

# Planning Permit Assessment Report – PInApp19/158.01

## Application Details:

Application Number:	PInApp19/158.01
Land/Address:	Wangaratta-Kilfeera Road LACEBY VIC 3678 Lot 1 TP253930
Lot size	Approximately 130 hectares
Application is for:	Use and Development for a Renewable Energy Facility (Solar Installation); and Alteration to Access to a Road Zone Category 1
Zoning & Overlay/s:	Farming Zone Floodway Overlay
Under what clause(s) is a permit required?	<p><u>Farming Zone</u></p> <ul style="list-style-type: none"> <li>Pursuant to Clause 35.07-1 a permit is required to USE the land for a Renewable Energy Facility and must meet the requirements of Clause 53.13 otherwise it is prohibited in the Farming Zone.</li> <li>Pursuant to Clause 35.07-4 a permit is required to DEVELOP the land for buildings and works associated with a Section 2 use; within 50m of a Road Zone Category 1; within 20m of another road; within 50m of a dwelling not in the same ownership; within 100m from a waterway.</li> </ul> <p>NB. The Three Mile Creek is an artificial drain NB. Easement along northern boundary east to west belongs to electricity authority</p> <p><u>Floodway Overlay</u></p> <ul style="list-style-type: none"> <li>Pursuant to Clause 44.03-2 a permit is required to construct a building or to construct or carry out works.</li> <li>A Flood Risk Report is required – submitted with application.</li> <li>Must be referred to NECMA.</li> </ul> <p><u>Clause 52.29 Road Zone Category 1</u> Pursuant to Clause 52.29-2 a permit is required to create or alter access to a road in a Road Zone Category 1. Must be referred to VicRoads.</p> <p><u>Clause 53.13 Renewable Energy Facility (other than wind energy)</u> A proposal must meet the requirements of Clause 53.13 otherwise it is prohibited in the Farming Zone.</p>
Agricultural Versatility	High
Special Water Catchment Area	No
Bushfire Prone Area	Yes
Restrictive covenants on the title?	Nil
Area of Cultural Heritage Sensitivity	Yes
Current use and development:	Farm paddock

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## Recommendation

That Council:

1. Issue a Notice of Decision to Grant a Permit with respect to Planning Permit PInApp19/158 for Use and Development for a Renewable Energy Facility (Solar Installation); and Alteration to Access to a Road Zone Category 1; and
  2. The applicant, referral authorities and VCAT are notified of Council's decision.
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## Executive Summary

The application seeks approval for the use and development of the land for a renewable energy facility (solar installation) and alteration to access to a road in a Road Zone Category 1 at Lot 1 TP253930 on Wangaratta Kilfeera Road and Snow Road in Lace by. The site is zoned Farming with a Floodway Overlay and measures approximately 130 hectares.

The subject site is located to the south of the Rural City of Wangaratta in farming land with a number of rural lifestyle lots in the vicinity as well as larger farms. The site is identified as being of high agricultural versatility which allows for a range of agricultural activities; however, it is not within the area identified in the Hume Regional Growth Plan 2014 as being of strategic importance to the state.

The proposal was advertised and ten objections were received.

An amended proposal was submitted that excluded removal of the native trees and the proposal was re advertised to the objectors. No withdrawals have been received by Council and the objections stand.

The proposal was referred externally and internally as required.

- Department Environment, Land, Water and Planning (DELWP) was satisfied that no native trees would be removed.
- North East Catchment Management Authority (NECMA) did not object and asked for detailed plans to be submitted prior to works commencing to ensure that there will be no off site detrimental impacts due to the potential for flooding.
- Vic Roads is allowing direct access from Snow Road for maintenance only and Wangaratta-Kilfeera Road used during the construction phase. A Traffic Management Plan is required for the construction phase.

The proposal has been assessed against the Victorian Government's 'Solar Energy Facilities Design and Development Guidelines August 2019' and satisfies all relevant requirements. Further management plans will be required via conditions on any permit issued to ensure that the facility is controlled from construction to decommissioning phase in aspects regarding environment, risk and emergency, access and traffic, landscaping and construction and decommissioning activities.

The proposal has been assessed against the Wangaratta Planning Scheme, relevant state and local strategies, the current Council Plan and the Design and Development Guidelines and it is considered that there is very strong support throughout.

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## Proposal in Detail

This proposal is for the use and development of the land for a Renewable Energy Facility (Solar Installation) and the creation of a new access from Snow Road which is a Category 1 Road. No vegetation is proposed to be removed and Tree Protection Zones have been identified on plans for endorsing. The solar installation is proposed to produce 60 Megawatts of electricity which will connect directly into an existing 66 Kilovolt powerline that extends along the northern boundary.

The proposal intends to construct and operate 201,348 panels producing 60 megawatts of energy that will be transmitted into the local network at 66 kilovolts ready for use within the local area subject to Ausnet Power Sharing Protocols. The facility is proposed to operate for 30 years within an additional 12-18 months in which to construct and 6 months to decommission. At the end of the life of the facility the land is intended to be fully restored to agricultural use. During the life of the facility it is intended to have sheep grazing at around 40% of the stocking rate of that which would be achievable if the facility were not in place.



*Example of what the panels will look like in elevation.*

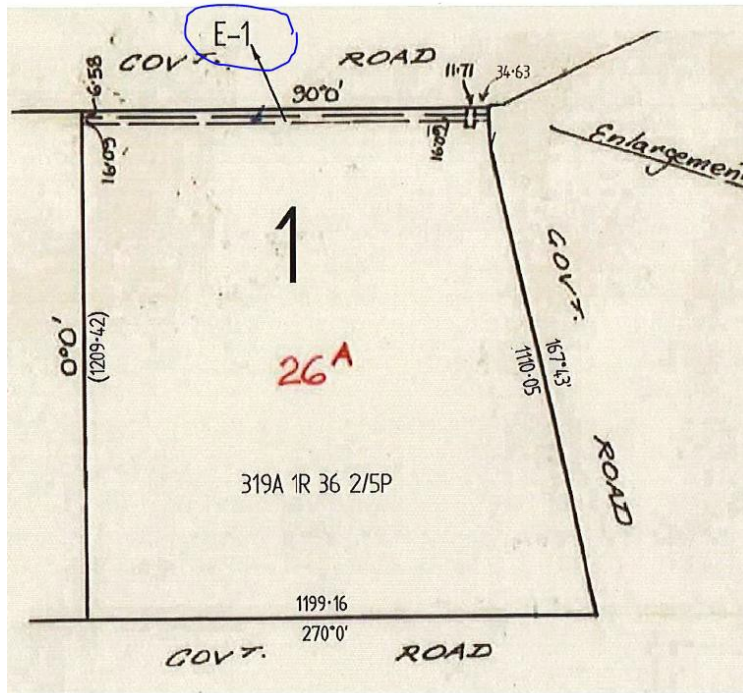
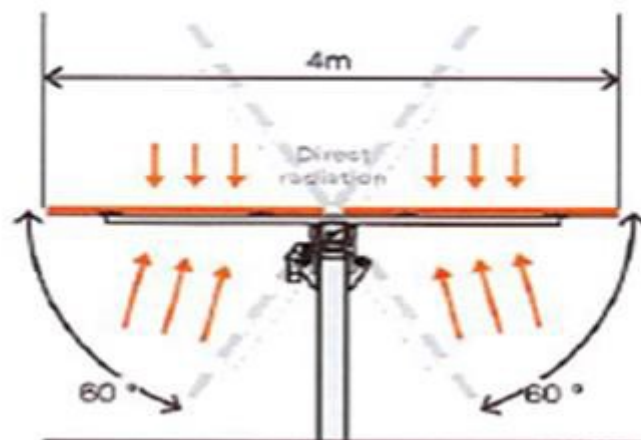


Diagram showing the location of the electricity easement along the north boundary

Each panel is approximately 2 metres in height and 1 metre in width and fixed to linear mounts, being aligned north-south to allow the panels to track the sun throughout the day. The panels are mounted in rows across the site allowing for tree protection zones, internal access and an external perimeter break between the security fencing and panels.

The panels will be connected to power stations located in 6 metres by 2 metres containers, 2.44 metres in height. The power stations are connected to a control room (15 metres by 4 metres), switch room (15 metres by 5 metres) and a battery room (4.6 metres by 3.4 metres) contained within a compound area measuring 35 metres by 70 metres. All structures are proposed to be raised off the ground level to accommodate flood flows. There will be no permanent lighting once operational.



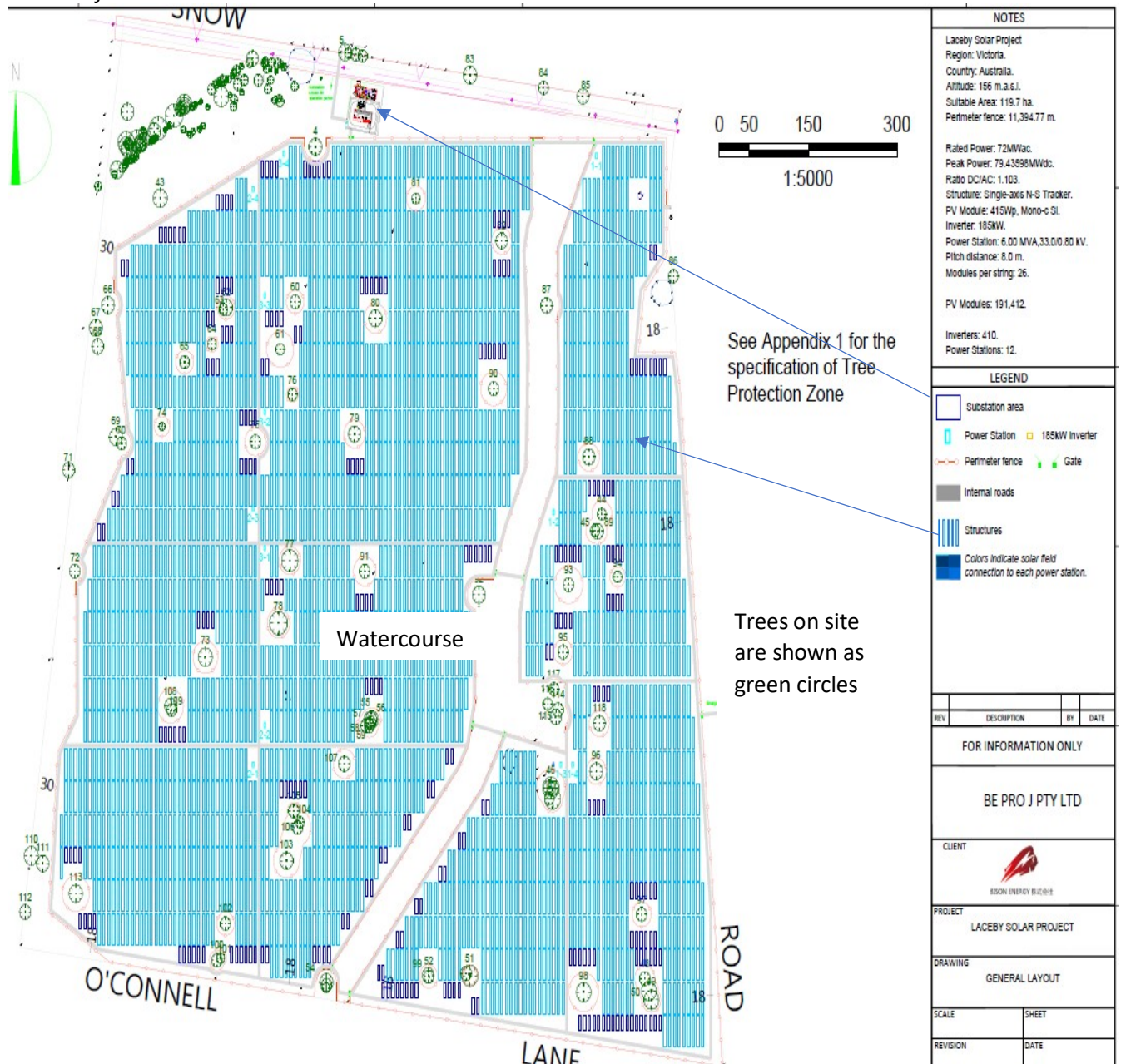
A typical panel showing the extent of tilt and width/height



The perimeter will have security fencing but no barbed wire is proposed. There will also be a perimeter road to Country Fire Authority (CFA) requirements to create a ten metre cleared fire break. A 3 metre clearance to the fence will be provided and on the external side of the security fence a 5 metre wide landscape buffer is proposed and then outside of this, a post and wire fence.

All structures other than the fences, will be located 30 metres back from the western boundary, 15 metres back from the eastern and northern boundaries and a minimum of 18 metres from the eastern and southern boundaries that abut road reserves.

Construction is anticipated to take place between 12 to 18 months and within this period the peak period for increased traffic movements will last approximately 3 months. This may be divided up or be in one block. Construction is proposed during daytime only from Monday to Saturday.



The plan shows the layout of panels (light blue) which connect to power stations (purple) which feed into the sub station located with access from Snow Road.

The facility will not require on site staff permanently but will be maintained on a regular basis. It is envisaged that two or three full time jobs will be created to run the facility. Routine maintenance on site will manage vegetation, fire breaks and keep the site clean and tidy from rubbish. The panels are self-cleaning and require no chemicals.

Access during construction will be from Wangaratta-Kilfeera Road and after that it will be from Snow Road for routine maintenance.

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## Site and Surrounds

The subject site is located to the south of the rural city of Wangaratta in Laceby. It is located at the intersection of the Wangaratta-Kilfeera and Snow Roads. The lot is irregular in shape and measures approximately 130 hectares in area with frontages to Snow Road measuring approximately 970 metres, Wangaratta-Kilfeera Road measuring approximately 1225 metres and O'Connell Lane measuring approximately 1200 metres. The land is currently used for grazing with a farm building located in the south east corner. There are currently three existing access points, being two from Snow Road and one from the Wangaratta-Kilfeera Road. Three waterways cross the site with one being an artificial drain and there are four dams. The land is modified pasture with scattered remnant trees with the largest clusters of significant vegetation in the north-west corner. The topography is relatively flat at around 155 metres Australian Height Datum (mAHD). There is an electricity easement that runs along the northern boundary identified as E-1. Some of the land is above flood level, whilst some areas are below. The surrounding land uses are predominantly farming with a few small lots used for rural lifestyle living.



*The site viewed from the corner of Snow Road and Wangaratta-Kilfeera Road looking south west*

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## Summary of Key Issues

- Conflict between the new use and agricultural use
  - Loss of agricultural land
  - Flooding
  - Objections
  - Area of Cultural Heritage Sensitivity
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## Public Notification

The proposal was advertised to adjacent and nearby owners and occupiers by way of a letter. The proposal was also advertised in the local newspaper and on Council's website.

Ten objections have been received and they are listed below with a response from the assessing officer –

Submission / Objection	Council Response
Objection 1 1. Highly productive agricultural land 2. Removal of paddock trees 3. Floodway Overlay (FO) 4. Visual impact 5. Airport 6. Temperature rise 7. Fire risk	1. The subject site is not agricultural land of state strategic significance as it is not within an irrigated area and not identified by state government as being of state significance. Locally it is identified as High Agricultural Versatility and that means it could be used for a range of different farming activities. The site has been identified as a location that can be considered in the Design and Development Guidelines. The solar facility would not permanently remove the farming land from agricultural use. The proponent has also indicated that the site can still be used for grazing during the life of the solar facility. 2. No paddock trees are to be removed. 3. The FO has been fully considered by NECMA who have not objected. Conditions on permit from NECMA will ensure that flood is addressed fully and not allowed to impact on the surrounding area or on the facility itself. 4. The visual impact has been investigated by a suitably qualified person and they have identified that overall the visual impact will be minimal and where it is more obvious, plantings of a screen will mitigate this. 5. Civil Aviation Safety Authority did not object. The panels are not reflective, rather they absorb light as is described in the technical information provided with the application. 6. The Design and Development Guidelines require a 30m separation distance from fruit farms as studies, which are few, acknowledge the potential for ambient air temperatures within the perimeter of the

	<p>facility to potentially increase by up to 3 to 4 degrees Celcius, which dissipates rapidly. The 30m separation is in response to studies that have shown that up to 30m from the solar facility the air temperature variation was indistinguishable from ambient air temperature.</p>
<p>Objection 2</p> <ol style="list-style-type: none"> <li>1. Inadequate consultation</li> <li>2. Rezone</li> <li>3. Inappropriate site</li> <li>4. Flooding</li> <li>5. Wildlife and feral animals on site</li> <li>6. Agricultural quality of land</li> <li>7. Noise and dust</li> <li>8. Fire risk</li> <li>9. Visual amenity</li> </ol>	<ol style="list-style-type: none"> <li>1. The proposal was advertised in accordance with the requirements at Section 52 of the Planning and Environment Act 1987. The proponent has stated that face to face discussions with land owners of adjoining properties has been undertaken.</li> <li>2. There currently are no intentions to rezone the land and at this time the use and development of the land for a solar facility is not prohibited.</li> <li>3. The proposal location meets the guidelines of the Design and Development Guidelines and does not remove state significance farming land, is not on topographically challenging land that requires extensive earthworks, is close to the electricity network for connection, is accessible by main roads, is a sufficient distance from urban areas and does not require the removal of native vegetation.</li> <li>4. Flooding has been addressed in Objection 1.</li> <li>5. Not a planning consideration. It will be up to the developers to manage the site in accordance with management plans.</li> <li>6. This has been addressed in objection 1.</li> <li>7. Similar to impacts from any surrounding farming land.</li> <li>8. Fire risk has been addressed in objection 1.</li> <li>9. Visual amenity has been addressed in objection 1.</li> </ol>
<p>Objection 3</p> <ol style="list-style-type: none"> <li>1. Heat island effect</li> <li>2. Security and decommissioning</li> <li>3. Connecting to the electricity network</li> </ol>	<ol style="list-style-type: none"> <li>1. Heat island effect has been addressed in objection 1. The objector provides an article that cites potential research that will ask the question 'could larger solar arrays make their own rain? The article informs that this research will involve facilities that are 'the size of cities'.</li> <li>2. Security is the high, internal perimeter fence with a buffer of screening plants both externally and internally. Other security measures may also be implemented. Decommissioning is documented as part of the application and a management plan required by conditions on any permit</li> </ol>



	<p>issued will detail to the satisfaction of the Responsible Authority.</p> <p>3. The agreement between the electricity infrastructure manager and the provider is not something that Council has jurisdiction over. There is regulation and Acts controlling this.</p>
<p>Objection 4</p> <ol style="list-style-type: none"> <li>1. Amenity</li> <li>2. Agricultural land</li> <li>3. Property values</li> <li>4. Screen plantings at perimeter</li> <li>5. Fire risk</li> <li>6. Clustering</li> <li>7. Jobs</li> </ol>	<ol style="list-style-type: none"> <li>1. Visual amenity has been addressed in objection 1.</li> <li>2. Agricultural land has been addressed in objection 1.</li> <li>3. Property values are not a planning consideration.</li> <li>4. The screen plantings are necessary and a Landscaping and Maintenance/Management Plan will be required to the satisfaction of the Responsible Authority. The visual amenity report details that the development will be most visible from some points along the Snow Road and Wangaratta-Kilfeera Road and that plantings would interrupt the visual impact. Council is satisfied that landscaping can be implemented and that it will to some extent mitigate the visual impact and that it will be maintained.</li> <li>5. Fire risk has been addressed in objection 1.</li> <li>6. Clustering is a consideration however there are no adjacent or nearby facilities. This is not considered clustering just because the municipality now has three solar facility proposals.</li> <li>7. The proposal during the construction phase will need to employ a range of workers to undertake various jobs. Once that is completed there will be ongoing maintenance and security of the site and these have been suggested at a figure of 2-3 employees.</li> </ol>
<p>Objection 5</p> <ol style="list-style-type: none"> <li>1. Property values</li> <li>2. Land management practices</li> <li>3. Visual impact</li> <li>4. Heat island effect</li> <li>5. Fire risk</li> <li>6. Removal of vegetation</li> </ol>	<ol style="list-style-type: none"> <li>1. Property values are not a planning consideration.</li> <li>2. Farming land is to be managed by all owners in accordance with relevant legislation – Catchment and Land Protection Act 1994.</li> <li>3. Visual impact has been addressed in objection 1.</li> <li>4. Heat island effect has been addressed in objection 1.</li> <li>5. Fire risk has been assessed in objection 1.</li> <li>6. Removal of native vegetation has been addressed in objection 1.</li> </ol>
<p>Objections 6</p> <ol style="list-style-type: none"> <li>1. Amenity</li> <li>2. Loss of Agricultural land</li> <li>3. Glint and glare</li> </ol>	<p>The matters raised in this objection have been previously considered.</p>

<ol style="list-style-type: none"> <li>4. Screen plantings at perimeter</li> <li>5. Fire risk</li> <li>6. Jobs</li> </ol>	
<p>Objection 7</p> <ol style="list-style-type: none"> <li>1. Amenity</li> <li>2. Agricultural land</li> <li>3. Property values</li> <li>4. Screen plantings at perimeter</li> <li>5. Fire risk</li> <li>6. Jobs</li> </ol>	The matters raised in this objection have been previously considered.
<p>Objection 8</p> <ol style="list-style-type: none"> <li>1. Property Values</li> <li>2. Tourism</li> </ol>	<ol style="list-style-type: none"> <li>1. Previously considered.</li> <li>2. Renewable energy facilities including solar, wind and water are often points of interest for visitors to an area worldwide. Many articles cite that renewable energy facilities can be complementary to each other.</li> </ol>
<p>Objection 9</p> <ol style="list-style-type: none"> <li>1. Flooding</li> <li>2. Fire risk</li> <li>3. Property values</li> <li>4. Amenity</li> <li>5. Agricultural land</li> </ol>	The matters raised in this objection have been previously considered.
<p>Objection 10</p> <ol style="list-style-type: none"> <li>1. Removal of vegetation</li> </ol>	The proposal was amended to avoid removal of native vegetation / paddock trees.

## Referrals

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	<ul style="list-style-type: none"> <li>• VicRoads – referred pursuant to clause 52.29-4 and 66.03 as a Section 55 referral authority Determining - no objection and conditions given for any permit to issue</li> <li>• NECMA – referred pursuant to clause 66.03 as a Section 55 referral authority Recommending – no objection and conditions given for any permit to issue</li> <li>• DELWP – referred pursuant to clause 66.02 as a Section 55 referral authority Recommending for the original application and had concerns about the removal of so many paddock trees. However, the proposal was amended and due to an updated style of panel whereby less could be used for the same amount of energy collected, the trees were all able to be retained and have TPZs around them. DELWP was no longer a referral authority and they were satisfied with this outcome.</li> </ul>
Section 52 Referrals	<ul style="list-style-type: none"> <li>• CFA – it was considered that the CFA should be notified given that there is always a fire danger with any large development particularly in the BPA. The CFA are always included in the development of renewable facilities as they have guidelines for the development. They have not objected and have given conditions for any permit to issue.</li> <li>• AusNet – this was notified to AusNet given that they have an easement across the land, but it did not meet the requirements for a Section 55 referral. It is known that the developer will have to enter into agreement with the electricity provider given that the facility has to connect.</li> </ul>

	<ul style="list-style-type: none"> <li>• GMW – were notified given that there are a number of waterways on the site. GMW did not object and have given conditions for any permit to issue.</li> <li>• CASA – were notified as the airport is nearby and it was considered that it may have some impact on visual assessment for flights. They have informed council that they have no experience in glare assessment and do not know if flights will be affected. It is considered that should there be issues then they will be addressed directly between the airport and the management of the solar facility.</li> <li>• Transport Vic – notified due to concerns about the amount and status of traffic during construction particularly. Do not object.</li> <li>• RRV – As above for TR and no response.</li> </ul>
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Internal Council Referrals	Advice/Response/Conditions
Environment Resources	Objected to the removal of the native trees. Conditions given for any permit to issue. The application was amended to avoid removal of native trees.
Infrastructure Services	Conditions.

## Assessment

### Zones and Overlays

#### Farming Zone

Pursuant to Clause 35.07-1 a permit is required to USE the land for a Renewable Energy Facility (Solar Installation) and must meet the requirements of Clause 53.13.

Pursuant to Clause 35.07-4 a permit is required to DEVELOP the land for buildings and works associated with a Section 2 use; within 50m of a RDZ1; within 20m of another road; within 50m of a dwelling not in the same ownership; within 100m from a waterway.

The purpose of the Farming Zone is –

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

Appropriate decision guidelines are considered to be –

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The capability of the land to accommodate the proposed use or development, including the disposal of effluent.*
- *How the use or development relates to sustainable land management.*
- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
- *How the use and development makes use of existing infrastructure and services.*

- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*

### Floodway Overlay

Pursuant to Clause 44.03-2 a permit is required to construct a building or to construct or carry out works.

The purpose of the Floodway Overlay is –

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*
- *To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.*
- *To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health*

A Flood Risk Report was submitted with the application and was referred North East Catchment Management Authority.

Appropriate decision guidelines are considered to be –

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The local floodplain development plan or flood risk report. Any comments of the relevant floodplain management authority.*
- *The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan.*
- *Any other matters specified in a schedule to this overlay.*

### **Planning Policy Framework**

#### Clause 11 Settlement

Planning is to anticipate and respond to the needs of existing and future communities through the provision of a range of requirements including infrastructure to support settlement.

#### Clause 11.01-1S Settlement

The objective is to promote the sustainable growth of Victoria and that includes provision of sustainable infrastructure.

#### Clause 13.02-1S Bushfire Planning

The objective of this policy is to strengthen the resilience of settlements and communities to bushfire through risk based planning that prioritises the protection of human life. This policy is applied to all proposals within a bushfire designated area and directs planning to give priority to the protection of human life above all other policy considerations and reducing the



vulnerability of communities to bushfire through consideration of risk in decision making in planning.

#### Clause 13.03-1S Floodplain Management

The objectives are to assist the protection of life, property and community infrastructure from flood hazard; protect the natural flood capacity of rivers, streams and floodways; protect the storage function; and protect the river health and environment.

This can be achieved by ensuring that development is assessed for its potential impact on the objectives stated.

#### Clause 13.07-1S Land Use Compatibility

The objective is to safeguard the community amenity whilst facilitating appropriate commercial, industrial or other uses with potential off site effects. This can be achieved by ensuring the land use is in an appropriate location and using separation measures between the uses.

#### Clause 14 Natural Resource Management

Planning is directed to assist in the wise use of natural resources including land and should ensure that agricultural land is managed sustainably, acknowledging the economic importance of agricultural production.

#### Clause 14.01-1S Protection of Agricultural Land

The objective is to protect the state's agricultural base by preserving productive farmland. This can be achieved by avoiding permanent removal.

#### Clause 14.01-2S Sustainable Agricultural Land Use

The objective is to encourage sustainable agricultural land use.

#### Clause 19.01-2S Renewable Energy

The objective is to promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met. This can be achieved by facilitating the proposal in appropriate locations and protecting energy infrastructure from competing and incompatible uses.

#### Clause 19.01-1R Renewable Energy – Hume

This policy directs planning to create renewable energy hubs that support co location of industries, use of those resources efficiently and with minimal waste.

#### Clause 21.01 Wangaratta Snap Shot

This policy clause informs us about the locality, accessibility, population, economy and tourism in the municipality. It also identifies key influences and issues. The vision is to be the 'ultimate in liveability'.

#### Clause 21.02 Settlement

This policy goes into more detail about the municipality and its projected growth and provides a settlement hierarchy identifying the types of land available. Laceby is identified as a rural settlement with no residentially zoned land.

#### Clause 21.04-1 Floodplains

The objective is to recognise and protect natural functions of floodplains and this is to be achieved by avoiding development in floodplains.

#### Clause 21.04-3 Bushfire

The objectives are to mitigate the risk of bushfire and to recognise the value of the vegetation and natural environment in areas of bushfire risk. This is to be achieved by avoiding development in areas of high risk and minimising clearing of vegetation by utilising good design.

#### Clause 21.05 Natural Resource Management

This policy informs that agriculture is a major economic industry and employment generator in the municipality and it is imperative that the productivity and versatility of agricultural land is maintained for higher agricultural versatility areas.

#### Clause 22.01 Rural Land Use and Agriculture

This policy pertains to housing and sheds as well as subdivision in the Farming Zone.

### **Particular Provisions**

#### Clause 52.29 Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road

Pursuant to Clause 52.29-2 a permit is required to create or alter access to a road in a RDZ1.

The purpose is –

- *To ensure appropriate access to identified roads.*
- *To ensure appropriate subdivision of land adjacent to identified roads.*

The responsible authority must consider –

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The views of the relevant road authority.*
- *The effect of the proposal on the operation of the road and on public safety.*
- *Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.*

### **General Provisions**

#### Clause 53.13 Renewable Energy Facility (other than a wind energy facility)

The purpose of this clause is to facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, within minimal impact on the amenity of the area.

Appropriate decision guidelines are considered to be –

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference.*
- *The impact of the proposal on significant views, including visual corridors and sightlines.*
- *The impact of the proposal on strategically important agricultural land, particularly within declared irrigation districts.*
- *The impact of the proposal on the natural environment and natural systems.*
- *The impact of the proposal on the road network. Solar Energy Facilities Design and Development Guideline (Department of Environment, Land, Water and Planning, August 2019).*

This proposal was submitted to Council prior to the approval date of amendment VC161 which applies to any application to use or develop land for a renewable energy facility. VC161 makes the Minister for Planning the responsible authority for renewable energy facilities and associated utility infrastructure above 1 megawatt generation capacity. VC161 also introduces the Solar Energy Facilities Design and Development Guideline August 2019. Council consulted with the Department of Environment, Land, Water and Planning to see if the Minister would call it in and were advised to proceed with the application.

#### Clause 65 Decision Guidelines

Before deciding on an application or approval of a plan the responsible authority must consider as appropriate –

- *The matters set out in section 60 of the Act.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of storm water within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction. Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

#### **Area of Cultural Heritage Sensitivity**

An area of cultural heritage sensitivity follow the watercourses over the subject site and the applicants have submitted an Approved Cultural Heritage Management Plan which allows for the issue of a permit.

#### **Other Relevant State and Local Policy / Strategies**

##### **Hume Regional Growth Plan 2014**

##### Renewable Energy

The Hume Region is identified for population growth and with that comes a need to support renewable energy initiatives to support a sustainable future for growth. (11.1 Business, Industry and Services: Working in the Hume Region page 20).

The Plan directs that the planning system should continue to support the viability of farming and in place of declining industries within that sector some areas could transition towards other uses such as renewable energy generation amongst others. (11.2 Agriculture page 24).

Opportunities exist in the region for sustainable electricity generation in close proximity to existing electricity distribution infrastructure and identifies that solar energy could be located in the northern parts of the region. The region is home to key electricity infrastructure such as sub stations and networks and sustainable electricity generation that is connected to existing infrastructure could offer a regional advantage. (11.3 Energy and Earth Resources page 27).

All towns within the Hume Region have access to electricity and this network will need to be augmented to accommodate future growth. Electricity options such as renewable generation should continue to be developed as part of this network. (14.3 Energy, Communications, Water and Waste page 70).

### Agricultural Land

Agriculture, manufacturing and tourism are important industry sectors. Hume's economy relies heavily on agriculture and manufacturing and this plan seeks to assist in developing a more diverse regional economy whilst maintain and enhancing key regional economic assets. Protecting strategically important agricultural land will maintain options for future changes in production in response to market demands. (Executive Summary page ii).

The economy is reliant on agriculture (largely irrigated in the Goulburn Valley) and a significant manufacturing industry. (Snap Shot of the Region page 11).

### Floodplains

Waterways, rivers and wetlands in the Hume Region are highly significant environmental and economic assets providing water supply for environment, major storage, industry, farming and settlements.

The risk of flood must be considered in land use planning decisions and decisions should be based on the best quality information on flood hazards to minimise risk to life, property community infrastructure and environmental assets. New development will be directed away from areas of highest flood hazard. (12.3 Natural Hazards and Risks page 35).

### **Solar Energy Facilities Design and Development Guidelines August 2019 (Victorian Government)**

These guidelines should be used to guide the development of and assist in the granting of a permit for ground mounted photovoltaic solar structures the main purpose of which is to export electricity generated on site to the National Electricity Market directly or via battery storage.

The Victorian Government's objective is to accelerate the development of well sited and designed renewable energy facilities in Victoria to reduce emissions, create jobs and put downward pressure on energy prices.

The Renewable Energy Act 2017 supports a target of 25% renewable energy generation by 2020 and 40% by 2025 and 50% by 2030. The Act outlines the action the Victorian Government is taking to encourage investment in renewable energy. The Plan aims to ensure that supply remains affordable, the energy system remains safe and reliable, and jobs are created benefitting the economy.

Suitable locations are identified as having minimal impacts on surrounding communities, the environment and other uses. Irrigated areas are not deemed not suitable. A solar energy facility should not lead to loss of vegetation, loss of cultural heritage or significant landscape values, loss of productive state significant agricultural land, increase natural hazard risk. A solar energy facility should not be located on land that topographically requires excessive



earthworks, close to the electricity grid network, a sufficient distance from residential areas, not in close proximity to other facilities to avoid cumulative built form concentration, away from floodplains and where there is easy access to main roads. A solar energy facility can potentially impact on cultural heritage and an applicant must consider the views of the aboriginal people before lodging. A proponent should avoid siting a facility within an identified floodplain to avoid unnecessary risk to the facility.

Landscape screening will reduce visual impacts of the facility on neighbouring sensitive uses or on public views from main roads. Indigenous native plants should be used along the perimeter of a site within setbacks, of sufficient height, width and depth at maturity to afford a screen and be managed for the life of the facility.

Glint and glare must be assessed and managed.

Security should be addressed and the site kept secure at all times.

Traffic impacts must be assessed via a Traffic Impact Assessment Report.

Noise from the site must be kept below the EPA's guidelines for Noise from Industry in Regional Victoria.

The electromagnetic and radiation interference must be limited to within safe standards as specified by The Australian Radiation Protection and Nuclear Safety Agency.

An Environmental Management Plan, Risk and Emergency Management Plan, Site Access and Traffic Management Plan and a Construction and Decommissioning Management Plan, Landscape Management Plan should be required.

### **Council Plan 2017-2021**

The revised Council Plan 2017-2021 – The Pillars include 'We are Sustainable'.

'We will Plan, Research and Advocate for the Future.'

'To identify and promote options to maximise the use of environmentally sustainable design in new and retro fitted residential, industrial and commercial developments.'

### **An Assessment of Versatility of Agricultural Land in the Rural City of Wangaratta April 2000**

This document identifies the subject site as being within a High Versatility area. This identifies the land as being capable of a range of agricultural products.

### **Discussion**

#### **Farming Zone**

##### **Purpose**

The proposal provides for the ongoing use of the land for agriculture as there is proposed grazing around and under the panels and this is at a stated rate of about 40% of the usual herd that could be accommodated if the development were not there. Due to the fact that the life of the facility is limited to 30 years it is therefore not permanently removing land thereby allowing for the continued retention. This proposal will allow for some limited employment with the applicant stating that there will be jobs in construction, albeit temporary during the

construction period and then ongoing maintenance of the site and panels. There is also the ongoing employment for farming on the site.

### Decision Guidelines

The land has been assessed as being capable of accommodating the use and the floodplain management authority has not objected. The proposal meets a number of requirements from the Design and Development Guidelines with regards to location in that it does not involve the removal of any native trees, is accessible from main roads, is not located near urban areas and is able to be connected directly to the electricity network via the easement on the site. The design of the panels themselves allow for minimal glint or glare and the maximum height of the panel is no greater than 4 metres. A Visual Impact Assessment determined that the majority of views to the proposed development from public viewing points would be contained or obscured by vegetation and topography. Where the visual impact would be high has been determined to be at some points from Snow Road and Wangaratta-Kilfeera Road which could be mitigated by intermittent boundary screen planting accommodated in appropriate setbacks.

It is considered that the argument is weighted favourably towards the proposal given that it can be seen to support in the majority the purpose and decision guidelines of the Farming Zone.

### **Floodway Overlay**

The response from North East Catchment Management Authority have assessed the proposal and determined that the majority of the site would be subject to inundation from the Fifteen Mile Creek System. They have not objected and have requested through conditions for any permit to issue, amended plans that will require the development to be constructed in a manner which will ensure that all works can be implemented without detrimental off site impacts and allow for minimal damage to the facility in a flood event.

It is considered that, given the North East Catchment Management Authority have not objected and have assessed that the development can be implemented if certain requirements are met, the proposal can be supported.

### **Planning Policy Framework**

This proposal will bring sustainable power to the region and municipality, allowing for the continued growth of the region and municipality through the provision of reliable, affordable, clean and sustainable electricity for residents and businesses.

The Country Fire Authority (CFA) has assessed the proposal and has not objected and has issued conditions for any permit that is issued. These consider Risk and Emergency Management, Access, Water Supply and the management of the Vegetation/Fuel on site. They have made requirements from the 'Guidelines for Renewable Energy Installations February 2019'. It is considered that thorough risk based planning has been undertaken with regards to bushfire.

North East Catchment Management Authority (NECMA) has assessed the proposal as discussed above.

The subject site is located in farming land with a number of smaller lifestyle lots nearby but none that share any boundary with the subject site. It is considered that as there is a road and screening between the smaller farming lots and the solar facility that the community amenity is still safeguarded and there will be no off site effects. This is farming land and there could be a range of farming activities that, it is considered, would have greater impact than the

proposal, on the community amenity and have off site effects, such as feedlots. This proposal is not near an urban area.

This subject site, although being identified as being of High Agricultural Versatility by Council is not of state strategic significance as identified in the Hume Regional Growth Plan 2014. This is due to the fact that it is not within the irrigation area and is used primarily for dry cropping and grazing. Due to the fact that the solar facility has a limited life, it means that the land is not removed permanently from being able to be farmed. The proposal itself is relatively passive and still allows for some farming activity.

The proponent has assessed the proposal against the Design and Development Guidelines and so has Council and it is considered that all relevant requirements have been met for a Renewable Energy Facility. This proposal will support the residents and businesses in the municipality and region.

It is considered that the proposal, when assessed against relevant policy, is weighted favourably towards support.

### **Particular and General Provisions**

The proposal requires an access from Snow Road for the life of the facility for maintenance and this requires the support of VicRoads. They have not objected. They require that during construction the access is from Wangaratta-Kilfeera Road.

It is considered that the proposal will result in orderly planning of the area with minimal effect on the amenity of the area, certainly not as much as some farming activities might have. It is considered that the activity is fairly passive apart from minor noise from the collection of energy as it is passed from the panels to be taken into the network. However as this is not an urban area it will not affect sensitive uses. No native vegetation is proposed to be removed and landscaping to create a buffer around the perimeter will be implemented. It is considered that the proposal will result in an acceptable outcomes in terms of the decision guidelines of Clause 65.

### **Other Relevant State and Local Policy / Strategies**

The Hume Regional Growth Plan 2014 informs of projected population growth and the need to support this growth and business. The proposal provides affordable and sustainable power to support households and businesses. The Plan also recognises that due to the decline of industries associated with agriculture that some areas could transition towards the use for renewable energy generation. The subject site is not recognised as being of state significance and is not within an irrigation area. It is currently used for dry cropping and grazing and will not be permanently removed so it is considered very reasonable to use it for the proposal for the duration of 30 years. The flood hazard can be addressed as advised by NECMA. It is considered that the proposal accords with relevant parts of the Plan and forms a growing weighting in favour of support for this proposal.

With regards to the 'Solar Energy Facilities Design and Development Guidelines 2019 the proponent has utilised these to ensure that the proposal can be supported. It has considered and accords with all relevant guidelines. The State Government has also set in place targets to achieve renewable energy generation by certain dates and this proposal is part of the trajectory in achieving this, so the weight of support comes through from the State Government to the planning scheme. It is considered that the proposal has thoroughly considered and addressed the relevant guidelines and this further adds to the argument for support of the proposal.

The Council Plan states 'We are Sustainable' and goes into detail about identifying and promoting options to maximise sustainable design for residential, industrial and commercial development. This proposal is part of achieving sustainable and it adds to the argument growing in favour of support.

With regards to the Agricultural Versatility, the subject site is identified as High. However it is not of state level significance and therefore it can be considered for other uses in perhaps declining farming areas. In this instance then this allows further support for the proposal due to the lack of support as significant farming land.

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## **Conclusion**

It is concluded that after assessment against all the relevant policy in the Wangaratta Planning Scheme and consideration of all relevant state and local strategies, as well as thorough consideration of all objections that the proposal has strong weighting in favour of support and it is therefore recommended that a permit should be issued.

No endorsed plans will be issued until the requirements of Condition 1 are satisfied.

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