

Mortlake Energy Hub

Planning Application PA2402939 | Officer Report



Officer Assessment Report
Development Approvals & Urban Design



Department
of Transport
and Planning

© The State of Victoria Department of Transport and Planning 2024

Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Accessibility

If you would like to receive this publication in an alternative format, please telephone the DELWP Customer Service Centre on 136186, email customer.service@delwp.vic.gov.au, or via the National Relay Service on 133 677 www.relayservice.com.au.

Summary

Key information	Details
Application Number:	PA2402939
Lodged:	3 June 2024
Applicant:	BrightNight Australia Pty Ltd c/- Urbis Ltd
Planning Scheme:	Moyne Planning Scheme
Land Address:	Various land parcels in Mortlake, located off or near the Hamilton Highway. Refer to the body of the report for the full list of properties.
Project Name:	Mortlake Energy Hub
Project Description:	Use and development of: <ul style="list-style-type: none">• 360 megawatt (MW) solar energy facility• 600MW battery energy storage system (BESS)• Ancillary infrastructure• Business identification signage• 1.436ha native vegetation removal
Development value:	\$800M
Zone:	Farming Zone (FZ)
Overlays:	Bushfire Management Overlay (BMO) Environmental Significance Overlay Schedule 3 (ESO3) – Mortlake Power Station Environs
Relevant Particular Provisions:	Clause 52.05 – Signs Clause 52.06 – Car Parking Clause 52.17 - Native Vegetation Clause 52.29 - Land Adjacent to the Principal Road Network Clause 53.13 - Renewable Energy Facility (Other than wind energy facility) Clause 53.22 - Significant Economic Development
Why is a permit required?	Clause 35.07 – Farming Zone: 35.07-1 – Use of land for a renewable energy facility (other than wind energy facility). 35.07-1 – Use of land for a utility installation. 35.07-4 – Construct a building or construct or carry out works associated with a Section 2 use of Clause 35.07-1. 35.07-4 – Earthworks which change the rate of flow or the discharge point of water across a property boundary. 35.07-4 – A building setback less than 50m from a Transport Zone 2. Clause 52.05 – Signs: 52.05-14 – Display of business identification signage. Clause 52.17 – Native Vegetation: Clause 52.17-1 – Remove, destroy or lop native vegetation, including dead native vegetation. Clause 52.29 – Land Adjacent to the Principal Road Network Clause 52.29-2 – Create or alter access to a road in a Transport Zone 2.
Responsible Authority:	Under Clause 72.01-1, the Minister for Planning is the responsible authority for a planning permit application for the use or development of land associated with: <ul style="list-style-type: none">• Energy generation facility with an installed capacity of 1 megawatt or greater



Key information	Details
	<ul style="list-style-type: none">• Utility installation used to:<ul style="list-style-type: none">○ Transmit or distribute electricity○ Store electricity if the installed capacity is 1 megawatt or greater
Referral authorities	<ul style="list-style-type: none">• Clause 66.02-2 - Secretary to DEECA (Recommending referral authority)• Clause 66.02-4 – AusNet (Determining referral authority)• Clause 66.02-7 – WorkSafe (Determining Referral Authority)• Clause 66.03 – Head, Transport for Victoria (Determining Referral Authority)
Notice:	<ul style="list-style-type: none">• Owners and occupiers of land with 1km of the subject site• Moyne Shire Council• Country Fire Authority (CFA)• Emergency Management Victoria (EMV)• Energy Safe Victoria (ESV)• Eastern Maar Aboriginal Corporation (EMAC)• Environment Protection Authority Victoria (EPA)• Secretary to DEECA (for adjoining Crown land)• Newspapers: Warrnambool Standard and Mortlake Dispatch
Submissions/objections:	Eight (8) submissions including five (5) objections
CHMP	Not required, however a voluntary CHMP is being prepared by the proponent
BP3	Yes
Delegation	Received 12/09/2024



1. The key milestones in the process of the application were as follows:

Milestone	Date
Pre-application meeting	Various meetings between October 2018 and 15 March 2024
Application lodgement	3 June 2024 (date that the fee was paid)
Further information requested	28 May 2024
Further information received	11 June 2024
Public notice period	29 June 2024 - 28 July 2024
Decision Plans and Elevations	Site plans and elevations prepared by URBIS, titled 'Mortlake Energy Hub', Rev E and B respectively and advertised with the application.

2. The subject of this report is the decision plans and elevations.
3. The assessment has been informed by the following consultant reports all advertised with the application:
 - Landscape Strategy prepared by URBIS, titled Mortlake Energy Hub and dated April 2024.
 - Planning Report prepared by URBIS titled 'Mortlake Energy Hub Town Planning Report' and dated 6 May 2024.
 - Visual Impact Assessment Report prepared by URBIS, titled 'Mortlake Energy Hub Visual Impact Assessment' and dated April 2024.
 - Environmental Management Plan Framework prepared by URBIS, V1, April 2024.
 - Noise Impact Assessment prepared by WSP, V1, dated 3 May 2024.
 - 'Agricultural Assessment; Construction and Operation of the proposed Mortlake Solar Farm' prepared by Ag-Challenge Consulting dated March 2024.
 - Bushfire Risk Assessment titled 'Mortlake Energy Hub – Fire Risk Assessment' prepared by Ecological, V2 and dated 6 May 2024.
 - Biodiversity Impact Assessment prepared by Ecological, Ref: 23MEL4927, V2 and dated 6 May 2024.
 - Mortlake Solar Farm Targeted Growling Grass Frog Survey prepared by Ecological, V1 and dated 2 February 2024.
 - Transport Impact Assessment prepared by URBIS and dated May 2024.
 - Mortlake Energy Hub Consultation Outcomes Report prepared by Premier Strategy and dated April 2024.
 - Hydrology Assessment prepared by Ecological Australia, version v3, dated 19 April 2024.
4. Following a request for additional information from DEECA on 26 June 2024, the following reports were updated and/or provided by the permit applicant to further support the application:
 - (Updated) Biodiversity Impact Assessment prepared by Ecological, Ref: 23MEL4927, V3 and dated 5 August 2024.
 - (Updated) Planning Report prepared by URBIS titled 'Mortlake Energy Hub Town Planning Report' and dated 1 August 2024.
 - Hydrology Memo prepared by [REDACTED] from Ecological, dated 12 July 2024.
 - DEECA RFI response cover letter prepared by URBIS dated 30 July 2024.



Site Description

5. The subject site is located 3km north-west of Mortlake in Victoria, within the local government area of Moyne Shire Council.
6. The site is approximately 1,888 hectares in size and is accessed from and bordered by Hamilton Highway, Thulborns Lane, Booths Lane, Hardys Lane and Boonerah Estate Road.
7. The majority of the site is currently used for agricultural grazing of sheep and cattle, with dwellings, farm dams and various outbuildings located across parts of the site.
8. Salt creek runs through the northern part of the site.
9. Various high-voltage powerlines (66kV, 200kV and 500kV) cut across the site as shown in Figures 2 to 7 below.

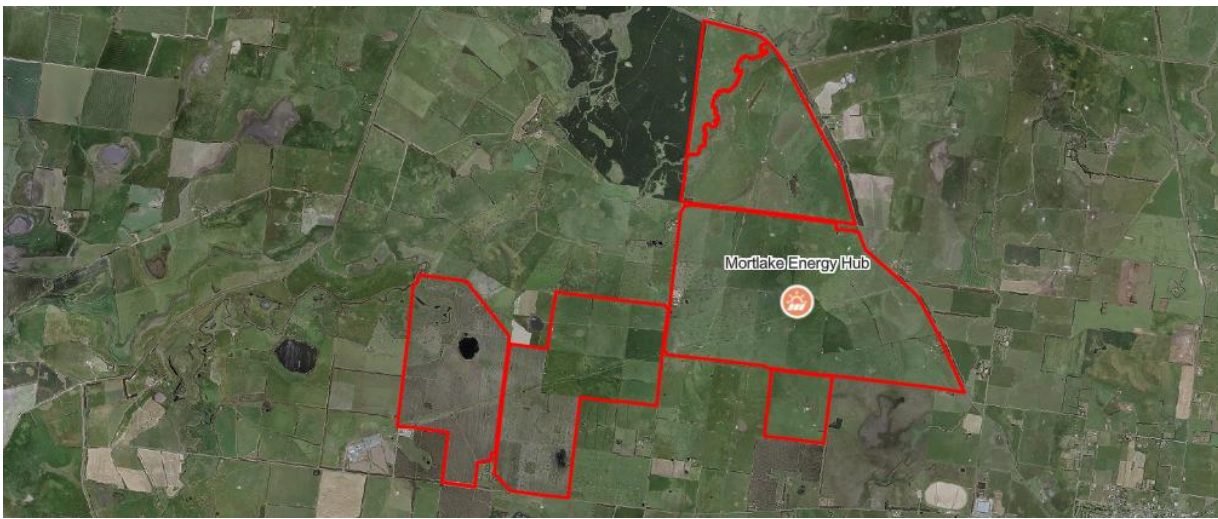


Figure 1: Aerial view of the subject site



Figure 2: Existing powerlines



Figure 3: View north from Connewarren Lane towards the Blue Gum plantation and location of the BESS



Figure 4: View northwest towards the proposed solar array from the corner of Hamilton Highway and Boonerah Estate Road.



Figure 5: View south towards the neighbouring property [REDACTED] Photo taken from the corner of Hamilton Highway and Boonerah Estate Road. Existing 66kV powerlines visible.



Figure 6: View west along Boonerah Estate Road towards the centre of the site and 66kV powerline.



Figure 7: View east towards the centre of the site where solar arrays are proposed. Photo taken from Boonerah Estate Road, under the 66kV and 500kV powerlines.



Figure 8: View towards [REDACTED]



10. The landforms of the site and wider region are characterised by undulating rises and extensive plateaus. The site slopes from east to west with the steeper areas located in the northern part of the site.
11. Ground cover on the agricultural lots of the site is primarily improved pasture species such as ryegrass and clover. Many of the paddocks have Cyprus tree windbreaks. However, remanent vegetation in the form of Plains Grassy Woodland, Floodplain Riparian Woodland and Plains Grassland is also present across the site.
12. A Forestry Plantation of Eucalyptus Blue Gums is located in the southwestern part of the site (where the proposed BESS is located), adjacent to the Mortlake Terminal Station and the Mortlake Power Station.
13. The relevant parcels of land for the application are:
 - Lot 1 on TP11005R, Vol 10431 Fol 238
 - Lot 2 on TP11005R, Vol 10431 Fol 239
 - Lot 3 on TP11005R, Vol 10431 Fol 237
 - Crown Allotment 2 Section 6 Parish of Hexham East, Vol 10415 Fol 616
 - Crown Allotment 3 Section 1 Parish of Hexham East, Vol 10415 Fol 617
 - Crown Allotment 4B Section 2 Parish of Hexham East, Vol 10415 Fol 597
 - Crown Allotment 8 Section 2 Parish of Connewarren, Vol 09531 Fol 763
 - Crown Allotment 9 Section 2 Parish of Connewarren, Vol 08941 Fol 340
 - Crown Allotment 10 Section 2 Parish of Connewarren, Vol 08650 Fol 978
 - Lot 1 on Plan of Subdivision 342923Q, Vol 10263 Fol 611
 - Lot 1 on Plan of Subdivision 636473H, Vol 11438 Fol 345
 - Lot 1 on Title Plan 011005R, Vol 10431 Fol 238
 - Lot 1 on Title Plan 012056S, Vol 10415 Fol 615
 - Lot 2 on Plan of Subdivision 076419, Vol 08670 Fol 974
 - Lot 2 on Plan of Subdivision 121574, Vol 09516 Fol 9134
 - Crown Allotment 2 Section 2 Parish of Connewarren, Vol 05957 Fol 396
 - Lot 2 on Plan of Subdivision 342923Q, Vol 10263 Fol 612
 - Lot 2 on Plan of Subdivision 347828G, Vol 10273 Fol 498
 - Lot 2 on Plan of Subdivision 409088E, Vol 10333 Fol 572
 - Lot 2 on Plan of Subdivision 525429F Vol 10857 Fol 051
 - Lot 2 on Plan of Subdivision 636473H Vol 11438 Fol 346
 - Lot 3 on Plan of Subdivision 076419H Vol 08670 Fol 975
 - Lot 3 on Plan of Subdivision 342923Q Vol 10263 Fol 613
 - Lot 3 on Plan of Subdivision 342923Q Vol 10263 Fol 613
 - Lot 1 on Plan of Subdivision 347828G Vol 10273 Fol 497
 - Crown Allotment 1 Section 10 Parish of Connewarren, Vol 10785 Fol 016
 - Lot 1 on Title Plan 012057Q, Vol 10415 Fol 595
 - Lot 2 on Title Plan 012057Q, Vol 10415 Fol 596
 - Lot 1 on Plan of Subdivision 620663R, Vol 11230 Fol 337
 - Lot 2 on Plan of Subdivision 620663R, Vol 11230 Fol 338
14. The site is encumbered by a number of easements, for the purposes of:
 - Transmission/supply of electricity (both above and underground)
 - Water supply
 - Drainage
 - Telecommunications
 - Carriageways
 - Supply of gas
15. There are no solar arrays proposed over the easements.
16. Various lots have caveats and/or covenants registered on title, relating to:
 - The right to use the land to mine silver, gold and other minerals;

- The right to access groundwater for wells;
- A lease agreement with Brightnight Australia Pty Ltd (project proponent); and,
- A lease agreement with Dundonnell Wind Farm Pty Ltd.

Site Surrounds

17. The subject site is located approximately 3km northwest of Mortlake in southwestern Victoria.
18. The surrounding land is mostly used for farming and agriculture and includes including scattered dwellings and outbuildings.
19. The Mortlake Terminal Station and Power Station are both located to the west of the site. There is also a large Blue Gum plantation located to the east of the BESS site.
20. The Mortlake Common Flora Reserve, a native grasslands reserve is located immediately south of the site.
21. Mortlake South Wind Farm and Salt Creek Wind Farm are located 8km south and 9km north of the site respectively.
22. The subject site and the surrounding land is located within the Farming Zone (FZ). The Midland Highway is located within the Transport Zone Schedule 2 (TRZ2).
23. The site and surrounds are also partly affected by the Bushfire Management Overlay (BMO) and the Environmental Significance Overlay (ESO).

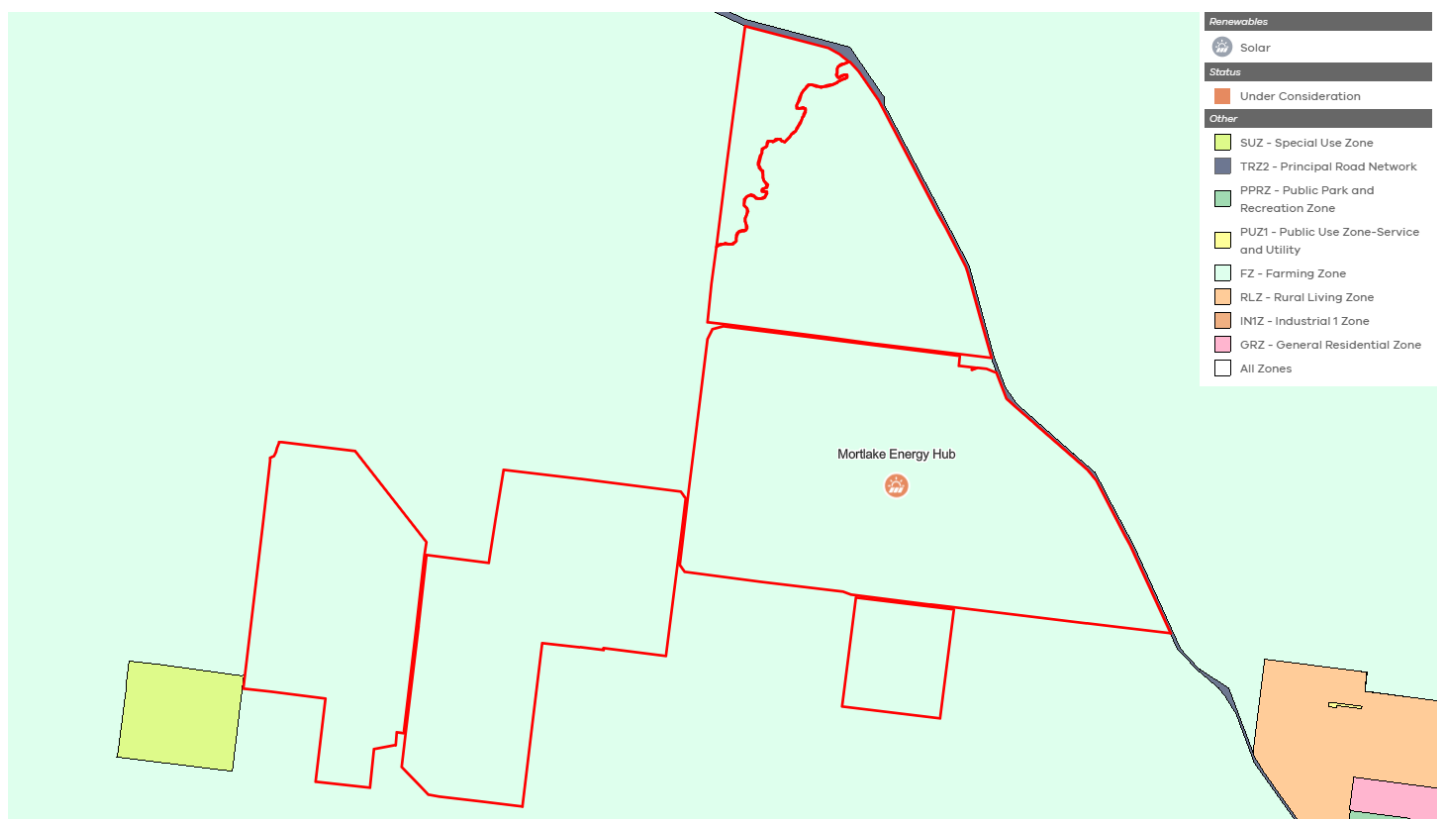


Figure 9: Planning Zones Map

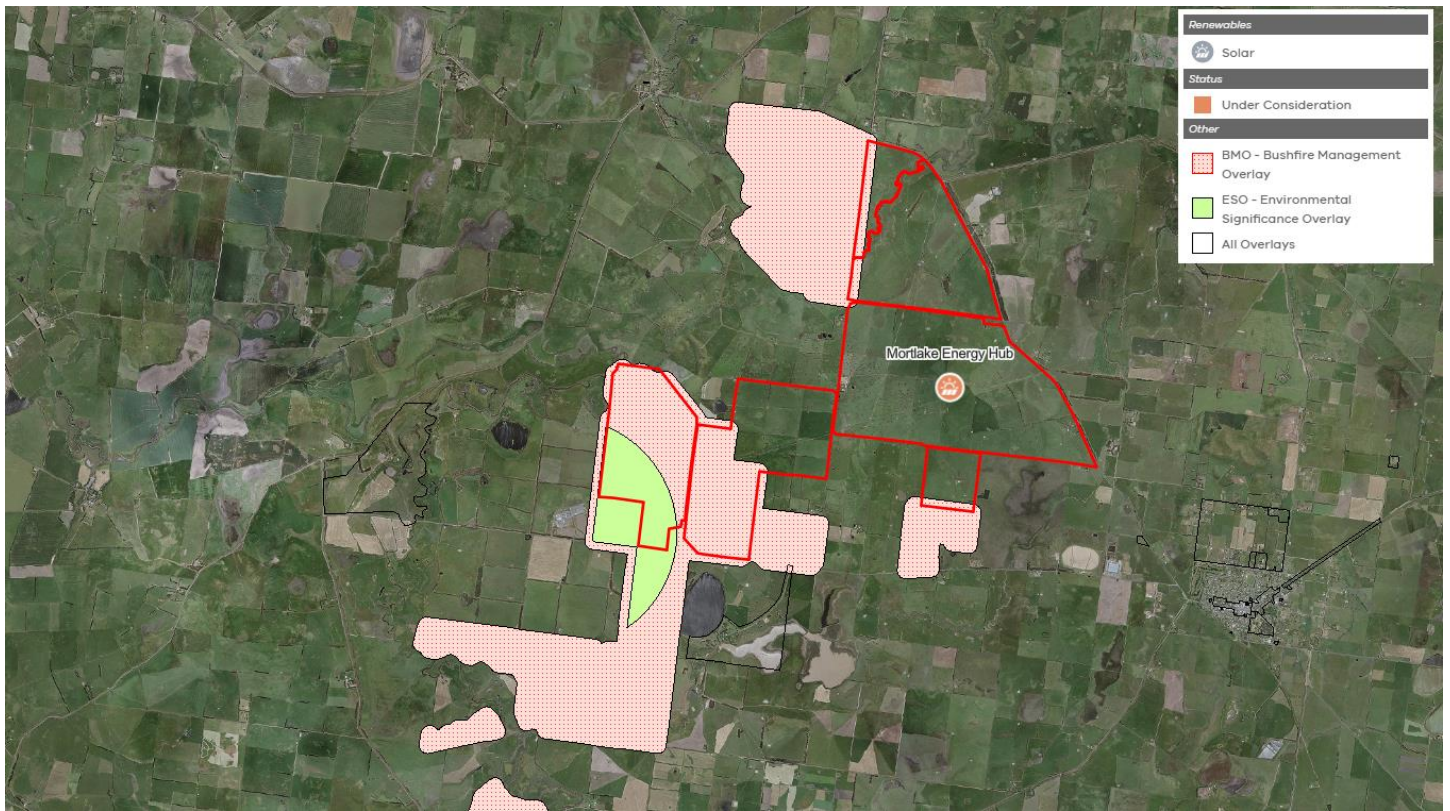


Figure 10: Planning Overlays Map



24. The application seeks planning approval for the use and development of a solar energy facility and utility installation (battery and powerline), associated buildings and works, display of business identification signage, removal of native vegetation and alteration of access to the principal road network.
25. The proposed solar energy facility features the following components:
- 360MW solar energy facility:
 - Installation of approximately 795,762 ground mounted solar panels covering an area of 1060 hectares
 - Single axis horizontal tracking technology (pivoting east to west)
 - Max overall height of 2.7m
 - 44 solar inverter stations
 - Substation (on the BESS site)
 - Battery Energy Storage System (BESS):
 - Nominal capacity of 600MW
 - 216 40ft containers
 - 78 BESS inverter stations
 - Construction of internal access and perimeter roads
 - 2.3m high chain mesh security fence and 1.15m high stock proof fencing
 - 10 x 45,000L water tanks for the solar installation
 - 288,000L water tank at the BESS site
 - A business identification sign at the site entrance on Hamilton Highway, measuring 2.4m x 1.2m
 - Removal of 1.436ha of native vegetation including 20 large trees
 - Grid connections comprising:
 - Overhead 500kV line connecting to BESS to the Mortlake Terminal Station
 - Underground 33kV connecting the solar array to the BESS
 - Upgrade to the intersection of Hamilton Highway and Boonerah Estate Road to facilitate the construction.
26. An overview of the project elevations is shown in Figures 11 to 13.

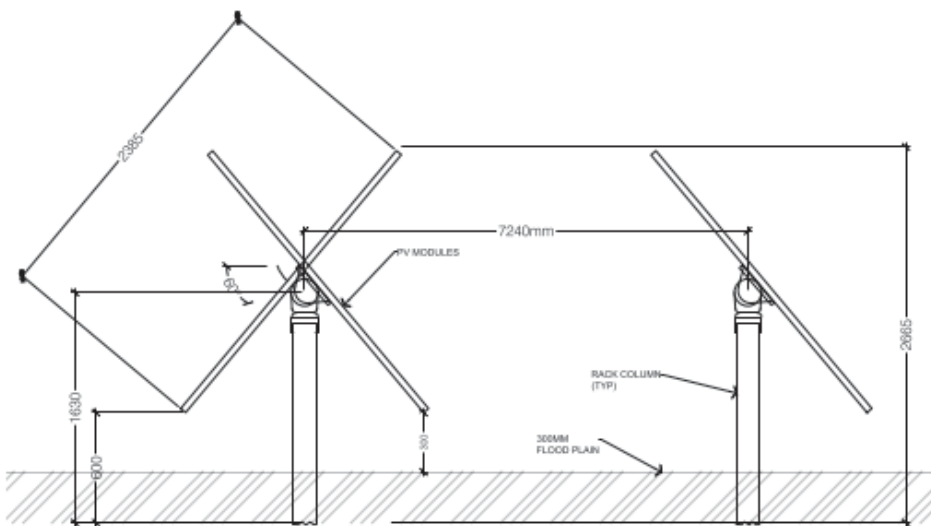


Figure 11: Elevation of proposed solar arrays

Referrals and Notice

Referrals

27. The application was referred to the following groups pursuant to Section 55 of the Act:

Organisation	Referral Type	Provision/ Clause	Response Date	Response	DTP Officer Assessment
Secretary to the Department of Energy, Environment and Climate Action (DEECA)	Recommending	Clause 66.02-2 - To remove, destroy or lop native vegetation in the Detailed Assessment Pathway as defined in the Guidelines for the removal, destruction or lopping of native vegetation.	26 June 2024 (RFI) 2 September 2024 (final referral response)	No objection subject to conditions No objection, subject to conditions requiring: <ul style="list-style-type: none"> Additional landholding details to be shown on the plans An Environment Management Plan Native vegetation measures during construction Native vegetation offsets 	These conditions have been included in the recommendation.
The relevant electricity transmission authority (AusNet)	Determining	Clause 66.02-4 – To construct a building or construct or carry out works on land within 60 metres of a major electricity transmission line (220 Kilovolts or more) or an electricity transmission easement.	27 August 2024	No objection, subject to conditions No objection subject to conditions including: <ul style="list-style-type: none"> AusNet approval for all access roads, lighting and services over AusNet easements. Details of the 33kV underground powerline to be submitted to AusNet to review. 	These conditions have been included in the recommendation.
The Victorian WorkCover Authority (WorkSafe)	Determining	Clause 66.02-7 – To use land for an industry, utility installation or warehouse where a fire protection quantity is exceeded under the Dangerous Goods (Storage and Handling) Regulations 2012.	24 June 2024	No objection, subject to conditions No objection subject to a condition requiring the plans to be updated showing the proposed firewater tank for the BESS increased from 288kL with 2 hydrants to 576kL with 4 hydrants, as per AS 2419.1-2021.	A condition to this effect has been included in the recommendation.
Head, Transport for Victoria	Determining	Clause 66.03 - An application to create or alter access to, or to subdivide land adjacent	28 June 2024	No objection, subject to conditions No objection, subject to conditions requiring a: <ul style="list-style-type: none"> Transport Management Plan (TMP) 	These conditions have been included in the recommendation.



Organisation	Referral Type	Provision/ Clause	Response Date	Response	DTP Officer Assessment
		to, a road declared as a freeway or an arterial road under the <i>Road Management Act 2004</i> .		<ul style="list-style-type: none">Existing conditions reportDilapidation report	

Notice

28. In accordance with Section 52(1) of the *Planning and Environment Act 1987* (the Act), notice of the application was given for a period of 28 days by letter to:

- Section 52(1)(a) of the Act:
 - Owners and occupiers of adjoining land
- Section 52(1)(b) of the Act:
 - Moyne Shire Council
- Section 52(1)(d) of the Act:
 - Country Fire Authority (CFA)
 - Emergency Management Victoria (EMV)
 - Energy Safe Victoria (ESV)
 - Eastern Maar Aboriginal Corporation (EMAC)
 - Environment Protection Authority (EPA)
 - Owners and occupiers of land with 1km of the subject site

Notice was also given in two local newspapers (Warrnambool Standard and Mortlake Dispatch).

29. Pursuant to Clause 52.29-5, the alteration of access to the principal road network element of the application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Objections and Submissions

30. The application received a total of eight (8) submissions, comprising:

- Five (5) objections
- Submission from CFA
- Submission from Council
- Submission from DEECA (land manager of the Mortlake Commons land next door)

Objections

31. The following concerns were raised in the objections:

- Bushfire risk, and associated increase to insurance costs
- Visual impact, including the cumulative visual impact of the application and other energy projects in the wider community (substations, windfarms, powerlines etc)
- Ecological impacts and displacement of fauna
- Property values
- Destruction of agricultural land
- Glint, glare and heat impacts
- Contamination of heavy metals and microplastics in the soil and waterways
- Traffic
- Noise
- Social community impacts, including the division of the community for/against the project
- Lack of consultation
- Lack of worker accommodation to facilitate construction

32. An officer assessment relating to matters of bushfire risk, visual impact, glint and glare, noise, traffic and ecology and biodiversity impacts is detailed in the assessment section of this report. A response to the other matters raised in the objections is provided in the table below:

Objector Concern	DTP Officer response
Property values	The consideration of property values and land devaluation is not included within the decision guidelines of the Scheme and cannot be considered within the assessment and determination of the project.
Insurance Premiums	<p>Concerns were raised regarding the potential for insurance premiums of nearby properties to increase as a result of the development. It is noted that this is not a relevant consideration in the Scheme or Act.</p> <p>Additionally on 14 May 2024, the Insurance Council of Australia issued a statement outlining:</p> <p><i>Current information indicates that insurers generally do not have specific concerns related to a property hosting transmission lines or neighbouring energy infrastructure. At the time of writing, the Insurance Council is not aware of any instances where Insurance Council members have been unable to provide insurance or have increased premiums as a result of a farm (or a neighbouring property) hosting energy infrastructure.</i></p>
Social Impacts	<p>Concerns were raised in the objections relating to the social impact of the proposed facility, including the division of the local community for/against the proposal.</p> <p>DTP officers consider that the proposed facility will have a positive impact on the community by creating jobs during the construction and operation of the facility.</p> <p>Additionally, BrightNight have committed to a best-practice community benefit scheme for the project.</p>
Lack of worker accommodation to facilitate construction	This matter is not a relevant consideration of the planning application. However, it is noted that there are multiple hotels and a caravan park in Mortlake which could help support the temporary accommodation of workers during construction.
Contamination of heavy metals and microplastics in the soil and waterways	With the implementation of standard stormwater management and erosion control measures during the construction of the facility, it is considered that the risk of soil and waterway contamination can be appropriately managed.
Lack of community consultation	<p>As outlined in this report, public notice of the application was given in two newspapers and to all properties within 1km of the site, in accordance with the requirements of s52 of the Act.</p> <p>Additionally, it is understood that BrightNight undertook extensive consultation with the community prior to the lodgement of the application, including via flyering, letter drops, door-knocking, presence at local markets and community events and 1:1 meetings with most objector parties prior to the lodgement of the application.</p>

33. Overall, DTP submits that the matters raised in the objections which are relevant to the planning assessment are suitably addressed by the application, subject to the recommended conditions.

CFA Submission

34. The CFA did not object to the application subject to conditions requiring:

- Risk Management Plan
- BESS fire water supply increased to 576kL (in line with recommendation from WorkSafe)

- Additional fire water tanks for the solar arrays in accordance with the CFA Guidelines
- Emergency Plan and Fire Management Plan

35. Conditions to this effect have been included in the recommendation.

Moyne Shire Council Submission

36. On 31 July 2024, Council provided a submission which raised the following comments and concerns:

- Traffic and Roads:
 - The Transport Impact Assessment (TIA) does not provide sufficient detail about predicted construction traffic volumes, whether there is more than one site access option being considered, or the section/s of municipal roads proposed to be used for project construction.
 - The plans in the TIA are difficult to read.
 - The current condition of Boonerah Estate Road is not fit for construction traffic purposes and would need to be upgraded prior to construction of the project to cope with the substantial increase in traffic volumes and heavy vehicles.
 - The estimated construction vehicle volumes for the northern end of Boonerah Estate Road exceed the level of service (and associated standards) to which the road has currently been constructed.
 - Any permit issued should include a condition requiring a Traffic Management Plan (TMP) prepared in consultation with the council.
- Biodiversity:
 - The removal of the 20 large trees is considered unnecessary and should be avoided.
- Bushfire:
 - Recommended that the proponent further engage with local CFA Captains from the Mortlake, Hexham and Ellerslie brigades prior to construction.

37. DTP Officer's note that the predicted traffic volumes are detailed in Section 4.2 of the TIA.

38. Conditions of the recommendation will require:

- The preparation of a TMP in consultation with council;
- Final details of the site layout, including the length of Boonerah Estate Road to be used for site access;
- A dilapidation survey of the nearby roads (noting that any significant damage to roads during construction will be repaired by the proponent); and,
- An Emergency Plan and Fire Management Plan in consultation with CFA.

39. It is considered that the TMP condition of the recommendation will allow for the proponent to negotiate the required changes to Boonerah Estate Road with Council and Head, Transport for Victoria.

40. DTP officers and DEECA are satisfied with the avoid and minimise statement prepared for the project and are supportive of the proposed vegetation removal, as discussed in further detail in the below sections of the report.

DEECA Submission

41. On 2 September 2024, DEECA on behalf of the Minister for Environment as landowner for Crown Land in Victoria in relation to the Mortlake Common Reserve abutting the site provided a submission on the application.

42. The submission noted that:

"...periodically, ecological/cultural burning is undertaken within the Mortlake Common Flora Reserve for the benefit of the high-value grassland ecosystems within this Reserve. It is therefore a priority that the construction and ongoing operation (including the proposed landscaping buffer adjoining the boundary) of the Mortlake Energy Hub does not impact on the ability to undertake ecological/cultural burns."



43. DEECA outlined that they did not object to the application subject to conditions which have been included in the recommendation requiring:

- Landscape buffer adjoining the Mortlake Common Flora Reserve (Buffer type 2) is to incorporate species that are complimentary to the Ecological Vegetation Classes (EVCs) present within the Reserve (being Plains Grassland and Plains Grassy Woodland of the Victorian Volcanic Plain);
- Temporary fencing to be erected along the shared boundary during construction;
- No run off to be discharged onto the Crown Land;
- No vehicle access or structures on the Crown Land;
- No vegetation to be removed from the Crown Land;
- No vegetation is to be removed from the adjoining Crown land; and,
- The adjoining Mortlake Common Flora Reserve must not be used as defensible space.



Permit Triggers

44. A planning permit is triggered by the following clauses of the Moyne Planning Scheme:

Clause	Permit Trigger
Clause 35.07-1 (FZ)	Use of the land for the purpose of a renewable energy facility. Use of land for the purpose of a utility installation (other than Minor utility installation and Telecommunications facility).
Clause 35.07-4 (FZ)	Construct a building or construct or carry out works associated with Section 2 use. Earthworks which change the rate of flow or the discharge point of water across a property boundary. Construction of a building setback less than 50m from a Transport Zone 2.
Clause 52.05-14 (Signs)	Display of a business identification sign.
Clause 52.17-1 (Native Vegetation)	Remove, destroy or lop native vegetation including dead vegetation.
Clause 52.29-2 (Land Adjacent to the Principal Road Network)	Create or alter access to a road in a Transport Zone 2.

Key Considerations

45. The planning scheme contains policies and controls that guide the assessment of solar energy facilities. These are found in the state and local planning policies, the relevant zone and overlays, and other relevant provisions. The assessment below addresses the relevant sections of the planning scheme while having regard to the matters which must be considered in accordance with Section 60 of the Act.

46. The following are deemed the key considerations in assessing the acceptability of the proposal:

- General policy context and planning controls
- Amenity impacts in terms of noise, light spill, glint and glare, and visual impact and landscaping
- Impact on agricultural land
- Native vegetation impacts
- Vehicle access and traffic
- Signs
- Bushfire risk

Policy Context

47. Overall, the proposed facility is consistent with the relevant planning policies which supports the transition and provision of renewable energy, supports the creation of jobs and skilled workforce while protecting the environment and agricultural land.



48. The proposal is consistent with the relevant state planning policies which support the renewable energy led transition to a low-carbon economy with reduced greenhouse gas emissions, as encouraged by Clause 19.01-2S (Renewable energy). The proposed facility is estimated to generate approximately 360MW of solar energy and store 600MW of electricity, reducing 41,400,000 metric tonnes of carbon emissions per annum. The proposed BESS will also assist the delivery of power during peak times to the network to meet community demand for energy needs.
49. The proposal will have an overall positive impact on the environment, community and economy. The Victorian Government has committed to transition towards a climate resilient economy to reduce environmental effects and air pollution of fossil fuels. The project facilities a \$800 million energy development within the Moyne Shire Council area which maximises resource use and is appropriately designed.
50. The proposal is support by Clause 17 (Economic Development) which seeks to provide for a strong and innovative economy, where all sectors are critical to economic prosperity. The proposal solar energy facility meets the objectives of Clause 17 by creating 300 jobs during the construction and 20 jobs in the operation of the facility.
51. The proposal has been sited and designed in an appropriate manner to ensure that the effects of the project on the environment and community are minimised, specifically:

Environment and Landscape Values


- Clause 12 (Environmental and Landscape Values) focuses on the protection of ecological systems, native vegetation, biodiversity, and identified environments or landscapes. The application supports the objectives of Clause 12 by:
 - Where possible, infrastructure has been sited to avoid impacts to native vegetation as per the strategies of Clause 12.01-1S and Clause 12.01-2S. This includes:
 - The avoidance of Floodplain Riparian Woodland (EVC 56) around Salt Creek;
 - Works buffered around the Salt Creek corridor by 1.3km;
 - The avoidance of Plains Grassland (EVC 132) and Plains Grassy Woodland (EVC 55) vegetation located along Hamilton Highway and in road reserves by use of existing access roads/tracks during construction;
 - Use of an underground transmission cable between the BESS and the solar array via Horizontal Directional Drilling (HDD) to avoid the removal of the woodland area north of Thorburn's Lane and east of Boonerah Estate Road.
 - Undertaking the avoid, minimise, offset assessment for the project in accordance with the strategies identified at Clause 12.01-2S. The application is supported by an avoid and minimise statement. A condition of the recommendation will require offsets to be secured for the native vegetation that is proposed to be removed.

Environmental Risks and Amenity

- Clause 13 (Environmental Risks and Amenity) seeks to:
 - *Strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.*
 - *Identify, prevent and minimise the risk of harm to the environment, human health, and amenity.*
 - *Identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.*
 - **Prepare for and respond to the impacts of climate change** (emphasis added).
- The proposed solar farm appropriately responds to environmental risks and protects amenities. The site has been developed in accordance with the CFA's *Guidelines and Model Requirements for Renewable Energy Facilities CFA 2023* (the CFA Guidelines) to appropriately respond to bushfire risks (Clause 13.02-1S). Noise requirements in accordance with the EPA Noise Protocol can be met with appropriate mitigation in place (Clause 13.05-1S).

Natural Resource Management

- Clause 14 (Natural Resource Management) seeks to "assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and



sustainable development” and “ensure agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production”.

- The subject site is located on predominantly agricultural land that is currently used for sheep and cattle grazing. The BESS is located on land currently used as a blue gum plantation. The Agricultural Assessment submitted with the application identifies that the land is not suitable for cropping and is neither highly versatile or highly productive. The assessment outlines that the proposed solar farm will have some impacts on the future agricultural viability of the land being:
 - Grazing of cattle will no longer be practical; and,
 - Approximately 9ha of blue gum forestry land will no longer be available

However, the Agricultural Assessment concludes that there will be no detrimental impacts of the proposed solar farm on surrounding farms or on the agricultural amenity of the region. As such, it is considered that the objectives and strategies of Clause 14 are appropriately met. Additionally, conditions have been included in the recommendation requiring the rehabilitation of the site back to its prior condition after the solar farm ceases operations, to ensure that the land remains suitable for agricultural use into the future.

Zones

Farming Zone

52. Clause 35.07 (Farming Zone) seeks to provide for the use of land for agricultural purposes, for non-agricultural uses that do not adversely affect the use of the land for agriculture, encourages the retention of productive agricultural land and promotes the retention of rural employment to support rural communities.
53. Having regard to the relevant decision guidelines at Clause 35.07-6, the proposed use and development is an appropriate outcome in the FZ as follows:
 - The facility is situated in close proximity to the Mortlake Terminal Station allowing a direct connection into the existing electricity network. This minimises impacts on existing agricultural uses and makes use of existing infrastructure.
 - The proposal has considered agricultural land use in the surrounding area, within the site and in the future. It will not impede agricultural production to surrounding farmers as a solar energy facility is a relatively low-impact use. As discussed further below, there will be no detrimental agricultural impacts of the proposed solar farm on surrounding farms or on the agricultural amenity of the region.
 - The proposed use and development of the site has considered potential fire hazards and incorporates the fire safety design recommendations in accordance with CFA guidelines, including fire breaks, site access and appropriate separation.
 - The built form of the solar arrays, BESS and ancillary infrastructure are appropriate for the site. The built form will be sufficiently setback from adjoining properties and where necessary, will be screened from view by the proposed vegetation screening.
 - The operation the facility is expected to employ up to 20 staff, encouraging long-term regional employment opportunities.

Overlays

Bushfire Management Overlay (BMO)

54. The site is partially affected by the BMO as per Figure 10 above. A permit is not triggered in the BMO as the buildings and works are not associated with any of the uses at Clause 44.06-2 of the BMO.

Environmental Significance Overlay (ESO)

55. The site is located in the ESO3 (Mortlake Power Station Environs). A permit is not triggered in the ESO3 as the works are not associated with accommodation.

Particular Provisions

Clause 52.05 (Signs)

56. The application seeks approval for a business identification sign at the site entrance near the corner of Hamilton Highway and Boonerah Estate Road, measuring 2.4m x 1.2m as shown below.



Main site access gates will display a flush 2.4x1.2m aluminium business identification sign.

57. Pursuant to Clause 52.05-14, a permit is required to construct a business identification sign in a Category 4 (Sensitive areas) location.

58. The purpose of Clause 52.05 (Signs) is:

- *To regulate the development of land for signs and associated structures.*
- *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

59. The sign is less than 3m² in display area and meets the condition in the table to Section 2 – Permit required.

60. The scale of the sign is considered acceptable in proportion to the size of the facility and the character of the surrounding landscape. The colour and appearance of the sign is unobtrusive, and is not located in a position where it will impact on road safety. As such, the sign is considered to meet the objectives and decision guidelines of Clause 52.05 as is support subject to standard conditions.

Clause 52.06 (Car Parking)

61. Clause 52.06 (Car parking) seeks to ensure that an appropriate number of car parking spaces is provided to new uses.

62. Pursuant to Clause 52.06-6, car parking must be provided to the satisfaction of the responsible authority.

63. The site is expected to be staffed by up to 20 employees during operations. While no designated carparking area has been provided, the internal access roads will be sufficiently wide enough to enable vehicles to park onsite while still maintaining two-way vehicle movements. This is considered acceptable.

Clause 52.17 (Native Vegetation)

64. The application seeks approval for the removal of 1.436ha of native vegetation, comprised of:
- 0.077 hectares in patches
 - 21 trees (20 large and one small)
65. Pursuant to Clause 52.17-1 of the Moyne Planning Scheme, a permit is required to remove, destroy or lop native vegetation.
66. The purpose of Clause 52.17 is:
- To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):*
- 1. Avoid the removal, destruction or lopping of native vegetation.*
 - 2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
 - 3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.*
67. As the site is located with Location 2, and the application proposes the removal of 1.436ha of native vegetation, the application falls under the Detailed Assessment Pathway of the Guidelines.
68. The Biodiversity Assessment dated August 2024 contains the avoid and minimise statement for the project. The design and development of the facility has suitably avoided and minimised impacts to native vegetation by:
- Avoiding the Floodplain Riparian Woodland (EVC 56) around Salt Creek;
 - Setting back the works from the Salt Creek corridor by 1.3km;
 - Avoiding the Plains Grassland (EVC 132) and Plains Grassy Woodland (EVC 55) vegetation located along Hamilton Highway and in road reserves by use of existing access roads/tracks during construction; and,
 - Choosing an underground transmission cable between the BESS and the solar array constructed by Horizontal Directional Drilling (HDD) to avoid the removal of the woodland area north of Thorburn's Lane and east of Boonerah Estate Road.
69. The application was referred to DEECA who did not object to the application subject to conditions which have been included in the recommendation, requiring:
- Additional landholding details to be shown on the plans
 - An Environment Management Plan
 - Native vegetation measures during construction
 - Native vegetation offsets
70. With these conditions the application is considered to meet the decision guidelines of the Guidelines and Clause 65.

Clause 52.29 (Land Adjacent to the Principal Road Network)

71. The purpose of Clause 52.29 is to ensure appropriate access is provided to the principal road network.
72. The application seeks to upgrade the intersection of Hamilton Highway and Boonerah Estate Road at the primary site access to facilitate the construction of the facility. As such, a permit is triggered by Clause 52.29-2.
73. The application was referred to the Head, Transport for Victoria under section 55 of the Act. On 26 August 2024, Head, Transport for Victoria outlined that they did not object to the application subject to conditions requiring:
- The preparation of a Transport Management Plan (TMP), including Functional Layout Plans of the proposed connection to the public roads
 - Preparation of a Dilapidation Report within 6 months of the commencement of the use



74. These conditions have been included in the recommendation.

Clause 53.13 (Renewable Energy Facility (other than Wind Energy Facility))

75. Pursuant to Clause 53.13-1, an application under any provision of the planning scheme to use or develop land for a renewable energy facility (other than a wind energy facility), must meet the application requirements and decision guidelines (as appropriate) contained in Clause 53.13.
76. The application is accompanied the relevant application requirements outlined at Clause 53.13-2.
77. As discussed through this assessment, the facility is considered to meet the objectives and decision guidelines of Clause 53.13 by facilitating the construction of a solar energy facility and supporting the renewable energy led transition to a low-carbon economy.

Clause 53.22 (Significant Economic Development)

78. Clause 53.22 seeks:
- *To prioritise and facilitate the planning, assessment and delivery of projects that will make a significant contribution to Victoria's economy and provide substantial public benefit, including jobs for Victorians.*
 - *To provide for the efficient and effective use of land and facilitate use and development with high quality urban design, architecture and landscape architecture.*
79. This application is a Category 1 application at Clause 53.22-1. As such it is exempt from the decision requirements of sections 64(1), (2) and (3), and the review rights of sections 82(1) of the Act

Amenity Impacts

Noise

80. The proposed solar energy facility is not expected to result in any unreasonable noise impacts.
81. The application is supported by a Noise Impact Assessment prepared by WSP and dated May 2024. The noise impact assessment has been prepared in line with EPA Publication 1826.4: *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*. The assessment is based on 'worst case' conditions and the assumption that all infrastructure will be always operating simultaneously at maximum loads.
82. The predictive noise assessment identified 16 noise sensitive areas (NSAs) in the vicinity of the site, as shown in Table 14 below. The predicted noise levels in Table 14 include a +7dB noise penalty to account for potential modelling inaccuracy and tonal characteristics.



NSA ID	ADDRESS	NOISE LIMIT L _{EQ(30 MIN)} dBA			PREDICTED NOISE LEVEL ^{1,2} L _{EQ(30 MIN)} dBA	
		DAY	EVENING	NIGHT	DAY	NIGHT
1	300 Boonerah Estate Road	45	39	34	<25	<25
6	490 Hamilton Highway				27	26
16	890 Connewarren Lane				35	35
17	640 Boonerah Estate Road				<25	<25
18	570 Connewarren Lane				<25	<25
19	409 Connewarren Lane				<25	<25
21	239 Connewarren Lane				<25	<25
22	35 Thulborns Lane				29	28
23	73 Kings Lane				<25	<25
38	1168 Hamilton Highway				<25	<25
39	19 Woodcutters Lane				<25	<25
40	30 Woodcutters Lane				<25	<25
49	69 Holdsworths Lane				<25	<25
50	8 Amotts Lane				<25	<25
51	174 Prentices Lane				<25	<25
64	593 Hamilton Highway				38	38

Table 14: Predicted Operational Noise Levels and Assessment - Unmitigated levels (Source: Application documents)

83. The results show compliance with EPA 1826 is predicted for the day, evening and night periods for all NSAs except for:

- 593 Hamilton Highway (ID 64); and,
- 890 Connewarren Lane (ID16).

during the nighttime period.

84. As such, a detailed assessment of potential tonal and low frequency content was undertaken for both potentially exceeding properties which determined that predicted noise levels are below the threshold noise levels where low frequency impacts may occur, without any mitigation required. As such low frequency noise from the project is not anticipated to impact any NSAs and compliance with the Noise Protocol is achieved, as shown in Table 15 below:

NSA ID	ADDRESS	NOISE LIMIT L _{EQ(30 MIN)} dBA			ORIGINAL PENALTY dB	PREDICTED NOISE LEVEL L _{EQ(30 MIN)} dBA		UPDATED PENALTY dB	PREDICTED NOISE LEVEL L _{EQ(30 MIN)} dBA	
		DAY	EVENING	NIGHT		DAY	NIGHT		DAY	NIGHT
16	890 Connewarren Lane	45	39	34	+ 5	35	35	+ 2	32	32
64	593 Hamilton Highway				+ 5	38	38	-	33	33

Figure 15: Detailed adjustments for noise character (potentially exceeding properties). Source: Application documents.

85. It is noted that operational noise impacts will continue to be set by the EPA in accordance with EPA Publication 1826, and compliance with the Noise Protocol will be managed by Council. As such, a condition has been included in the recommendation requiring the proponent to complete a final predictive noise assessment demonstrating that the final infrastructure chosen will comply with the protocol. Additionally, a note has been included on the permit explaining that the facility should comply with EPA Publication 1826.



Glint and Glare

86. The *Solar Energy Facilities Design and Development Guidelines* (DELWP 2022) and the decision guidelines of Clause 53.13 (Renewable Energy Facility other than a Wind Energy Facility) require the assessment of potential glint and glare impacts to dwellings and roads within 1km of a proposed facility and any aviation infrastructure near a facility, including air traffic control towers or runway approaches.
87. The application is supported by a Glint and Glare Assessment (contained within the Visual Impact and Landscape Assessment) which has assessed the glint and glare impacts of the project on dwellings and roads within 1.15km of the site. It is noted that there are no airports within the vicinity of the site.
88. The assessment demonstrates that there are no glint and glare impacts expected for the facility when the resting angle of the panels is configured between 12-60 degrees from horizontal. This range falls within the typical resting angle range for solar farms of around 45-60 degrees.
89. As such, a condition has been included in the recommendation requiring the panels to be configured within the recommended resting angle ranges.
90. When the panels are configured within the recommended ranges, no additional mitigation is required. Nonetheless, vegetation screening is proposed around the perimeter of the facility and is expected to further reduce potential glint and glare impacts.

Light spill

91. It is considered that the proposal will not cause unreasonable off-site amenity impacts from lighting as there is no requirement for operational lighting. A condition has been included on the permit that requires light to not cause unreasonable offsite impacts in accordance with the Australian Standard.

Electromagnetic interference

92. It is considered that no unreasonable electromagnetic interference impacts will occur. The plans demonstrate that the proposed powerline and substation are well setback from dwellings. The closest dwelling to the powerline (890 Connewarren Lane) is located approximately 110m from the powerline, well in excess of the 50m separation recommended in the *Solar Energy Facilities Design and Development Guidelines*.

Landscape Character and Visual Amenity

93. The application is supported by a Visual Impact Assessment Report (VIA) and a Landscape Strategy.
94. The VIA demonstrates that while the facility proposes a significant change to the existing landscape character when viewed from the air, the topography of the land, existing vegetation and the facility's low profile will ensure that only localized changes to the landscape character will occur.
95. The most visible changes to the landscape will be experienced from:
 - Lot 1, Hardys Lane, Hexham (objector) – 140m away
 - 766 Hamilton Highway, Hexham – 380m away
96. With the adoption of high-density tree and shrub planting along the perimeter of the facility where it interacts with these properties, the project is assessed as having a low visual impact.
97. Overall, it is considered that the proposal will not result in any unreasonable visual impacts from private or public land subject to a condition of the permit requiring the assessment and endorsement of a landscaping plan to confirm the proposed screen planting and future maintenance.



Figure 16: Render of proposed view from Hardys Lane (without mitigation).



Figure 17: Render of proposed view from Hardys Lane (with 5-year mitigation landscape treatment).



Figure 18: Proposed view from 766 Hamilton Highway (without mitigation).



Figure 19: Proposed view from 766 Hamilton Highway (with landscape treatment mitigation at 5 years).

Traffic and Transport

98. The PPF and the FZ both require the consideration of access and traffic relating to the proposed use and development.



99. The application is supported by a Transport Impact Assessment (TIA) which considers the traffic impacts of the proposed facility on local and state roads during construction and operation.

100. The primary site access is located near the intersection of Hamilton Highway and Boonerah Estate Road. Secondary and emergency access provided off Thulborns Lane, Hamilton Highway and Hardys Lane as per figure 18 below.

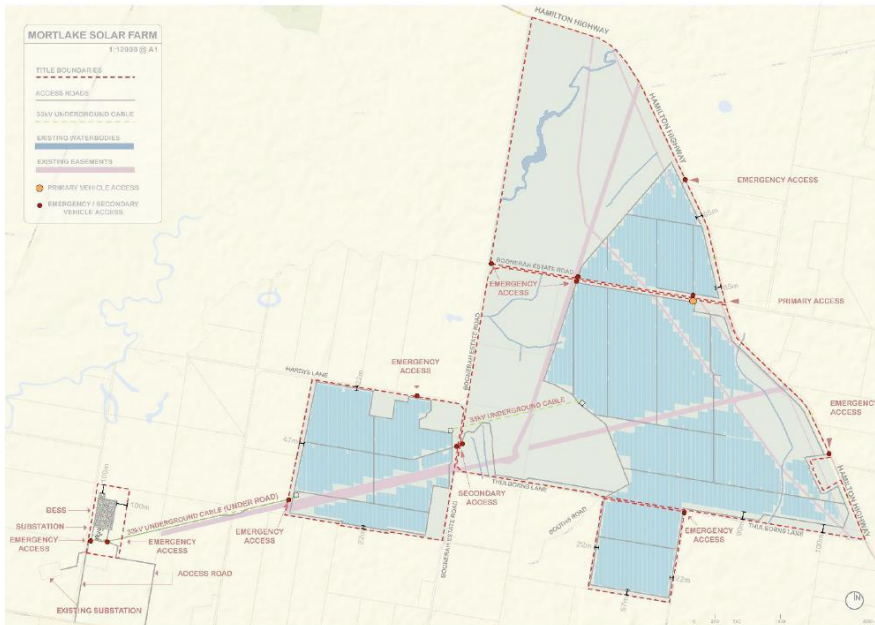


Figure 20: Location of site access points. Source: TIA.

101. The TIA estimates that up to 167 vehicle movements are expected during peak construction activities, to accommodate up to 300 workers. The Environmental Management Plan Framework submitted with the application anticipates that construction activities will occur for approximately 16-24 months.

102. During the operation of the facility, ten vehicle movements are expected each day for routine maintenance operations and to cater for a maximum of 20 staff. Adequate space for the parking of vehicles during the operation of the facility is available in the internal access roads on site. As such, car parking provision is considered satisfactory.

103. Head, Transport for Victoria reviewed the application documents and did not object to the facility, subject to conditions relating to:

- The preparation of a Transport Management Plan (TMP), including Functional Layout Plans of the proposed connection to the public roads
- Preparation of a Dilapidation Report within 6 months of the commencement of the use

104. It is noted that Moynes Shire Council in their submission raised concern with the current condition of Boonerah Estate Road and have suggested that the part of the road to be used for site access be upgraded. The TMP condition of the recommendation will allow for the required upgrade to the road, as negotiated with council and the proponent.

105. The proposed vehicle access and traffic impacts from the facility are accepted, subject to the conditions listed above.

Impacts on Agricultural Land

106. The subject site is located on agricultural land that is currently used for sheep and cattle grazing. The land is not considered suitable for cropping, given the prevalence of surface rock. Additionally, the land is neither highly productive nor highly versatile.

107. The Agricultural Assessment submitted with the application outlines that the proposed solar farm will have some impacts on the future agricultural viability of the land being:

- Grazing of cattle will no longer be practical; and,
- Approximately 9ha of blue gum forestry land will no longer be available.

108. It is noted that the grazing of sheep will still be able to occur beneath the panels.

109. The Agricultural Assessment concludes that there will no detrimental impacts of the proposed solar farm on surrounding farms in the region. As such, it is considered that the facility will not unreasonably impact the potential of agricultural land and therefore the objectives and strategies of Clause 14.01-1S (Protection of agricultural land) are appropriately met.

110. Conditions have been included in the recommendation requiring the rehabilitation of the site back to its prior condition after the solar farm ceases operations, to ensure that the land remains suitable for agricultural use into the future.

Bushfire Risk

111. The subject site is located within a Bushfire Prone Area (BPA) and is partially within a BMO.

112. Clause 13.02-1S (Bushfire Planning) requires all applications in a BPA or BMO to have consideration of bushfire risk, to strengthen the resilience of settlements and communities and prioritise the protection of human life.

113. The facility contains various bushfire mitigation features in its design, including emergency access points, firewater tanks and fire breaks.

114. Notice of the application was given to the CFA who did not object to the application, subject to the inclusion of conditions requiring:

- Risk Management Plan
- BESS fire water supply increased to 576kL (in line with the same recommendation from WorkSafe)
- Additional fire water tanks for the solar arrays in accordance with the CFA Guidelines
- Emergency Plan and Fire Management Plan

These conditions have been included in the recommendation.

Hydrology

115. Pursuant to Clause 35.07-4, a planning permit is required for earthworks which change the rate of flow of water across a property.

116. The application is supported by a Hydrology Assessment prepared by Ecological to assess the hydrological conditions of the site and the potential flood impacts at the proposed facility under the 10%, 2%, 1%, 0.5%, 0.2% and 0.1% Annual Exceedance Probability (AEP) flood events.

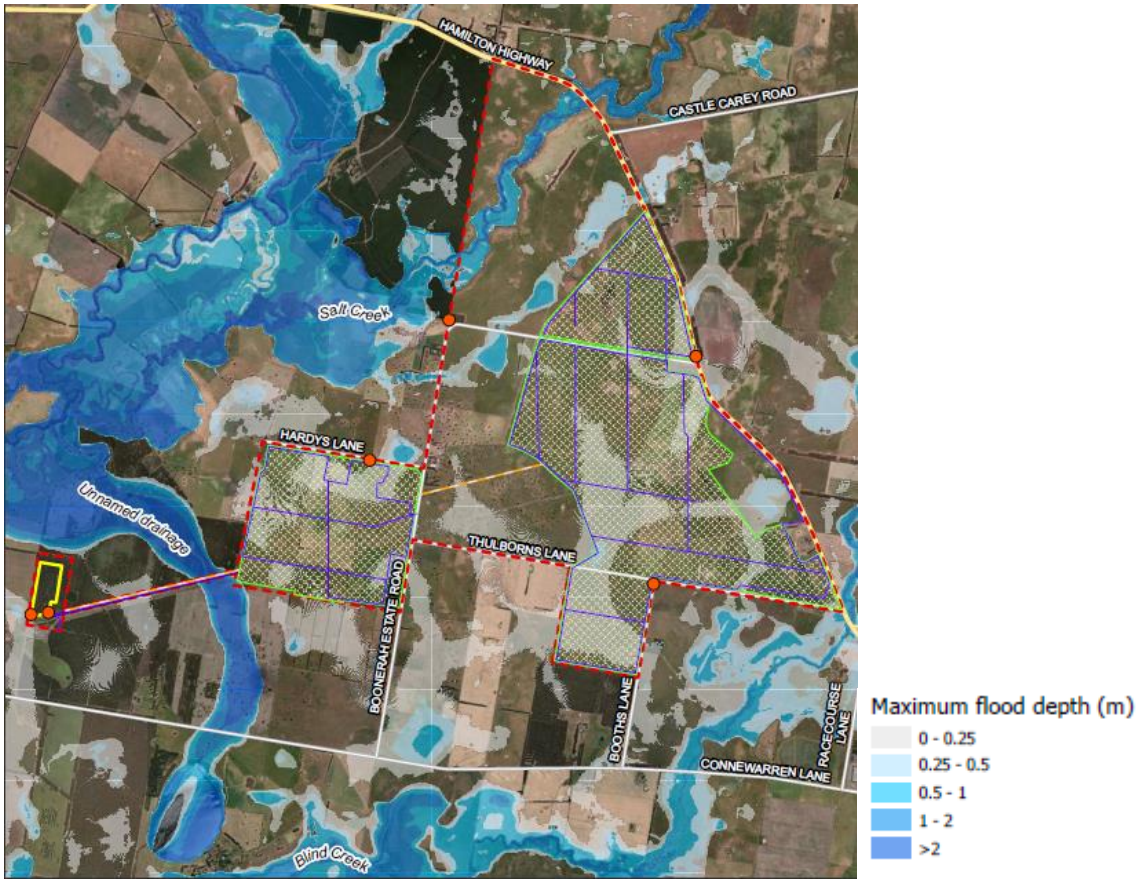


Figure 21: 1% AEP maximum flood depth

119. The flood assessment showed that the predicted flows are generally concentrated to the waterways and defined overland flow paths in the region, with sufficient terrain relief to limit the amount of sheet flow. The primary flood features relevant to the site comprise Salt Creek, Blind Creek and an unnamed tributary to Salt Creek in the southwest. The model predicts that these features stay largely confined to their banks and their defined flood plains and their most significant impact may be to affect access tracks at the site, though these will generally remain passible under flooded conditions.

120. Conditions have been included in the recommendation requiring a Construction Environment Management Plan (CEMP) and an Operational Environment Management Plan (OEMP) which will include general stormwater management and erosion control measures during construction and operation of the facility, as recommended in the Hydrology Assessment.

Other legislation

121. It is the proponent's responsibility to ensure all relevant approvals outside of the *Planning and Environment Act 1987* are in place. However, comment is made on the following relevant legislation:

Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

122. Under the EPBC Act, an action that has, will have, or is likely to have, a significant impact on matters of national environmental significance, including nationally or internationally important flora, fauna, ecological communities, and heritage places, must be referred to the Commonwealth Environment Minister.

123. The submitted Biodiversity Impact Assessment prepared by Ecological, dated August 2024 determined that no EPBC referral is required as the proposed action is unlikely to have a significant impact on any matters of National Environment Significance (MNES).

Environment Effects Act 1978 (EE Act)

124. The EE Act requires the preparation of an Environmental Effects Statement (EES) for activities considered to have, or to be capable of having, a significant effect on the environment. The *Ministerial Guidelines for Assessment of Environmental Effects under the Environment Effects Act 1978 (DSE 2006)* outlines the criteria for triggering a referral of a project to the Victorian Minister for Planning who will determine if an EES is required.

125. The biodiversity assessment for the project contains a self-assessment against the EE Act criteria and demonstrates that a referral is not required. As such, the proponent has not referred the project.

Environment Protection Act 2017 (EP Act)

126. The EP Act is a legislative framework for protecting the environment in Victoria from pollution and waste. At the centre of the EP Act is the 'general environmental duty', which requires any person in Victoria engaging in an activity that may risk harming human health and the environment from pollution and waste to minimise those risks, so far as reasonably practicable.

127. The applicant has advised that the proposed facility does not require a Works Approval or Licence under the EP Act.

128. Additionally, preventative measures to reduce risks as far as reasonably practicable will be included within the Construction Environment Management Plan (CEMP) to be prepared for the project. This will include a detailed risk assessment of likelihood and consequence for all activities on site. A condition to this effect has been included within the recommendation.


Flora and Fauna Guarantee Act 1988 (FFG Act)

129. Under the FFG Act, a permit is required to take, kill, injure, disturb or collect threatened species or protected flora species from public land.

130. The Biodiversity Assessment identifies that two threatened fauna species listed under the FFG Act are considered to have potential to be impacted by the project; Little Eagle and Yellow-Bellied Sheath-tail Bat. However, provided that vegetation clearance activities associated with the project avoid spring/summer when Little Eagle has the potential to be breeding and Yellow-Bellied Sheath-tail Bat has the potential to be present, impacts to these species are anticipated to be minor and the Little Eagle is likely to be able to flee the area. As such the proponent anticipates that no permits will be required under the FFG Act.

Aboriginal Heritage Act 2006 (AH Act)

131. The AH Act seeks to avoid adverse effects to Aboriginal cultural heritage values as far as reasonably practicable. Where adverse effects cannot be avoided, measures must be implemented to minimise and mitigate adverse effects.



132. As the subject site is not located within an area of cultural heritage sensitivity, a mandatory Cultural Heritage Management Plan (CHMP) is not required, though it is noted that the proponent has committed to preparing a voluntary CHMP for the project.

Climate Change Act 2017 (CC Act)

133. The purpose of the CC Act includes (but is not limited to):

- *to facilitate the consideration of climate change issues in specified areas of decision making of the Government of Victoria; and,*
- *to set policy objectives and guiding principles to inform decision-making under this Act and the development of government policy in the State.*

134. Section 20 of the CC Act states that:

The Government of Victoria will endeavour to ensure that any decision made by the Government and any policy, program or process developed or implemented by the Government appropriately takes account of climate change if it is relevant by having regard to the policy objectives and the guiding principles.

135. The policy objectives of the CC Act include:

- a) **to reduce the State's greenhouse gas emissions** consistently with the long-term emissions reduction target and interim emissions reduction targets;*
- b) **to build the resilience of the State's infrastructure**, built environment and communities through effective adaptation and disaster preparedness action;*
- c) **to manage the State's natural resources, ecosystems and biodiversity to promote their resilience;***
- d) **to promote and support the State's regions, industries and communities to adjust to the changes involved in the transition to a net zero greenhouse gas emissions economy, including capturing new opportunities and addressing any impacts arising from the need to reduce greenhouse gas emissions across the economy;** and,*
- e) **to support vulnerable communities and promote social justice and intergenerational equity** (emphasis added).*

136. The guiding principles of the CC Act include:

- *that a decision, policy, program or process should integrate the competing long-term, medium-term and short-term environmental, economic, health and other social considerations relating to climate change to ensure that:*
 - a) all relevant issues relating to climate change associated with the decision, policy, program or process are taken into consideration during the decision making process; and*
 - b) there is a proper examination of all the issues which are relevant to climate change; and*
 - c) any measures adopted as a result of the decision, policy, program or process are cost effective and in proportion to the problems relating to climate change that are relevant to the decision, policy, program or process.*
- *opportunities should be created by the present generation to increase the capacities within that generation and future generations to adapt to climate change*
- *that community involvement in decisions, policies, programs or processes relating to climate change that may affect members of the community or members of the community in future generations, especially members of vulnerable or marginalised communities, should be facilitated and this includes:*
 - a) providing appropriate information to the community; and*
 - b) providing opportunities for the community to be involved in the decision, policy, program or process; and*
 - c) providing for appropriate and adequate public consultation with the community.*

137. This assessment has had consideration of the policy objectives and the guiding principles of the CC Act. The proposed facility is estimated to generate approximately 360MW of solar energy and store 600MW of electricity, reducing 41,400,000 metric tonnes of carbon emissions per annum which will help achieve the emissions reduction targets in Part 2 of the CC Act.

Recommendation

138. It is recommended that the delegate of the Minister for Planning:

- Issue Planning Permit PA2402939 for the use and development of the land for a solar energy facility and utility installation, associated buildings and works, alteration of access to a road in a Transport Zone 2, removal of native vegetation and display of a business identification sign, subject to conditions.
- Send a copy of the permit to:
 - The applicant
 - Each objector (five total)
 - Submitters (CFA and DEECA)
 - Referral authorities: DEECA, AusNet, WorkSafe, Transport for Victoria
 - Moyne Shire Council

Prepared by: [REDACTED]

I have considered whether there is a conflict of interest in assessing this amendment and I have determined that I have:

No Conflict

Conflict and have therefore undertaken the following actions:

- Completed the State Planning Services declaration of Conflict/Interest form.
- Attached the State Planning Services declaration of Conflict/Interest form on to the hardcopy file.
- Attached the State Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

Title:

Signed:

Phone:

Dated: 03/09/2024

Reviewed by: [REDACTED]

I have considered whether there is a conflict of interest in assessing this amendment and I have determined that I have:

No Conflict

Conflict and have therefore undertaken the following actions:

- Completed the State Planning Services declaration of Conflict/Interest form.
- Attached the State Planning Services declaration of Conflict/Interest form on to the hardcopy file.
- Attached the State Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

Title:

Signed:

Phone:

Dated: 3 September 2024

Approved by: [REDACTED]

I have considered whether there is a conflict of interest in assessing this amendment and I have determined that I have:

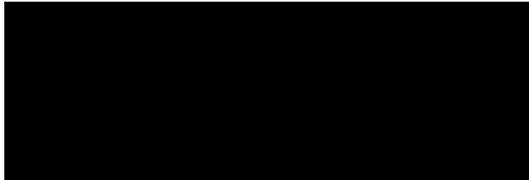


No Conflict

Conflict and have therefore undertaken the following actions:

- Completed the **State Planning Services declaration of Conflict/Interest form**.
- Attached the State Planning Services declaration of Conflict/Interest form on to the hardcopy file.
- Attached the State Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:



Title:

Signed:



Phone:

Dated:

12/09/2024
