pollution and waste. The Explanatory Report includes a statement of how the PSA addresses the views of the EPA.

#### 3.6 Planning Policy Framework

The Planning Policy Framework (**PPF**) includes part of the Victoria Planning Provisions in the form of state and regional planning policies and local context in the form of local planning policies. At an overarching level, the PPF seeks to ensure that the needs of existing and future communities are properly planned and considers factors ranging from the provision of appropriately zoned and located land, to understanding and minimising environmental impacts.

The Infrastructure Works are subject to the Gannawarra and Swan Hill Planning Schemes. Each respective scheme outlines strategies and objectives to be achieved and comprises of applicable land zones, overlays and particular provisions which set out types of uses and development allowed and any additional requirements for buildings and works on land.

Assessment against the policies outlined below can be found in the Explanatory Report to Amendment GC218 (refer to Appendix B).

#### 3.6.1 Gannawarra Planning Policy

The Municipal Planning Strategy (**MPS**) set out at Clause 2 and individual sub-clauses of the corresponding PPF at Clauses 10-19 set out the specific policies for Gannawarra. The MPS is a statement of key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving those objectives. The PPF sub-clauses are policy statements of intent explaining the expectation of what the responsible authority would do in specific circumstances.

The PSA supports and/or implements the following clauses of the Gannawarra MPS:

- Clause 02.02 (Vision) sets out the Shire's vision for the municipality 'building upon our strengths of people, place and pride to inspire a positive future together' and notes that the Council Plan 2017-2021 identifies two key strategy platforms that are relevant to land use and development:
  - 'Foster economic prosperity through diversity
  - Embrace environmental sustainability.'
- Clause 02.03-2 (Environmental and landscape values) provides an overview of the natural landscape within the municipality and identifies key strategic directions for the environment, which seek to:
  - 'Encourage the planting of additional native vegetation for habitat and landscape enhancement.
  - Protect rivers, lakes and wetlands of international significance
  - Protect and enhance native vegetation, especially in and around rivers, lakes and wetlands.
  - Protect and enhance soil and water quality, which is essential for agriculture and ecological health.'
- Clause 02.03-3 (Environmental risks and amenity) identifies environmental risks including bushfire and flooding within the municipality and sets out strategic directions for climate change, floodplains, and fire risks, including:

- 'Encourage land use and development that supports adjustments to farming practices and the management of the natural environment to adapt to reduced rainfall and water availability.
- Plan for the likelihood of additional extreme weather events, including droughts, fire, floods and storms.
- Minimise the potential for damage and risks to public safety and property from flooding."
- Clause 02.03-4 (Natural resource management) highlights the diversity of the Shire's agricultural sector and emphasises that the future of agriculture is dependent on sustainable practices that minimise pollution of waterways, soil salinity and erosion.
- Clause 02.03-8 (Transport) provides an overview of transport services across the municipality and seeks to 'support use and development that maintains and improves existing local transport infrastructure, including local roads, streets and bridges that are essential for local access and economic activity.'

# 3.6.2 Swan Hill Planning Policy

The PSA supports and/or implements the following clauses of the Swan Hill MPS:

- Clause 2.02 (Vision) sets out the land use and development vision for the municipality, which
  seeks to 'encourage new business development, provide support for business expansion and
  continuously seek to help existing businesses prosper and implement policies that reduce
  environmental impacts and protect the environment.'
- Clause 2.03-2 (Environmental and landscape values) describes the municipality's
  environmental landscape and identifies the need to protect the environmental, visual and
  landscape values of the Murray River and environs, as well as protect and maintain remnant native
  vegetation for catchment heath and prevention of erosion.
- Clause 2.03-4 (Natural resource management) outlines key strategic directions aimed at managing the natural resources of the municipality, including:
  - 'Discouraging land uses in the Farming Zone that are not directly related to agriculture, or that have an adverse impact on agricultural opportunities.
  - Direct rural industries to locations where the impact on agricultural land and off-site effects are minimised and where good road access is available.'
- Clause 02.03-5 (Built form and heritage) seeks to protect Aboriginal and European heritage and
  minimise visual, acoustic, or other off-site effects of industrial use and development on surrounding
  land.
- Clause 02.03-6 (Economic development) acknowledges emerging mineral sand mining and solar industries in the region and aims to 'facilitate the growth of the mineral sands and solar energy generation industries.'
- Clause 02.03-7 (Transport) confirms that the local economy is dependent on efficient transport
  corridors and that the local road network is important transport infrastructure that needs to be
  maintained and improved. With regard to transport planning, SHRC seeks to 'facilitate inter-modal
  freight facilities within the municipality.'
- Clause 02.03-8 (Infrastructure) identifies that the delivery of efficient infrastructure is vital to generating economic growth and notes the following strategic directions:
  - 'Encourage development to be in accordance with the Infrastructure Design Manual (Local Government Infrastructure Design Association 2020)
  - Protect and consolidate water supply and irrigation infrastructure.'

# 3.6.3 Planning Policy Framework

The PPF seeks to ensure that land use and development in Victoria meet the objectives of planning as set out in the PE Act. The PPF is set out in Clauses 10-19 of all Planning Schemes, is general in nature and informs the sub-clauses that are specific to each municipality. The PSA supports and/or implements the following clauses of the PPF:

Clause 11 (Settlement) recognises the need for planning to contribute towards adaptation in response to changing technology, economic viability and the protection of environmentally sensitive areas and natural resources. In addition, it acknowledges that planning is required to prevent adverse environmental and amenity impacts created by siting incompatible land uses close together.

Clause 11.01-1S (Settlement) seeks to 'promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements' and identifies a series of strategies that seek to support investment, growth and sustainable development in accordance with relevant regional growth plans. The Clause also requires planning to consider as relevant the Loddon Mallee North regional Growth Plan (Victorian Government, 2014).

Clause 12 (Environmental Landscape Values) identifies that planning must assist to 'protect the health of ecological systems and the biodiversity they support and conserve areas with identified environmental and landscape values. Planning must also implement the environmental principles of ecologically sustainable development and should protect sites and features of nature conservation, biodiversity, geological or landscape value.

Further guidance is presented in subclauses, which seek to:

- 'Assist the protection and conservation of Victoria's biodiversity, with particular reference to conservation reserves or national and internationally significant sites.
- Ensure no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation
- Protect and enhance river corridors, waterways, lakes and wetlands.
- Protect and conserve environmentally sensitive areas.
- Protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.'
- Clause 12.01-1S (Protection of biodiversity) aims to protect and enhance Victoria's Biodiversity by ensuring decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of cumulative impacts, fragmentation of habitat, and the spread of pest plants, animals, and pathogens into natural ecosystems.
- Clause 12.01-2S (Native vegetation management) aims to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation, offset in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning (DELWP), 2017).
- Clause 12.01-1L (Flora and fauna protection) of the Gannawarra Planning Scheme (GPS) provides local strategies to support the state-wide objectives and strategies and protect and enhance remnant native vegetation and flora and fauna habitat including:
  - 'Restrict uses and development in native grassland areas to grazing and other farming that is compatible with their preservation and maintenance.
  - Encourage the maintenance and development of vegetated links between remnant vegetation
  - Discourage use or development that would result in the loss of riparian flora and fauna habitat and wetland environments in the Murray River corridor.
  - Encourage development to retain and enhance roadside vegetation as a wildlife corridor and repository for flora species.
  - Ensure developments are sited to limit adverse impacts on the environmental quality of any abutting Crown land (other than a road).'
- Clause 12.01-1L (Protection of biodiversity) of the Swan Hill Planning Scheme (SHPS) identifies the following key strategies:

- 'Protect and enhance native habitat, particularly where it contains rare and threatened flora and fauna species
- Retain and enhance high-value remnant native vegetation
- Encourage links between existing remnant vegetation
- Discourage works where the removal of native vegetation would be required.'
- Clause 12.03-1S (River corridors, waterways, lakes and wetlands) seeks to protect and
  enhance the environmental, cultural and landscape values of all water bodies and wetlands by
  ensuring development is sensitively designed and sited to maintain and enhance environmental
  assets, significant views and landscapes along and adjacent to river corridors and waterways, and
  ensuring development does not compromise bank stability, increase erosion or impact on a water
  body or wetland's natural capacity to manage flood flow.
- Clause 12.05-1S (Environmentally sensitive areas) seeks to protect environmentally sensitive areas with significant recreational value from development that would diminish their environmental conservation or recreational values.

Clause 13 (Environmental Risks and Amenity) provides overarching objectives which seek to 'strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.' Subclauses seek to ensure that climate change impacts are considered, bushfire risk is properly assessed, flood hazard is properly mitigated, and floodplains are appropriately managed.

Furthermore, strategies seek to minimise the impact of noise on sensitive land uses, protect and improve air quality and ensure that contaminated land is suitable for its intended use. Land use compatibility is prioritised to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

- Clause 13.02-1S (Bushfire planning) applies to all planning and decision making under the PE Act relating to land that is within a DBPA and seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- Clause 13.03-1S (Floodplain management) aims to assist with the protection of life, property, and community infrastructure from flood hazard as well as the natural flood carrying capacity of rivers, streams, and floodways.
- Clause 13.05-1s (Noise management) contains the objective to 'assist the management of noise effects on sensitive land uses.' Key strategies within the clause seek to ensure that development is not prejudiced, and community and amenity health is not adversely impacted by noise emissions.
- Clause 13.06-1S (Air quality management) seeks to assist the protection and improvement of air quality by ensuring that there is suitable separation between land uses that pose a human health risk or reduce amenity due to air pollutants and sensitive land uses. The Clause references *Publication 1518, Environment Protection Authority*, March 2013 where relevant.
- Clause 13.07-1S (Land use compatibility) aims to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. Strategies to achieve this include avoiding or otherwise minimising adverse off-site impacts through land use separation, siting, building design and operational measures.

Clause 14 (Natural Resource Management) aims to assist in the conservation of natural resources including energy, water, land, stone, and minerals to support both environmental quality and sustainable development. Further strategies to support this Clause include protecting the State's agricultural base and declared irrigation districts by preserving productive farmland, the protection and restoration of catchments, water bodies, ground water and the marine environment, protecting water quality, encouraging the exploration and extraction of natural resources in accordance with acceptable environmental standards and putting strategies in place to provide for the long-term protection of natural resources in Victoria.

- Clause 14.01-1S (Protection of agricultural land) aims to protect the state's agricultural base by
  preserving productive farmland through strategies including avoiding permanent removal of
  productive agricultural land from the state's agricultural base.
- Clause 14.01-1L (Agriculture) of the SHPS applies to all land within the Farming zone and seeks to avoid land use conflicts between agricultural and non-agricultural land uses and encourages Mineral sands facilities and renewable energy facilities in dryland areas only.
- Clause 14.02 (Water) seeks to assist the protection and restoration of catchments, waterways, estuaries, bays, water bodies, groundwater, and the marine environment by ensuring that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses, and by requiring appropriate measures to restrict sediment discharges from construction sites.
- Clause 14.02-1L (Murray-Darling catchment) of the GPS provides a local context to the statewide objectives and strategies by identifying the need to protect the environmental values and water quality of land and waters of the Murray-Darling catchment.
- Clause 14.03 (Earth and Energy Resources) seeks to encourage exploration and extraction of
  natural resources in accordance with acceptable environmental standards. The Infrastructure
  Works do not directly relate mining however one of the strategies to achieve the Clause's objective
  is to recognise the possible need to provide infrastructure, including transport networks, for the
  exploration and extraction of natural resources.

Clause 15 (Built Environment and Heritage) requires that planning ensures all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context. Planning should protect places and sites with significant heritage, architectural, aesthetic, natural, scientific and cultural value.

- Clause 15.01-6S (Design for rural areas) seeks to ensure development respects valued areas of rural character, including visual amenity of valued rural landscape and views to surrounding natural scenery and landscape features.
- Clause 15.03-2S (Aboriginal cultural heritage) seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance. This includes ensuring that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.

Clause 17 (Economic Development) requires that planning provides for a strong and innovative economy, where all sectors are critical to economic prosperity. Sustainable economic growth and diversification of the economy is to be promoted by providing for land, facilitating decisions, and resolving land use conflicts.

• Clause 17.01-1R (Diversified economy – Loddon Mallee North) provides regional context by identifying the need to support emerging and potential growth sectors such as mining.

**Clause 18 (Transport)** endeavours to ensure that planning provides a safe, integrated, and sustainable transport system that provides access to social and economic opportunities, facilitates network-wide efficient, coordinated, and reliable movements of people and goods, and facilitates economic prosperity.

- Clause 18.02-4S (Roads) aims to facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure. Strategies include 'improve road connections for all road users,' and 'accommodate the expansion of the High Productivity Freight Vehicle Network, and oversize and overmass vehicles.'
- Clause 18.02-4L (Roads Gannawarra) of the GPS provides local context to the PPF by acknowledging the need to encourage the protection of road infrastructure and agricultural areas.

**Clause 19 (Infrastructure)** notes that planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible, and timely and notes that planning should seek to minimise the impacts of use and development on the operation of national, state and regionally significant infrastructure.

- Clause 19.03-2S (Infrastructure design and provision) aims to provide timely, efficient, and cost-effective development infrastructure that meets the needs of the community.
- Clause 19.03-2L (Infrastructure design and provision) aims to provide a consistent approach to the design and construction of infrastructure across the municipality. The Swan Hill Municipality have adopted the standards identified in the Infrastructure Design Manual. Version 5.30 (Local Government Infrastructure Design Association, 24 March 2020).

### 3.6.4 **Local Policies and Guidelines**

# Gannawarra Shire Council Economic Development Strategy 2019-2024

This strategy is regarded by Council as a key strategic document, providing a clear and achievable strategy for economic development in Gannawarra Shire. The strategy recognises that the Gannawarra Shire has significant natural features which provide a strong foundation for nature-based tourism and emerging industries such as energy and mining, including 'a mining proposal being promoted by Western Australian mining company VHM, which has the potential to create around 300 full time jobs.'

This PSA supports the construction and operation of the Project, which would bring many state and regional benefits, including financial investment, local jobs, road and infrastructure upgrades, and would help build the rare mineral industry in Australia.

# Gannawarra Shire Council 2021-2025 Council Plan

This Plan is a strategic document reflecting where Council and the community want to be in 2025 and how it will achieve those outcomes. The Plan sets out Council's vision and objectives in relation to liveability, growth, and sustainability. This Plan leads on from the Council Plan 2017-2021 which is referenced in the Gannawarra Planning Scheme municipal strategic vision.

The PSA particularly contributes to Goal 2: Grow the Gannawarra through a diverse and broad economy, and the strategic priority of 'Facilitate infrastructure, programs and policies that support economic development and productivity, whilst considering our natural environment.' The PSA supports construction and operation of the Project which brings economic development and investment to region, creating local jobs, and increasing the productivity of the land while considering the sustainable development, use, and decommissioning of the Project.

# Gannawarra, Taking up the challenge, 2025

This document is a 15 year Strategic Community Plan for the Gannawarra Shire which provides a long range strategic plan for how the community will cope with challenges ahead including changes to demographics, climate change, water resource management and the economy. Particularly relevant is the strategy to 'reverse decline in working population' and to 'foster economic prosperity through diversity.'

The PSA supports construction and operation of the Project which would help boost the Gannawarra economy which has been slowly declining since 2001, and create on average 480 FTE jobs per year the Project is operating, helping to bring working age adults to the region, a number that has also been declining since 2001. The Plan states that 'new enterprises and new industries will be essential to replace agriculture in order to arrest the [economic] downturn.' The presence of the Project would also have positive flow-on effects for business in the shire by contributing to a building of the population base and therefore improving services and lifestyle, as well as positive effects relating to diversifying the economy of the region by helping to deviate from a dependency on the agriculture industry (also declinina).

### 3.7 **Zones, Overlays and Particular Provisions**

The proposed water pipeline and pump station infrastructure is defined as a "utility Installation" under Clause 73.03 (Land use terms) of the Planning Schemes and would extend over a large area. The use and development of the pipeline would result in a number of permit requirements.

For a summary of permits that would otherwise be required by the Planning Scheme for the Infrastructure Works in the absence of the PSA refer to Section 6.2.

### 3.7.1 **Zones**

Zones applying to the Project Infrastructure Land under the Planning Schemes summarised in Table 2.

Zones in the Project Infrastructure Land

Zones	Purpose
Gannawarra Shire Co	puncil
Transport Zone 1 (TRZ1)	<ul> <li>'Provide for an integrated and sustainable transport system</li> <li>Identify transport land use and land required for transport services and facilities</li> <li>Ensure the efficient and safe use of transport infrastructure and land comprising the transport system.'</li> </ul>
Farming Zone – Schedule (FZ)	<ul> <li>'Provide for the use of land for agriculture,</li> <li>Encourage the retention of productive agricultural land,</li> <li>Ensure that the non-agricultural uses do not adversely affect the use of land for agriculture</li> <li>Encourage the retention of employment and population to support rural communities.</li> <li>Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure.'</li> </ul>
Public Conservation and Resource Zone – Schedule (PCRZ)	<ul> <li>'Protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values</li> <li>Provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes.</li> <li>Provide for appropriate resource based uses.'</li> </ul>
Township Zone (TZ)	<ul> <li>'Provide for residential development and a range of commercial, industrial and other uses in small towns</li> <li>Encourage development that respects neighbourhood character of the area</li> <li>All educational, recreational, religious and community and a limited range of non-residential uses to serve local community needs in appropriate locations.'</li> </ul>
Swan Hill Rural City	Council
Farming Zone – Schedule (FZ)	<ul> <li>'Provide for the use of land for agriculture,</li> <li>Encourage the retention of productive agricultural land,</li> <li>Ensure that the non-agricultural uses do not adversely affect the use of land for agriculture</li> <li>Encourage the retention of employment and population to support rural communities.</li> <li>Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure.'</li> </ul>
Transport Zone 2 (TRZ2)	<ul> <li>'Provide for an integrated and sustainable transport system</li> <li>Identify transport land use and land required for transport services and facilities</li> <li>Ensure the efficient and safe use of transport infrastructure and land comprising the transport system.'</li> </ul>

### 3.7.2 **Zoning Permit Requirements**

Table 3 Zoning approval requirements

	Applicable	Approval Requirement		
Provision	Use and Works	Permit required for Use	Permit required to construct or carry out works	
Farming Zone (FZ)	Use of land and works associated with a Utility installation.	A permit <b>is required</b> for use of the land for a Utility installation (see Clause 35.07-1 Table of uses).	A <b>permit is required</b> to construct a building or carry out works (see Clause 35.07-4)	
	Use of land and buildings and works associated with a Road	A <b>permit is not required</b> pursuant to Clause 62.01.	A <b>permit is not required</b> pursuant to Clause 62.02-2	
Public Conservation and Resource Zone (PCRZ)	Use of land and works associated with a Utility installation.	Use of the land for a Utility installation is prohibited (see Clause 35.07-1 Table of uses) unless the use is conducted by or on behalf of a public land manager or Parks Victoria under relevant provisions of the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Wildlife Act 1975, the Forests Act 1958, the Water Industry Act 1994, the Water Act 1989, the Marine Safety Act 2010, the Port Management Act 1995 or the Crown Land (Reserves) Act 1978 or; is specified in an Incorporated plan in a schedule to this zone.	<ul> <li>A permit is required to construct a building or carry out works. This does not apply to: <ul> <li>a building or works shown in an Incorporated plan which applies to the land</li> <li>a building or works specified in Clause 62.02-1 or 62.02-2 carried out by or on behalf of a public authority or municipal council, if the public authority or municipal council is carrying out functions, powers or duties conferred by or under the Local Government Act 1989, the Reference Areas Act 1978, the National Parks Act 1975, the Fisheries Act 1995, the Marine Safety Act 2010, the Port Management Act 1995, or the Crown Land (Reserves) Act 1978; or</li> <li>a building or works carried out by or on behalf of a public land manger or Parks Victoria under the above mentioned Acts or the Road Management Act 2004.</li> </ul> </li> </ul>	
Transport Zone 1 – State Transport Infrastructure (TRZ1)	Use of land and works associated with a Utility installation.	A permit <b>is required</b> for use of the land as a Utility installation (see Clause 36.04-1 (Table of uses).	A <b>permit is required</b> to construct or carry out works (see Clause 36.04-2)	
Transport Zone 2 – Principal Road Network (TRZ2)	Use of land and buildings and works associated with a Road	A <b>permit is not required</b> pursuant to Clause 62.01.	A <b>permit is not required</b> pursuant to Clause 62.02-2	

	Applicable	Approval Requirement		
	Use and Works	Permit required for Use	Permit required to construct or carry out works	
Township Zone (TZ)	Use of land and works associated with a Utility installation.	A permit <b>is required</b> for use of the land as a Utility installation (see Clause 32.05-2 (Table of uses).	A <b>permit is required</b> to construct or carry out works (see Clause 32.05-10)	

### 3.7.3 **Overlays**

Overlays applying to the Project Infrastructure Land under the Planning Schemes summarised in Table

Table 4 Overlays in the Project Infrastructure Land

Overlay	Purpose
Gannawarra Shire Co	ouncil
Environmental Significance Overlay – Schedule (ESO2)	<ul> <li>The ESO identifies areas where development of land may be affected by environmental constraints and seeks to ensure that development is compatible with environmental values.</li> <li>ESO2 recognises the significance of the highway protection environs. The highways provide views of the open rural landscape which is a feature that defines the rural image of the municipality. Objectives of the overlay are to preserve, protect, and enhance the tree lined character of the roadsides and the roadside's natural features, and to preserve and enhance the amenity and scenic views from the land in a transport zone.</li> </ul>
Environmental Significance Overlay – Schedule 3 (ESO3)	<ul> <li>The ESO identifies areas where development of land may be affected by environmental constraints and seeks to ensure that development is compatible with environmental values.</li> <li>ESO3 recognises the significance of the Kerang Wetlands and the impact that European settlement and land development has had on the extent of wetlands. Objectives of ESO3 seek to protect and enhance the biodiversity, ecological values and cultural values of the lake environs and provide for appropriate development on land adjacent to Kangaroo Lake.</li> </ul>
Environmental Significance Overlay – Schedule 4 (ESO4)	<ul> <li>The ESO identifies areas where development of land may be affected by environmental constraints and seeks to ensure that development is compatible with environmental values.</li> <li>ESO4 acknowledges that flooding is a major issue within the Gannawarra Shire and applies controls to areas of poor drainage and areas that are potentially subject to inundation. Objectives of the overlay seek to ensure that any development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and with local drainage conditions and will not cause any significant rise in flood levels or flow velocity.</li> </ul>
Specific Controls Overlay – Schedule 2 (SCO2)	<ul> <li>The purpose of the SCO is to apply specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances.</li> <li>SCO2 applies the Goulburn-Murray Water: Connections Project and Water Efficiency Project Incorporated Document, November 2021, which allows the use and development of land for the purpose of irrigation modernisation works to be undertaken by or on behalf of the Goulburn-Murray Rural Water Corporation.</li> </ul>

Overlay	Purpose		
Gannawarra Shire Co	Gannawarra Shire Council		
Land Subject to Inundation Overlay – Schedule (LSIO)	The LSIO identifies flood prone land in a riverine or coastal area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority. The overlay contains provisions that ensure development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.		
Floodway Overlay – Schedule (Shown on maps as RFO)	The RFO identifies waterways, major flood paths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding and contains provisions that ensure development maintains or improves river and wetland health, waterway protection and flood plain health.		
Vegetation Protection Overlay – Schedule 1 (VPO1)	VPO1 applies to remnant vegetation along roadsides and within roadside corridors that is significant for its conservation and recreational values. The objectives of the overlay seek to protect and preserve indigenous vegetation and achieve high landscape quality roadsides through provisions that limit the removal, destruction and lopping of native vegetation.		
Swan Hill Rural City (	Council		
Bushfire Management Overlay (BMO)	The purpose of the BMO is to ensure that the development of land prioritises the protection of human life and is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level. The BMO is concerned with buildings and works relating to sensitive uses or uses which may increase the bushfire hazard.		
Vegetation Protection Overlay - Schedule 1 (VPO1)	The VPO1 seeks to maintain biodiversity and protect remnant native vegetation and habitat including linkages between existing remnant vegetation. It applies to remnant native vegetation has high conservation, landscape, and recreation significance, particularly along the river systems such as the Murray River.		

### 3.7.4 **Overlay Permit Requirements**

Table 5 Overlay approval requirements

	Applicable	Approval Requirement	
Provision	Applicable Works	Permit required to construct or carry out works	Removal of Native Vegetation
Environmental Significance Overlay – Schedule 2 (ESO2)	Roadworks	A permit is not required pursuant to Clause 62.02-2	A permit <b>is required</b> to destroy or lop any vegetation, including dead vegetation (see Clause 42.01-2)
Environmental Significance Overlay – Schedule 3 (ESO3)	Buildings and works associated with a Utility installation.	A permit <b>is required</b> to construct or carry out works (see Clause 42.01-2)	
Environmental Significance Overlay – Schedule 4 (ESO4)	Buildings and works associated with a Utility installation.		

	Applicable Works	Approval Requirement		
Provision		Permit required to construct or carry out works	Removal of Native Vegetation	
Land Subject to Inundation Overlay (LSIO)	Buildings and works associated with a Utility installation.	No permit required provided the laying of underground water pipelines do not alter the topography of the land and are undertaken in accordance with plans prepared to the satisfaction of the responsible authority.	N/A	
Floodway Overlay (Shown on maps as RFO)	Buildings and works associated with a Utility installation.	A permit is required to construct a building or to construct or carry out works associated with the proposed pump station.  No permit required for the laying of underground water pipelines provided works do not alter the topography of the land and are undertaken in accordance with plans prepared to the satisfaction of the responsible authority.	N/A	
Vegetation Protection Overlay – Schedule 1 (VPO1 Roadside and Corridor Protection) - Gannawarra	Buildings and works associated with a Utility installation.	N/A	A permit is required to remove, destroy, or lop native vegetation on land within the road reserve and within 50 metres of the road reserves designated by this overlay (see Clause 42.02-2 and Clause 3.0 in Schedule 1)	
Vegetation Protection Overlay – Schedule 1 – Swan Hill	Roadworks	N/A	A <b>permit is required</b> to remove, destroy, or lop any native vegetation, including any dead trees that are standing.	
Bushfire Management Overlay (BMO)	Roadworks	A permit is not required pursuant to Clause 62.02-2	N/A	

# 3.7.5 Particular Provisions

Table 6 Particular Provisions

Provision	Purpose	Approval Requirement
Clause 52.02 (Easements, Restrictions and Reserves)	Seeks to ensure that easements and restrictions are applied appropriately to facilitate development that is consistent with the provisions and directions of the planning scheme, while balancing the interests of affected parties.	A <b>permit may be required</b> to create, vary, or remove an easement to facilitate the use and development of the pipeline

Provision	Purpose	Approval Requirement
Clause 52.05 (Signs)	Regulates the development of land for signs and associated structures. Land within the Farming Zone is considered a Category 4 – Sensitive area.	Approval may be required if the total display area to each premises exceeds 3 square metres.
Clause 52.06 (Car parking)	Ensures the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, activities on the land and the nature of the locality in accordance with the Municipal Planning Strategy (MPS) and Planning Policy Framework.	Utility installation is not specified in Table 1 to Clause 52.06, the Parking Overlay does not apply and car parking requirements are not specified in any other provision of the GP Scheme. In accordance with Clause 52.06-6 (Number of car parking spaces required for other uses), car parking spaces must therefore be provided to the satisfaction of the responsible authority.
Clause 52.08 (Earth and Energy Resources Industry)	Encourages land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.  The table of exemptions found at Clause 52.01-1 (Permit requirement) provides that no permit is required to use or develop land for Earth and Energy Resources Industry if the mining complies with Section 42(7) or Section 42A of the MRSD Act.	A permit is not required to use or develop land for earth and energy resources industry if mining complies with Section 42(7) of the MRSD Act.
Clause 52.17 (Native Vegetation)	Seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017) (The Guidelines).	A <b>permit is required</b> to remove, destroy, or lop native vegetation, including dead native vegetation (see Clause 52.17-1).
Clause 52.29 (Land Adjacent to the Principal Road Network)	Seeks to ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network, and to ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.	A <b>permit is required</b> to create or alter access to a road in a Transport Zone 2. An application to create or alter access to, or to subdivide land adjacent to, a road declared as a freeway or an arterial road under the <i>Road Management Act 2004</i> , or land owned by the Head, Transport for Victoria for the purpose of a road, must be referred to the Head, Transport for Victoria (determining referral authority) (pursuant to Clause 66.03 Referral of permit application under other state standard provisions).

### 3.8 **Additional Approvals Required for the Planning Scheme Amendment**

In addition to Amendment GC218, the Infrastructure Works may require other permits and approvals, including:

- A permit under the Flora and Fauna Guarantee Act 1988
- A Management Authorisation under the Wildlife Act 1975 (Vic)
- Consent under the Water Act 1989 (Vic)
- Environment Protection Authority Victoria permission under the Environment Protection Act 2017
- Consent under the Road Management Act 2004 (Vic)
- Water licences to be purchased or leased for surface water in the Goulburn-Murray Water system
- Works on Waterway from North Central Catchment Management Authority (NCCMA)
- Section 67 works licence from GMW

# 4.0 Specialist Investigations

This section provides a summary of the specialist technical investigations that have been undertaken as part of the EES process as well as relevant technical issues and outlines mitigation measures to address any issues identified by the specialist technical investigations.

Further information can be found in the EES chapters and the technical reports.

# 4.1 Summary of Ecological Findings

# 4.1.1 Native vegetation and Flora Assessment

Goschen Rare Earths and Mineral Sands Project Native Vegetation and Flora Assessment was prepared for VHM and AECOM in March 2022 by Nature Advisory. The assessment was prepared to provide information on the extent and condition of native vegetation in the study area, as well as potential impacts on flora and vegetation community matters.

The Study area included the six-metre-wide construction right of way for the water pipeline installation, the Mining Licence Area, and eight modified intersections. The Project and associated works detailed in this PSA are considered in one statement and result in it being unclear what the impact of the Infrastructure Works would have independent on the Project.

The existing vegetation in the area includes patches of native vegetation and scattered trees (many or which occur along road reserves and farm fence lines). Vegetation consists of threatened and protect flora species, as well as declared pests. No EPBC Act-listed threatened flora species were recorded in the study area during the field assessment, and none are considered to have the potential to occur there based on habitat suitability and a paucity of regional records. Therefore, no EPBC Act-listed flora species are expected to be impacted by the development.

The following two EPBC Act-listed threatened ecological communities were recorded during the field assessment:

- Plains Mallee Box Woodlands of the Murray Darling Depression, Riverina and Naracoorte Coastal Plain Bioregions (Critically Endangered) – Distinguishable where Black Mallee Box, Bull Mallee, Red Mallee or Dumosa Mallee were the dominant species of Eucalyptus. This community occurred extensively throughout the study area.
- Buloke Woodlands of the Riverina and Murray-Darling Depression Bioregions (Endangered) Characterised by the dominance or co-dominance of Buloke.

The assessment finds that the works relating to road and intersection upgrades would have their construction footprint fully within the existing road, resulting in minimal vegetation clearance, however construction of intersection widenings may result in some vegetation clearance.

The removal of vegetation for the water supply pipeline would involve a 6-8 metre construction right of way within the road reserve that would impact a tree protection zone. To facilitate the construction of the water supply pipeline, earth moving machinery would be used to achieve the narrowest possible pipeline trench, with a maximum width of 700 millimetres. An arborist assessment identified a total of 61 trees were deemed likely to be lost as a result of pipeline construction works.

Potential impacts on native vegetation and ecological values due to the Infrastructure Works would be avoided, minimised, or managed to required standards through the recommended mitigation measures outlined in the assessment. These include:

- Arborist tree surveys to assist with micro-siting of the pipeline and identify measures to avoid adverse impacts to structural root zones and therefore preserve trees.
- Siting the installation of the water supply pipeline on the roadside with the least native vegetation, or in the middle of roads where native vegetation was present on both roadsides.

Native vegetation to be removed for the Infrastructure Works is addressed in the Incorporated Document which includes conditions requiring that "details of the proposed removal of native vegetation necessary for the construction and delivery of infrastructure required to support the Project on the Project Infrastructure Land must be prepared in accordance with the application requirements in the

Guidelines for removal, destruction or lopping of native vegetation (DELWP, December 2017) to the satisfaction of the Secretary to DELWP."

# 4.1.2 Fauna Technical Report 2022

The VHM Ltd Goschen Vertebrate Fauna Technical Report 2022 was prepared for VHM in February 2022 by EcoAerial Environmental Services.

The report references an assessment undertaken by Spectrum Ecology in 2019 which evaluated potential impacts associated with the Mine and pipeline areas, considering the existing environment within the study area and associated construction, operational and decommissioning activities. The assessment identified the following key impacts and their impact after mitigation:

- Loss of fauna habitat on road reserves adjacent to the proposed pipeline alignment due to impacts to the tree protection zone of canopy trees.
  - Post mitigation, the loss is expected to be considerably less after a qualified tree arborist has undertaken an assessment of canopy tree likely to be impacted within the tree protection zone.
- Fragmentation of vegetation corridors as result of native vegetation loss.
  - Nature Advisory has currently estimated the loss as 14 hectares. Post mitigation the loss is expected to be reduced considerably same as above.
- Changes to the ecological character of Kangaroo Lake as an artefact of water extraction.
  - It is not expected that there would be any changes from the baseline conditions to the ecological character of Kangaroo Lake. Water extraction licence would be agreed to with Goulburn-Murray Water to ensure the lake is maintained at or near full supply level to maintain ecological condition.
- Indirect impacts such as vehicle collisions, dust, light pollution, fauna salvage and noise
  - Indirect impacts are currently an unknown, there are no baseline conditions to compare.
     Whilst indirect impacts cannot be eliminated, the development of the Construction and
     Operational Environmental Management Plan would include provisions to minimise both direct and indirect impacts to flora and fauna.

Potential impacts on vertebrate fauna due to the Infrastructure Works would be avoided, minimised, or managed to required standards through the recommended mitigation measures. VHM intends to minimise disturbance to the road reserve vegetation as far as reasonably practicable and aim to retain vegetation corridors across the Project Infrastructure Land. This would be achieved by using roads with the maximum road width minimising the need to clear native vegetation / fauna habitat.

It was concluded that the Mining Licence Area and pipeline route areas do not provide critical habitat for any listed conservation fauna species, including the unlikely support of the Plains-wanderer (Pedionomus torquatus). Conservation significant bird species (Superb Parrot, Regent Parrot, etc), and reptiles (Hooded Scaly-foot, Samphire Skink and Eastern Bearded Dragon) may utilise the remnant vegetation associated with the road reserves as corridors to move across the landscape.

Despite the heavily modified landscape and lack of significant vegetation corridors in the surrounding region, impacts to these sections would not cause any significant change to the network of remnant vegetation along road reserves. Fauna salvage strategies for the salvage of reptiles would be required, during when the installation of the water supply pipeline. It is not envisaged that there would be any residual impacts post-mitigation providing the management, mitigation strategies and performance Key Performance Indicators' written into the endorsed Construction Environment Management Plan are strictly adhered to.

Kangaroo Lake forms part of the Kerang Ramsar wetlands (EPBC Act). It is not expected that there will be any direct changes from the baseline conditions to the ecological character of Kangaroo Lake or that there will not be any residual impacts associated with Kangaroo Lake. There are no EPBC Act implications for the Infrastructure Works. Whilst indirect impacts cannot be eliminated, provisions to minimise the indirect impacts to fauna and fauna habitat fauna, (e.g., fauna salvage during construction,

nest box installation, site rehabilitation, revegetation, light inhibitors and, vehicle speed limits), have been developed for input into the Construction and Operational Environmental Management Plans.

# 4.1.3 Aquatic Ecology Assessment of Kangaroo Lake

Goschen Rare Earths and Mineral Sands Project Phase 1 Desktop Aquatic Ecology Assessment of Kangaroo Lake was prepared for VHM by Aquatica Environmental in August 2022. The assessment involved a desktop review, consultation with relevant agencies, and site inspection.

A high-level likelihood of occurrence assessment was undertaken to establish the likelihood of the identified protected species occurring in the lake. The assessment found the following:

- SPSG Known to occur in Kangaroo Lake
- Murray Cod Known to occur in Kangaroo Lake with the Victorian Fisheries Authority stocking 50,000 in 2020/21
- Silver Perch Likely present due to historical records in Kangaroo Lake,
- Murray River Turtle Likely present due to historical records in Kangaroo Lake
- Murray Hardyhead Possibly present due to 2019 records in Third Reedy Lake.
- Growling Grass Frog Possibly present as there is suitable habitat in Kangaroo Lake

All the remaining state or commonwealth protected species were assessed as unlikely or very unlikely to occur due to lake of habitat, or recent, or nearby records.

The primary potential impact of concern was the possible entrainment and impingement of fish and other fauna in the pump. This is not only possible with lager fish such as adult Murray Cod, but also smaller fish. The other key impacts included those to aquatic habitat and vegetation if the water drawdown resulted in an impact to the lake's water levels/height and the loss of habitat for the construction of the pump station. Other impacts include:

- Impact to lake hydrology/water levels
- Loss of habitat
- Unmanaged disturbance to lakebed and banks during construction
- Reduced water quality during construction
- Contamination of waterway: during construction
- Incursion by weeds.

Impacts were assessed as insignificant as the water drawdown would be proportionally negligible to that drawdown for irrigation, and the areas of aquatic habitat likely to be lost would be small, of lower quality habitat and negligible in terms of the overall area of habitat available in the lake.

Impacts can all be adequately managed by the implementation of the recommended measures:

- VHM would need to obtain a Works on Waterway from NCCMA.
- Undertaken a pre-works aquatic fauna/targeted SPSG survey of the area in the vicinity of the pump station to ascertain the actual SPSG and other aquatic fauna usage at that time.
- Ensure that the pump station design includes a fish screen on its inlet that is sufficient to protect fish as small as SPSG larva (i.e. 4 millimetres long) from entrainment and impingement.
- Ensure that a suitably qualified and experienced ecologist is present during initial vegetation clearing and/or earthworks in the water in case aquatic fauna is encountered, injured, or trapped in instream structures and requiring salvage.
- Ensure that a suitably qualified and experienced ecologist is available and on call during construction in case any fauna is encountered, injured, or trapped in structures and requiring salvage.

### 4.2 **Summary of Geotechnical Findings**

The Geotechnical Impact Assessment was done in August 2022 by Pitt&Sherry. The assessment documents investigation, modelling and assessment of geotechnical risks during from the construction, operation and ultimately rehabilitation of the Project and Infrastructure Works.

Geotechnical risks associated with the pump station, pipeline, and road network along which the pipeline is aligned have been assessed as follows:

- The pump station site at Kangaroo Lake has risks including bank stability, erosion potential, and settlement/subsidence of the pump station foundations and the access for heavy vehicles.
- The pipeline alignment includes crossings of irrigation channels, channels, watercourses, and a railway. The risks associated include constructability, risk of 'frack-out' of hydraulic drilling fluids, and risk of settlement of the ground above some crossing (with associated impacts to the channels or railway).
- Risks affecting pipeline design and constructability include unstable trench walls in sandy soils. weak bearing resistance requiring large thrust blocks, and low soil resistivity potentially requiring cathodic protection of metallic pipes.
- Ground movement impacts on the current road network.

The investigation and assessment undertaken indicates that the presence of significantly weaker material strengths is considered unlikely.

Through the application of a concept plan condition the geotechnical investigations and front end engineering and design would address the risks, including addressing pavement life, soil and subgrade strength and susceptibility to dispersive soils.

### 4.3 Summary of Soil and Land Findings

Soil & Land Resource Assessment Goschen Rare Earths and Mineral Sands Project was prepared for VHM by SLR Consultants in June 2022.

The assessment recommends stripping all disturbance areas prior to construction works, including haul roads, infrastructure areas, and water supply pipeline to a depth of 20 centimetres for topsoil. Given the predominant land use is cropping, reinstating 20 centimetres of topsoil would be conducive to attaining or even improving pre-disturbance yields. Ensure topsoil subsequent and ameliorant application is undertaken directly behind pipeline construction to minimise the length of time subsoil is exposed to potential rainfall events.

The resulting residual risk is low (and not expected) if the recommended mitigation measures are undertaken. Risks include mixing of different types of soils, degradation of soil structure, exposure of dispersive subsoils, are erosion and soil loss during rainfall. Mitigation and contingency measures include comprise stripping, stockpiling and maintenance of available topsoil and subsoil resources, application of gypsum to prevent erosion of dispersive subsoils and monitoring of stockpiles for weed infestation and erosion.

### 4.4 **Summary of Surface Water Findings**

Technical Report H: Surface water impact assessment was prepared by Water Technology in June 2022. The assessment was prepared to understand how the Project and the Infrastructure Works would interact with surface water.

The assessment found that the Mining Licence Area and the Project Infrastructure Land has relatively low rainfall and is largely not in direct proximity to any waterways. Except where pipeline crosses the Back Creek floodplain, a distributary of the Avoca River, and where the water supply pump station is located on the banks of Kangaroo Lake.

The Mining Licence Area and the Project Infrastructure Land is generally not affected by riverine flooding, with only the flood extent within the EL touching the south-west boundary and the south-east boundary from Lalbert Creek and Back Creek.

The pipeline was excluded from the Rain on Grid modelling because of the large and diverse catchment upstream and the reality that the pipeline is underground. Through the EES a water quality monitoring program will be established to understand the baseline water quality within most of the Mining Licence Area and the Project Infrastructure Land.

The assessment also includes a risk assessment to quantity initial and residual risks to surface water and flooding potentially imposed by the Project and identifies mitigation measures to reduce the initial risks which need to be incorporated into the final design and construction methodology. The study concluded that there are no residual impacts expected during construction and operation of the pipeline. The hazards to surface water that were addressed included:

- Discharge of stormwater runoff containing sediment and other contaminants from pipeline and pump station construction causing degradation of water quality downstream.
- Modifications to drainage lines across along the pipeline alignment (during construction) causing redistribution of existing flows (Back Creek floodplain).
- Clearance of vegetation causing degradation of water quality.
- Construction in a flood prone area with flooding of infrastructure leading to impacted water quality (pump station, pipeline).

Impacts due to works within areas impacted by flood management overlays, including the Floodway Overlay and Land Subject to Inundation Overlay, are mitigated through measures in the EMP which is enforced by the Incorporated Document. The Incorporated document also includes a requirement that all buildings and works must be undertaken to the satisfaction of the relevant floodplain management authority.

### 4.5 **Summary of Visual Impact Findings**

Landscape & Visual Impact Assessment Goschen Rare Earths and Mineral Sands Project was prepared for VHM by Moir Landscape Architecture in August 2022. The assessment considers view impacts of the Project, including the proposed pump station. Two viewpoints were assessed of the proposed pump station at Kangaroo Lake and the impact rating is outlined in Table 7.

Table 7 **Visual Impact Assessment of Proposed Pump Station** 

View	Visual Sensitivity	Visual Magnitude	Potential Visual Impact
Kangaroo Lake Picnic Area, Mystic Park	HIGH	LOW	MODERATE
Gorton Drive, Mystic Park	MODERATE	LOW	LOW-MODERATE

The proposed Pump Station would be located on the lake's shoreline. Views of the pump station are likely to be available in areas that receive high visitor footfall on the lake's shorefront, as well as from certain roads and the nearby canals and irrigation channels. It was concluded that due to existing infrastructural associations and low scenic associations with the canals and channels the impact of a pump station is likely to be insignificant. All visual impacts of the construction of the pipeline between the pump station and the Mining Licence Area will be temporary and are likely to be minimised/screened by existing vegetation.

### 4.6 **Summary of Noise and Vibration Findings**

Draft Noise Impact Assessment Goschen Rare Earths and Mineral Sands Project prepared for VHM by SLR Consulting in August 2022.

The pipeline trenching and pipe laying work noise sources move along the pipeline as the work progresses. Therefore, sensitive receptors would only be exposed to construction noise for a relatively short period. Predicted noise from the pipeline construction is likely to be below ambient background noise levels, with only a small number of receptors in the town of Mystic Park anticipated to receive construction noise at an elevated level. Since the work is short in duration (anticipated to be only a few days in Mystic Park) and occurs during 'normal' day-time hours, the level of impact is considered reasonable as long as impacts are appropriately controlled through the use of appropriate management measures.

Operating noise from the pumping station at Kangaroo Lake is predicted to comply with standards at all nearest receptors for all time periods provided suitably designed acoustic enclosure and silencer selection for the generator. Pursuant to the *Environment Protection Regulations 2021* noise that is emitted from commercial, industrial and trade premises is prescribed to be aggravated noise if it exceeds:

- the lower of (i) 75 dBA, or (ii) the noise limit plus 15dB in the Day period
- the lower of (i) 70 dBA, or (ii) the noise limit plus 15dB in the Evening period
- the lower of (i) 65 dBA, or (ii) the noise limit plus 15dB in the Night period

Pursuant to the *Environment Reference Standards 2021* the indicators and objectives for ambient noise relevant to the land surrounding the project area are:

- Leq, 8h (10 pm to 6 am) = 35 dBA
- Leq, 16h (6 am to 10 pm) = 40 dBA

Potential impacts on noise due to the Infrastructure Works would be avoided, minimised, or managed to required standards through a number of key mitigations have been assumed in the Infrastructure Works design, including:

- The pumping station diesel generators would be specified with an appropriate acoustic enclosure.
- Construction phase impacts would be mitigated by limiting the hours of construction to standard daytime hours and ensuring prior community consultation and notification occurs.
- Use of appropriate management measures, e.g. prior community consultation and notification is undertaken.
- Construction Works are to be completed under a CEMP incorporating a Noise Management Plan.

While the road upgrades have no operational noise impacts, maintaining site roads in good condition would minimise operational noise from vehicle/freight traffic, e.g. limiting movements over corrugations and potholes, and by providing a suitable site access routes for trucks that do not involve reversing.

The level of residual impact is considered manageable under a CEMP and through low frequency noise impacts from the Kangaroo Lake pumping station being controlled through the design of the generator enclosure during detailed design.

# 4.7 Summary of Air Quality Findings

Air Quality Impact Assessment Goschen Rare Earths and Mineral Sands Project was prepared for VHM by SLR Consultants in May 2022. The assessment results indicate that if no mitigation measures were to be applied to control emissions during the pipeline works there is a low risk of adverse off-site dust soiling and health effects occurring for earthworks and construction, and a medium risk of adverse off-site dust soiling and health effects occurring for trackout and demolition. However, in some cases risk could be negligible, with the application of the proposed dust management and mitigation strategies.

In general, 'sensitive receptors' includes houses, schools, kindergartens, recreation areas and sporting ovals. The closest sensitive receptors to the pipeline route were identified to be within 50 metres of the pipeline at the intersection of Mystic Park East Road and Wilson Street, Mystic Park. The pipeline construction assessment includes consideration of both human and ecological receptors.

For the purposes of the EES it is conservatively assumed that these generators would be powered by diesel and would be required for the life of the Project. Potential air pollutants of interest associated with the operation of the pumping station include:

- carbon monoxide (CO)
- oxides of nitrogen (NOx)

- PM10 and PM2.5
- sulfur dioxide (SO2)
- volatile organic compounds (VOCs)
- polycyclic aromatic hydrocarbons (PAHs).

Pumping station NO2 impacts due to diesel generator emissions are predicted to comply with relevant 1-hour average and 24-hour average criteria at nearby sensitive receptors, however, exceedances of the 1-hour average criterion are predicted at and beyond the Project Infrastructure Land boundaries for the human health criterion and the annual average vegetation criterion, extending to approximately 200 metres of the pumping station. However, due to the rural and relatively remote nature of the Infrastructure Works location, the likelihood of a third party occupying these impacted areas for more than a few minutes at a time is low. There are unlikely to be exceedances of the vegetation criterion extending beyond approximately 10-15 metres of the pumping station.

PM2.5 ground level concentrations resulting from pumping station emissions to air are negligible at the receptors such that cumulative concentrations are unlikely to be increased by a measurable amount. These findings indicate that the risk of impacts from other products of diesel combustion (e.g. SO2, VOCs, PAHs etc) would also be low. Use of liquified petroleum gas instead of diesel would result in significantly lower emissions of NOx (and PM2.5), likely negating impacts predicted for diesel in these areas.

Potential impacts on air quality due to the Infrastructure Works would be avoided, minimised, or managed to required standards through the recommended mitigation measures, addressed through the Incorporated Document. This includes best practice dust emission mitigation measures employed for all aspects of the Infrastructure Works, especially for wheel generated dust from haul roads which has been identified as the primary potential source of dust emissions. Upgrading transport routes from dirt roads to finished roads is another key mitigation measure.

# 4.8 Summary of Cultural Heritage Findings

Goschen Rare Earths and Mineral Sands Project Cultural Heritage Impact Assessment was prepared for VHM by Ecological Australia in August 2022. The report provides an assessment of the potential Aboriginal cultural heritage, and historical cultural heritage-related, aspects associated with the construction and operation of the Project and Infrastructure Works subject of the PSA.

An Aboriginal archaeological ground survey of the study area was conducted in line with the requirements of a CHMP standard assessment, and in accordance with proper archaeological practice. The aims of the archaeological survey were to:

- Inspect areas with ground surface visibility for Aboriginal archaeological sites within the study area.
- Undertake a general assessment of the overall archaeological potential of the study area.

In November 2021 a standard assessment, involving inspection via a pedestrian transact, was held to cover the proposed water supply pipeline and pumping station around Kangaroo Lake.

Survey investigation areas encompassed parts of the proposed pipeline route and road upgrades and assessed as having low archaeological potential due to the report finding that the areas were considered as:

- low to moderate archaeological sensitivity.
- having undergone a moderate to high level of ground disturbance.

Investigation Areas 10 and 11 apply to the Project Infrastructure Land, and these areas were assessed as being of low to moderate archaeological sensitivity. During the survey no Aboriginal cultural heritage was identified for these Investigation Areas despite fairly good visibility. This could be attributed to the pipeline and road upgrade routes' level of ground disturbance, as being a small and narrow part of the overall area, and may have only been subject to transitory use between the resource rich areas of the Murray River and Kerang Lakes to the east. In lieu of providing a statement of significance the Wemba Wamba Aboriginal Corporation confirmed that there were no tangible or intangible values recorded.

Mitigation measures to ensure the Infrastructure Works do not impact Aboriginal cultural heritage include the requirement for appropriate contractor induction to communicate the protections, requirements, and the Unexpected Finds Protocol. If historical heritage sites are discovered during the construction, operation or decommissioning of the Project, the following steps should be applied:

- The person who identified the find will immediately notify the person in charge of the activity.
- b. The person in charge of the activity must then suspend any relevant works at the location of the discovery and to a distance within 50 m of the relevant site extent and isolate the find via the installation of safety webbing, or other suitable barrier and the material to remain in situ.
- c. Works for the activity may continue outside of the exclusion zone, although if additional heritage is identified this must also be protected following the steps outlined above.
- d. The person in charge of works should notify a suitably qualified archaeologist of the find within 24 hours of the discovery.
- e. Relevant management actions will be determined by the suitably qualified archaeologist in relation to the Heritage Act 2017 (Vic) and in consultation with Heritage Victoria.
- f. Site cards for identified historic archaeological sites required to be submitted to Heritage Victoria within 30 days of discovery.
- g. Approvals must be granted by Heritage Victoria for works to continue.

# 4.9 Summary of Agricultural Findings

The Agricultural Impact Assessment Goschen Rare Earths and Mineral Sands Project was prepared by SLR Consulting for VHM in May 2022. The assessment provides a description of potential agricultural impacts at the regional (Gannawarra Shire) and local (Study Area) levels and proposed mitigation measure to reduce these identified impacts to as low as practicable.

The assessment found that there is low residual risk concerning:

- Potential impacts to the local road network through road closures and increased vehicle movements during construction and operation of the Project
- Potential impact to agricultural resources and production during construction, operation and decommissioning of the water supply pipeline from Kangaroo Lake
- Potential impact to available irrigation water for agricultural use.

Access impacts during construction of the water supply pipeline and road upgrades would be minimal and would be managed through landholder consultation and measures outlined in a TMP, such as alternate access routes for temporary road closure and alternative livestock/machinery entry points for paddocks, with alternatives and construction works considering livestock movement, and vehicle and harvest machinery requirements.

Other mitigation measures to avoid impacts to agriculture include:

- Proposed alignment traversing existing road easements wherever possible and has been designed to avoid direct impacts on surrounding agricultural land.
- Consultation with the Responsible authority and other stakeholders as to the possibility the pipeline remaining for beneficial agricultural use at the end on the Project's life.
- The proposed pump station to be designed and sited on a section of the Kangaroo Lake bank that
  is already characterised by agricultural infrastructure.
- Only currently licenced surface water to be purchased or leased, so no additional surface water which is available in the Goulburn-Murray Water system would be removed as a result of the Project, placing no further constraints on existing or future agricultural water availability.
- Water not required during each licencing period could be made available for temporarily transfer to other users.

Full decommissioning of the water pipeline would occur unless otherwise agreed with the relevant authority. However, VHM will have the option to utilise water sourced from the pipeline to aid in establishment of pasture and/or cover crops on soil stockpiles and rehabilitation areas. VHM will consult with the Responsible Authority and other stakeholders as to the possibility of the pipeline remaining at completion of the Project, whereby surface water would be available for purchase by landholders along the pipeline route via Goulburn-Murray Water.

# 4.10 Summary of Transport Findings

Technical Report E: Transport was prepared by AECOM in May 2022. The assessment was prepared to assess the potential transport impacts associated with the Project, including the pipeline construction.

Overall, the assessment concluded that impacts to the transport network during the eight months of the water pipeline construction are expected to be relatively minor given:

- the limited population
- the extent of existing network to provide suitable diversion routes
- construction can be suitably managed through measures outlined in a TMP
- the road network found to be sufficient to accommodate anticipated traffic volumes
- the rural area there are no dedicated pedestrian or bicycle infrastructure provided near the proposed site access roads to the Mining Licence Area (noting pedestrian and cycling activity may occur in Mystic Park)

Intersection and road upgrades are also expected to be required to ensure that bidirectional movements of large vehicles can be safely facilitated on the public road network. As well as the local roads being likely to require upgrades to accommodate Project -generated traffic. Vehicle access routes considered the following:

- Route directness between construction worker / material sources and access points.
- Department of Transport (now DTP) heavy vehicle approved networks.
- Location of potential height or weight restricted structures.

A review was undertaken of the access points and roads to be used by the Project during construction. Access road sections which would require upgrades or alterations were identified. A site access strategy is to be completed to ensure that each of the access point intersections provide safe access and egress for construction vehicles. This includes considerations for intersection and road section upgrades to ensure that safe vehicle movements can be facilitated, notedly Donald-Swan Hill Road and Bennett Road priority intersection and Bennett Road.

During both local and wider site access intersection upgrades and road section upgrades, it is likely that short and long term road closures would be necessary to accommodate different aspects of road works, impacting the accessibility and connectivity of local road users. Delays, diversions, and connectivity would be maintained and managed through the design and delivery of a TMP. It is recommended road upgrades are staged to minimise need for diversions.

To further manage impacts, a Road Safety Audit(s), site access strategy, and heavy vehicle transport route assessments will be prepared to the satisfaction of DTP.

The residual impact of construction and subsequent operational stage local vehicles access on transport infrastructure and operations is expected to be negligible, with delays only experienced during the upgrade of roads themselves. The intersection and road condition improvements would make the current road network a safer road environment for all road users when compared to its existing conditions as roads would be reinstated to similar if not better conditions following Project completion.

# 5.0 Consultation

# 5.1 Consultation Overview

The Project's EES, including proposed GC218 Amendment, will be placed on exhibition for public comment for approximately 30 business days, allowing key stakeholders and the broader community to make written submissions.

The Minister for Planning will appoint an inquiry and advisory committee to evaluate the effects of the Project and Infrastructure Works, having regard to the EES studies and public submissions.

# 5.2 PSA Consultation

Development of the Project and preparation of the GC218 Amendment has been informed by consultation with stakeholders and the community. Consultation with landowners and occupiers affected by temporary occupation of land, land acquisition, or altered access arrangements has been ongoing and will continue, where required, during the construction phase of the Project.

The table below lists specific stakeholder feedback on the PSA and how this feedback has been considered.

Stakeholder	Description
Gannawarra Shire Council	A meeting was undertaken with Gannawarra Shire's Economic Development Manager and Director of Infrastructure and Development to understand current and future land use matters within Gannawarra Shire and its surrounds. The Council also provided written comments regarding the Project and the form and content of the PSA package.
Swan Hill Rural City Council	A meeting was undertaken with Swan Hill Rural City Council's Development Manager to understand current and future land use matters within the municipality. The Council also provided written comments regarding the Project and the form and content of the PSA package.
Technical Reference Group	In accordance with the scoping requirements, a Technical Reference Group (TRG) was convened and chaired by DTP (formerly DELWP) on behalf of the Minister for Planning. The TRG has provided input throughout the EES process. The following members of the TRG provided written comments regarding the proposed form and content of the PSA package:  • Freight Victoria, DTP  • Integrated Transport, Loddon Mallee Region, DTP  • Impact Assessment, DTP  • Forest, Fire and Regions, Department of Energy, Environment and Climate Action (DEECA)  • Regional Planning Services, DTP  • EPA
Lower Murray Water	VHM has consulted with Lower Murray Water regarding the construction of the water supply pipeline in the vicinity of water pipe assets held by LMW. LMW's main interest is in regard to the protection of existing assets, most notably the water supply (including pumping operations) from Kangaroo Lake to the Mystic Park township. LMW have stated their support of the Goshen Project and do not have any objections to the works to create the water supply pipeline.
Powercor	Discussions between Powercor and VHM are ongoing.

Stakeholder	Description
Community consultation	Consultation and stakeholder engagement has been undertaken for the Project with a broad range of community participants and stakeholders. Consultation involved community information sessions at Lalbert, Kerang and Swan Hill on 27-28 July 2022, and 28-29 September 2022. Community information sessions were also held online on 15 November, 22 November and 30 November 2022.
	There have been no matters raised by community members regarding the change of the use of land from agriculture to mining, or concerns regarding the Project's compatibility with planning policies under the Planning Schemes. Notwithstanding, community members have raised concerns regarding the ability for VHM to restore the land and rehabilitate to a standard that is productive for (the resumption of) agriculture. These matters have been addressed in Technical Report P: Rehabilitation and Closure.
Public Exhibition	The PSA documentation will be put on public exhibition alongside the EES. It is expected that the abovementioned parties, as well as other relevant stakeholders will make submissions as part of the EES process that will further inform the PSA

### 6.0 Planning Scheme Amendment GC218

### 6.1 **Context of Amendment Request**

The Infrastructure Works associated with Amendment GC218, the water pump station, water pipeline, and road upgrades, are not subject to the exemptions set out in the proposed mining or prospecting licence for the Project because the works are constructed outside of the proposed Mining Licence Area.

Ordinarily, the Infrastructure Works proposed outside the Mining Licence Area would require multiple planning permits by virtue of the number of planning permit triggers within the Project Infrastructure Land. Furthermore, use and development for the pumping station within the PCRZ would be prohibited under the provisions of the zone.

Addressing permit requirements through individual planning permit applications would likely result in a fragmented approach to land use management and place a burden on the resources of the responsible authority. Further, a permit application process would be unable to facilitate the proposed use and development of land within the PCRZ for the pump station (as a prohibited use).

The PSA would streamline the coordinated approval of the Infrastructure Works by introducing a single, site specific control that governs the Infrastructure Works in a manner that provides for net community benefit, good design and construction outcomes and is consistent with the objectives of Planning in Victoria.

A PSA is the most appropriate planning approval mechanisms for the following reasons:

- The Project is of genuine significance for the Loddon Mallee Region and of state significance for Victoria
- A PSA would ensure that the use and development of the land for the Infrastructure Works (including uses that would otherwise be prohibited in the planning scheme) is undertaken in accordance with specific and comprehensive conditions contained in an Incorporated Document rather than ad-hoc planning permits
- The application of an Incorporated Document would ensure that there is an integrated and coordinated planning control for the proposed works across land of different tenures and subject to complex and multiple approval requirements. All planning permit triggers will be encapsulated with the conditions of the Incorporated Document to allow for consolidated consideration and approval
- The PSA would be jointly exhibited with the EES, minimising approval timeframes and the administrative burden on Gannawarra Shire Council and Swan Hill Rural City Council. Joint exhibition will also allow the PSA to be the subject of public submissions and to be considered by the inquiry and advisory panel established for the EES
- The PSA can be considered in the context of the thorough environmental impacts assessment that is currently being undertaken and presented in the EES, which would be publicly exhibited prior to Ministerial assessment under the EE Act
- The PSA will give effect to an outcome where the issues have been reasonably considered and the views of affected parties are known via the EES process

### 6.2 **Summary of Permit Requirements**

In the absence of the PSA, the Infrastructure Works would be subject to multiple permit requirements under the Gannawarra and Swan Hill Planning Schemes. Permit requirements are outline below:

# Clause 35.07 Farming Zone

- Utility installation A permit is required for use of the land and to construct a building or carry out works
- Roadworks no permits required
- Clause 36.03 Public Conservation and Resource Zone

- Utility installation prohibited (unless specified in an incorporated document)
- Roadworks A permit is required to construct a building or carry out works

# Clause 36.04 Transport Zone 1

- Utility installation A permit is required for use of the land and to construct a building or carry out works
- Roadworks no permits required

# Clause 36.04 Transport Zone 2

- Utility installation A permit is required for use of the land and to construct a building or carry out works
- Roadworks no permits required

# Clause 32.05 Township Zone

- Utility installation A permit is required for use of the land and to construct a building or carry out works
- Roadworks no permits required

# Clause 42.01 Environmental Significance Overlay – Schedule 2, 3 and 4

- Utility installation A permit is required to construct a building or carry out works
- Roadworks no permits required
- A permit is required to remove, destroy, or lop native vegetation, including dead vegetation

# Clause 42.02 Vegetation Protection Overlay – Schedule 1 (Gannawarra)

A permit is required to remove, destroy, or lop native vegetation on land within the road reserve and within 50 metres of the road reserves

# Clause 42.02 Vegetation Protection Overlay – Schedule 1 (Swan Hill)

- A permit is required to remove, destroy, or lop any native vegetation including dead trees

# Clause 44.03 Floodway Overlay

- Utility installation A permit is required to construct a building or carry out works
- Roadworks no permit is required if works do not change the finished level of the road surface, or works are limited to resurfacing an existing road.

## Clause 44.04 Land Subject to Inundation Overlay

- Utility installation A permit is required to construct a building or carry out works
- Roadworks no permit is required if works do not change the finished level of the road surface, or works are limited to resurfacing an existing road.

# Clause 44.06 Bushfire Management Overlay

- Utility installation no permits required
- Roadworks no permits required
- Clause 45.12 Specific Controls Overlay Schedule 2 (Goulburn-Murray Water: Connections Project and Water Efficiency Project Incorporated Document, November 2021)
  - No permits apply

# Clause 52.02 Easements, Restrictions and Reserves

 A permit may be required to create, vary, or remove an easement to facilitate the use and development of the pipeline if the alignment traverses land in the PCRZ and TRZ1

# Clause 52.17 Native Vegetation

- A permit is required to remove, destroy, or lop native vegetation, including dead native vegetation

# • Clause 52.29 Land Adjacent to the Principal Road Network

A permit is required to create or alter access to a road in a Transport Zone 2

# 6.3 Incorporated Document

The planning controls as contained in the Incorporated Document allows the use and development of land in the Project Infrastructure Land for the purposes of the Infrastructure Works. The permission is subject to a number of conditions which have been drafted on the basis that they are strategic and outcomes focussed, proportional to the permission granted by the control and have a clear nexus between the Infrastructure Works and the local planning context. The conditions also respond as appropriate to the findings and the management actions identified by the specialist investigations as outlined in Section 4.0, stakeholder feedback as outlined in Section 5.0 and planning permit requirements as identified in Section 3.7.

The permission that is proposed to be granted by the Incorporated Document is the result of detailed and extensive consideration of a wider range of matters, including the objectives of planning in Victoria, Local Planning Policy, and environmental, social, and economic effects. It has also been informed by specific consultation with Council and other key stakeholders as outlined in Section 5.0.

The Incorporated Document, which would govern the Infrastructure Works, includes conditions relating to the preparation of an Environmental Management Plan and subsequent management plans, native vegetation, creating and altering access to roads, flood management, creation and variation of easements and other conditions.

The Incorporated Document also allows for preparatory and other permissible works that may be carried out prior to the preparation and approval of relevant plans and documents.

# 7.0 Conclusion

This Amendment has been made at the request of VHM. The PSA supports the implementation and operation of the Goschen Rare Earths and Mineral Sands Project (the Project). Specifically, the PSA facilitates the proposed water pipeline, pump station, works associated with road intersection and infrastructure, and associated removal, lopping and destruction of vegetation, including native vegetation (the Infrastructure Works).

The Project would contribute approximately \$126 million in additional Gross State Product to Victoria and sustain around 480 jobs.

The Project offers strong economic exposure to the rare earth permanent magnet sector, it would contribute to the critical mineral supply of the state meeting many key Commonwealth Government priorities. For example, the Commonwealth's *Critical Minerals Strategy* highlights the opportunity for Australia to develop its critical mineral deposits.

The Infrastructure Works would perform upgrades of roads around and within the perimeter of the Project Infrastructure Land which would create benefits for all users through greater connectivity, improved safety, and more efficient vehicle movements and capacity during harvest season. The Infrastructure Works would also develop pipelines and pump stations for water supply, the incoming water and power supply would be distributed to other users in the vicinity via an interconnecting services corridor.

For these reasons, the Project and Infrastructure Works is of significance to the nation, Victoria, and the region.

# What does Amendment GC218 propose to do?

The PSA proposes a single consolidated planning control for the Infrastructure Works in the form of an Incorporated Document that would provide for a co-ordinated, streamlined, and integrated assessment of the Infrastructure Works by a single approving authority, the Minister for Planning.

The PSA makes changes to the Gannawarra and Swan Hill Planning Schemes to be implemented by amending the Schedule to Clause 45.12 (Specific Controls Overlay), 72.03 (What Does this Scheme Consist Of?) and 72.04 (Documents incorporated in this planning scheme).

# Why is the Planning Scheme Amendment needed?

The Incorporated Document introduced by the PSA provides for a project delivery outcome. The control demonstrates consideration of the planning objectives in Victoria, the planning context of the Project Infrastructure Land, Planning Policy Frameworks, agency and council submissions, a range of technical due diligence reports and the zoning, overlays and particular provisions that are relevant to the Infrastructure Works.

The use of a consolidated control would remove the requirement to seek multiple planning approvals from the affected Councils. While there is broad support for the Infrastructure Works including from the Councils, the PSA would also reduce administrative burden on Council and streamline the delivery of the Infrastructure Works to support this state significant Project.

The PSA would ultimately give effect to an outcome where the issues have been reasonably considered and the views of affected parties are known via the EES process.

# Is the Planning Scheme Amendment an appropriate response to the need?

Amendment GC218 provides a simple structure for the necessary approvals for the Infrastructure Works within a consistent framework that would apply across the Project Infrastructure Land. The Incorporated Document provides a clear set of requirements that would be available to all parties and the community during the life of the Project and against which the design and delivery of the Infrastructure Works can be measured.

The use of the Incorporated Document is appropriate because the Project is of State significance and the Incorporated Document proposed by the PSA (by amending the Schedule to Clause 45.12 (Specific Controls Overlay)) would allow the Infrastructure Works to be developed and delivered in a coordinated, consistent, and timely manner under a single consolidated planning control.

# Is approval of the Planning Scheme Amendment under section 20(4) appropriate?

The use of the powers under section 20(4) for Amendment GC218 is appropriate as:

- The Project will be one of genuine State or regional significance
- The Project will give effect to an outcome where the issues have been reasonably considered and the views of affected parties are known.
- The matter requires coordination to facilitate decision making by more than one agency.

In exercising its power, the Minister for Planning will determine whether compliance with any of the requirements is not warranted or that the interests of Victoria or any part of Victoria make such an exemption appropriate.

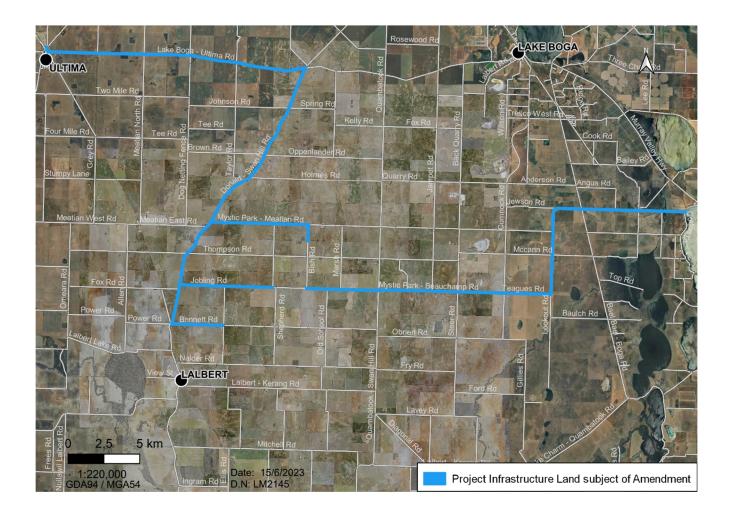
# Recommendation

It is recommended that the Minister for Planning prepare, adopt, and approve Amendment GC218 to the Gannawarra Planning Scheme and the Swan Hill Planning Scheme under Section 20(4) of the *Planning and Environment Act 1987* (Vic) to allow for the efficient and timely delivery of the Infrastructure Works.

# Appendix A

Project Infrastructure Land Map

# Appendix A Project Infrastructure Land Maps



# Appendix B

# GC218 Amendment Documentation

# Appendix B GC218 Amendment Documentation