

# ADVERTISED PLAN



# TOWN PLANNING REPORT

Proposed Solar Installation  
313 Collivers Road,  
Lancefield, Victoria, 3435

Prepared for  
**BNRG LEESON**  
December 2022



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## CONTENTS

<b>1.</b>	<b>Introduction .....</b>	<b>1</b>
<b>2.</b>	<b>The Subject Site .....</b>	<b>3</b>
	2.1. Existing Conditions – Site Photographs.....	3
	2.2. Site Surroundings .....	5
<b>3.</b>	<b>BNRG Leeson .....</b>	<b>8</b>
<b>4.</b>	<b>The Proposed Development.....</b>	<b>9</b>
	4.1. Project Description.....	9
	4.2. Layout and Built Form.....	9
	4.3. Construction.....	10
	4.4. Site Access and Internal Road .....	11
	4.5. Connection to Grid.....	13
	4.6. Security fencing and Cameras.....	13
	4.7. Native Vegetation Removal .....	15
	4.8. Setbacks and Landscaping.....	15
<b>5.</b>	<b>Community and Stakeholder Engagement.....</b>	<b>16</b>
<b>6.</b>	<b>Planning Framework .....</b>	<b>19</b>
	6.1. Planning Controls.....	19
	6.2. State Planning Policy Framework.....	19
	6.3. Planning Scheme Amendments .....	29
	6.4. Local Planning Policy Framework.....	31
	6.5. Particular Provisions .....	33
	6.6. Operational Provisions.....	35
	6.7. General Provisions.....	36
	6.8. Summary of Permit Triggers.....	36
<b>7.</b>	<b>Planning Assessment.....</b>	<b>37</b>
	7.1. Environmental Protection and Biodiversity Conservation Act 1999 .....	37
	7.2. Environmental Effects Act 1978.....	37
	7.3. Flora and Fauna Guarantee Act 1988 .....	38
	7.4. Aboriginal Heritage Act 2006.....	38
	7.5. Guidelines for The Removal, Destruction or Lopping of Native Vegetation .....	38
	7.6. Design Guidelines and Model Requirements for Renewable Energy Facilities .....	39
	7.7. Solar Energy Facilities Design and Development Guideline .....	39
<b>8.</b>	<b>Macedon Ranges Planning Scheme.....</b>	<b>46</b>
	8.1. State and Local Policy .....	46
	8.2. Clause 35.07 Farming Zone .....	48
	8.3. Clause 52.17 – Native Vegetation .....	53
	8.4. Clause 53.13 Renewable Energy Facility (Other than Wind Energy Facility) .....	54
<b>9.</b>	<b>Matters for Consideration .....</b>	<b>58</b>
	9.1. Grid Connection.....	58
	9.2. Potential Loss of Agricultural Land .....	58
	9.3. Biodiversity.....	58
	9.4. Traffic and Access .....	58
	9.5. Visual Impact .....	59
	9.6. Glint and Glare.....	59
	9.7. Landscaping.....	59
	9.8. Bushfire.....	60
	9.9. Heritage .....	60
	9.10. Aboriginal Cultural Significance .....	60
	9.11. Geology, Soil, Water Quality and Hydrology .....	60
	9.12. Noise Impacts .....	60

9.13.	Cumulative Impacts .....	61
<b>10.</b>	<b>Conclusion.....</b>	<b>62</b>
	<b>Disclaimer.....</b>	<b>63</b>

## Appendix A Appendix

### FIGURES

Figure 1	Subject site location. (Source: Urbis.) .....	6
Figure 2	The subject site. (Source: Urbis.) .....	7
Figure 3	Proposed Site Layout. (Source: BNRG Leeson.) .....	10
Figure 4	Solar panel and tracker elevation. (Source: BNRG.) .....	11
Figure 5	BESS elevations. (Source: BNRG Leeson.) .....	12
Figure 6	Inverter elevations. (Source: BNRG.) .....	12
Figure 7	How Electricity is Generated. (Source: Urbis.) .....	13
Figure 8	Proposed signage. (Source: BNRG Leeson.) .....	14
Figure 9	Proposed CCTV camera. (Source: Urbis.) .....	14
Figure 10	Typical mesh fencing elevation. (Source: BNRG.) .....	15
Figure 11	Zoning map. (Source: Urbis.) .....	20
Figure 12	Areas of Aboriginal Cultural Sensitivity map. (Source: Urbis.) .....	21
Figure 13	Designated bushfire prone areas. (Source: Urbis.) .....	22

### TABLES

Table 1	Supporting Documentation .....	2
Table 2	Existing Conditions – Site Photographs .....	3
Table 3	Stakeholder Engagement Summary. (Source: BNRG Leeson.) .....	16
Table 4	Identifying suitable locations - Solar Energy Facilities – Design and Development Guideline .....	39
Table 5	Best Practice for Proponents - Solar Energy Facilities – Design and Development Guideline.....	41
Table 6	Design Stage - Solar Energy Facilities – Design and Development Guideline .....	42
Table 7	Construction and Operation Stage - Solar Energy Facilities – Design and Development Guideline.....	44
Table 8	Decommissioning - Solar Energy Facilities – Design and Development Guideline .....	45
Table 9	Application Requirements - Solar Energy Facilities – Design and Development Guideline .....	45
Table 10	Farming Zone Considerations .....	48
Table 11	Farming Zone – Agricultural Issues and the Impacts from Non-Agricultural Uses .....	49
Table 12	Farming Zone – Environmental Issues.....	51
Table 13	Farming Zone – Design and Siting Issues .....	51
Table 16	Clause 53.13-2 Application Requirements .....	54
Table 17	Clause 53.13-3 Decision Guidelines .....	55

## 1. INTRODUCTION

This town planning report has been prepared by Urbis Proprietary Limited (**Urbis**) on behalf of BNRG Leeson (**the applicant**) to accompany a planning permit application to construct a **4.96** megawatt solar installation at 313 Collivers Road, Lancefield. (**the subject site**).

This town planning report provides details of the proposed development, an analysis of the suitability and constraints of the selected site and an assessment of the proposed development against the relevant provisions of the Macedon Ranges Planning Scheme and relevant commonwealth and state legislation.

Amendment VC192 changed the Victoria Planning Provisions and all Victorian planning schemes by amending clause 72.01-1 to make the Minister for Planning the responsible authority determining planning permit applications for all energy generation facilities that are one-megawatt or greater in capacity. The amendment does not change the requirements for a permit in a scheme or the matters to consider when making a decision.

The following planning permit triggers apply to the proposed installation at the subject site:

- Use of land for a Renewable energy facility (other than Wind energy facility) within the Farming Zone pursuant to Clause 35.07-1 major renewable energy facilities.
- Building or works associated with a use in Section 2 - Renewable energy facility within the Farming Zone pursuant to Clause 35.07-4.
- Display of a business identification sign pursuant to Clause 52.05-2.
- Removal of native vegetation, including dead native vegetation pursuant to Clause 52.17-1 (removal of 0.86ha of native vegetation).
- Creation of a vehicular crossover onto a road in a Transport Zone 2 pursuant to Clause 52.29.

The following particular provisions apply to the proposed installation on the site:

- Clause 52.02 Easements, Restrictions and Reserves
- Clause 52.05 Signs
- Clause 52.17 Native Vegetation
- Clause 52.29 Land Adjacent to the Principal Road Network
- Clause 52.42 Renewable Energy Facility

The following specialist consultants have been commissioned to provide the assessments to accompany the planning permit application:

- Aboriginal Cultural Heritage
- Bushfire Risk
- Ecology
- Landscaping
- Traffic and Transport
- Visual Impact
- Glint and Glare
- Acoustic
- Agriculture

The installation of the BESS is exempt from this application. Planning scheme amendment VC220 came into force on 30<sup>th</sup> May 2022 that changed the definition of a minor utility installation to include a BESS and under clause 73.03 of the planning scheme, uses not requiring a permit include the land for a minor utility installation. This matter is discussed in more detail in chapters 6.6 and 6.7 below.

The proposed development requires the removal of 0.086 hectares of native vegetation and to compensate for the loss of vegetation and avoid a loss of biodiversity, an offset of 0.019 general habitat units is required.

Should a planning permit be issued for the renewable energy facility, the applicant will prepare and provide the required management plans to the relevant statutory consent authority as required via any permit conditions.

This report is informed by and should be read in conjunction with the supporting documentation listed in Table 1.

Table 1 Supporting Documentation

<b>Document</b>	<b>Prepared by</b>
Certificates of Title (Appendix A)	GlobalX, November 2022
Survey Plan (Appendix B)	To be provided under separate cover
Site Plan (Appendix C)	BNRG, November 2022
Maps (Appendix D)	Urbis, November 2022
Landscape Strategy (Appendix E)	Urbis, November 2022
Community & Stakeholder Engagement Report (Appendix F)	BNRG, November 2022
Ecology Impact Assessment (Appendix G)	Eco Logical Australia, November 2022
Agricultural Assessment (Appendix H)	Meridian Agriculture, November 2022
Preliminary Landscape and Visual Impact Assessment (Appendix I)	Urbis, November 2022
Noise Impact Assessment (Appendix J)	WSP, November 2022
Traffic Impact Assessment (Appendix K)	Amber, November 2022
Preliminary Bushfire Opportunities and Constraints Assessment (Appendix L)	Eco Logical Australia, November 2022
Aboriginal Cultural Heritage Assessment (Appendix M)	Eco Logical Australia, March 2022
Glint and Glare Assessment (Appendix N)	Moir Landscape Architecture, November 2022

## 2. THE SUBJECT SITE

The subject site is located at 313 Collivers Road, Lancefield, Victoria, 3435. The legal description is lot 1 of TP168495. The subject site is approximately 2.5 kilometres south-west of the town of Lancefield, 5.6 kilometres north-west of the town of Romsey and sixty kilometres north-west of Melbourne CBD. The site is within the Central Victorian Uplands region and in the Macedon Ranges Shire Council (**Council**) local government authority.

The subject site is approximately 73.42 hectares. The northern edge of the subject site is abutted by Collivers Road, the western edge by Rochford Road and the southern boundary by Cully Road.

There is a dwelling to the north-western corner of the site which also has the existing sole vehicular access to the site.

The subject site is relatively flat, open plain grassland with scattered vegetation throughout the subject site. The subject site is used for the grazing of sheep or cattle and there is a dam to the southern boundary abutting Cully Road.


The vegetation on the subject site is nearly entirely introduced species in the form of exotic pastures and weeds. Several planted, native and introduced trees were present around the farm dam in the south of the site, while immediately north of the site, a small patch of highly degraded Grassy Forest, was identified along with a large, scattered River Red Gum *Eucalyptus camaldulensis* to the west.

### 2.1. EXISTING CONDITIONS – SITE PHOTOGRAPHS



The subject site has been modified by farming practices and is still used for agricultural practices, in particular grazing. An agricultural assessment has been prepared by Meridian Agriculture and states of the agricultural use that, for the last twenty years, the site has been used only for grazing by sheep and/or cattle and that historical images show no evidence of pasture improvement/resowing having taken place in the last twenty years.

Through an analysis of aerial photography of the site and a site inspection on 25<sup>th</sup> October 2022, a pictorial analysis of the existing features is shown in Table 2.

Table 2 Existing Conditions – Site Photographs


Photograph	Description
	<p>View of the development area from the rear of the dwelling on the rise facing south towards Cully's Road.</p>

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Photograph	Description
	<p>View of the solar farm facing Cully's Road location taken from the rise on the property 100m north of the development's location.</p>
	<p>View along Cully's Road west towards Parks Road</p>
	<p>View from Cully's Road north looking at the site (adjacent to the existing dam). The road vegetation being retained is in the foreground</p>



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Photograph	Description
	View west towards Rochford Road. Note the powerlines running along Cullys Road that will connect the development to the grid.

## 2.2. SITE SURROUNDINGS

The predominant land uses surrounding the subject site are agricultural, in particular, cattle and sheep grazing as well as rural residential lots. There are several vineyards in the vicinity of the site: a small vineyard associated with the Glen Erin restaurant (500 metres to the north), the Curly Flat vineyard 400 metres east of the site and another small vineyard 850 metres south-west of the site. These vineyards are located on the red earth soils associated with the rising country.

### North

North of the development area the land rises and is used for grazing land. Across Rochford Road are tourism properties used as vineyards and accommodation. The elevation and natural screening screens these areas from the property.

### East

The east is mainly hobby farms used for grazing of livestock in groups of smaller lots. This runs along Cully's Road to Parks Road. The 66kV powerlines follow this road and down Parks Road.

### South

There are properties directly south of Cully's Road which are rural farm properties used for cropping, vineyards and grazing. The land slopes here providing expansive views towards the Macedon Regional Park.

### West

Cully's Road intersects with the state-controlled Rochford Road which leads into Lancefield. The properties here are a mixture of rural properties and smaller farmland used for grazing, cropping and hobby farms.

Figure 1 Subject site location. (Source: Urbis.)

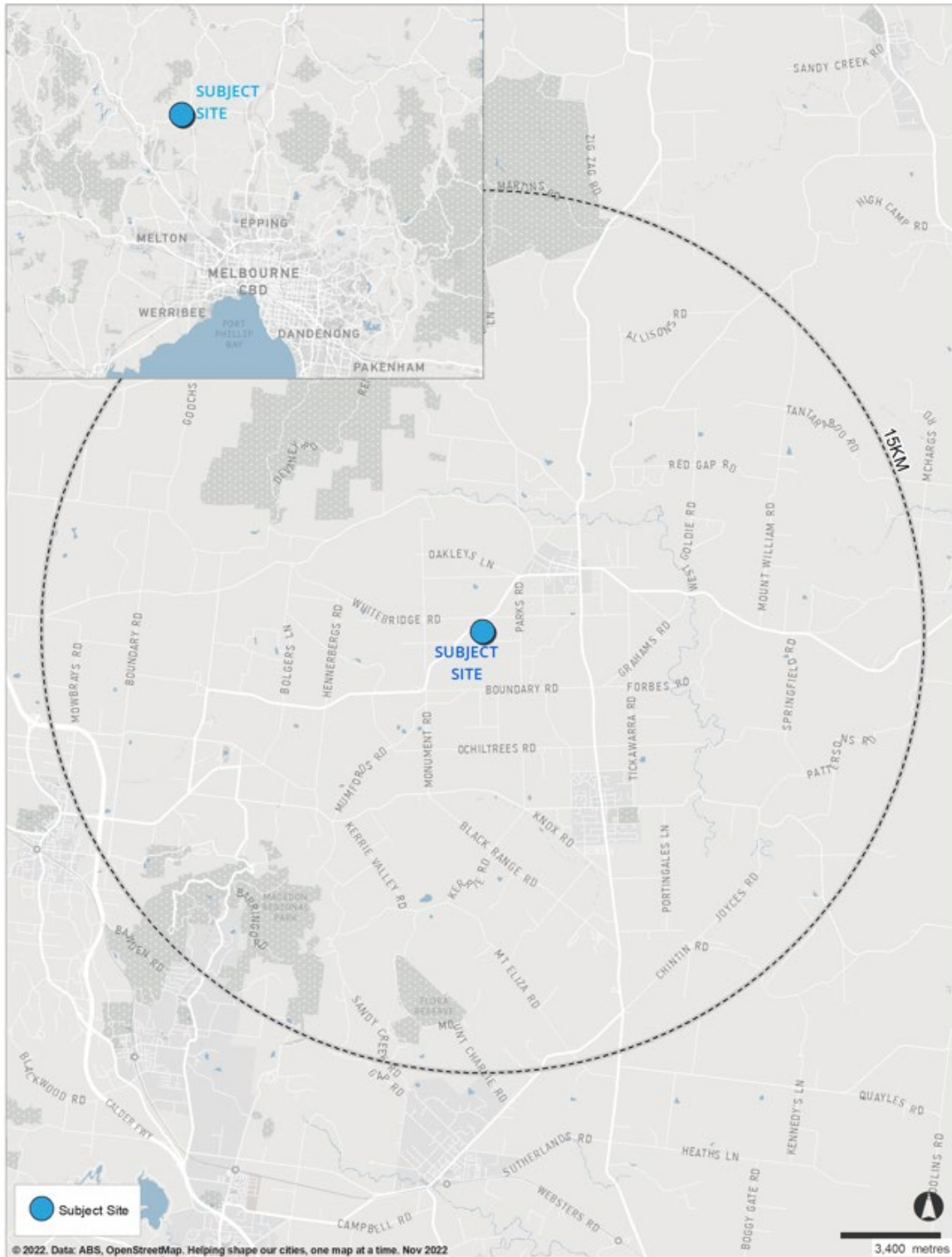


Figure 2 The subject site. (Source: Urbis.)



### **3. BNRG LEESON**

BNRG Leeson is a Melbourne-based renewable energy partnership which has successfully developed multiple solar farms in Victoria and elsewhere in Australia.

The Leeson Group has divisions in solar installation development and grid connection engineering services and has been developing solar installations in Australia since 2015. The Leeson Group have developed several of utility-scale solar installation projects in Victoria in recent years, one of which (their Cohuna Solar Farm project) won the Victorian Government tender in 2018 (Victorian Renewable Energy Auction Scheme).

BNRG are a global solar installation developer based in Dublin, Ireland with an operating portfolio of around 194 mega-watts (**MW**) spanning across 61 solar installations. BNRG partners with local developers to harness clean, affordable energy and help support the growing electricity needs of local communities. BNRG has been developing solar installations in Australia since 2018 but, established a partnership with Leeson Group in 2020.

The BNRG Leeson partnership has allowed BNRG to establish an Australian Headquarters, utilising experienced professionals with a wealth of local knowledge. Our Australian Project Manager has over fifteen years of experience working with Australian Farmers to harness the sun's clean energy.

BNRG Leeson have a 70 MW project under development, and are bringing forward several small, sub-five MW projects (one of which is the subject of this planning permit application) and it is intended that each project will have batteries and that, once built, BNRG Leeson will retain and operate these assets.

## **4. THE PROPOSED DEVELOPMENT**

### **4.1. PROJECT DESCRIPTION**

The proposed development by BNRG Leeson is to construct and operate a 4.95 MW solar installation and eleven mega-watt per hour (MWh) battery energy storage system (BESS) at 313 Collivers Road, Lancefield.

The subject site is considered suitable for a solar energy facility of this size and scope because of its location, relatively flat topography, ease of access and minimal impacts on site conditions and planning constraints. The site has proximity to grid capacity and these factors combined with the fact that the site receives an abundance of solar resource, makes it an ideal site for generating solar energy.

### **4.2. LAYOUT AND BUILT FORM**

The solar installation and ancillary equipment will encompass a small proportion of the site on one lot. As shown in Figure 4 below, the development area will cover approximately thirteen hectares of the total approximate 73 hectares, or seventeen percent. This coverage has been carefully designed and limited by native vegetation, features and to protect the amenity of surrounding residential properties.

The facility will consist of and permission is sought for the following:

- The installation of approximately 11,200 ground-mounted photovoltaic (PV) modules (solar panels), that use a single-axis, solar-tracking technology with a maximum 4.96 MW capacity.
- Each solar panel will measure 4.9 metres long by 2.4 metres wide.
- Each module consists of P type Mono-crystalline cell type with a 2.0 mm, anti-reflection coated semi-tempered glass set in an anodised aluminium alloy frame.
- Once mounted on the frames and fully tilted, the panels will be capable of reaching an overall height of no more than 5.1 metres above ground level.
- Installation of a BESS with an eleven MWh capacity. The BESS will consist of eight containers, each measuring 9.3 (long) x 1.7 (wide) x 2.52 metres (tall). (NB The BESS is not subject of this permit application as it is exempt from the requirements for a permit. Please see below and chapters 6.6 and 6.7 of this report.)
- The installation of one central inverter, measuring 12.19 (long) x 2.43 (wide) x 2.89 (tall). The solar panels generate direct current (DC) electricity which must be converted into alternating current (AC) before being fed into the local electricity grid network. This is done by inverters.
- The installation of a shed to house maintenance equipment. The shed will measure twenty metres long by fourteen metres wide and to an overall height of 4.84 metres.
- The installation of a switch room, that will measure seven metres long by 3.45 metres wide by 2.7 metres tall.
- The construction of an internal gravel road system.

Associated ancillary equipment, including:

- Two metres high chain link security fence installed around the solar farm.
- One closed circuit television (CCTV) camera.
- One 45,000 litre water tank, which will be a steel, circular and in a lighter/natural landscape colour.
- One business identification sign, measuring 1.5 (long) x 0.9 (wide) metres.
- Security lighting around BESS, inverters and switch room.

Figure 3 below shows the layout of the proposed development.

While included in the layout and built form description, the installation of the BESS is exempt from this application. A planning scheme amendment came into force on 22<sup>nd</sup> June 2022 that changed the definition of a minor utility installation to include a BESS that connects to low voltage power (66kv or less) and under clause 62.01 of the planning scheme, uses not requiring a permit include the land for a minor utility installation. This matter is discussed in more detail in chapters 6.6 and 6.7 below.

The solar panels will be attached in a single portrait configuration to horizontal mounting frames. The panels will 'track' the sun in an east to west plane to maximise solar exposure. Figure 2 below shows the elevation of the proposed solar panels.

Substations are the on-site point of connection from where electricity enters and exists the transmission network. The substation is comprised of a switch room which facilitates the connection or disconnection of

electrical assets. Substation switchgear also acts as a safety mechanism to protect the solar installation and BESS from faults in the transmission network, and vice versa. It detects and disconnects electrical circuits if there is a fault in the system, much like a household fuse box.

The network operator (**AEMO**) requires a security light to be affixed to the exterior of the Network Substation for health and safety reasons. If an emergency repair crew is required in hours of darkness, the light allows them to safely access the substation to undertake the repair work. The motion sensor light only activates when the substation is approached and it will not be illuminated on a permanent basis. No other site lighting is required or proposed.

The solar facility has been carefully designed to respond to the site's context, opportunities and constraints and the Department of Environment, Land, Water and Planning's (DELWP) *Solar Energy Facilities Design and Development Guideline*. The design layout considers:

- Native vegetation
- Cultural heritage
- Visual impact to neighbouring properties
- Bushfire mitigation
- Impacts to waterways
- Noise
- Efficiency and economic viability of the solar facility

Figure 3 Proposed Site Layout. (Source: BNRG Leeson.)



## 4.3. CONSTRUCTION

The mounting frames are usually pile driven into the ground, and no concrete foundations are required. The base of the frame piles are thin, 'H' or 'Z' shapes, have very little impact on the ground and do not require any prior excavation. This means that during construction patches of grass are relatively undisturbed and not impacted or lost across the project area. The frames are driven to a depth of approximately 1.5 metres. At the end of their operational life when the site is decommissioned, the frame piles are simply pulled out from the ground causing minimal ground disturbance. This light construction approach also minimises impact

upon potential archaeology remains. In some areas where there is depth to rock is below two metres and piling refuses, there is potential for the pile foundations to be pre-drilled.

## 4.4. SITE ACCESS AND INTERNAL ROAD

A proposed gravel access track would be provided from the western boundary of the development footprint with a vehicular crossover onto Rochford Road. Following discussions with the Department of Transport, the site access is to be designed in accordance with Guideline Drawing AGRD Part 4 – Typical Design to Rural Properties. The proposed design provides an increased width from the standard drawing to allow two B-Doubles to pass at the entrance to the site.

There will be two vehicle access points to the subject site from Cullys Road (these access points will not be used for construction). Given the low level of traffic generated during construction, Cullys Road will remain unsealed.

The current road network is considered acceptable to accommodate the construction, operation and decommissioning traffic and is in line with the requirements of the *Australian Road Research Board Best Practice Guide for Unsealed Roads 2*.

A traffic impact assessment is enclosed at **Appendix K**.

Figure 4 Solar panel and tracker elevation. (Source: BNRG.)

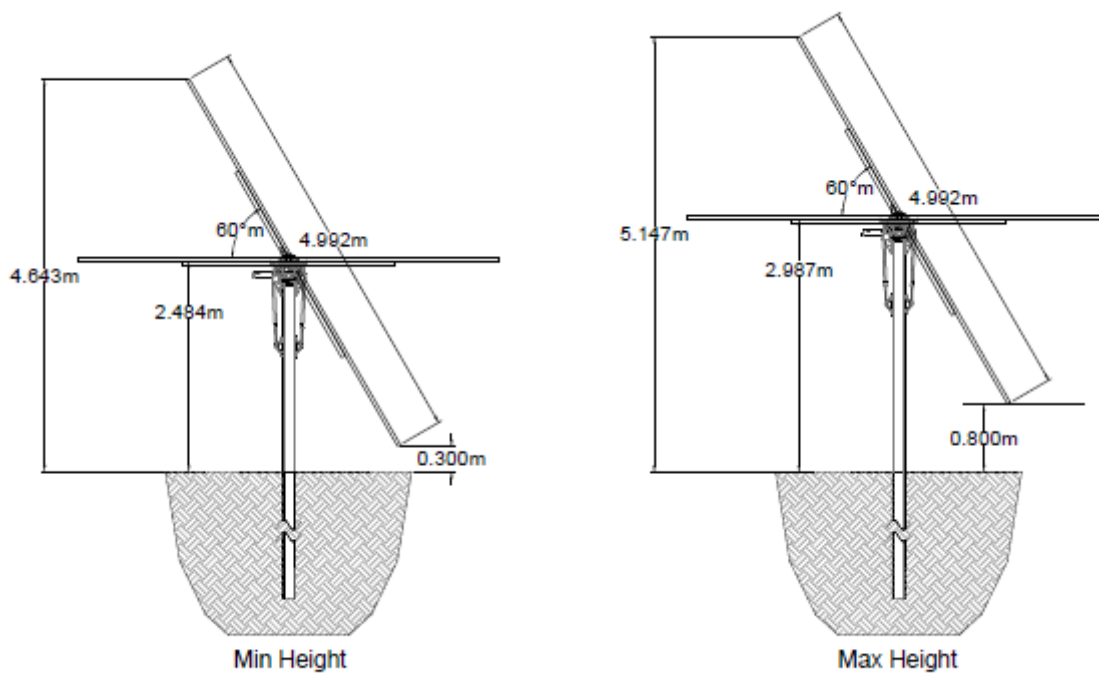


Figure 5 BESS elevations. (Source: BNRG Leeson.)

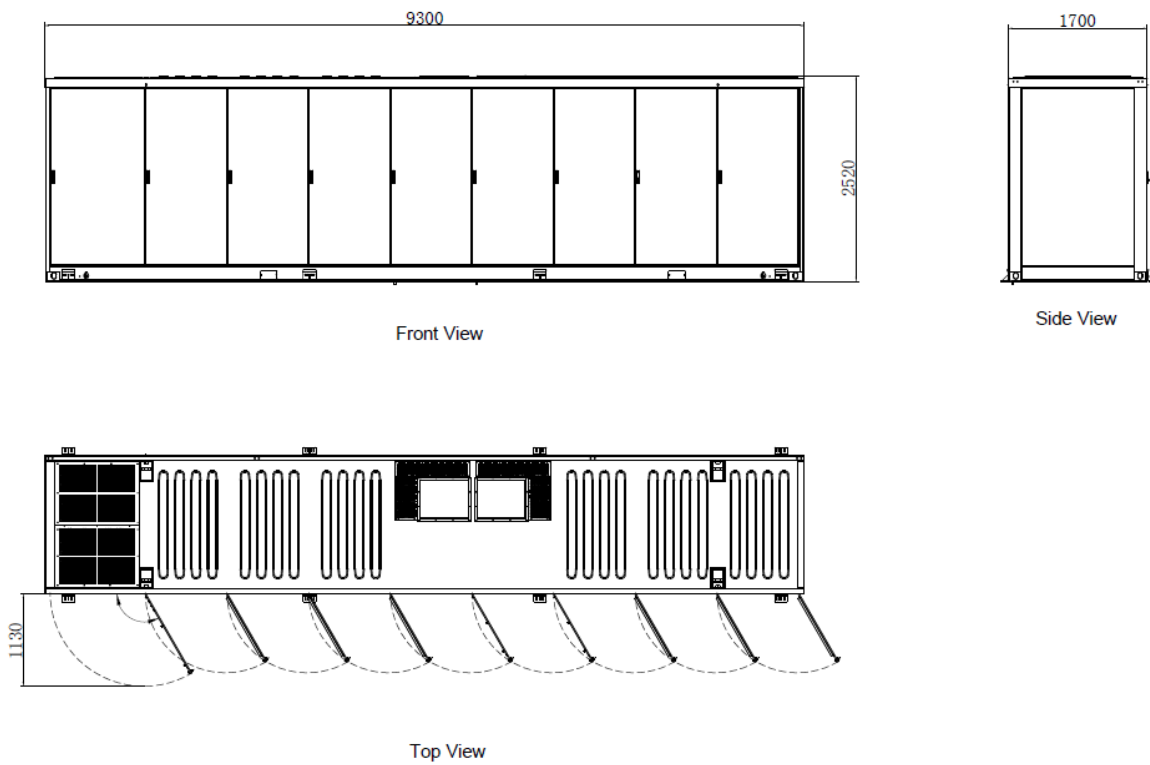
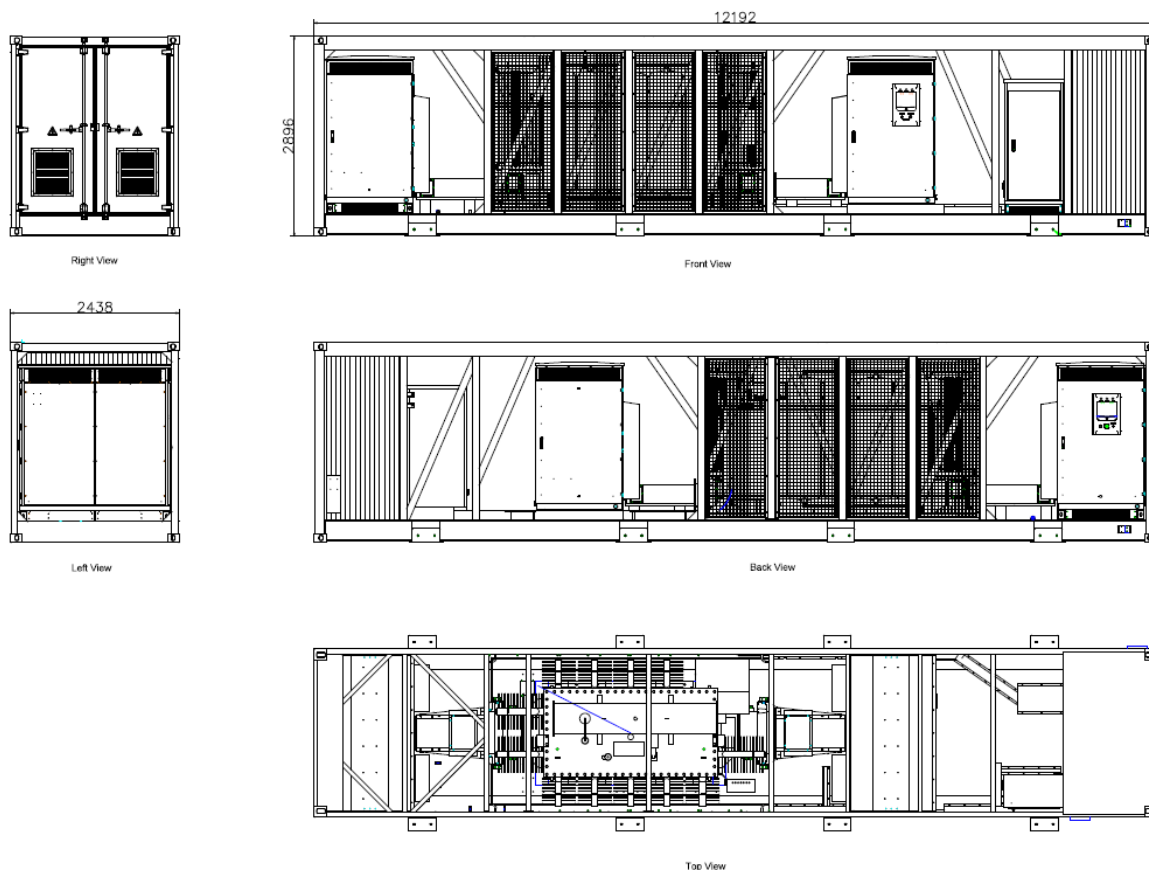


Figure 6 Inverter elevations. (Source: BNRG.)



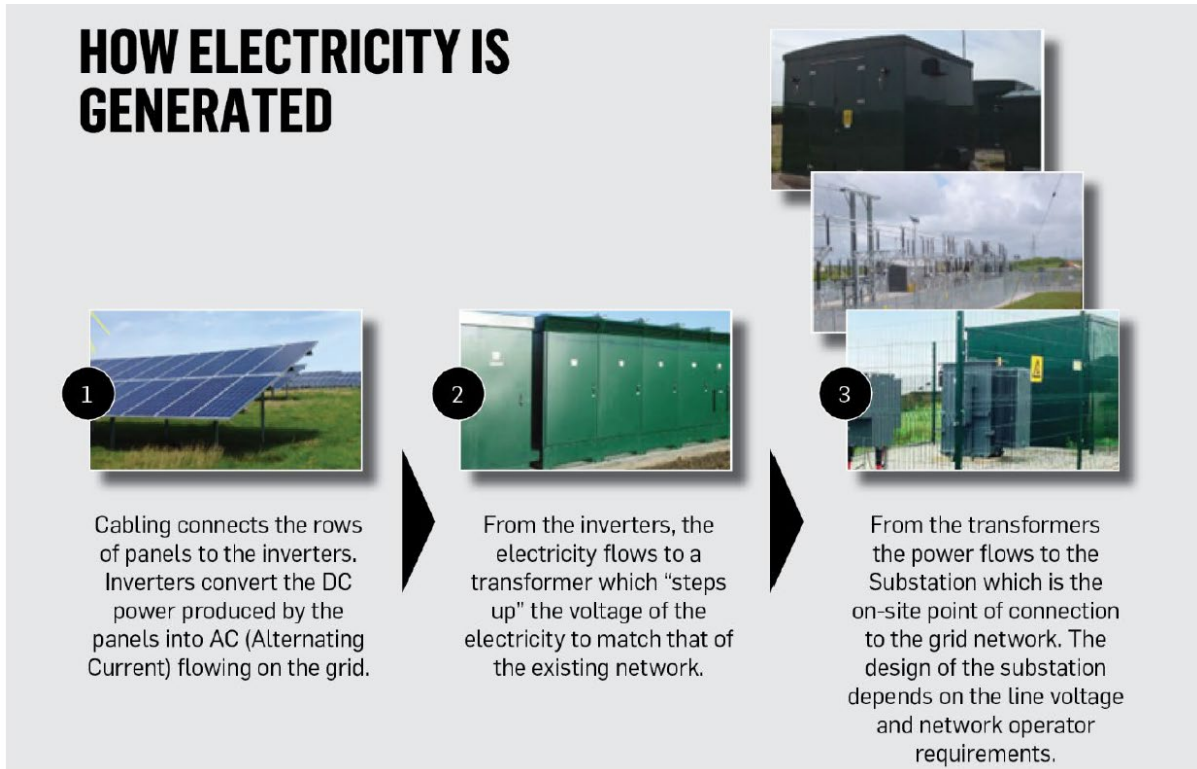


## 4.5. CONNECTION TO GRID

The project will connect to the grid via the existing overhead 22 kilovolts (kV) transmission line on Cullys Road which passes immediately to the south of the site.

BNRG Leeson have submitted a preliminary enquiry with Powercor to connect to the existing power pole marked on as "POI" (point of interconnection) in Figure 3 and are working through the process with Powercor to complete dynamic studies to receive the connection agreement.

Figure 7 How Electricity is Generated. (Source: Urbis.)



## 4.6. SECURITY FENCING AND CAMERAS

A two metres high chain link security fence installed around the solar farm. The purpose of the fence is to deter theft or vandalism and prevent unauthorised access to the solar farm.

In order to monitor the site and detect any unauthorised access, a CCTV camera will be erected on a pole of up to 4.5 metres tall. The camera is directed into the solar farm, avoiding impinging on the privacy of nearby properties.

These items are shown in figures 7 and 8 below.

Figure 8 Proposed signage. (Source: BNRG Leeson.)



Figure 9 Proposed CCTV camera. (Source: Urbis.)

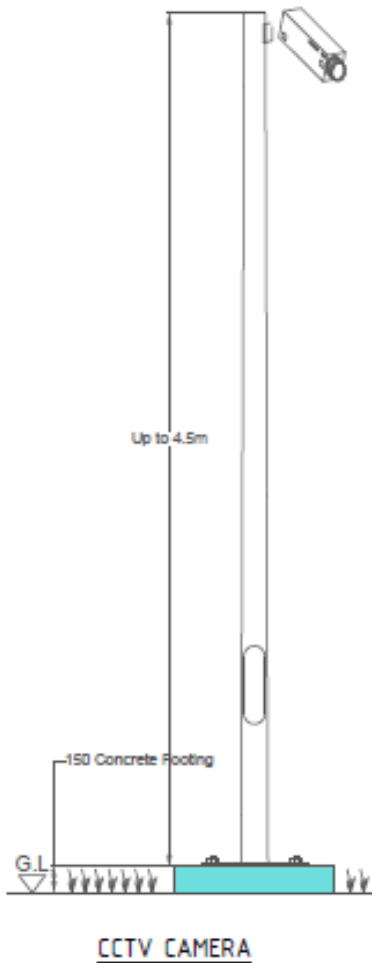
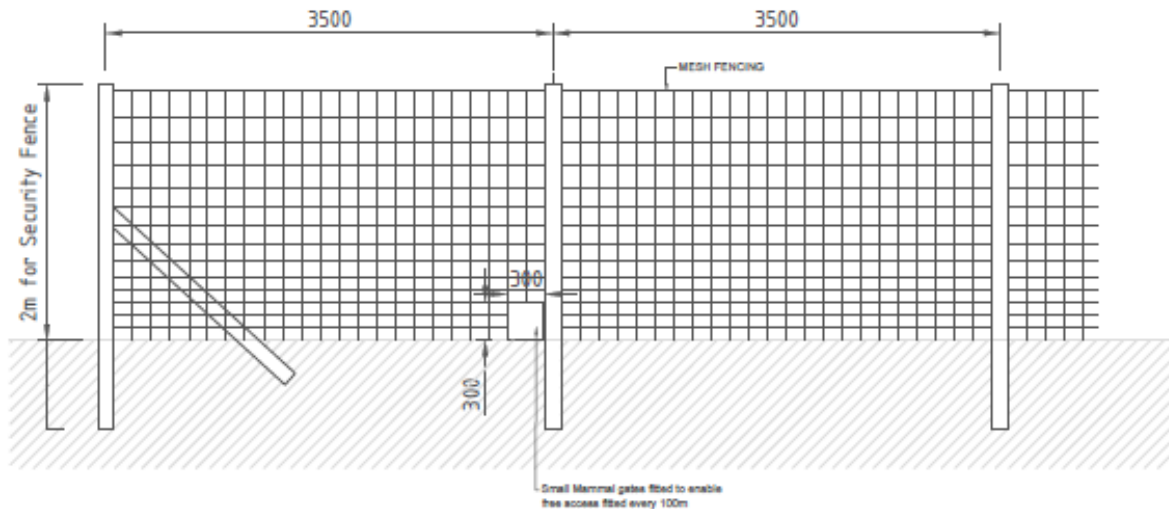


Figure 10 Typical mesh fencing elevation. (Source: BNRG.)



## 4.7. NATIVE VEGETATION REMOVAL

Based on the current design, the proposed development will require the removal of any native vegetation for the provision of a vehicular crossover onto Rochford Road.

The vegetation to be removed is one small patch of Black Wattle *Acacia mearnsii* and Blackwood *Acacia melanoxylon* and one large River Red Gum tree. The extent of native vegetation removal is 0.086 hectares.

Please see chapters 6.2.2 and 8.3 below for discussion of the removal of native vegetation.

An ecology impact assessment is enclosed at **Appendix G**.

## 4.8. SETBACKS AND LANDSCAPING

As shown in figure 10 above, a two metres high chain mesh security fence will be installed five metres inside the perimeter of the development footprint. The five metres offset outside of the security fence will allow for screen planting. Screen planting along the southern boundary will mitigate impacts to residential receptors and screen planting along the western boundary will mitigate impacts to residential receptors and vehicles on Rochford Road.

A landscape strategy is enclosed at **Appendix E**.

## 5. COMMUNITY AND STAKEHOLDER ENGAGEMENT

Community consultation and engagement is an integral part of the design process when undertaking the development of renewable energy facilities in Victoria. DELWP has produced a guide for renewable energy developers to undertake for community consultation.

BNRG Leeson undertook engagement with the relevant agencies, landowners and land users and stakeholders. In addition, BNRG Leeson was responsible for engagement with the broader community. Engagement activities included emails, door knock, newspaper notices, fact sheets, flyers, information drop-in sessions and enquiry management through the duration of the planning process. The processes and outcomes are outlined below:

### Local Government

BNRG Leeson consulted with Macedon Ranges Shire Council via email on 20<sup>th</sup> September 2022, requesting feedback on the proposed traffic design. To date, no feedback from Council has been received. While Council is not the responsible authority, Council will be a referral authority under section 52 of the *Planning and Environmental Act 1987*.

### Relevant Agencies

Please find enclosed a Community & Stakeholder Engagement Report prepared by BNRG Leeson at Appendix F for further details regarding consultation undertaken and responses from the engagement process and responding procedures to manage and mitigate.

Table 3 below sets out a summary of the outcomes of the stakeholder engagement.

Table 3 Stakeholder Engagement Summary. (Source: BNRG Leeson.)

Activity	Stakeholder	Reason for Activity	Desired Outcome
Emailed plans, September 2022	Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation.	Presentation of project proposal so we could understand any potential areas of sensitivity on Country.	No potential areas of sensitivity identified; or suitably management plan able to be developed.  Outcome, a voluntary CHMP was requested by the RAP.  As a result, an Aboriginal Cultural Heritage Assessment was undertaken that has confirmed that mandatory CHMP is not required for the proposed works within the study area, given that the works are not located within an area that intersects an area of Aboriginal cultural heritage sensitivity.
Door knock 9 <sup>th</sup> September 2022	Neighbouring landowners (within one kilometre)	Discuss the proposal, proximity to the dwelling and suggested screening, potential impact on farm business.	Confirm BNRGL's intent to be a good neighbour.  Develop relationship so stakeholders feel they can come directly to BNRGL with any questions or suggestions.

# ADVERTISED PLAN

Activity	Stakeholder	Reason for Activity	Desired Outcome
		<p>Answer questions and provide information about the project.</p> <p>Understand likely activities and understand how they may be affected during construction.</p> <p>Discuss any specific issues raised.</p> <p>Gather local knowledge about climate, environment and business operations.</p>	<p>Arrange meetings if further discussion is required.</p> <p>Outcome – see Section 4 of Appendix F.</p>
<p>Fact sheets</p> <p>Provided online and at information session</p>	<p>Community</p>	<p>Provide plain English information:</p> <ol style="list-style-type: none"> <li>1. Fast Facts: what are we building, timeline, employment, benefits for Victoria and the region.</li> <li>2. What is a solar farm? why are farms designed and built the way they are?</li> <li>3. Solar panels and glare: how the panels move, how glare is managed, some misconceptions explained.</li> <li>4. Protecting the environment: flora and fauna, sustainable farming, eventual decommissioning.</li> </ol>	<p>Community is better informed about the planning process and the project.</p>
<p>Print and associated online advertising (two regional newspapers)</p>	<p>Community</p>	<p>Advertise drop-in session.</p>	<p>Increase awareness beyond immediate neighbours and</p>

# ADVERTISED PLAN

<b>Activity</b>	<b>Stakeholder</b>	<b>Reason for Activity</b>	<b>Desired Outcome</b>
w/b 13 <sup>th</sup> September 2022		Provide contact details.	maximise attendance at drop-in session.
Flyers left 9 <sup>th</sup> September 2022 at Lancefield IGA and Lancefield Community House (Town House)	Community	Advertise drop-in session.  Provide contact details.	Increase awareness beyond immediate neighbours.
Emailed plans to Macedon Ranges Council 20 <sup>th</sup> Sept 2022	Council	Provide details on the proposed traffic design.	Council is yet to provide feedback on the email. Amber traffic engineers has been consulting with the council traffic consultant.
Drop-in session 29 <sup>th</sup> September 2022	Neighbouring landowners  Community	Provide details of project, answer specific questions, gather local knowledge.	Community regards the project favourably and is comfortable their questions will be answered.  Outcome – see Section 4 of Appendix F.
Community engagement report (when planning process is complete.)	Council  Community	Feedback what we've heard during consultation, and how it has informed the proposal.	Provides opportunity for further feedback.  Builds trust about the process.

## **6. PLANNING FRAMEWORK**

The following section outlines the planning controls applying to the subject site as well as planning policies which are relevant to the proposal that need to be considered in the planning assessment of the application. These include the state and local policy frameworks. A summary of relevant legislation and planning permit triggers is also provided.

### **6.1. PLANNING CONTROLS**

The subject site is located within a Farming Zone. The only other overlay that impacts the subject site is Designated Bushfire Prone Areas. There are no other overlays that impact the subject site. An overview of the zone is set out below.

Under Clause 35.07 Farming Zone of the Macedon Ranges Planning Scheme, the relevant purposes of the zone are:

- 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.

Pursuant to Clause 35.07-1 and the Table of Uses, Section 2, a permit is required for:

- Renewable energy facility (other than Wind energy facility). Must meet the requirements of Clause 53.13.

Clause 35.07-4 refers to Building and works and states that a permit is required for:

- A building or works associated with a use in Section 2 of Clause 35.07-1.

### **6.2. STATE PLANNING POLICY FRAMEWORK**

The Victoria Planning Provisions (VPP) seeks to develop objectives for planning in Victoria to foster land use, development planning and policy which integrate relevant environmental, social and economic factors.

The sections of the VPP which are relevant to this application include:

- Clause 11 Settlement
  - 11.01-1S – Settlement
  - 11.02-1S – Supply of urban land
  - 11.02-2S – Structure planning;
- Clause 12 Environmental and Landscape Values
  - 12.01-1S – Protection of biodiversity
  - 12.01-2S – Native vegetation management
- Clause 13 Environmental Risks and Amenity
  - 13.01-1S – Natural hazards and climate change
  - 13.02-1S – Bushfire planning
  - 13.05-1S – Noise Management
- Clause 14 Natural Resource Management
  - 14.01-1S – Protection of agricultural land

14.01-2S – Sustainable agricultural land use;

- Clause 15 Built Environment and Heritage

15.03-2S – Aboriginal Cultural Heritage;

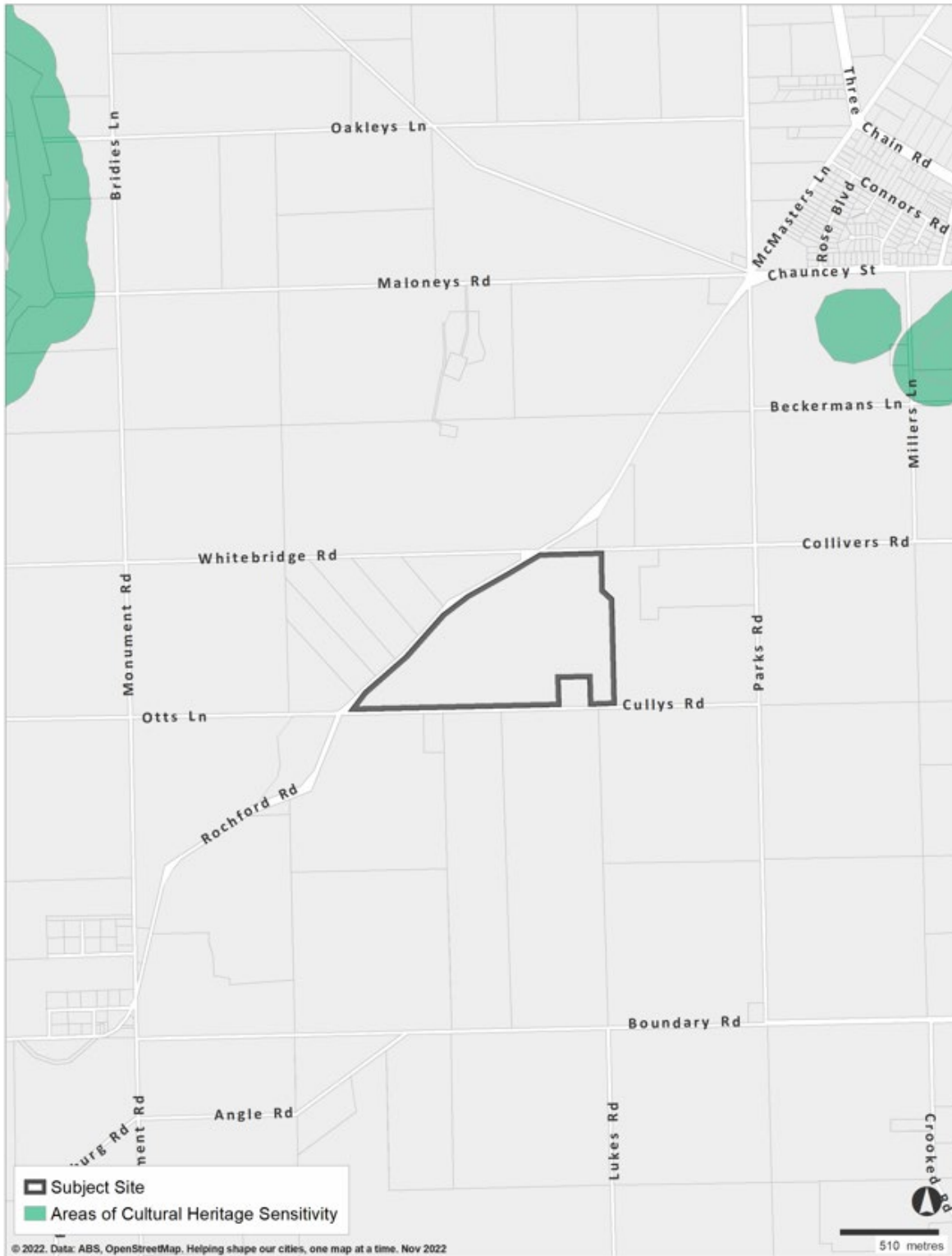
- Clause 17 Economic Development

Figure 11 Zoning map. (Source: Urbis.)





Figure 12 Areas of Aboriginal Cultural Sensitivity map. (Source: Urbis.)



17.01-1S – Diversified economy; and

- Clause 19 Infrastructure
- 19.01-1S – Energy supply
- 19.01-2S – Renewable energy

Figure 13 Designated bushfire prone areas. (Source: Urbis.)



## 6.2.1. Clause 11 Settlement

### Clause 11.01-1S – Settlement

The objective of this clause is to:

*Facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

Planning Scheme Amendment VC216 introduced strategies to the Macedon Ranges Planning Scheme in Clause 11.01-1S to contribute to net zero emission outcomes. Key strategies in relation to this development are to:

- Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.
- Deliver networks of high-quality integrated settlements that have a strong identity and sense of place, are prosperous and are sustainable by:
- Building on strengths and capabilities of each region across Victoria to respond sustainably to population growth and changing environments; and
- Contributing to net zero greenhouse gas emissions through renewable energy infrastructure and energy efficient urban layout and urban design.

The proposal will provide approximately 4.96-MW of renewable energy along with eleven MWh storage capacity through a BESS and will help combat the impacts of climate change, while supporting liveable settlements within regional Victoria. The development will also facilitate a valuable economic boost to the regional construction and employment industries within the area.

### **Clause 11.02-1S – Supply of urban land**

The objective of this clause is to:

*To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

The relevant strategies of this clause are to:

- Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.
- Maintain access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure and industry.

### **Clause 11.02-2S – Structure planning**

The objective of this clause is to:

*Facilitate the fair, orderly, economic and sustainable use and development of urban areas.*

The relevant strategy of this clause is to:

*Encourage renewable energy generation, storage and distribution.*

Currently, the site is used as agricultural land (cropping and grazing), although the land is considered neither highly productive nor versatile. There are no perceived impacts to the surrounding farm businesses or significant impacts to the agricultural amenity of the region. The proposal allows of the possibility of maintaining grazing on-site and therefore agricultural productivity will be reduced, rather than lost.

Planning Scheme Amendment VC216 includes strategies in Clause 11.02-2S to contribute to net zero emission outcomes and support metropolitan and regional climate change strategies. This project is consistent with this clause in providing renewable energy, storage and distribution in an area of the grid that has high system strength and high marginal loss factor and able to boost Victoria's renewable energy production in close proximity to major population centres (Melbourne).

## **6.2.2. Clause 12 Environmental and Landscape Values**

### **Clause 12.01-1S Protection of biodiversity**

The objective of this clause is:

*To protect and enhance Victoria's biodiversity.*

Key strategies relevant to the proposed development are:

- Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of:
  - Cumulative impacts.
  - Fragmentation of habitat.

- The spread of pest plants, animals and pathogens into natural ecosystems.
- Support land use and development that contributes to protecting and enhancing habitat for indigenous plants and animals in urban areas.

BNRG Leeson engaged the services of Eco Logical Australia to produce an ecological impacts assessment to assess the existing environmental values of the subject site and provide recommendations in relation to biodiversity. The site is within the Central Victorian Upland bioregion, Melbourne Water is the catchment authority (formerly the Port Phillip & Westernport Catchment Management Authority). The subject site supports the following vegetation:

- Gorse *Ulex europaeus*, which listed as a noxious in Victoria.
- Grassy Forest (EVA128) consisting exclusively of mature Narrow-leaved Peppermint *Eucalyptus radiata* trees and River Red Gum *Eucalyptus camaldulensis*.
- Black Wattle *Acacia mearnsii*.
- Blackwood *Acacia melanoxylon*.
- Yellow Box *Eucalyptus melliodora*.
- The desktop review identified a total of 33 significant flora species within 10 km of the study area and of these, only the EPBC Act listed Matted Flax-lily *Dianella amoena* is considered to have a moderate likelihood of occurring within the study area.

Based on the extent and nature of the vegetation within the study area, there is a moderate likelihood of Barking Owl, Grey Goshawk, Little Eagle, Powerful Owl and Square-tailed Kite occurring.

The subject site has been highly modified and ecological values are now largely absent and the farm dam adjacent to Cullys Road does not have any ecological value, and adjacent native trees are planted and therefore exempt from vegetation clearance implications. The only impacted area of native vegetation will be as a result of the construction of an access track onto Rochford Road.

The vegetation to be remove is one small patch of Black Wattle *Acacia mearnsii* and Blackwood *Acacia melanoxylon* and one large River Red Gum tree. The extent of native vegetation removal is 0.086 hectares.

The following measures are recommended prior to or during construction:

- Complete targeted surveys for Matted Flax-lily in Rochford Road (and Cully's Road if impacted) in December/early January to determine if present, and if so, inform avoidance through design.
- Establish no-go zones around native trees on Rochford Road, based on the associated Tree Protection Zones. Should works encroach on the Tree Protection Zones, an arborist should be onsite to ensure earth works do not adversely impact on native trees (other than those approved for removal).
- Implement suitable weed control and hygiene practices during construction.

A detailed ecological constraints assessment has been prepared is enclosed as Appendix G of this report.

## Clause 12.01-2S – Native Vegetation Management

The objective of this clause is:

*To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.*

The strategy to implement this policy is to:

- Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the 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):
  - Avoid the removal, destruction or lopping of native vegetation.
  - Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
  - Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

As discussed in Chapter 4.7 above, the proposed layout minimises removal of native vegetation on the subject site and further discussion of the impacts to the existing biodiversity of the area are discussed in Chapter 8.3 of this report.

## 6.2.3. Clause 13 Environmental Risks and Amenity

### Clause 13.01 Climate Change Impacts

The object of this clause is:

*To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.*

The relevant strategies of this clause are to:

- Respond to the risks associated with climate change in planning and management decision making processes.

The development will contribute to Victoria's renewable energy generation targets (50 percent by 2030) and the reduction of greenhouse gas emissions (legislated to achieve net zero by 2050), through a reduction of the amount of fossil fuels required to provide electricity. The proposed development should be operational prior to 2030, will respond to the objective to minimise the impacts of climate change and its associated natural hazards. Planning Scheme Amendment VC216 introduced Clause 13.01-1S to the Macedon Ranges Planning Scheme to add consideration of climate change.

### Clause 13.02-1S – Bushfire planning

This policy must be applied to all planning and decision making under the Planning and Environment Act 1987 relating to land that is:

- Within a designated bushfire prone area;
- Subject to a Bushfire Management Overlay; or
- Proposed to be used or developed in a way that may create a bushfire hazard.

As shown in Figure 13 above, the subject site is a designated bushfire prone area and, therefore, the risk needs to be addressed.

The objective of this Clause is:

*To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*

The Country Fire Authority's (CFA) *Design Guidelines and Model Requirements for Renewable Energy Facilities* (March 2022) (**Design Guidelines**) provides standard considerations and measures in relation to the design, construction and operation of new renewable energy facilities. Fire safety, risk and emergency management must be considered in the proposal of a solar farm.

The overall bushfire risk to the site is considered low, given the background hazard context and landscape risk profile, its siting, construction, design and mitigation strategies. In addition, the solar farm is not expected to result in a noticeable increase in fire risk in the locality and to downwind assets and values.

BNRG Leeson engaged the services of Eco Logical Australia to produce a bushfire constraints assessment of the proposed development against the Design Guidelines. The proposed development is considered to be appropriate within the identified low risk fire environment, and mitigation strategies proposed are compliant with the CFA Design Guideline requirements.

The bushfire constraints assessment does make multiple reference to the compliance status and recommendations for the BESS component but, as outlined in Chapter 1, the BESS is exempt from requiring a permit and is not subject of this planning report. Therefore, the recommendation in Table 1 of the assessment relating to passing bays every 600 metres is not applicable because under Section 6.2.1 Emergency Vehicle Access, for solar energy facilities, it states:

*Micro Solar Facilities (up to and including 5MW)*

*Construction of a four-metre perimeter road (6.2.1(a)) and the incorporation of passing bays to perimeter roads (6.2.1(f)) may be disregarded for micro solar facilities without battery energy storage systems.*

In addition, the recommendation relating to water supply needing a total of 288,000 litres to comply with CFA requirements, this is not applicable. While the CFA Design Guideline requirement for battery energy storage

systems, where no reticulated water is available, is a fire water supply in static storage tanks of a quantity no less than 288,000L. However, disregarding the BESS,

*Micro Solar Facilities (up to and including 5MW)*

*For micro solar facilities, up to and including 5MW without battery storage, fire water of not less than 22,500 litres effective capacity may be provided.*

*Fire water tank(s) must be located at the primary vehicle access point to the facility.*

*Where micro solar facilities include battery energy storage systems, additional fire protection must be provided.*

A preliminary bushfire opportunities and constraints assessment is enclosed as Appendix L.

## **Clause 13.05-1S – Noise Management**

The objective of this clause is:

*To assist the management of noise effects on sensitive land uses.*

The strategies of this clause are to:

- Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.
- Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.

BNRG Leeson engaged the services of WSP to provide an Acoustic Report assessing the proposed solar installation against the requirements of the *Noise from Industry in Regional Victoria* (NIRV) guidelines. The report concludes that following a noise emission assessment, the proposal is compliant with NIRV limits and thus will not adversely impact community amenity and human health. Recommendations for treatment to protect potential impacts have also been provided and considered in the design of the solar farm.

An acoustic report is enclosed at Appendix M of this report.

## **6.2.4. Clause 14 Natural Resource Management**

### **Clause 14.01-1S Protection of Agriculture Land**

The objection of this clause is:

*To protect the state's agricultural base by preserving productive farmland.*

The relevant strategies of this clause are to:

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.
- In considering a proposal to use, subdivide or develop agricultural land, consider the:
  - Desirability and impacts of removing the land from primary production, given its agricultural productivity.
  - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.

- Compatibility between the proposed or likely development and the existing use of the surrounding land.
- The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
- Land capability.
- Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.
- Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.
- Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

BNRG Leeson engaged the services of Meridian Agriculture to prepare an agricultural assessment prepared detailing the construction and operation of the proposed solar installation and concludes that the land is not considered to be significant or strategically important land from an agricultural perspective and is neither highly productive nor highly versatile.

An agricultural assessment is enclosed at Appendix H of this report.

#### **Clause 14.01-2S – Sustainable agricultural land use**

The objective of this clause is:

*To encourage sustainable agricultural land use.*

The relevant strategies for this clause are to:

- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
- Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.
- Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.
- Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.
- Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.
- Support agricultural investment through the protection and enhancement of appropriate infrastructure.
- Facilitate ongoing productivity and investment in high value agriculture.
- Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.
- Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.

The use of land for a renewable energy facility encourages sustainable land use and biodiversity will be significantly maintained under solar panels. The site taken out of grazing would enhance biodiversity and would help create a more productive and fertile land at the end of the solar farm life cycle than existing conditions.

### **6.2.5. Clause 15 Built Environment and Heritage**

#### **Clause 15.03-2S – Aboriginal cultural heritage**

The objective of this clause is:

*Ensure the protection and conservation of places of Aboriginal cultural heritage significance.*

The strategies for this clause are to:

- Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.
- Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.

- Ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.

The subject site is not covered by an Area of Cultural Heritage Sensitivity.

In September 2022, BNRG Leeson wrote to the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation. Their Heritage Unit Manager provided the following comment.

*The position of the Wurundjeri Cultural Heritage Unit Elders is that a voluntary Cultural Heritage Management Plan should be undertaken for a project of this type and scope. Although the project area does not intersect with any defined areas of cultural heritage sensitivity as mapped on ACHRIS, the area does contain at least one waterway and is located near other waterways. The Elders consider waterways to be sensitive for cultural heritage and therefore recommend that preparation of a voluntary CHMP [cultural heritage management plan] should be strongly considered for this project.*

As a result of this comment, BNRG Leeson engaged the services of Eco Logical Australia to prepare an Aboriginal cultural heritage assessment (CHA). This CHA sets out the following:

- No previously registered Aboriginal cultural heritage places are located within the study area, or within one kilometre of the study area.
- The study area does not intersect any areas of cultural heritage sensitivity defined under Division 3 (regs. 23-41) of the *Aboriginal Heritage Regulations 2018* (Vic) (the Regulations).
- A site inspection was undertaken and no Aboriginal cultural heritage places were identified during the site inspection.
- Two areas of high archaeological potential are identified on the crests of the hill landforms.
- Moderate areas of archaeological potential are evident across the central and north-east, associated with the hill slope landforms.
- The remainder of the study area was determined to have a low archaeological potential.
- The northern portion of the impact area is characterised as having a moderate archaeological potential associated with the hill slope landforms, while the southern portion is characterised as having a low archaeological potential.

The CHA advises that while there is a moderate potential for Aboriginal cultural heritage to be present within the northern portion of the impacted area, a mandatory CHMP is not required for the proposed works.

Because the Regulations do not require a mandatory CHMP, the potential impact of development on Aboriginal cultural heritage resources at the subject site needs to be considered and it is recommended that, protocols be included in a post-permit construction environmental management plan to provide certainty on for any future works within the subject site.

An Aboriginal cultural heritage assessment is enclosed at Appendix M of this report.

## 6.2.6. Clause 17 Economic Development

### Clause 17.01-1S – Diversified economy

The objective of this clause is:

*To strengthen and diversify the economy.*

The relevant strategies of this clause are to:

- Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.
- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
- Support rural economies to grow and diversify.

The development is consistent with the Loddon Mallee South Regional Growth Plan as the region aims to attract new investment, a diverse range of jobs, anchored within a diversifying economy. A move to diversify the economy with advanced processes such as renewable energy facilities will provide diversification and growth to the local economy. The proposed development will also provide a means for the land to remain



productive without compromising its long-term agricultural viability, to which it will return upon potential decommissioning of the solar farm.

## 6.2.7. Clause 19 Infrastructure

### Clause 19.01-1S – Energy supply

The objective of this clause is:

*To facilitate appropriate development of energy supply infrastructure.*

The strategies of this clause are to:

- Support the development of energy generation, storage, transmission, and distribution infrastructure to transition to a low-carbon economy.
- Develop appropriate infrastructure to meet community demand for energy services.
- Ensure energy generation, storage, transmission and distribution infrastructure and projects are resilient to the impacts of climate change.
- Support energy infrastructure projects in locations that minimise land use conflicts and that take advantage of existing resources and infrastructure networks.
- Facilitate energy infrastructure projects that help diversify local economies and improve sustainability and social outcomes.

### Clause 19.01-2S – Renewable energy

The objective of this clause is:

*To support the provision and use of renewable energy in a manner that ensures appropriate siting and design considerations are met.*

The relevant strategies of this clause are to:

- Facilitate renewable energy development in appropriate locations.
- Protect renewable energy infrastructure against competing and incompatible uses.
- Set aside suitable land for future renewable energy infrastructure.
- Consider the economic, social and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.

Planning Scheme Amendment VC160 (gazetted on 24<sup>th</sup> January 2020) amended this clause to update references to the revised *Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria* (DELWP, March 2019). Additionally, Amendment VC161 (gazetted on 17<sup>th</sup> September 2019) updated this clause to specify the *Solar Energy Facilities Design and Development Guideline* (DELWP, August 2019) as a policy document.

Planning Scheme Amendment VC216 changed the Macedon Ranges Planning Scheme to include strategies in Clause 19 (Infrastructure) to include planning policy relating to minimising environmental impacts and increasing resilience to climate change risks. Clause 19.01-1S introduced a new strategy to support the resilience of energy infrastructure to impacts from climate change, and modified strategies to better align with Victorian energy policy. Amendment VC221 also supports Clause 19.01-1S in facilitating the appropriate development of energy supply infrastructure.

The proposal aligns with the clauses for energy supply and renewable energy as it will reduce the impacts of climate change while providing broader economic, social and environmental benefits to the broader community and environment. The generation of renewable energy will help meet community demand for clean energy services and improve sustainability outcomes.

## 6.3. PLANNING SCHEME AMENDMENTS

### 6.3.1. Amendment VC157

Amendment VC157, gazetted on 15<sup>th</sup> March 2019, changed the VPP and all planning schemes so that a planning permit is required for a power line or substation required to connect an energy generation facility to the electricity network. This does not apply to generators that have planning approval prior to gazettal of the amendment.

## 6.3.2. Amendment VC159

Amendment VC159, gazetted on 8<sup>th</sup> August 2019, changed the VPP and all planning schemes to introduce and revise land use terms. This included amending the definition of ‘utility installation’ to include transmit, distribute or store power, including battery storage.

## 6.3.3. Amendment VC160

Amendment VC160, gazetted on 24<sup>th</sup> January 2020, changed the VPP and all planning schemes to correct errors, omissions, clarify the operation of certain provisions, and implement planning reforms for extractive industries. The amendment changes:

- Clauses which relate to ‘solar energy facility’ to replace this term with ‘solar energy system’ to resolve any potential confusion following the introduction of the solar energy facility requirements in Amendment VC161 (below).
- Clause 19.01-2S (Renewable Energy) to update references to the revised *Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria* (DELWP, March 2019).

## 6.3.4. Amendment VC161

Amendment VC161, gazetted 17<sup>th</sup> September 2019, changed the VPP and all planning schemes to introduce new requirements for renewable energy facilities. The Minister for Planning is now the responsible authority for all new renewable energy facilities that are one-megawatt or greater and associated utility installations. The amendment changes:

- Clause 19.01-2S (Renewable energy) to specify the Solar Energy Facilities Design and Development Guideline (DELWP, August 2019) as a policy document.
- Clause 53.13 (Renewable energy facility – other than wind energy facility) to clarify the application of the provision and introduce new decision guidelines.

## 6.3.5. Amendment VC178

The Minister for Planning approved Amendment VC178 on 9<sup>th</sup> April 2020. The amendment changed the VPP and the Macedon Ranges Planning Scheme by amending Clause 52.13 (2009 Bushfire: Recovery Exemptions) and to correct errors and omissions. The amendment changes:

- Clause 52.13 (2009 Bushfire: Recovery Exemptions) to replace the cessation of use date (expiry date) of 31<sup>st</sup> March 2020 with 30<sup>th</sup> June 2020.
- Clause 54.03-5 and Clause 55.03-5 (Energy efficient protection objectives) to replace references to ‘solar energy facility’ with ‘solar energy system’ to distinguish domestic solar generation from the new provisions for commercial solar energy facilities introduced through Amendment VC160.

## 6.3.6. Amendment VC192

Amendment VC192, gazetted on 16<sup>th</sup> November 2020, changed the VPP and all planning schemes to make the Minister the responsible authority for all large energy generation facilities and utility installations.

## 6.3.7. Amendment VC216

The Minister for Planning approved Amendment VC216 to the VPP and all planning schemes in Victoria on 10<sup>th</sup> June 2022. The amendment made changes to support Environmentally Sustainable Development (ESD). The relevant amendment changes the VPP and all planning schemes by amending:

- Clause 11.01-1S (Settlement) to include strategies that contribute to net zero emission outcomes;
- Clause 11.02-2S (Structure planning) to include strategies that contribute to net zero emission outcomes and support metropolitan and regional climate change strategies;
- Clause 12.01-1S (Protection of biodiversity) to update the objective, include a new strategy focussed on enhancing biodiversity in urban areas and add a policy guidance document;
- Clause 13.01-1S (Natural hazards and climate change) to add consideration of climate change and health and include new policy guidelines and a policy document;
- Clause 19 (Infrastructure) to include planning policy relating to minimising environmental impacts and increasing resilience to climate change risks;

- Clause 19.01-1S (Energy supply) to introduce a new strategy supporting resilience of energy infrastructure to impacts from climate change, modify strategies to better align with Victorian energy policy, support investment in energy supply infrastructure and include policy documents; and
- Clause 19.01-2S (Renewable energy) to clarify policy intent of the objective and strategies and include additional policy documents.

Amendment VC216 embeds ESD more comprehensively in the PPF (Planning Policy Framework), adding consideration of ESD into relevant planning policy themes and including the consideration of climate change into the purpose of the VPP and all planning schemes. The amendments focus on improving and strengthening how ESD is addressed to better reflect state policies in important areas such as climate change and energy.

Notably, relocating existing Clauses 15.02 (Sustainable development) and 15.02-1S (Energy and resource efficiency) to their most relevant sections in the PPF minimises duplication and ensures that ESD is considered a key aspect of decision-making across the PPF.

### 6.3.8. Amendment VC220

Amendment VC220 was gazetted on 30<sup>th</sup> May 2022 and supports the efficient delivery of neighbourhood batteries into the electricity distribution network by amending clause 73.03 Land use terms of the Victoria Planning Provisions (VPP) and all planning schemes.

### 6.3.9. Amendment VC221

The Minister for Planning approved Amendment VC221 to the VPP and all planning schemes in Victoria on 4<sup>th</sup> August 2022. The amendment made changes by facilitating all-electric developments to support the implementation of Victoria's *Climate Change Strategy 2021* and *Gas Substitution Roadmap 2022*. VC221 amends clauses that require developments to be connected to reticulated gas and amends referral requirements. The amendment specifically supports the following relevant clauses:

- Clause 15 (Built environment and heritage) to support the transition to net zero greenhouse gas emissions; and
- Clause 19.01-1S (Energy supply) which seeks to facilitate appropriate development of energy supply infrastructure.

The strategy and roadmap define Victoria State Government policy which seeks to reduce emissions, transition to clean energy and decarbonise Victoria's economy. The roadmap prioritises to deliver more all-electric precincts and remove regulatory barriers in 2022 to new developments, which promotes consumer choice about how they can meet their energy requirements.

Determining referral authority requirements and existing planning provisions that require or encourage reticulated gas to be connected where it is readily available limit the opportunity for developers to develop an all-electric development.

Changes to the VPP ensures the VPP facilitates transition towards electrification and supports the Victoria State Government's emissions reduction target achievements.

The positive environmental, social, and economic benefits to the amendment include:

- Removing the effective mandate to connect developments to reticulated gas where it is available, providing consumers greater choice about energy sourcing.
- Creation of jobs, attracting investment in technology which supports the transition to renewable energy, and growing the economy.
- Consumers may have the choice to live in all-electric developments and unlock energy efficient and renewable electricity technologies for Victorian energy consumers.
- Help achieve the state's emissions reduction targets.

## 6.4. LOCAL PLANNING POLICY FRAMEWORK

The sections of the Local Planning Policy (LPP) which are relevant to this application include:

- Clause 21.05 Environment and Landscape Values

Clause 21.05-1 Biodiversity and native vegetation management

- Clause 21.06 Environmental Risks

Clause 21.06-3 Bushfire

- Clause 21.07 Agriculture

Clause 21.07-1 Agriculture

Clause 21.07-3 Water

- Clause 21.08 Built Environment and Heritage

Clause 21.08-2 Aboriginal Cultural Heritage

## 6.4.1. Clause 21.05 Environment and Landscape Values

### Clause 21.05-1 Biodiversity and native vegetation management

The objectives of this clause are:

- To conserve the biodiversity values of the Shire by protecting, enhancing, managing and restoring indigenous vegetation and fauna habitat.
- To develop a substantial biolink between the Macedon and Cobaw Ranges in the area identified as 'Cobaw biolink' in Clause 21.03-3 Rural Framework Plan and protect the character and landscapes of the area.
- To protect and enhance the existing forest mosaic in the Living Forest area identified on the Rural Framework Plan in Clause 21.03-3 for its environmental, character and landscape values.

An assessment of the proposed development against biodiversity values is contained in Chapter 6.2.2 and 9.3 of this report.

## 6.4.2. Clause 21.06 Environmental Risks

### Clause 21.06-3 Bushfire

The objectives of this clause are:

- To prioritise fire risk in planning decisions, avoid increasing bushfire risk and minimise exposure of people to bushfire risk.
- To ensure that where development opportunities already exist, development in rural areas and on the fringes of urban areas is sited and designed to minimise risk from bushfire.

An assessment of the proposed development against bushfire risk is contained in Chapter 6.2.3 and 9.8 of this report.

## 6.4.3. Clause 21.07 Agriculture

### Clause 21.07-1 Agriculture

The objectives of this clause are:

- To protect agricultural land.
- To provide for sustainable, productive agriculture within the Northern Catchments and Agricultural Landscapes areas identified on the Rural Framework Plan in Clause 21.03, discourage land use and development that is contrary to the vision for these areas and limit expectations of land use change and speculation.
- To protect the quality soils of land with high capability for agriculture.
- To maximise benefit from high value agriculture.
- To encourage the development of alternative agricultural activities in appropriate parts of the Shire.
- To facilitate productive agricultural activity and ensure new development is related to the ongoing, productive use of the land for agriculture.

An assessment of the proposed development against agricultural protection is contained in Chapter 6.2.4 and 9.2 of this report.

### Clause 21.07-3 Water

The objectives of this clause are:

- To retain and improve water quality and yield in the Special Water Supply Catchments, waterways and groundwater.
- To ensure the development and use of agricultural land does not adversely impact water quality in the catchments.

There would be no clearance of vegetation within twenty metres of a watercourse. In addition, an agricultural assessment is enclosed at Appendix H and it concludes that the soils are of moderate quality which limits their potential for high productivity. The loss of production from the diversion of this land to a solar farm will have an insignificant impact on the state's agricultural production and is unlikely to impact on the activities of surrounding farming properties.

## 6.4.4. Clause 21.08 Built Environment and Heritage

### Clause 21.08-2 Aboriginal Cultural Heritage

The objective of this clause is:

- To protect Aboriginal cultural heritage places and values within the Shire.

An assessment of the proposed development against the protection of Aboriginal cultural heritages places and values is contained in chapters 6.2.5 above and 9.9 of this report.

## 6.5. PARTICULAR PROVISIONS

### 6.5.1. Clause 52.05 Signs

A permit is required for the display of a business identification sign pursuant to Clause 52.05.

The site is located within a Category 4 (Sensitive area), given the land is within the Farming Zone. The maximum size a business identification sign can be in this area is three square metres. The proposed sign would measure 1.35 square metres and is in line with Clause 52.05. See Figure 8 above for more information regarding indicative signage.

### 6.5.2. Clause 52.17 – Native Vegetation

A permit is required under this clause for the removal of native vegetation, including dead native vegetation.

The purpose of this clause 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 through a three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 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.*

*To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.*

An ecological impact assessment is enclosed as Appendix G of this of this report an assessment of the proposed development against this clause is contained in chapters 8.3 and 9.3 of this report.

### 6.5.3. Clause 53.02 – Bushfire Planning

This clause applies to an application under Clause 44.06 – Bushfire Management Overlay.

The subject site is not covered by the Bushfire Management Overlay and an assessment of the proposed development against bushfire risk is contained in Chapter 6.2.3 and 9.8 of this report and a bushfire constraints assessment is enclosed as Appendix L of this report.

## 6.5.4. Clause 53.13 Renewable Energy Facility (Other than Wind Energy Facility)

The purpose of this clause is:

*To facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area.*

Pursuant to the Farming Zone, a Section 2 use must meet the requirements of Clause 53.13. Planning Scheme Amendment VC161 introduced new decision guidelines for renewable energy facilities. An assessment of the proposed development against Clause 53.13, including application requirements and decision guidelines, is detailed at Chapter 8.4 of this report.

## 6.5.5. Clause 52.29 Land Adjacent to the Principal Road Network

The purpose of Clause 52.29 is:

- *To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.*
- *To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.*

Clause 52.29-2 states that it is a permit is required to:

*Create or alter access to:*

- *A road in a Transport Zone 2.*
- *Land in a Public Acquisition Overlay if a transport manager (other than a municipal council) is the acquiring authority and the acquisition is for the purpose of a road.*

Clause 52.29-6 refers to Decision guidelines and states that before deciding on an application, in addition to the decision guidelines in clause 65, 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.

With regard to the Municipal Planning Strategy and Planning Policy Framework, these are addressed in Chapters 8.2.1 and 8.4.2 below and, Rochford Road is a Secondary State Arterial Road under the care and management of Department of Transport and is classified as a TRZ2 Principal Road Network Zone. Therefore, DELWP should have regard to any submissions that it receives as a result consultation undertaken with the DoT.

With regards to the operation of the road and on public safety, a traffic impact assessment (TIA) has been prepared to accompany this planning permit application. The TIA examines the existing site and surroundings conditions, outlines the proposed development, its traffic generation potential, the vehicle parking provision assessment, the access driveway design assessment and the vehicle manoeuvrability assessment.

The TIA advises that there was one serious injury crashes reported from 2015 to 2019 in the area immediately surrounding the site. The crash happened at the junction of Rochford Road and Cullys Road. Given the road classification and associated traffic volumes, it is concluded that the road network is currently operating in a relatively safe manner.

There is no car parking along Rochford Road nor Cullys Road, there is no active transport such as footpaths and cycling infrastructure surrounding the site and no bus stops within 500 metres of the site. In terms of traffic volumes, there are 519 daily vehicles movements on Rochford Road, evenly split between north and south bound movements with a peak of 52 vehicles an hour. There is no traffic volume data for Cully Road.

The proposed driveway has been assessed against the minimum requirements outlined in the relevant Austroads Guide to Traffic Management Part 6: Intersections, Interchanges, and Crossings. Part 6 sets out the turning treatments required at junctions. The vehicles entering and leaving the site through a forward direction can make turns onto Rochford Road without moving into the opposite lane of the highway and interfering with the opposite traffic.

Following discussions with the DoT, it has been agreed that the site access is to be designed in accordance with Guideline Drawing AGRD Part 4 – Typical Design to Rural Properties. The proposed design provides an increased width from the standard drawing to allow two B-Doubles to pass at the entrance to the site. The design does not specify turn treatments which are not proposed at the access based on the following:

- The construction period is expected to occur for approximately 6 months with a peak construction period of 1-2 months which represents a temporary increase in traffic volumes. Outside of the construction period the site is expected to generate a minimal level of traffic.
- Most turn movements into the site occur when staff access the site in the morning peak hour. During peak construction staff are expected to generate fifty vehicle movements to the site and during the average construction period they are expected to generate 15 vehicle movements. These vehicle movements occur before 7:00am which is outside of the peak time of the road network.
- Through the day the site is expected to generate a minimal number of turn movements into the site which is expected to be in the order of 2-3 vehicle movements per hour.
- The intersection has excellent sight distance for vehicles travelling along Rochford Road to see turning vehicles.
- A CTMP will be prepared prior to construction of the site. The CTMP will include measures to inform staff of the reduced turn treatment and to encourage suitable safety initiatives.

Accordingly, the site access is expected to be able to accommodate the traffic generated by the solar farm in a safe manner subject to the adoption of the guideline drawing.

The above assessment determined the following:

- The site will generate up to 108 vehicle movements per day during peak construction times, including 38 truck movements;
- The road network can accommodate the traffic generated by the development during the construction, operation and decommissioning stages;
- The site access is proposed to be constructed to accommodate B-Double vehicles and any OSOM vehicles;
- The construction traffic access route from the chosen delivery port to the site is proposed to utilise roads that are designated for B-Double vehicles and as such, the access routes can accommodate the loads and type of vehicle movement to be generated during construction of the solar farm;
- It is noted that some oversize and over mass vehicles will be required to deliver larger plant to the site such as the sub-station transformer and earthmoving equipment. The vehicles are subject to specific road permits that will be applied for by the contractor once the dimensions of the load and the specific delivery vehicle are known;
- Cullys Road is proposed to remain unsealed given the low level of traffic generated during operation; and
- In order to mitigate the impacts of the development during construction a CTMP will be prepared which should include the recommendations provided within this document.

Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections specifies the Safe Intersection Sight Distance (SISD) as the minimum sight distance which should be provided along the major road at any intersection and specifies the SISD required for various design speeds. Given Rochford Road have a speed limit of 100km/hr a design speed of 110km/hr has been adopted which requires an SISD of 285 metres. The available sight distance exceeds the requirements of the Austroads Guide and the available sight distance at the intersection is expected to provide safe vehicle movement.

A traffic impact assessment is enclosed at **Appendix K**.

## **6.6. OPERATIONAL PROVISIONS**

### **6.6.1. Clause 73.03 Land Use Terms**

Clause 73.03 refers to Land Use Terms and minor utility installations, as defined in all local planning schemes in Victoria. The BESS infrastructure being proposed at the site falls under this land use definition.

The proposed BESS would be installed on the 22,000 volts network and is considered a minor utility installation. The table to this clause defines terms which may be used in this planning scheme in relation to the use of land and is shown below.

Table 2 Extract from Table to Clause 73.03. (Source: MRPS.)

Land use term	Definition	Includes	Included in
Minor utility installation	Land used for a utility installation comprising any of the following:  j) a battery connected to a section of the electricity distribution network operating with a nominal voltage not exceeding 66,000 volts.	Water retarding basin	Utility installation

## 6.7. GENERAL PROVISIONS

### 6.7.1. Clause 62.01 Uses Not Requiring a Permit

Clause 62.01 refers to Uses Not Requiring a Permit and states:

*Any requirement in this scheme relating to the use of land, other than a requirement in the Public Conservation and Resource Zone, does not apply to:*

- *The use of land for a minor utility installation.*

### 6.7.2. Clause 62.02 Building and Works

Clause 62.02-1 refers to Building and Works not Requiring a Permit and it states that:

*Any requirement in this scheme relating to the construction of a building or the construction or carrying out of works, other than a requirement in the Public Conservation and Resource Zone, does not apply to:*

- *Buildings and works associated with a minor utility installation*

Clauses 62.01 and 62.02 of the Macedon Ranges Planning Scheme set out exemptions from permit requirements in this scheme relating to the construction of a building or the construction or carrying out of works. Clauses 62.01 and 62.02-01 mean that the proposed BESS use and building and works do not require a permit.

## 6.8. SUMMARY OF PERMIT TRIGGERS

In summary, the following permit triggers apply to the proposed installation on the subject site pursuant to the following clauses of the Greater Geelong Planning Scheme and state legislation.

- A permit is required for the use of land for a renewable energy facility (other than Wind energy facility) within the Farming Zone pursuant to Clause 35.07-1.
- A permit is required for building or works associated with a use in Section 2 - Renewable energy facility within the Farming Zone pursuant to Clause 35.07-4.
- A permit is required for the display of a business identification sign pursuant to Clause 52.05-2.
- A permit is required to removal of native vegetation, including dead native vegetation pursuant to Clause 52.17-1.



## **7. PLANNING ASSESSMENT**

The following legislation, guidelines and policies are applicable to the proposal at Lancefield.

### **Commonwealth Legislation**

- Environmental Protection and Biodiversity Conservation Act 1999 (**EPBC Act**)

### **State Legislation**

- Environmental Effects Act 1978
- Flora and Fauna Guarantee Act 1988 (**FFG Act**)
- Environmental Protection Act 2017 – Environmental Reference Standards
- Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2018
- Planning and Environment Act 1987 – Macedon Ranges Planning Scheme

### **Guidelines and Policies**

- Guidelines for the removal, destruction or lopping of native vegetation
- Solar Energy Facilities – Design and Development Guidelines 2019, DELWP
- Country Fire Authority (CFA) Solar Energy Facilities – Design and Development Guidelines 2019

Below is an assessment of the proposed development against the above legislation, guidelines and policies.

### **7.1. ENVIRONMENTAL PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999**

The EPBC Act introduced a new role for the Commonwealth Government in the assessment and approval of development proposals where those proposals involve actions that have a significant impact on matters of national environmental significance, the environment of commonwealth owned land and actions carried out by the Commonwealth Government.

Under the EPBC Act, actions that have, or are likely to have, a significant impact on a ‘matter of national environmental significance’ requires approval from the Australian Government Minister for the Environment (the Minister). The Minister will decide whether assessment and approval are required under the EPBC Act.

An assessment against the EPBC Act policy statements published by the Australian Government which provide guidance on the practical application of EPBC Act has been provided in Table 5 of the ecological constraints assessment enclosed at Appendix G. In this assessment, any potential habitat for EPBC Act listed species was assessed in accordance with relevant Department of Climate Change, Energy, the Environment and Water.

The desktop review identified a total of thirty-three significant flora species within ten kilometres of the study area. Of these, only the EPBC Act listed Matted Flax-lily *Dianella amoena* is considered to have a moderate likelihood of occurring within the study area. Therefore, it is considered that the proposed works are unlikely to have a significant impact on any matters of national environmental significance and are not a controlled action.

### **7.2. ENVIRONMENTAL EFFECTS ACT 1978**

The *Environment Effects Act 1978* establishes a process to assess the environmental impacts of a project. If applicable, the Act requires an environment effects statement (EES) to be prepared by the proponent. The EES is submitted to the Minister for Planning and enables them to assess the potential environmental effects of the proposed development.

The ‘Ministerial Guidelines for Assessment of Environmental Effects under the Environment Effects Act 1978’ (DSE 2005) provides a range of criteria that can be used to determine whether an EES may be required for a project. As the project does not require the removal of more than ten hectares of native vegetation, the application will not be referred the Minister for Planning.

### **7.3. FLORA AND FAUNA GUARANTEE ACT 1988**

The FFG Act is the key piece of Victorian legislation for the conservation of threatened species and communities and for the management of potentially threatening processes. Permit exemptions under the FFG Act generally apply to the non-commercial removal of protected flora from private land, unless there is 'critical habitat' that has been declared on the land.

As such, the study area is predominantly on private land, does not contain any declared 'critical habitat' for the purposes of the FFG Act and the flora species within are not being taken for the purpose of commercial sale. A protected flora permit is, therefore, not required.

### **7.4. ABORIGINAL HERITAGE ACT 2006**

The *Aboriginal Heritage Act 2006* provides for the protection of Aboriginal cultural heritage in Victoria whilst the *Aboriginal Heritage Regulations 2018* sets out the process as to when a CHMP should be prepared for a development.

As addressed in Chapter 6.2.5 above, the subject site is not considered an area of cultural heritage sensitivity. BNRG Leeson engaged the services of Eco Logical Australia to prepare a cultural heritage assessment (CHA). This CHA sets out the following:

- No previously registered Aboriginal cultural heritage places are located within the study area, or within one kilometre of the study area.
- The study area does not intersect any areas of cultural heritage sensitivity defined under Division 3 (regs. 23-41) of the *Aboriginal Heritage Regulations 2018* (Vic) (the Regulations).
- A site inspection was undertaken and no Aboriginal cultural heritage places were identified during the site inspection.
- Two areas of high archaeological potential are identified on the crests of the hill landforms.
- Moderate areas of archaeological potential are evident across the central and north-east, associated with the hill slope landforms.
- The remainder of the study area was determined to have a low archaeological potential.
- The northern portion of the impact area is characterised as having a moderate archaeological potential associated with the hill slope landforms, while the southern portion is characterised as having a low archaeological potential.

A mandatory CHMP is not required and because the Regulations do not require a mandatory CHMP, the potential impact of development on Aboriginal cultural heritage resources at the subject site needs to be considered and it is recommended that, protocols be included in a post-permit construction environmental management plan to provide certainty on for any future works within the subject site.

A cultural heritage assessment is enclosed as Appendix M of this report.

### **7.5. GUIDELINES FOR THE REMOVAL, DESTRUCTION OR LOPPING OF NATIVE VEGETATION**

The Guidelines are incorporated into the VPPs and all planning schemes in Victoria. The Guidelines replaced the previous incorporated document titled Permitted clearing of native vegetation – Biodiversity assessment guidelines (DEPI 2013) on 12<sup>th</sup> December 2017.

The purpose of the Guidelines is to guide how impacts to biodiversity should be considered when assessing a permit application to remove, destroy or lop native vegetation. The objective for the guidelines in Victoria is 'No net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation'.

Based on the designs provided, native vegetation will only be impacted at as a result of the construction of an access track off of Rochford Road. In particular, the construction will require the removal of one small (<0.1ha) patch of Black Wattle *Acacia mearnsii* and Blackwood *Acacia melanoxylon* regrowth and one large River Red Gum tree.

To avoid a loss of biodiversity, any approval granted should include a condition to obtain an offset of 0.019 general habitat units to compensate for the loss of vegetation and would be obtained from a third-party supplier via an accredited broker.

An ecology impact assessment is enclosed at Appendix G of this report.

## 7.6. DESIGN GUIDELINES AND MODEL REQUIREMENTS FOR RENEWABLE ENERGY FACILITIES

CFA has produced the Design Guidelines to facilitate consideration of bushfire risk and safety measures in the design, construction, commissioning and operation of renewable energy facilities, including solar facilities, wind facilities, and facilities with large-scale battery energy storage systems.

BNRG Leeson engaged the services of Eco Logical Australia to produce a fire risk assessment of the proposed development against the Design Guidelines. The proposed development is appropriate within the identified low risk fire environment, and mitigation strategies proposed are compliant with the CFA Design Guideline requirements.

A copy of the bushfire constraints assessment is enclosed at Appendix L of this report.

## 7.7. SOLAR ENERGY FACILITIES DESIGN AND DEVELOPMENT GUIDELINE

The Solar Energy Facilities Design and Development Guideline provides an overview of the policy, legislative and statutory planning arrangements for solar energy facility projects in Victoria. The guideline came into effect following amendment VC161 (dated 17<sup>th</sup> September 2019) which amended the VPPs and all planning schemes to introduce new requirements for renewable energy facilities. An assessment of the guideline is addressed below.

### 7.7.1. Identifying Suitable Locations

Table 4 Identifying suitable locations - Solar Energy Facilities – Design and Development Guideline

Consideration	Response
<p><b>Ideal Siting Conditions</b> A solar energy facility should not lead to:</p> <ul style="list-style-type: none"> <li>• the loss or interruption of supply to the immediate or broader electricity transmission network</li> <li>• the loss of vegetation, habitat or species of environmental importance</li> <li>• the loss of cultural heritage or landscape values of significance</li> <li>• the loss of productive state-significant agricultural land</li> <li>• increased exposure of the area to fire flood or other natural or environmental hazard</li> </ul>	<ul style="list-style-type: none"> <li>• The permit applicant will engage contractors to install the facility, consistent with the requirements of the electricity transmission network operators.</li> <li>• No native vegetation will be removed, destroyed or lopped.</li> <li>• Details of flora and fauna are discussed in the ecological impact assessment at <b>Appendix G</b>.</li> <li>• The findings of the Aboriginal cultural heritage assessment conclude that there is a moderate potential for Aboriginal cultural heritage to be present within the northern portion of the impact area within which the solar farm will be constructed but, a mandatory CHMP is not required.</li> <li>• Details of the cultural heritage assessment is enclosed at <b>Appendix M</b>.</li> <li>• As stated in the provided agricultural assessment, the subject land is neither highly productive nor highly versatile. It is not considered to be significant land or strategically important land from an agricultural perspective.</li> <li>• As stated in the fire risk assessment provided, the location of the solar energy facility complies with suitable siting conditions as defined by the CFA 2019</li> </ul>

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Consideration	Response
	<p>Guidelines. While the likelihood of bushfire is considered low, ignition and fuel management considerations and mitigation measures to reduce any potential impact have been considered.</p>
<p>Ideally a solar energy facility should be located:</p> <ul style="list-style-type: none"> <li>• on land with topographical conditions that avoids the need for unnecessary or excessive earthworks or changes to the natural landscape</li> <li>• to avoid the loss of native vegetation and biodiversity and if losses cannot be avoided, they are minimised and can be offset</li> <li>• close to the electricity grid network to minimise the need for additional infrastructure and associated impacts</li> <li>• a sufficient distance from existing urban areas or designated urban growth areas</li> <li>• where there can be adequate space between facilities within an area to avoid cumulative impacts of built form concentration</li> <li>• away from the floodplain of a major water course or wetland</li> <li>• where it has ready access to main roads</li> </ul>	<ul style="list-style-type: none"> <li>• Earthworks are not proposed, with the exemption of foundations for batteries and inverters, and ground disturbance for underground cables, access roads and fences. The panels do not require significant ground disturbance; these are supported on poles driven into the ground (or pre-drilled) which can be removed with ease when the facility ends its lifecycle.</li> <li>• <b>No native vegetation will be lost as a result of the proposed development.</b></li> <li>• The project will connect to the grid via the existing 22kV powerline which runs along Cully Road to the south of the subject site through the southwest corner of the development site.</li> <li>• The site is not located near any existing urban areas designated urban growth areas. Majority of the surrounding land is made up agricultural land.</li> <li>• <b>There are no existing solar facilities in this area.</b> The site has been located and designed to minimise or avoid impact to surrounding sensitive uses, areas of cultural sensitivity and native vegetation.</li> <li>• The subject site is not located close to a major watercourse nor wetland.</li> <li>• Once built, there will be two proposed vehicular access points, which will be used to service the site, and separate vehicular access for construction. These will allow a CFA tender to access the subject site and minimise native vegetation removal.</li> </ul>
<p>Connecting to the electricity transmission network:</p> <ul style="list-style-type: none"> <li>• Electricity transmission network connections</li> <li>• Managing cumulative effects in an area (too many facilities in an area can): <ul style="list-style-type: none"> <li>○ reduce the availability and/or productivity of strategic agricultural land, particularly in irrigation districts</li> <li>○ result in landscape-scale visual impacts, due to an overconcentration of built form in an area</li> <li>○ impact the area's biodiversity, habitat or wildlife, due to an overconcentration of built form.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The project will connect to the grid via the existing 22kV powerline which runs along Cully Road to the south of the subject site through the southwest corner of the development site.</li> <li>• <b>There are no existing solar facilities in this area.</b></li> </ul>
<p>Protecting environmental values</p> <ul style="list-style-type: none"> <li>• Crown Land</li> <li>• Flora and fauna</li> <li>• Native vegetation and biodiversity</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed development will not impact Crown Land.</li> <li>• No native vegetation will be lost.</li> <li>• Details of vegetation removal and offsets are discussed in the ecological constraints assessment at <b>Appendix G.</b></li> </ul>

# ADVERTISED PLAN

Consideration	Response
Protecting cultural heritage	<ul style="list-style-type: none"> <li>The findings of the Aboriginal cultural heritage assessment conclude that there is a moderate potential for Aboriginal cultural heritage to be present within the northern portion of the impact area within which the solar farm will be constructed but, a mandatory CHMP is not required.</li> <li>A CHA is enclosed at <b>Appendix M.</b></li> </ul>
Avoiding loss of high-value agricultural land <ul style="list-style-type: none"> <li>Strategically important agricultural land</li> <li>Solar energy facilities in irrigated districts</li> </ul>	<ul style="list-style-type: none"> <li>The subject land is neither highly productive nor highly versatile. It is not considered to be significant land or strategically important land from an agricultural perspective.</li> <li>An agricultural assessment is enclosed at <b>Appendix H.</b></li> <li>The subject site is not located within an irrigation district.</li> </ul>
Minimising impacts on landscape values	<ul style="list-style-type: none"> <li>The visual impact assessment concludes overall, the project is assessed as having a low level of visual impact on surrounding sensitive viewpoints, primarily due to the limited number of sensitive viewpoints and the relative lack of visibility resulting from existing vegetation throughout the landscape and rising topography. The residual visual impact will typically reduce to very low after the establishment of amelioration measures.</li> <li>A visual impact assessment is enclosed at <b>Appendix I.</b></li> </ul>
Natural hazard management <ul style="list-style-type: none"> <li>Bushfire management</li> <li>Flood management</li> </ul>	<p>As stated in the bushfire assessment provided, the location of the solar energy facility complies with suitable siting conditions as defined by the CFA 2022 Guidelines. While the likelihood of bushfire is considered low, ignition and fuel management considerations and mitigation measures to reduce any potential impact have been considered.</p> <p>A Preliminary Bushfire Opportunities and Constraints Assessment is enclosed at <b>Appendix L.</b></p> <p>The subject site is not subject to flooding mapping.</p>

## 7.7.2. Best Practice for Proponents

Table 5 Best Practice for Proponents - Solar Energy Facilities – Design and Development Guideline

Consideration	Response
Engaging the community <ul style="list-style-type: none"> <li>Early community consultation is important</li> <li>Engaging Traditional Owners</li> <li>Developing well-planned consultation</li> <li>Benefit-sharing</li> </ul>	<p>BNRG Leeson has undertaken consultation with stakeholders including residents, traditional owners and government.</p> <p>A Community &amp; Stakeholder Engagement Report is enclosed at Appendix F.</p>

# ADVERTISED PLAN

Consideration	Response
<ul style="list-style-type: none"> <li>Ongoing engagement</li> </ul>	

## 7.7.3. Design Stage

Table 6 Design Stage - Solar Energy Facilities – Design and Development Guideline

Consideration	Response
Siting facility components	<p>The solar facility has been carefully designed to respond to the site’s context, opportunities and constraints and the Department of Environment, Land, Water and Planning’s (DELWP) Solar Energy Facilities Design and Development Guideline. The design layout considers:</p> <ul style="list-style-type: none"> <li>Native vegetation</li> <li>Cultural heritage</li> <li>Visual impact to neighbouring properties</li> <li>Bushfire mitigation</li> <li>Impacts to waterways</li> <li>Noise</li> <li>Efficiency and economic viability of the solar facility</li> </ul> <p>A minimum setback of 30 metres from any part of a component that makes up a solar pod or zone, or other building or structure, measured from the neighbouring property boundary is recommended within the Guideline.</p> <p>As set out in chapter 4.8 above, the setbacks across the site vary due to the shape of the site but, all are in excess of 30 metres except to the southern boundary which 28.5 metres. As stated above a full assessment across the site has been undertaken regarding impacts upon adjacent land, notably regarding visual impact which has formed part of the design response. The 30 metres setback is only a guide and providing a blanket 30 metres setback around all perimeters of the site does not make practical sense and does not account for various topographical features and the nature of adjacent uses.</p> <p>A landscape and visual impact assessment is enclosed at <b>Appendix I</b>.</p>
Landscape screening	<p>The subject site has exposed boundaries to the west and south which will be screened with perimeter screen planting to ameliorate views. The southern boundary is partially screened by vegetation along Cully Road.</p>

# ADVERTISED PLAN

Consideration	Response
	<p>The screen planting will differ according to location around the site, while still respecting the site's existing character and form.</p> <p>A landscape strategy is enclosed at <b>Appendix I</b>.</p>
Glint and glare management	<p>Given the tilting solar panels, the topography with limited opportunities for overlooking of the subject site, the potential for impact resulting from reflection or glare is considered to be low.</p> <p>Additionally, proposed screen planting around the perimeter of the site, in particular, to the southern and sou-eastern edge, will mitigate this impact.</p> <p>A detailed assessment of glint and glare impacts is enclosed at <b>Appendix N</b>.</p>
Designing Security measures	<p>CCTV is proposed and secure fencing around the boundary of the site for security purposes.</p>
Traffic impacts	<p>The road network can accommodate the traffic generated by the development during the construction, operation and decommissioning stages. The roads are designated for B-Double vehicles and as such, the access route can accommodate the loads and type of vehicle movement to be generated during construction of the solar farm.</p> <p>Cullys Road will remain unsealed given the low level of traffic generated during construction and operation.</p> <p>The proposed vehicular crossover onto Rochford Road has been positioned to operate in a safe manner.</p> <p>In order to mitigate the impacts of the development during construction a construction traffic management plan will be prepared which should include the recommendations provided within this document.</p> <p>A traffic impact assessment is enclosed at <b>Appendix K</b>.</p>
Noise	<p>The predicted noise from the operational solar installation will comply with the operational noise limits at all locations.</p> <p>It is recommended that once the solar installation is operational, commissioning noise measurements are undertaken to validate the noise modelling assumptions and ensure compliance with the Noise Protocol. Noise mitigations measures such as acoustic barriers may be incorporated into the final detailed design and we would expect to be conditioned as part of any planning permit for the project.</p> <p>Noise will be generated during the construction of the solar facility, by the machinery required on site to position and install the proposed equipment and to construct access tracks. Construction noise impacts</p>

# ADVERTISED PLAN

Consideration	Response
	<p>will be subject to a construction management plan and construction will occur only within normal working hours.</p> <p>A noise impact assessment is enclosed at <b>Appendix J</b>.</p>
Earthworks and dust management	It is expected that any planning permit will be conditioned that a construction management plan be prepared and approved prior to the issuing of a building permit.
Flooding	The subject site is not subject to flooding mapping.
Other matters Dangerous goods and building fire safety Electromagnetic radiation and interference Heat island effect	<p>As stated in the bushfire assessment, the location of the solar energy facility complies with suitable siting conditions as defined by the CFA 2019 Guidelines. While the likelihood of bushfire is considered low, ignition and fuel management considerations and mitigation measures to reduce any potential impact have been considered.</p> <p>A fire risk assessment is enclosed at <b>Appendix L</b>.</p> <p>The facility would produce only low levels of electromagnetic energy associated with electrical equipment and will be fully in accordance with the Australian Standards (Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields - 3 kHz to 300 GHz (2002)).</p> <p>Where there is adjacent horticulture or cropping activities a minimum of 10 metres separation has been adopted from the property boundary to any part of physical structure of the facility in compliance with the Guidelines. A traversable mineral earth fire break to a width of ten metres is to be maintained around the entire perimeter of the site, which will minimise the impact of grassfire and/or bushfire spread.</p>

## 7.7.4. Construction and Operation Stage

Table 7 Construction and Operation Stage - Solar Energy Facilities – Design and Development Guideline

Consideration	Response
Environmental management plan	It is expected that any planning permit will be conditioned that an environmental management plan be prepared and approved prior to the issuing of a building permit.
Risk and emergency management planning	It is expected that any planning permit will be conditioned that a fire and emergency plan be prepared and approved prior to the issuing of a building permit.
Site access and traffic management	It is expected that any planning permit will be conditioned that a construction traffic management



# ADVERTISED PLAN

Consideration	Response
	<p>plan be prepared and approved prior to the issuing of a building permit.</p> <p>A traffic impact assessment that outlines access arrangements and impacts is enclosed at <b>Appendix K.</b></p>
Construction noise and dust management	It is expected that any planning permit will be conditioned that a construction management plan be prepared and approved prior to the issuing of a building permit.

## 7.7.5. Decommissioning

Table 8 Decommissioning - Solar Energy Facilities – Design and Development Guideline

Consideration	Response
Decommissioning	<p>The permit applicant will operate the facility throughout its operational lifecycle and will be responsible for removing equipment and returning the site to its previous condition if the facility ceases to operate.</p> <p>It is expected that any planning permit will be conditioned to require the land to returned to its current state.</p>

## 7.7.6. Application Requirements

Table 9 Application Requirements - Solar Energy Facilities – Design and Development Guideline

Consideration	Response
Site and context analysis	A site layout, photographs, elevations, contours, dimensions, vegetation are discussed throughout this planning report and detailed in the appendices that accompany this report.
Design response	The design response is discussed throughout this planning report and detailed in the appendices that accompany this report, for example, the glint and glare assessment, the landscape strategy and the noise impact assessment.

## **8. MACEDON RANGES PLANNING SCHEME**

### **8.1. STATE AND LOCAL POLICY**

The proposed development has been assessed in accordance with state and local planning policies and planning controls applicable to the site contained within the Macedon Ranges Planning Scheme. Below is an assessment of the goals of the Victorian Government and Macedon Ranges Shire Council in relation to climate change against the relevant planning scheme policy and controls contained within Chapter 6 of this report.

Renewable energy sources such as solar power have the potential to mitigate climate change through reducing greenhouse gas emissions from fossil fuel combustion. For this reason, the Victorian Government seeks to accelerate the development of well-sited and well-designed renewable energy generation facilities in Victoria, to reduce emissions, create jobs and put downward pressure on energy prices, while meeting legislated generation targets.

The *Climate Change Act 2017*, provides Victoria with the legislative foundation to manage climate change risks and drives the transition to climate-resilient communities and the economy with net-zero emissions by 2050. Additionally, the Climate (Natural Hazards and Risks) pillar within the Loddon Mallee South Regional Growth Plan (May 2014) emphasises the need to create a climate resilient Southern Loddon Mallee project.

The proposed development will contribute to Victoria's renewable energy generation targets (50% by 2030) and the reduction of greenhouse gas emissions (legislated to achieve net zero by 2050). The proposed solar installation represents a renewable energy facility that will bring economic, social and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment

Victoria's Renewable Energy Action Plan outlines the actions the Victorian Government are taking to encourage investment in the renewable energy sector, including a long-term policy agenda and pathway which will drive investment and action in the sector.

The proposal meets state and local initiatives to invest in renewables as well as the related state and local policies through the following:

- Aligns with the Loddon Mallee South Regional Growth Plan aim to provide climate resilient projects within the region, strengthening and diversifying the local economy, improving local infrastructure as well as supporting opportunities for ensuring our energy security.
- The proposal is compliant with noise limits and will not adversely impact community and amenity (Clause 13.05-1S).
- The land is neither highly productive nor highly versatile, and the proposed developments has no perceived impacts to surrounding farm business or significant impacts to the agricultural amenity of the region. The land is also classified as non-strategic (Clause 14.01-1S).
- The proposal aligns with policy direction to incorporate resilience into natural hazards, which include future risks of climate change (Clause 19.01-1S & 19.01-2S).
- The proposal is compliant with Clause 12.03-1S (Hydrology) as it does not impact on upon a floodplain, major water course or wetland.
- The proposal complies with the regulations associated with Clause 13.02 (Bushfire), including measures taken which align with the Design Guidelines and Model Requirements for Renewable Energy Facilities (CFA, 2022), as detailed in Chapter 6.2.3 of this report.
- The proposal complies with the policy direction associated with Clause 12.01 (Biodiversity) as although vegetation removal is required on-site, the proposed installations will not have a significant impact on the ecology of the of the site or surrounding area.
- The proposal complies with the regulations associated with Clause 52.17 (Native Vegetation) and includes a range of measures to protect the existing ecology of the site by avoiding, minimising and offsetting impacts in accordance with Victoria's guidelines for the removal, destruction or lopping of native vegetation.
- The proposal will comply with Clause 15.03 (Heritage) as well as the recommendations and mitigation measures in provided in the cultural heritage assessment to ensure protection of Aboriginal cultural heritage continues during construction and operation of the facility.

As detailed in Chapter 6.3 above, planning scheme amendments demonstrate the direction of the Minister for Planning in relation to Victoria's transition to renewables and renewable energy sources. The proposal proceeds current policy guidance and foresees targets of policy reform in the future.

## Amendment VC161

Amendment VC161, gazetted 17<sup>th</sup> September 2019, changed the VPP and all planning schemes to introduce new requirements for renewable energy facilities. The Minister for Planning is now the responsible authority for all new renewable energy facilities that are one-megawatt or greater and associated utility installations.

The introduction of the Solar Energy Facilities Design and Development Guideline (Department of Environment, Land, Water and Planning) for planning permit applications for renewable energy facilities provided information about policy considerations, legislative requirements and best-practice approaches relevant to the proposal. The proposed development will deliver economic and environmental benefits by facilitating a transition to a low-carbon economy with renewable energy generation and the reduction of greenhouse gas emissions.

## Amendment VC221

The Minister for Planning approved Amendment VC221 to the VPP and all planning schemes in Victoria on 4<sup>th</sup> August 2022. The amendment made changes by facilitating all-electric developments to support the implementation of Victoria's *Climate Change Strategy 2021* and *Gas Substitution Roadmap 2022*. VC221 amends clauses that require developments to be connected to reticulated gas and amends referral requirements. The amendment specifically supports the following relevant clauses:

- Clause 15 (Built environment and heritage) to support the transition to net zero greenhouse gas emissions; and
- Clause 19.01-1S (Energy supply) which seeks to facilitate appropriate development of energy supply infrastructure.

The proposal aligns with Clause 19.01-1S as it will improve sustainability and social outcomes and diversify and provide a suitable transition to a low-carbon economy. Victoria's *Climate Change Strategy 2021* sets out a state-wide response to the impacts of climate change, and specifies actions taken to achieve the target of net-zero emissions by 2050. Action 1 defines facilitating a clean energy economy as an important aspect of reductions targets, including the provision of reliable, renewable and affordable energy. The strategy notes that "by 2030, 50% of electricity generated in Victoria will be sourced from renewables."

While there have been several recent amendment changes in relation to energy goals in the Victorian Planning Provisions, there is little directing policy regarding solar installations and related facilities (particular provisions) to meet the energy demands of the state. The proposal follows current policy guidance and looks towards the future to align with future policy reform, direction and goals for carbon neutrality in Victoria.

As discussed in Chapter 6.2.2 of this report, state and local policy seeks to maintain and enhance the biodiversity of native flora and fauna communities through native planting, offsets and retention of native vegetation where possible to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

The site and layout have been carefully considered to avoid impacts to biodiversity and the proposed layout minimises the removal of native vegetation on site and minimises impacts to biodiversity through appropriate site selection, design and operation management to deliver a clean energy project that will help facilitate a needed transition to renewable energy in Australia.

Further discussion of biodiversity is discussed in [Chapter 9.3](#) of this report.

State and local planning policies also seek to conserve and protect Aboriginal sites and places of cultural heritage significance via liaising with the local Aboriginal community to identify areas and sites of cultural sensitivity. While the subject site is not considered an area of cultural heritage sensitivity, BNRG Leeson engaged the services of Eco Logical Australia to prepare a CHA. This CHA sets out the following:

- No previously registered Aboriginal cultural heritage places are located within the study area, or within one kilometre of the study area.
- The study area does not intersect any areas of cultural heritage sensitivity defined under Division 3 (regs. 23-41) of the *Aboriginal Heritage Regulations 2018* (Vic) (the Regulations).

- A site inspection was undertaken and no Aboriginal cultural heritage places were identified during the site inspection.
- Two areas of high archaeological potential are identified on the crests of the hill landforms.
- Moderate areas of archaeological potential are evident across the central and north-east, associated with the hill slope landforms.
- The remainder of the study area was determined to have a low archaeological potential.
- The northern portion of the impact area is characterised as having a moderate archaeological potential associated with the hill slope landforms, while the southern portion is characterised as having a low archaeological potential.

A mandatory CHMP is not required and because the Regulations do not require a mandatory CHMP, the potential impact of development on Aboriginal cultural heritage resources at the subject site needs to be considered and it is recommended that, protocols be included in a post-permit construction environmental management plan to provide certainty on for any future works within the subject site.

A cultural heritage assessment is enclosed as Appendix M of this report.

## 8.2. CLAUSE 35.07 FARMING ZONE

As listed within Section 2 of the table of uses in Clause 35.07-1, a permit is required for a renewable energy facility (other than Wind energy facility). The purposes of this zone, as outlined in Clause 35.07 of the Macedon Ranges Planning Scheme, are listed in Chapter 6.1 of this report. The proposed solar installation accords with the requirements of the planning scheme and the purpose of the Farming Zone (Clause 35.07).

In order to satisfy the requirements of the decision guidelines of Clause 35.07-6, the following matters have been considered in this assessment:

- General issues
- Agricultural issues and the impacts from non-agricultural uses
- Accommodation issues
- Environmental issues
- Design and siting issues

### 8.2.1. General Issues

Table 10 Farming Zone Considerations

Consideration	Response
The Municipal Planning Strategy and the Planning Policy Framework.	Please refer to chapters 6.2 and 6.4 above for an assessment of the state and local planning policy framework.
Any Regional Catchment Strategy and associated plan applying to the land.	None apply to this land.
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	The land has been assessed to be entirely capable of accommodating the proposed use and development as outlined passim with minimal impact to the amenity of surrounding properties or to the long terms use of the site itself for agricultural use beyond the life cycle of the proposed solar installation.
How the use or development relates to sustainable land management.	The proposed use and development of the land seeks to provide a source of renewable energy for the surrounding area with no waste impacts because of its operation.  The nature of construction for this land use is low impact, avoiding heavy duty foundations and

# ADVERTISED PLAN

Consideration	Response
	<p>disturbance to the land. As a result, the agricultural potential of the subject land can be retained after the life cycle of the solar farm has been completed.</p> <p>Additionally, the site could be available for agricultural use during its operation as solar installation as the land remains suitable for grazing.</p>
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	<p>The proposed use and development of the land as a solar installation to produce renewable energy is entirely appropriate use of the land.</p> <p>Solar installations require large areas of land to facilitate the capture of solar radiation. The subject site provides a land profile that is ideally located on land that is neither highly productive nor highly versatile from an agricultural point of view.</p> <p>As discussed passim, there is clearly no identifiable impact from the solar installation on any of the surrounding dwellings or businesses.</p>
How the use and development makes use of existing infrastructure and services.	<p>The proposed use and development will seek to use existing infrastructure and services in the following ways:</p> <ul style="list-style-type: none"> <li>• Utilise the existing road network.</li> <li>• The project will connect to the grid via the existing powerline which passes along the southern boundary of the subject site.</li> </ul>

## 8.2.2. Agricultural Issues and the Impacts from Non-Agricultural Uses

Table 11 Farming Zone – Agricultural Issues and the Impacts from Non-Agricultural Uses

Consideration	Response
Whether the use or development will support and enhance agricultural production.	<p>Although the use will not directly support agricultural production, it will not affect it on the long-term use of this land or on surrounding land uses. The halting of cultivation during the lifetime of the project can also benefit the soil structure as a regenerative land management practice. When the project is decommissioned at the end of life the land will have had time to recover from intensive cultivation, restoring biodiversity and soil health.</p> <p>An agricultural assessment is enclosed at <b>Appendix H.</b></p>
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	<p>If, at the end of its life cycle, if it was decided not to upgrade the proposed solar installation, a decommissioning plan will be provided to DELWP for approval prior to decommissioning works being undertaken.</p> <p>Once this is completed the site will revert to full agricultural use as grazing land across the whole</p>

# ADVERTISED PLAN

Consideration	Response
	<p>site as the nature of the construction and installation methods are designed to avoid long-term or adverse impacts upon the soil quality or land for long term agricultural use as grazing land.</p> <p>An agricultural assessment is enclosed at <b>Appendix H.</b></p>
<p>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</p>	<p>The proposed solar installation will be contained wholly within the subject site and will produce no emissions of any kind. Therefore, it will not impact the operation or expansion of adjacent nearby agricultural uses.</p> <p>An agricultural assessment is enclosed at <b>Appendix H.</b></p>
<p>The capacity of the site to sustain the agricultural use.</p>	<p>The nature of the construction and installation methods are designed to avoid long-term or adverse impacts upon the soil quality or land for long term agricultural use as grazing land.</p> <p>Additionally, the site could be available for agricultural use during its operation as solar installation as the land remains suitable for grazing.</p>
<p>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</p>	<p>The proposed development will not affect the agricultural qualities of the land. Once the life cycle of the solar installation is complete, the land would revert to its natural state maintaining the soil quality, access to water and rural infrastructure.</p> <p>An agricultural assessment is enclosed at Appendix H.</p>
<p>Any integrated land management plan prepared for the site.</p>	<p>There is no integrated land management plan that applies to the site.</p>
<p>Whether Rural worker accommodation is necessary having regard to:</p> <ul style="list-style-type: none"> <li>• The nature and scale of the agricultural use.</li> <li>• The accessibility to residential areas and existing accommodation, and the remoteness of the location.</li> </ul>	<p>No rural worker accommodation is proposed.</p>
<p>The duration of the use of the land for Rural worker accommodation.</p>	<p>No rural worker accommodation is proposed.</p>

### 8.2.3. Accommodation Issues

No dwelling or accommodation is proposed.

## 8.2.4. Environmental Issues

Table 12 Farming Zone – Environmental Issues

Consideration	Response
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	The soils are of moderate quality which limits their potential for high productivity. Once the life cycle of the solar installation is complete, the land would revert to its natural state maintaining the soil quality, access to water and rural resources.  An agricultural assessment is enclosed at <b>Appendix H.</b>
The impact of the use or development on the flora and fauna on the site and its surrounds.	The proposed development has been sited to minimise any impact on existing flora and fauna by taking into careful consideration the natural environmental features of the site including avoiding areas of remnant vegetation and identified habitat zones.  An ecological impact assessment is enclosed at <b>Appendix G.</b>
The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.	The subject site has been highly modified and ecological values are now largely absent.  As discussed in Chapter 4.7 above, the proposed layout minimises removal of native vegetation on the subject site.  An ecological impact assessment is enclosed as <b>Appendix G.</b>
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	There will be no on-site effluent disposal.

## 8.2.5. Design and Siting Issues

Table 13 Farming Zone – Design and Siting Issues

Consideration	Response
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.	Given the nature of the development, the solar installation will not adversely impact surrounding agricultural uses.  The proposed solar installation would occupy seventeen percent of the total site area has been appropriately located to the far south of the site at the primary point of connection.  Additional vegetation screening has been proposed around the installation to ensure minimal impact to immediate roads and land uses.
The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water	Although the solar installation results in a different landscape character from the existing setting, its low profile will ensure that from ground-based

# ADVERTISED PLAN

Consideration	Response
features and the measures to be undertaken to minimise any adverse impacts.	<p>viewing locations, only localised changes to the landscape character will result.</p> <p>The following measures will be implemented to reduce visual impact:</p> <p>Establish screen planting around the perimeter of the project with screening species to ameliorate views.</p> <p>Taller elements such as transformers and switching substations will be clad with non-reflective materials and be finished in a natural or neutral colour, as found in the landscape of the setting.</p> <p>No impacts to on major roads are expected from traffic generation (refer to section 9.4 of this report).</p> <p>Further detail regarding visual impact associated with glare and glint is discussed in section 9.5.1 of this report.</p> <p>A landscape and visual impact assessment is enclosed at <b>Appendix I</b>.</p> <p>A glint and glare assessment is enclosed as <b>Appendix N</b>.</p>
The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.	<p>The most visible changes to the landscape character of the existing setting will result to views from adjacent dwellings and hotel. However, following the establishment of locally indigenous screening vegetation along the development area boundaries, the landscape character will appear similar to the remainder of the regional agricultural landscape and other bands of vegetation that occur through the landscape of the region. Screen planting will differ according to locations around the site, while still respecting the site's unique existing character and form.</p>
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	<p>The site will require a connection to the electricity grid via the transmission lines that run east – west along Cullys Road. The point of interconnection (POI) is shown on the site set out plan enclosed as <b>Appendix C</b> of this report.</p>
Whether the use and development will require traffic management measures.	<p>During the construction of the solar installation, traffic management measures will be put in place. The details of these will be provided to DELWP prior to the construction stage through a traffic management plan part of the building permit application.</p> <p>The on-going operation of the solar farm will not require permanent traffic management measures due to the infrequency of traffic visiting the site.</p>



# ADVERTISED PLAN

Consideration	Response
	A traffic impact assessment is enclosed at <b>Appendix K</b> of this report.

As detailed in tables 11-13 above, the proposed installation will meet the requirements of Clause 35.07 and it is considered that the proposed installation is entirely appropriate use and development for the site within the Farming Zone.

## 8.3. CLAUSE 52.17 – NATIVE VEGETATION

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the decision guidelines specified in the *Guidelines for the removal, destruction or lopping of native vegetation* as appropriate.

### 8.3.1. Native vegetation to be removed or lost

The development area consists of a parcel of land at 313 Collivers Road, Lancefield, in which a solar farm development is proposed. Of that land,

- Vegetation is comprised almost exclusively of introduced species in the form of exotic pastures and weeds (primarily noxious weed Gorse *Ulex europaeus*). Several planted, native and introduced trees were present around the farm dam in the south of the site.
- Immediately north of the site, a small patch of highly degraded Grassy Forest (EVC128), consisting exclusively of mature Narrow-leaved Peppermint *Eucalyptus radiata* trees, was identified, along with a large, scattered River Red Gum *Eucalyptus camaldulensis* to the west. The adjoining Cully's Road contained primarily introduced species, including the noxious weed Gorse, however scattered native shrubs (Blackwood *Acacia melanoxylon*) occurred infrequently.
- A single farm dam was identified in the south of the study area next to Cully's Road. The small dam contained limited habitat values, with low cover of fringing vegetation and evidence of stock access/disturbance. The dam is not considered to be suitable habitat for threatened species and removal or disturbance of this feature will not result in any implications.

The desktop review identified a total of 33 significant flora species and 42 significant fauna species within ten kilometres of the study area.

- There is a moderate likelihood of the EPBC Act listed Matted Flax-lily *Dianella amoena* occurring.
- There is a moderate likelihood of the FFG Act listed Barking Owl *Ninox connivens*, Grey Goshawk *Accipiter novaehollandiae*, Little Eagle *Hieraaetus morphnoides*, Powerful Owl *Ninox strenua* and Square-tailed Kite *Lophoictinia isura* making infrequent use of the study area for foraging.

No nationally significant ecological communities were observed during the field survey but, the proposal will involve the removal of any native vegetation for the provision of a vehicular crossover onto Rochford Road.

The vegetation to be removed is one small patch of Black Wattle *Acacia mearnsii* and Blackwood *Acacia melanoxylon* and one large River Red Gum tree. The extent of native vegetation removal is 0.086 hectares.

An ecological impact assessment is enclosed at **Appendix G**.

### 8.3.2. Guidelines for the removal, destruction or lopping of native vegetation

The Guidelines for the removal, destruction or lopping of native vegetation (Guidelines) is an incorporated document of all planning schemes in Victoria and therefore must be applied when a permit is required under Clause 52.17 of planning schemes. The three-step approach (avoid, minimise, offset) is the key policy in relation to the removal of native vegetation to achieve no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

The subject site within the study area have been highly modified and ecological values are now largely absent or restricted to small and degraded native regrowth or scattered large trees.

The removal of native vegetation will be minimised and the construction of an access track onto Rochford Road will require the removal of one small (<0.1ha) patch of Black Wattle *Acacia mearnsii* and Blackwood *Acacia melanoxylon* regrowth and one large River Red Gum tree.

This represents 0.086 hectares and to avoid a loss of biodiversity, any approval granted should include a condition to obtain an offset of 0.019 general habitat units to compensate for the loss of vegetation and would be obtained from a third-party supplier via an accredited broker.

An ecological impact assessment is enclosed at **Appendix G**.

## 8.4. CLAUSE 53.13 RENEWABLE ENERGY FACILITY (OTHER THAN WIND ENERGY FACILITY)

This clause applies to land used, developed and proposed to be used and developed for a renewable energy facility. The clause outlines application requirements for a renewable energy facility which must be complied with in respect to this proposal.

### 8.4.1. Clause 53.13-2 Application Requirements

Table 14 Clause 53.13-2 Application Requirements

Requirement	Response
<p>A site and context analysis, including:</p> <ul style="list-style-type: none"> <li>• A site plan, photographs or other techniques to accurately describe the site and the surrounding area.</li> <li>• A location plan showing the full site area, local electricity grid, access roads to the site and direction and distance to nearby accommodation, hospital or education centre.</li> </ul>	<ul style="list-style-type: none"> <li>• A site plan is enclosed at <b>Appendix C</b>.</li> <li>• Table 2 above has photographs of the subject site and surrounding area.</li> <li>• Figures 2 and 3 above show the full site area, roads, vehicular access points.</li> </ul>
<p>A design response, including:</p> <ul style="list-style-type: none"> <li>• Detailed plans of the proposed development including, the layout and height of the facility and associated building and works, materials, reflectivity, colour, lighting, landscaping, the electricity distribution starting point (where the electricity will enter the distribution system), access roads and parking areas.</li> <li>• Accurate visual simulations illustrating the development in the context of the surrounding area and from key public view points.</li> <li>• The extent of vegetation removal and a rehabilitation plan for the site.</li> <li>• Written report and assessment, including: <ul style="list-style-type: none"> <li>○ An explanation of how the proposed design derives from and responds to the site analysis.</li> <li>○ A description of the proposal, including the types of process to be utilised, materials to be stored and the treatment of waste.</li> <li>○ Whether a Development Licence, Operating Licence, Permit or Registration</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• A site plan, layout and elevations are enclosed at <b>Appendix C</b>.</li> <li>• Table 2 above has photographs of the subject site and surrounding area.</li> <li>• Photo simulations and a landscape and visual impact assessment is enclosed at Appendix I.</li> <li>• No native vegetation would be removed. An ecological impact assessment enclosed at <b>Appendix G</b> of this report.</li> <li>• The proposed installation is a solar energy facility. Materials will not be stored at the site and no waste will be produced.</li> <li>• At this stage there is no requirement for a Works Approval or License from the Environmental Protection Authority for the works.</li> <li>• Amenity has been assessed and considered, including in terms of: <ul style="list-style-type: none"> <li>○ Noise (refer to <b>Appendix J</b>)</li> <li>○ Traffic (refer to <b>Appendix K</b>)</li> <li>○ Visual impact and glare glint and glare (refer to <b>Appendices I and N</b>)</li> </ul> </li> </ul>

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Requirement	Response
<p>is required from the Environment Protection Authority.</p> <ul style="list-style-type: none"> <li>○ the potential amenity impacts such as noise, glint, light spill, emissions to air, land or water, vibration, smell and electromagnetic interference.</li> <li>○ the effect of traffic to be generated on roads.</li> <li>○ the impact upon Aboriginal or non-Aboriginal cultural heritage.</li> <li>○ the impact of the proposal on any species listed under the Flora and Fauna Guarantee Act 1988 or Environment Protection and Biodiversity Conservation Act 1999.</li> <li>○ A statement of why the site is suitable for a renewable energy facility including, a calculation of the greenhouse benefits.</li> <li>○ An environmental management plan including, a construction management plan, any rehabilitation and monitoring.</li> </ul>	<ul style="list-style-type: none"> <li>● It is concluded that there would be little to no impacts upon the area from any of the above matters.</li> <li>● A traffic impact assessment has been undertaken and it concludes that traffic from the proposal will have a negligible impact on the surrounding road network during the operation stage.</li> <li>● An Aboriginal cultural heritage assessment has been undertaken (please refer to <b>Appendix M</b>). Based on the results of the assessment, there are no historical or post-contact heritage places located within the study area.</li> <li>● The presence of listed species is provided in the ecology impact assessment enclosed at <b>Appendix G</b>.</li> <li>● The site is suitable as there would be no significant impacts caused to the environment or the community. This project will contribute to Victoria’s target of reaching 40% of energy needs met by renewable energy by 2040.</li> <li>● An environmental management plan and construction management plan will be provided prior to the commencement of construction.</li> </ul>

## 8.4.2. Clause 53.13-3 Decision Guidelines

Before determining an application, in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate the following:

Table 15 Clause 53.13-3 Decision Guidelines

Consideration	Response
The Municipal Planning Strategy and the Planning Policy Framework.	The proposed development will comply and assist in implementing the relevant state and local planning policies. Refer to section 8.1 for further information regarding policy appraisal.
The effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference.	<p>The proposed development will not impact the surrounding area in respect to noise, glint, light spill, vibration, smell or electromagnetic interference.</p> <p>No noise will be emitted by the operational solar panels while the batteries and inverters will generate some noise (at or below the levels in EPA Victoria’s Noise from industry in regional Victoria guideline - NIRV). Solar is a passive technology, and therefore the panels produce electricity silently. This equipment is positioned in towards the</p>

# ADVERTISED PLAN

Consideration	Response
	<p>southern end of the site. A noise impact assessment is enclosed at <b>Appendix J</b>.</p> <p>The solar panels are designed to absorb light rather than reflect it with the blue coating designed to absorb the light most efficiently. The dark, non-reflective nature of the solar array is generally considered to help minimise their visual contrast with the surrounding landscape. A glare and glint assessment is enclosed at <b>Appendix N</b> of this report. It concludes that the potential impact from reflection or glare is low and mitigation recommendations including tilting the solar panels, a flat topography with few opportunities for overlooking and proposed screen planting around the perimeter of the project will mitigate any impact on surrounding areas.</p> <p>Light spill will not be an issue, as there is no requirement for operational lighting, and the site will not be lit at night. Some components may have external security lights but, these are only used for urgent maintenance works during hours of darkness and are not permanently illuminated. Refer to Chapter 4.3.4 of the Landscape and Visual Impact Assessment enclosed at <b>Appendix I</b> of this report.</p> <p>Considering the construction methods and the size of the site, vibration is unlikely to be an issue. This can be addressed further in a construction management plan provided prior to the commencement of construction.</p> <p>No odours will be produced by the facility.</p> <p>The facility would produce only low levels of electromagnetic energy associated with electrical equipment and in accordance with Australian Standards.</p>
The impact of the proposal on significant views, including visual corridors and sightlines.	<p>The proposed installation will cause minimal visual impact and measures have been taken to limit potential impacts. The limited impact is primarily due to the limited number of sensitive viewpoints and the relative lack of visibility resulting from existing vegetation throughout the landscape and rising topography. Setbacks and screen planting will further reduce any impact upon views.</p> <p>A landscape and visual impact assessment is enclosed as <b>Appendix I</b> of this report.</p>
The impact of the proposal on strategically important agricultural land.	<p>The subject site is not strategically important agricultural land.</p> <p>An agricultural assessment is enclosed as <b>Appendix H</b> of this report.</p>

# ADVERTISED PLAN

Consideration	Response
The impact of the proposal on the protection of declared irrigation districts.	The subject site is not within a declared irrigation district.
The impact of the proposal on the natural environment and natural systems.	<p>Refer to Chapter 9.3 for biodiversity matter for consideration.</p> <p>An ecological impact assessment enclosed at <b>Appendix G</b> of this report.</p> <p>Refer to Chapter 9.7 for bushfire matters for consideration.</p> <p>A preliminary bushfire opportunities and constraints assessment is enclosed at <b>Appendix L</b> of this report.</p>
The impact of the proposal on the road network.	<p>Refer to Chapter 9.4 for traffic matters for consideration.</p> <p>A traffic impact assessment is enclosed at <b>Appendix K</b> of this report.</p>
Solar Energy Facilities Design and Development Guideline (Department of Environment, Land, Water and Planning, October 2022).	The proposed development will comply with the Guidelines. A detailed assessment of this relevant legislation in relation to the proposal is provided in Chapter 7.7 of this report.

## **9. MATTERS FOR CONSIDERATION**

The proposed installation has been assessed in accordance with the state and local planning policies and planning controls applicable to the site contained within the Macedon Ranges Planning Scheme.

Below is an assessment of the development and its construction and operational impacts with reference to the assessment against the policies and controls from the planning scheme contained within this report.

### **9.1. GRID CONNECTION**

The project will connect to the grid via the existing overhead 22 kilovolts (kV) transmission line on Cullys Road which passes immediately to the south of the site. This point of interconnection (PoV) is shown in Figure 3 above.

### **9.2. POTENTIAL LOSS OF AGRICULTURAL LAND**

The subject land is neither highly productive nor highly versatile. It is not considered to be significant land or strategically important land from an agricultural perspective.

The soils are of moderate quality which limits their potential for high productivity. The loss of production from the diversion of this land to a solar farm will have an insignificant impact on the state's agricultural production and is unlikely to impact on the activities of surrounding farming properties.

The use of land for a renewable energy facility encourages sustainable land use and biodiversity will be significantly maintained under solar panels. The site taken out of grazing would enhance biodiversity and would help create a more productive and fertile land at the end of the solar farm life cycle than exiting conditions.

An agricultural assessment is enclosed at **Appendix H** of this report.

### **9.3. BIODIVERSITY**

The subject site has been highly modified and ecological values are now largely absent and the farm dam adjacent to Cullys Road does not have any ecological value and ecological values are now largely absent or restricted to small and degraded native regrowth or scattered large trees.

No nationally significant ecological communities were observed during the field survey but, the proposal will involve the removal of any native vegetation for the provision of a vehicular crossover onto Rochford Road that will require the removal of one small (<0.1ha) patch of Black Wattle *Acacia mearnsii* and Blackwood *Acacia melanoxylon* regrowth and one large River Red Gum tree.

This represents 0.086 hectares and to avoid a loss of biodiversity, any approval granted should include a condition to obtain an offset of 0.019 general habitat units to compensate for the loss of vegetation and would be obtained from a third-party supplier via an accredited broker.

An ecological impact assessment is enclosed at **Appendix G**.

### **9.4. TRAFFIC AND ACCESS**

The road network is able to accommodate the traffic generated by the development during the construction, operation and decommissioning stages. The roads are designated for B-Double vehicles and as such, the access route can accommodate the loads and type of vehicle movement to be generated during construction of the solar farm. Cullys Road will remain unsealed given the low level of traffic generated during construction and operation. The intersection of Rochford Road and Cullys Road is proposed to continue to operate in a safe manner following proposed road widening to accommodate B-Double vehicles. In order to mitigate the impacts of the development during construction, a construction traffic management plan will be prepared which should include the recommendations provided within this document. It is expected that any planning permit will be conditioned that a construction traffic management plan be prepared and approved prior to the issuing of a building permit.

A traffic impact assessment is enclosed at **Appendix K**.

## **9.5. VISUAL IMPACT**

Given the subject site's low profile, this will ensure that from ground-based viewing locations, only localised changes to the landscape character will result. The obvious changes to the landscape character of the will result to views from three adjacent dwellings. However, following mitigation measures, consisting of vegetation screening the edge of the development footprint, the landscape character will appear similar to the remainder of the regional agricultural landscape and other bands of vegetation that occur through the region.

The landscape region has a moderate landscape absorptive capacity as the undulating o provides visual screening. The scattered, and occasionally dense vegetation in the area surrounding the Project also provides visual screening, with the effectiveness of intervening vegetation screening, increasing with distance from the Project.

## **9.6. GLINT AND GLARE**

A glint and glare assessment has been prepared by Moir Landscape Architects, the purpose of which was to identify potential glint and glare impacts from the proposed development on the surrounding residential, road and rail receptors (within 1,000 metres) and aviation receptors (within 5,000 metres).

The potential to experience glint and glare was assessed for two residential receptors. The assessment found that both residential receptors could potentially experience high annual 'yellow' glare from the proposal under the worst-case scenario simulated (0° resting angle). However, desktop analysis of the dwellings using aerial imagery indicates existing vegetation will likely filter the potential glare experienced at these locations.

Under the worst-case scenario (0° resting angle) the assessment of road receptors identified that Cullys Road will potentially experience high yellow glare from the proposal. Desktop assessment of the aerial imagery indicates a lack of existing vegetation along the northern side of Cullys Road that may mitigate glare.

Further assessment of the scenarios with resting angles of 22° and 45° indicated no glare at the public and private receptors. Using a resting angle of 5° provided a significant reduction in yellow glare along Cullys Road.

Based on the assessment, setting the resting angle of the solar panels to 22° or 45° is recommended as this would eliminate all predicted glare from all assessed sensitive receptors within 1,000 metres of the proposed development.

As an additional mitigation action, supplementary planting along the southern and south-eastern perimeter of the development area will likely assist in reducing potential glare to acceptable level for users of Cullys Road.

A glint and glare assessment is enclosed at **Appendix N**.

## **9.7. LANDSCAPING**

The proposed development's low profile will ensure that from ground-based viewing locations, only localised changes to the landscape character will result with the most visible changes to views from three adjacent residences. However, following the establishment of locally indigenous screening vegetation along the development footprint, the landscape character will appear similar to the remainder of the regional agricultural landscape and other bands of vegetation that occur throughout the region.

The landscape setting has a moderate landscape absorptive capacity, as despite providing some opportunities for overlooking, the undulating topography also provides visual screening. The scattered, and occasionally dense vegetation in the area surrounding the development footprint also provides visual screening, with the effectiveness of intervening vegetation screening, increasing with distance.

The most effective way to ameliorate views from high sensitivity viewpoints is to establish screen planting around the perimeter of the development footprint. The proposed development has exposed boundaries to the south and west which could potentially be planted with screening species to ameliorate views. Given the elevation of viewpoints to the south-west and west, the screen planting should include tall trees to reduce opportunities for overlooking.

Screen planting along the southern boundary will mitigate impacts to residential receptors and screen planting along the western boundary will mitigate impacts to residential receptors and vehicles on Rochford Road.

The low-profile form of most of the development, primarily the solar array, which is approximately five metres in height at full tilt, will ensure that planting will be able to provide screening within a relatively short period of time.

A landscape strategy is enclosed at **Appendix E** and a preliminary landscape and visual impact assessment is enclosed at **Appendix I**.

## 9.8. BUSHFIRE

The overall bushfire risk to the site is considered low, given the background hazard context and landscape risk profile, its siting, construction, design and mitigation strategies. In addition, the solar farm is not expected to result in a noticeable increase in fire risk in the locality and to downwind assets and values.

The proposed development is considered to be appropriate within the identified low risk fire environment, and mitigation strategies proposed are compliant with the CFA Design Guideline requirements.

A preliminary bushfire opportunities and constraints assessment is enclosed at **Appendix L**.

## 9.9. HERITAGE

The proposed development will have no impact upon built heritage.

## 9.10. ABORIGINAL CULTURAL SIGNIFICANCE

The subject site is not considered an area of cultural heritage sensitivity but, an Aboriginal cultural heritage assessment (CHA) has been prepared. This CHA sets out the following:

- No previously registered Aboriginal cultural heritage places are located within the study area, or within one kilometre of the study area.
- The study area does not intersect any areas of cultural heritage sensitivity defined under Division 3 (regs. 23-41) of the Regulations.
- A site inspection was undertaken and no Aboriginal cultural heritage places were identified during the site inspection.
- Two areas of high archaeological potential are identified on the crests of the hill landforms.
- Moderate areas of archaeological potential are evident across the central and north-east, associated with the hill slope landforms.
- The remainder of the study area was determined to have a low archaeological potential.
- The northern portion of the impact area is characterised as having a moderate archaeological potential associated with the hill slope landforms, while the southern portion is characterised as having a low archaeological potential.

A mandatory CHMP is not required and because the Regulations do not require a mandatory CHMP, the potential impact of development on Aboriginal cultural heritage resources at the subject site needs to be considered and it is recommended that, protocols be included in a post-permit construction environmental management plan to provide certainty on for any future works within the subject site.

A cultural heritage assessment is enclosed as **Appendix M** of this report.

## 9.11. GEOLOGY, SOIL, WATER QUALITY AND HYDROLOGY

The proposed development will have no impact upon geology, soil, water quality and hydrology.

## 9.12. NOISE IMPACTS

An acoustic impact assessment has been prepared and concludes that the operational solar farm would meet the relevant noise limits as nominated in the DELWP Guideline. The predictive noise modelling indicates that noise from the solar installation will comply with the operational night-time noise limit and the residual risk that noise from the operational facility will cause adverse noise impacts is minimal. However, the assessment recommends that a compliance survey be undertaken once the facility is operational for



verification purposes. Therefore, should DELWP be minded to grant approval, a condition of consent could require the preparation, submission to and approval by DELWP of a post-construction acoustic report and appropriate measures if non-compliant.

An acoustic impact assessment is enclosed as **Appendix J**.

## **9.13. CUMULATIVE IMPACTS**

According to the DELWP website, there are no other utility sized solar farms in the Macedon Ranges Shire Council and majority of the surrounding land is made up agricultural land. The closest operating solar farm to the subject site is at Carisbrook within the Central Goldfields Shire Council LGA which is currently under construction. The site has been located and designed to minimise or avoid impact to surrounding sensitive uses and areas of native vegetation. Accordingly, there are no cumulative impacts raised by this proposal.

## 10. CONCLUSION

This planning report has demonstrated that the proposed renewable energy (solar farm) installation is an appropriate use and form of development for the site when assessed against the Macedon Ranges Planning Scheme and all relevant state and commonwealth legislation, policies and guidelines.

It is considered appropriate that a planning permit be granted for a solar installation at 313 Collivers Road, Lancefield for the following reasons:

- The proposed development demonstrates consistency with state and local policies, provisions and zoning controls and overlays relevant to the proposal; contained within the Macedon Ranges Planning Scheme. The proposed installation and associated ancillary buildings and infrastructure appropriately accounts for the site conditions and constraints and responds accordingly, demonstrating general compliance with the planning provisions contained within the planning scheme;
- The proposed development would not impact negatively upon the long-term viability of this land, as the construction is low impact and can be restored to its previous use upon decommissioning of the installation at the end of its lifecycle;
- The proposal will not negatively impact upon the amenity of surrounding properties and agriculture uses. The passive nature of the solar farm once operational ensures limited noise pollution to neighbouring properties and visual impacts have been mitigated through landscaping screening measures.
- The site supports state and local policies seeking site-responsive renewable energy facilities to assist in meeting Victoria's renewable energy targets.
- The proposal will provide community benefit through its generation of energy to be placed back into the grid for the local supply as well as offshoot benefits through the creation of employment opportunities for maintenance and management of the environment on the site.

Considering the above reasons, Urbis, on behalf of the permit applicant respectfully requests that the Minister for Planning provides a planning permit for a solar installation at 313 Collivers Road, Lancefield and as described in this planning report.

## **DISCLAIMER**

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All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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