

18 June 2021

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██████████
Senior Planner
Department of Environment, Land, Water and Planning
██████████

Sent via email to ██████████

Dear ██████████

Amendment to the Application and Response to Request for Further Information - Planning Permit Application No. PA2000978, West Mokoan Solar Farm

AECOM Australia Pty Ltd (AECOM) continue to act on behalf 892 Yarrowonga Development C/- South Energy (the Applicant) in relation to Planning Permit Application No. PA2000978. The planning application was submitted to Department of Environment, Water, Planning and Land (DELWP) on 07 October 2020. The planning application is for the *use and development of a Renewable Energy Facility and Utility Installation (solar farm and energy storage) and associated buildings and works, removal of native vegetation, display of business identification signage, removal and creation of easements and creation or alteration of access to a Road Zone Category 1* (the Project).

The Project is located at 892 Benalla-Yarrowonga Road, Goorambat; Benalla-Yarrowonga Road, Benalla, 616 Benalla-Yarrowonga Road, Benalla, Crown Land and road reserves of Benalla-Yarrowonga Road and Lake Mokoan Road (the subject site).

1.0 INTRODUCTION

Pursuant to Section 54 of the *Planning and Environment Act 1987* (P&E Act), DELWP issued a Request for Further Information (RFI) dated 5 November 2020. A separate RFI was issued from DELWP – Hume Region, on 26 November 2020, predominantly having regard to matters relating to biodiversity and native vegetation.

As a result of changes to the Project area and technical requirements, and in response to the RFI's, a formal amendment to the Planning Permit Application is being sought, pursuant to Section 50 of the P&E Act.

In support of the amendment to the Planning Permit Application, reports have been revised based on the changes to the project. Simultaneously, the revised documentation responds to the matters raised in the RFI's. In support of the amendment, the following documents are provided:

- **Attachment A** - Application Form
- **Attachment B** – Title Documents
- **Attachment C** - Planning Report including the following technical appendices:
 - Appendix A Consultation Material
 - Appendix B Application Plans
 - Appendix C Flora and Fauna Assessment
 - Appendix D Surface Water Assessment
 - Appendix E Hydrology and Hydraulic Modelling Report
 - Appendix F Traffic Impact Assessment
 - Appendix G Landscape and Visual Impact Assessment
 - Appendix H Landscape Plans
 - Appendix I Glint and Glare Assessment
 - Appendix J Preliminary Environmental Management Plan
 - Appendix K Geotechnical Assessment

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- Appendix L Agricultural Impact Assessment
- Appendix M Cultural Heritage Management Plan
- Appendix N Operational Noise Assessment
- Appendix O Survey Plans
- Appendix P Woodland Restoration Plan
- Appendix Q Landscape Early Works Strategy
- Appendix R Goulburn-Murray-Water Landowner's Consent
- Appendix S Landscape Connectivity Literature Review
- Appendix T Preliminary Hazard Assessment

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2.0 PROJECT AMENDMENT

Pursuant to Section 50 of the P&E Act, a formal amendment to the Planning Permit Application is sought. The changes to the project are summarised as follows:

- ***Change to the project area***

The land at 81 Lake Mokoan (Lot 2 PS625748) has been excluded from the project. The dwelling located at 81 Lake Mokoan Road which was previously proposed to be used for construction purposes, will therefore now be retained for its current use as a dwelling on private land. This dwelling is therefore considered a 'sensitive receptor' to the project.

The total solar capacity has therefore been slightly affected as there will no longer be solar panels located on this land.

- ***Change to the substation location***

Due to requirements of AusNet, the substation requires a larger area than previously anticipated. In order to meet the requirements of AusNet, whilst avoiding existing land constraints such as native vegetation or potential flooding impacts, the substation has been relocated.

The substation was previously proposed to be located on land at 892 Benalla-Yarrawonga Road (Lot 1 PS625748), on the northern side of Lake Mokoan Road. The substation location has been relocated to the southern side of Lake Mokoan Road on land at Benalla-Yarrawonga Road (Lot 1 TP173518).

Due to the relocation of the substation, the vehicle access gates along Lake Mokoan Road have changed (northern access point to (former) substation site removed and new access point for revised southern substation location added).

- ***Change to native vegetation retention and removal***

In order to satisfy the RFI from DELWP – Hume Region (dated 26 November 2020), additional habitat assessments and native vegetation assessments were undertaken, and the solar farm layout was revised in order to achieve the most suitable outcome with regards to retaining native vegetation, specifically trees with important habitat value for fauna. The native vegetation proposed to be retained has therefore been amended.

Previously, a total amount of 2.868 ha of native vegetation was proposed to be removed. This included 43 scattered trees (39 large trees and 4 small trees). The revised solar layout proposes a total of 1.891 ha of native vegetation to be removed. This includes 28 scattered trees (26 large trees and 2 small trees). Refer to the Flora and Fauna Impact Assessment for full details.

- ***Reduction to solar energy facility capacity***

As a result of the changes described above, including the reduction in size of the project area, and a reduction to the amount of native vegetation removal, the capacity of the solar farm has decreased. A comparison of the solar energy facility details is provided within Table 1 below.

Table 1 Comparison of Solar Energy Facility Details

Item	Previous Concept Plan	Revised Concept Plan
Total Project Area (ha)	467.2	426.4
Direct Current Capacity (MW)	245.19	233.74
Number of PCUs	60	57
Total modules	557,256	531,216

3.0 DELWP PLANNING RFI RESPONSE

The following information is provided in order of the points raised within the DELWP RFI (dated 5 November 2020) (shown in italics) and presented within Table 2. The information provides a summary response to the RFI items and cross-references the applicable attachments which are to be read in conjunction with this letter.

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Table 2 Response to DELWP RFI

Request for Information		Response Summary
1.	An Amended Application Form that includes all land that is included in the application. a. It appears the formal land description needs to be corrected to: i. Remove Lot 2 TP173518C. ii. Include Lot 1 TP576184 (Stockyard Creek land where new MV overhead line is proposed)	An application form has been prepared to include the required updated information and is included at Attachment A .
2.	Title documents for Lot 1 TP576184 (searched within the last 3 months).	The Title documents for Lot 1 TP576184 were submitted to DELWP on 23 December 2020 via email (ensuring they were submitted within 3 months from when they were searched) and are also included at Attachment B .
3.	The written consent of the public land manager (pursuant to Clause 36.01-2) of Stockyard Creek land within the PUZ1, where the proposed MV overhead line is located.	Written consent has been sought from Goulburn Murray Water (GMW) as the public land manager of Stockyard Creek (Lot 1 TP576184), where the proposed medium voltage overhead line is to be located. The letter dated 4 December 2020 confirms that GMW consents to the installation of a powerline across Stockyard Creek, subject to the application obtaining a 'Construction and Use of Private Works Licence' from GMW prior to the commencement of any works. The letter is included at Attachment C, Appendix R .
4.	Planning Report updated to included:	
a	<ul style="list-style-type: none"> Acknowledge and assess the permit trigger for the proposed use and development of a utility installation (MV overhead line) within the Public Use Zone 1. 	The Planning Report has been updated to include the requirement for a planning permit pursuant to Clause 36.01 for the use and development of a utility installation within the Public Use Zone. An assessment of the Public Use Zone Schedule 1 is also included. Refer to Section 1.3, Section 5.8.2 and Section 6.7.2 of the Planning Report included at Attachment C .
b	<ul style="list-style-type: none"> For any setback of panels from a neighbouring property boundary (particularly the northern and southern boundaries) of less than 30 metres, provide further justification to vary from the minimum setback recommended in the Solar Guideline. The Solar Guideline states, 'Where a solar energy facility is proposed adjacent to existing horticultural or cropping activities, a minimum 30m separation distance is 	The Planning Report has been updated to provide further justification for setbacks that vary from the minimum setback recommended in the Solar Guideline. Refer to Section 6.2.10.1 of the Planning Report included at Attachment C .

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	<p><i>appropriate, measured from the property boundary to any part of the physical structure of the facility'.</i></p>	
<p>5.</p>	<p>Development Plans updated to include:</p>	
<p>a</p>	<ul style="list-style-type: none"> • <i>Detailed plans showing the layout and details of the proposed facility, including:</i> <ul style="list-style-type: none"> <i>i. Dimensioned plans and elevations (including max. dimensions) of all proposed infrastructure (ensuring consistency of labels and dimensions between layout plans and elevations), including:</i> <ul style="list-style-type: none"> - <i>Max. height of solar panels at full tilt.</i> - <i>Battery energy storage system.</i> - <i>Substation.</i> - <i>O&M Facility.</i> - <i>Clarification of the elevated & non-elevated PCUs (there are 3 shown on elevations, and some dimensions on the 'elevated PCU' elevation are not legible).</i> - <i>Switch & Control Rooms on layout plans.</i> - <i>Cable routes on layout plans.</i> - <i>Offices/amenities buildings (if proposed).</i> - <i>Business identification signage elevation.</i> - <i>Max. height of fencing.</i> - <i>Elevation of 'MV overhead line connection between north and south site'.</i> - <i>Access road width.</i> - <i>New/upgraded site access points (including proposed dimensions, materials, grades, etc.).</i> - <i>Any mitigation measures required to attenuate noise and/or glint and glare impacts.</i> <i>ii. Clearly identify where the 'elevated' panels will be located (e.g. a single colour for non-elevated panels, and a different single colour for elevated panels)</i> <i>iii. Clearly identify title boundaries.</i> <i>iv. Setbacks of all proposed infrastructure from:</i> <ul style="list-style-type: none"> - <i>Powerlines and easements proposed to be retained on-site.</i> 	<p>The plans have been updated and are included at Attachment C, Appendix B.</p> <ul style="list-style-type: none"> i. Dimensioned plans and elevations: <ul style="list-style-type: none"> • Plan and elevation drawings for the substation, BESS and O&M facility have been updated to ensure consistent dimensions and labels. • The tracker elevation has been updated to show the maximum height of solar panels at full tilt. • The fence elevation has been updated to show the maximum height of fencing as 2500mm. • A utility layout plan has been prepared showing the switch room, control room, cable routes and offices/amenities buildings. • An elevation plan for business identification signage has been prepared. • An elevation plan showing the MV overhead line connection between north and south site has been prepared. • A VicRoads standard drawing has been provided which shows the standards for site entry/access points. The 'notes' shown on the Concept Plan have been updated to cross reference the VicRoads standards, ensuring new/upgraded site access points are in accordance with the VicRoads standards. • Updated Concept Plan to showing the following information: <ul style="list-style-type: none"> - The width of internal access tracks is shown in the legend as 4 metres wide. - Setbacks from powerlines and easements have been added. - The 'notes' have been updated to reflect changes to the plan. - The legend has been updated to clearly show vegetation removal/retention and to confirm that all trees to be retained comprise a 15 metre tree protection zone (TPZ). - The land at 81 Lake Mokoan Road has been removed from the project area. - The substation has been shifted to the southern side of Lake Mokoan Road. - A greater amount of native vegetation to be retained is shown and solar panels have been shifted in some places as a result of the tree retention. ii. An elevated panels plan has been prepared, clearly delineating the panels proposed to be elevated from those non-elevated panels. iii. The landownership plan has been updated to clearly identify title boundaries.

	<ul style="list-style-type: none"> - <i>Trees/patches of native vegetation proposed to be retained.</i> 	<p>iv. The Concept Plan has been updated to show setbacks from powerlines and easements to be retained. The legend has been updated to confirm that all trees to be retained have a TPZ of 15 metres, therefore, infrastructure will be setback at least 15 metres from all vegetation to be retained.</p>
b	<ul style="list-style-type: none"> • <i>A plan showing all dwellings within 2km of the site boundary (including address labels and dimensions of setback from site boundary).</i> 	<p>A dwelling plan has been prepared, showing all dwellings within 2km of the site boundary and is included at Attachment C, Appendix B.</p>
6.	Landscape Early Works updated to include:	
a	<ul style="list-style-type: none"> • <i>Further information on how the plan will be implemented, including impacts mitigated, and timing of planting (in relation to commencement of development).</i> 	<p>An Early Works Strategy has been prepared which incorporates mitigation measures for glint and glare, landscape, and visual impacts. Timing of planting is detailed at Section 3.0 of the report. The details of the vegetation required to mitigate impacts prior to commencement of construction are included at Section 3.3 of the report. Refer to the Early Works Strategy included at Attachment C, Appendix Q.</p>
b	<ul style="list-style-type: none"> • <i>Density of vegetation, and height and spread of canopy required to mitigate impacts prior to commencement of construction</i> 	
7.	Survey Plans updated to include:	
a	<ul style="list-style-type: none"> • <i>Plan of proposed transmission line easement re-alignment. It's noted that the submitted planning report states that this aspect of the proposal is not part of this application. If that is the case, reference to this easement re-alignment should be removed from all application documents/plans</i> 	<p>Reference to the proposed 220kV transmission line easement has been removed from the Planning Report, the Concept Plan and the Easement Plan.</p> <p>The updated Planning Report is included at Attachment C. The updated Concept Plan and Easement Plan is included at Attachment C, Appendix B.</p>
b	<ul style="list-style-type: none"> • <i>Plans of removal of powerline easement.</i> 	<p>The Survey Plans include 4 draft title plans in relation to the 22kV powerline. A 'plan of creation of easement' is included for a new powerline easement at 616 Benalla-Yarrowonga Road, due to the proposal to realign the powerline along the south west boundary. Refer to pages 3-4 of Attachment C, Appendix O. Three 'plans of removal of easement' are also included for the removal of the existing powerline easements. Refer to pages 5 – 7 of Attachment C, Appendix O.</p>
c	<ul style="list-style-type: none"> • <i>Plans of removal of drainage easement.</i> 	<p>Refer to pages 1-2 of Attachment C, Appendix O for the 'plan of creation of easement' relating to drainage. The drainage easement plan serves two purposes: to create a new easement to reflect the actual location of the drainage line, and to remove the existing easement from the title plan. Refer to the 'Notations' listed on the plan and see 'Other Purpose of Plan', as per the excerpt below:</p>

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	<p style="text-align: center; color: red; border: 2px solid red; padding: 10px;"> This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright </p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center; padding: 5px;">Notations</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;"> <p>Purpose of Plan: TO CREATE DRAINAGE EASEMENT E-1 SHOWN ON THIS PLAN</p> <p>Grounds for easement creation BY DIRECTION IN PLANNING PERMIT No. TBA</p> <p>Other Purpose of Plan: TO REMOVE THE DRAINAGE EASEMENT SHOWN AS E-3 & E-4 IN LOTS 2-5 ON LP206524H</p> <p>Grounds for easement removal BY DIRECTION IN PLANNING PERMIT No. TBA</p> <p>Only the drainage easement E-1 to be created is shown on this plan. Any other existing easements have not been shown</p> <p>WARNING: This document is a copy of an unregistered plan. It is preliminary in nature and remains so until it is ultimately registered at Land Victoria and titles have been amended or issued. Until that time changes may be made to this document without any notification. Tomkinson Group accepts no liability for any loss or damage arising from the use of this plan without you first having confirmed in writing, from Tomkinson, the currency and suitability of this document for your particular intended use.</p> </td> </tr> </tbody> </table>	Notations	<p>Purpose of Plan: TO CREATE DRAINAGE EASEMENT E-1 SHOWN ON THIS PLAN</p> <p>Grounds for easement creation BY DIRECTION IN PLANNING PERMIT No. TBA</p> <p>Other Purpose of Plan: TO REMOVE THE DRAINAGE EASEMENT SHOWN AS E-3 & E-4 IN LOTS 2-5 ON LP206524H</p> <p>Grounds for easement removal BY DIRECTION IN PLANNING PERMIT No. TBA</p> <p>Only the drainage easement E-1 to be created is shown on this plan. Any other existing easements have not been shown</p> <p>WARNING: This document is a copy of an unregistered plan. It is preliminary in nature and remains so until it is ultimately registered at Land Victoria and titles have been amended or issued. Until that time changes may be made to this document without any notification. Tomkinson Group accepts no liability for any loss or damage arising from the use of this plan without you first having confirmed in writing, from Tomkinson, the currency and suitability of this document for your particular intended use.</p>
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<p>8.</p>	<p>Visual impact assessment updated to include:</p>			
<p>a</p>	<ul style="list-style-type: none"> • <i>Confirmation that the panels shown in the photomontages include the elevated panels, and that all panels are shown at full tilt (i.e. max. possible height).</i> 	<p>The LVIA has been updated. Refer to Attachment C, Appendix G. Refer to Section 2.2.3.3 for confirmation that the panels shown in the photomontages included the elevated panels at full tilt.</p>		
<p>b</p>	<ul style="list-style-type: none"> • <i>High-quality photomontages. The images supplied in the report are blurry (these can be provided separately via a link if that's easiest due to file sizes).</i> 	<p>Individual photomontage files are included at Attachment C, Appendix G. It is noted that while the project has been amended as described at Section 2.0 of this letter, the original photomontages captured a 'worst case scenario' and any updated photomontages would show a reduction of solar panels and associated equipment and thus an improvement to the visual outcomes. The photomontages have therefore not been updated.</p>		
<p>c</p>	<ul style="list-style-type: none"> • <i>Photomontages for all 10 viewpoints shown on Figure 43, or evidence/justification as to why all 10 are not necessary.</i> 	<p>The LVIA has been updated. Refer to Attachment C, Appendix G. Refer to Section 2.3.3 of the LVIA which confirms the methodology for photomontages. Justification for the number of photomontages is included at Section 2.2.2.1 of the LVIA.</p>		

<p>d</p>	<ul style="list-style-type: none"> • A written statement explaining the methodology used for the preparation of images, including: <ul style="list-style-type: none"> i. the identity and qualifications of persons involved in the preparation of the images including data collection; ii. the name and version of the software programme/s used to prepare the images; iii. the methodology used to collect relevant data (for example whether survey data has been obtained from topographical maps or fieldwork); iv. the camera brand and model including whether digital or SLR; v. camera lens size and type and whether the camera was horizontal or tilted. If tilted the angle should be stated; vi. time of day and date of all relevant data (including when photographs were taken, survey information obtained and the like); vii. the height above ground level from which all images have been taken / would be viewed; viii. details of any existing elements that have been reconstructed or modified (other than the proposal itself) such as modifications to existing vegetation, re-instatement of cross-overs and the like; ix. any assumptions relied upon; 	<p>The LVIA has been updated. Refer to Attachment C, Appendix G.</p> <ul style="list-style-type: none"> i. Refer to Section 2.4 (Report Preparation) which includes details of qualifications of the persons involved in undertaking the assessment. ii. Refer to Section 2.2.3 (Creation of photomontages) which includes the software used. iii. Refer to Section 2.0 (Methodology) which describes the methodology used to collect data. iv. Refer to Section 2.1.2.1 (On ground photography) which details the type of camera used. v. Refer to Section 2.1.2.1 (On ground photography) which details the camera lens and confirmation that there no was tilt angle used in panoramic photography. vi. Refer to Section 2.1.2 (Site Inspection) which includes details for when data was obtained. vii. Refer to Section 2.1.2.1 for (On ground photography) which details the height at which images were recorded. viii. Existing elements (other than the proposal) have not been modified or reconstructed. ix. Refer to Section 2.2.3.3 (Assumptions) which includes assumptions that were used in creation of visual stimulations.
<p>9.</p>	<p>Glint and Glare Assessment updated to include:</p>	
<p>a</p>	<ul style="list-style-type: none"> • Further evidence of how the proposed mitigation measures will appropriately mitigate glint and glare impacts, including: <ul style="list-style-type: none"> i. Height of vegetation required to sufficiently mitigate glint and glare impacts to sensitive receptors. ii. Recommendations as to how Glint and Glare will be ameliorated during the growth of the screening vegetation (e.g. what happens before the plants reach maturity). 	<p>The Glint and Glare Assessment has been updated. Refer to Attachment C, Appendix I. Responses to queries i – iv are detailed within the report at the sections identified below:</p> <p>i: The height of vegetation required to sufficiently mitigate glint and glare cannot be quantified. As addressed in the Early Works Strategy (Attachment C, Appendix Q) at Section 2.3, a 10m wide planting zone and a 5m wide planting zone are to be planted along various part of the site boundaries. As specified at Section 3.3 of the Early Works Strategy, the planting within the 5m and 10m wide planting zones are expected to be up to 2 m tall after 2 years. A proposed mitigation measure includes</p>

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	<p><i>iii. Evidence/assessment of how the proposed mitigation measures will effectively mitigate glint and glare impacts to all sensitive receptors.</i></p> <p><i>iv. If 'limiting resting angles' is being relied upon as a mitigation measure, further information and evidence of how this will be implemented and managed to effectively ameliorate glint and glare impacts. This method (if relied on) should be 'built-in' to the proposal and shouldn't be easily changed/re-programmed over time.</i></p>	<p>installing shade cloths or glare screens on the proposed security fencing to help interrupt the line of vision between the solar installation and points of interest that may be affected by glare prior to vegetation establishment.</p> <p>ii: Amelioration will occur through installation of manmade screening (see section 6.2 of the Glint and Glare Assessment) and limiting backtracking resting angle (see section 6.3 of the Glint and Glare Assessment).</p> <p>iii: Effectiveness of manmade screening cannot be quantified (see section 6.2 of the Glint and Glare Assessment). Effectiveness of limiting the backtracking resting angle on reducing glare at impacts to all sensitive receptors has been assessed and summarised (see section 6.3 of the Glint and Glare Assessment).</p> <p>iv: Feasibility of this mitigation measure is to be further determined in detailed design when the tracking manufacturer has been selected as programming will depend on the manufacturer selected (see section 6.3 of the Glint and Glare Assessment).</p>
<p>b</p>	<ul style="list-style-type: none"> Confirmation that the assessment accounts for all dwellings and roads within 1km of the site boundary. 	<p>The Glint and Glare Assessment has been updated. Refer to Attachment C, Appendix I. A desktop assessment was undertaken to identify all dwellings and roads within 1km of the site. Section 4.2 of the Glint and Glare Assessment shows the observation points, roads and flight path locations considered which includes all dwellings and roads identified within 1km of the site boundary identified in google maps.</p>
<p>10.</p>	<p>Acoustic Assessment updated to include:</p>	
<p>a</p>	<ul style="list-style-type: none"> Assessment of all proposed infrastructure, including PCUs, battery energy storage system, substation, etc. It appears only the inverters have been considered/assessed. <div style="border: 2px solid red; padding: 5px; margin-top: 10px; color: red; text-align: center;"> <p>This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright</p> </div>	<p>The Operational Noise Assessment has been updated. Refer to Attachment C, Appendix N. Section 4.2.4 of the Operational Noise Assessment identifies that the main sources of noise from the operation of the proposed solar farm will be the inverters and the substation transformer. The inverters, BESS facility inverters and the substation transformer were modelled at the locations indicated on the Concept Plan.</p> <p>The Operational Noise Assessment has considered noise from the inverters. It is acknowledged that other equipment may emit noise, and any other significant noise-emitting items should be assessed for compliance during the detailed design phase. Further, it is possible that the range of plant items available at the time of final selection will be different to the range that is currently on the market. Acoustic modelling of the final plant selections and layout should be undertaken to confirm that the Project will comply with the environmental noise criteria.</p>

b	<ul style="list-style-type: none"> <i>Demonstration that the noise output of the proposed facility design (as shown on the development plans) can comply with the NIRV at sensitive receptors without operational measures (e.g. infrastructure should not need to be operated in a 'noise reduction mode' or reduced capacity at different times of the day)</i> 	<p>Section 4.3 of the Operational Noise Assessment identifies the noise level data of operating conditions that were modelled. Section 5.0 of the assessment describes the assessment of compliance.</p>
c	<ul style="list-style-type: none"> <i>Assessment of the cumulative impacts to sensitive receptors within proximity to both the proposed facility and Kennedys Creek solar farm.</i> 	<p>Section 5.2 of the Operational Noise Assessment identifies the cumulative impacts.</p>
<p>11. Flora and Fauna Assessment updated to include:</p>		
a	<ul style="list-style-type: none"> <i>A map showing reference numbers of the trees to be removed, consistent with the tree numbering throughout the report (e.g. list within Appendix F on pg. F-8 (83 of PDF)).</i> 	<p>The Flora and Fauna Assessment has been updated. Refer to Attachment C, Appendix C. Figure 5 has been updated to show reference numbers of the trees to be removed in line with tree numbering throughout the report.</p>
<p>12 Additional request sent via email from Sam Mason on 18 March 2021:</p>		
	<p><i>It has come to our attention that due to your proposal including a battery there is a potential referral trigger to WorkSafe, pursuant to clause 66.02-7. So that the referral requirements can be determined, could you please confirm in your RFI response:</i></p> <ul style="list-style-type: none"> <i>The proposed battery type (e.g. lithium).</i> <i>Total gross weight of proposed batteries.</i> 	<p>A Preliminary Hazard Assessment has been prepared. Refer to Attachment C, Appendix T.</p>

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4.0 DELWP HUME REGION RFI RESPONSE

Information is also provided in order of the points raised within the DELWP-Hume Region RFI (dated 26 November 2020) (shown in italics) and presented within Table 3

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Table 3 Response to DELWP-Hume Region

Request for Information		Response Summary
1.	<i>Demonstration and description of how offsets will compensate for the biodiversity losses and impacts caused by the development. The offset credits presented as available on the Victorian Native Vegetation Credit Register, do not adequately compensate for the significant losses of high value vegetation and biodiversity assets from endangered EVCs.</i>	<p>A revised Flora and Fauna Assessment has been prepared. Refer to Attachment C, Appendix C.</p> <p>A native vegetation credit report is provided in Appendix F of the Flora and Fauna Assessment. The report identifies four credit sites that are available within the Goulburn Broken CMA region that would provide offsets for the loss of native vegetation associated with the Project as specified in the Native Vegetation Removal report (Appendix F of the Flora and Fauna Assessment).</p> <p>In addition to the regulatory offset requirement, South Energy will take on the ownership and management of two Crown land parcels and Lot 2 TP173518. These parcels support 5.92 ha of Plains Woodland/Herb-rich Gilgai Wetland Mosaic EVC (endangered). These parcels of land are protected under a Trust for Nature Conservation Covenant. South Energy will rehabilitate an area of Grassy Woodland adjacent to the Trust for Nature woodland to enhance the woodland corridor which is designated as a strategic biodiversity link between Winton Wetlands and the Broken River.</p>
2.	<i>As required by Clause 14.02-1S Catchment planning and management details of how the proposal has considered and utilised any applicable strategies approved by the relevant catchment management authority or water management authority, as policy guidance for the planning and design of the current proposal, eg. the Goulburn Broken Catchment Management Strategy. Proposed developments need to consider relevant local policy documents to guide in the site selection, strategic planning and design of the proposal.</i>	<p>The Planning Report has been updated to address the Goulburn Broken Catchment Management Strategy (the Goulburn Broken Regional Catchment Strategy) and details the strategic planning process for the project. Refer to Section 6.3.3 and Section 6.5 of the Planning Report included at Attachment C.</p>
3.	<i>A more comprehensive response to the Decision Guidelines Clause 35.07 Farming Zone. Several of the Decision Guidelines are not discussed by the application and must be addressed. These include: General issues:</i>	<p>The response to Clause 35.07 (Farming Zone) has been amended and strengthened within Section 6.7 of the Planning Report (refer to Attachment C).</p> <p>In addition, Environmental issues i, iii and iv are addressed in the Flora and Fauna Assessment (refer to Attachment C, Appendix C).</p>

Request for Information		Response Summary
	<p>i. How the use and development relates to sustainable land management</p> <p>Environmental issues:</p> <p>i. The impact of the proposal on the natural physical features and</p> <p>ii. resources of the area, in particular on soil and water quality;</p> <p>iii. the impact of the use and development on the flora and fauna on the site and its surrounds; and</p> <p>iv. iii. The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat.</p>	<div style="border: 2px solid red; padding: 10px; text-align: center;"> <p>This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright</p> </div>
Clause 52.17 Native vegetation – for a detailed pathway case		
4	Further information about the native vegetation to be removed, specifically a more detailed description of the trees to be removed, which includes:	
a	an assessment of the landscape connectivity they provide, ie. stepping stones, habitat connectivity etc;	Refer to the Landscape Connectivity Assessment 'The Role Trees in Facilitating Landscape Connectivity – A Spatial Analysis for Solar Farm Design' (refer to Appendix G of the Flora and Fauna Assessment).
b	a determination of whether the removal may result in habitat or further habitat fragmentation in the landscape;	<p>Refer to the avoid minimise statement (Item 5 of Appendix F to the Flora and Fauna Assessment).</p> <p>A Literature Review has been undertaken (refer to Appendix G of the Flora and Fauna Assessment) to inform site level planning.</p> <p>A tree habitat value assessment (Appendix D to the Flora and Fauna Assessment) was also undertaken in collaboration with project engineers and the applicant to further prioritise tree retention within the project area.</p>
c	a comprehensive habitat/hollows utilisation study/assessment to assist in determining whether the trees proposed for removal provide suitable and/or current habitat for fauna species, both rare and threatened species as well as more common species;	A tree habitat value assessment was completed. Please refer to Sections 2.2.3 and 3.2.3 and Appendix D of the Flora and Fauna Assessment.

Request for Information		Response Summary
d	<i>a description of whether the local area has experienced a decline in the number of large trees and whether they are generally infrequent in the landscape, ie. the trees proposed for removal are likely some of the last remaining large trees across the landscape; and</i>	Refer to the avoid minimise statement (Item 5 of Appendix F to the Flora and Fauna Assessment).
e	<i>any additional special features or values of the trees, such as an important food source for significant species, eg. Grey Box and White Box provide a key foraging resource for Swift Parrot, a significant species known in the area, removal of these trees is a valid threat to the species.</i>	The Flora and Fauna Assessment has been updated to include information on resources for threatened birds (Swift Parrot, Regent Honeyeater and Painted Honeyeater). Refer to Section 3.2.3 of the Flora and Fauna Assessment.
5	<i>Recent, dated photographs of all native vegetation proposed to be removed, the location of which should be clearly linked to the relevant site plan. Only a few photo's of the general landscape of the site, showing typical understory/ground cover and some scattered trees are provided in the application documentation. This is not sufficient to meet the application requirements of this clause. Each tree proposed to be removed must be clearly identified in a photograph. Whilst it may be acceptable to show more than one tree in a photograph, each tree and tree number must be clearly identified so that it's location can be correlated with the relevant plans. The photographs also need to be of sufficient scale and clarity to enable the health and presence of key habitat features to be seen.</i>	<p>Details of the trees to be removed (including photographs) are provided in Appendix F, Attachment D, to the Flora and Fauna Assessment.</p> <div style="border: 2px solid red; padding: 10px; text-align: center; margin: 10px 0;"> <p>This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright</p> </div>
6	<i>Demonstration of a more comprehensive and strategic approach to and consideration of options to avoid the losses of native vegetation and biodiversity values on site, and a design layout that better responds to the need to avoid native vegetation, including large trees. The key priority and purpose of this clause and the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), is the need to avoid losses of native vegetation. (Refer to previous comments about using design to avoid biodiversity loss). Efforts to avoid the</i>	<p>Details of the comprehensive and strategic approach to avoid the loss of native vegetation and biodiversity values on site is provided in Section 4 of the Flora and Fauna Assessment. Refer to the following:</p> <ul style="list-style-type: none"> • Landscape Connectivity Assessment 'The Role Trees in Facilitating Landscape Connectivity – A Spatial Analysis for Solar Farm Design' (AECOM, 2021) (Appendix G of the Flora and Fauna Assessment). • Tree habitat value assessment (Sections 2.2.3, 3.2.3 and Appendix D of the Flora and Fauna Assessment).

Request for Information		Response Summary
	<i>removal of native vegetation and impacts on biodiversity values needs to include consideration of the following.</i>	<ul style="list-style-type: none"> The avoid minimise statement (Item 5 of Appendix F to the Flora and Fauna Assessment).
a	<i>Strategic level planning - any regional or landscape scale strategic planning process that the site has been subject to that avoided and minimised impacts on native vegetation across a region or landscape (this includes considerations and planning decisions prior to land purchase/selection).</i>	Refer to the avoid minimise statement (Item 5 of Appendix F to the Flora and Fauna Assessment). A comparison of the tree loss information across the bioregion has been provided.
b	<p><i>Site level planning - how the proposed use or development has been sited or designed to avoid and minimise impacts on native vegetation (this also includes considerations made at pre-purchase/site selection stage). All options to avoid native vegetation need to be considered, including any technical or engineering options available that would enable all or more scattered trees to be retained within the design without over-shadowing issues</i></p> <div style="border: 2px solid red; padding: 10px; margin: 10px 0;"> <p style="text-align: center; color: red; font-weight: bold;">This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright</p> </div>	<p>Refer to Section 4 of the Flora and Fauna Assessment and the avoid and minimise statement (Item 5 of Appendix F to the Flora and Fauna Assessment).</p> <p>Site level planning and the Concept Plan refinement process undertaken to avoid and minimise impacts on native vegetation is detailed. Also refer to:</p> <ul style="list-style-type: none"> Landscape Connectivity Assessment 'The Role Trees in Facilitating Landscape Connectivity – A Spatial Analysis for Solar Farm Design' (AECOM, 2021) (refer to Appendix G of the Flora and Fauna Assessment). <ul style="list-style-type: none"> This analysis was completed to inform site level planning. This included a tree proximity analysis and consideration of the SBV of native vegetation within the study area Tree habitat value assessment (Sections 2.2.3, 3.2.3 of the Flora and Fauna Assessment and Appendix D of the Flora and Fauna Assessment). <ul style="list-style-type: none"> This was undertaken in collaboration with project engineers and the applicant to further prioritise tree retention within the project area. This resulted in the reduction of tree removal from 43 trees to 28 trees (26 large and two small scattered trees). Justification for tree removal from a technical and engineering perspective is provided in Appendix D of the Flora and Fauna Assessment.
c	<i>That no feasible opportunities exist to further avoid and minimise impacts on native vegetation without undermining the key objectives of the proposal (refer to previous discussion about the use of design, including bypass diodes to reduce native vegetation losses)</i>	<p>Refer to the avoid minimise statement (Item 5 of Appendix F to the Flora and Fauna Assessment).</p> <p>The project has demonstrated the approach to avoid and minimise impacts to native vegetation and no further opportunities exist to reduce native vegetation losses.</p>

Request for Information		Response Summary
7	<p><i>Details of how the proposal, or revised proposal, addresses the need to focus efforts to avoid losses of native vegetation, on vegetation with higher values, eg. large trees, remaining trees in generally cleared landscape, endangered EVCs, modelled habitat for numerous rare/threatened species. This needs to include clarification/explanation of the specific reasons why particular areas are proposed to be retained on site, in particular the area in the north east that is identified for retention. The current application documentation suggests the area in the north east is not of particularly high value or quality compared to the remainder of the site. The habitat condition scores are relatively low and the Strategic Biodiversity Value scores are also not in the high category. It is unclear on what basis this area has been identified to be retained or whether the decision has prioritised high value vegetation. It is also queried whether the same emphasis on areas where native grasses may be present, has also been applied to the remainder of the subject land. These decisions need to be clarified as part of the application.</i></p>	<p>Refer to the avoid minimise statement (Item 5 of Appendix F to the Flora and Fauna Assessment). The revised proposal has addressed the requirement to avoid losses of native vegetation and vegetation with higher values via the following actions:</p> <ul style="list-style-type: none"> • A Literature Review (Appendix G of the Flora and Fauna Assessment) was completed during the early stages of the design of the Project to inform tree retention. The report set targets to retain all Category 1 trees (Large Trees in Patches or 'patch vegetation'), Category 2 trees and 30% of Category 3 trees. The Project has achieved these targets. • All patches of native vegetation within the project area have been retained. Patches of native vegetation meet the FFG Act Temperate Woodland Bird Community, Thus, there will be no loss of a threatened community. • All trees to be removed have a moderate SBV score with the exception of one tree which could not be retained due to engineering constraints. • Tree losses have been further reduced from Revision G (43 trees) to the current revision (28 trees – 26 large and 2 small scattered trees). Trees to be removed were subject to a tree habitat value survey to further reduce the loss of trees with important habitat value for fauna. Tree removals will result in the loss of 7 high-value trees, 18 medium value trees and three low value trees. Of the large trees lost, high habitat value trees contained the highest number of habitat features (5-17 hollows), followed by medium habitat value trees (1-4 hollows). Of note, 12 medium value trees contained <1 hollow feature. • Large Patch of Plains Woodland (HZ14) avoided • Two areas identified as potential habitat for Striped Legless Lizard have been avoided
8	<p><i>As part of a revised offset statement, a clear commitment by the proponent that compliant third-party native vegetation offset credits will be purchased via the Victorian Native Vegetation Credit Register, and ideally a valid quote for such a compliant offset. Whilst it is understood that several compliant options are available via the credit register (as shown in the submitted offset credit search results), an actual quote for purchase of these credits</i></p>	<p>An updated Native Vegetation Credit Register Report is attached (Appendix D of the Flora and Fauna Assessment).</p> <p>An offset quote has been obtained from a broker and is included at Attachment B (offset statement) of Appendix F of the Flora and Fauna Assessment).</p>

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Request for Information		Response Summary
	<i>gives a clear indication that the full cost of achieving the required offsets is understood and accepted by the proponent.</i>	
9	<i>Further consideration and assessment of impacts/potential for impacts on the following threatened species (Note this is also of particular relevance to Clause 12.01 and 21.03-1).</i>	The Flora and Fauna Assessment (refer to Appendix C, Attachment C) has been updated to include further consideration of impacts/potential impacts of threatened species as described below.
	<p><i>Lathamus discolor (Swift Parrot)</i></p> <ul style="list-style-type: none"> <i>The assessment of habitat impacts on Swift Parrot documented in the</i> <i>ecological report is underestimated.</i> <i>The area forms part of the core range and migratory passage of Swift Parrot and is close to a known significant Swift Parrot aggregation site.</i> <i>Impacts of the habitat loss (loss of large old scattered Grey Box) should be elevated and considered further as part of the risk assessment, given this species is EPBC listed, Critically Endangered.</i> 	The Flora and Fauna Assessment has been updated to include information on resources for threatened birds (Swift Parrot, Regent Honeyeater and Painted Honeyeater). Refer to Section 3.2.3 of the Flora and Fauna Assessment.
a	<p><i>Delma impar (Striped Legless Lizard).</i></p> <ul style="list-style-type: none"> <i>Further consideration of Striped Legless Lizard is recommended as part of the ecological risk assessment for this proposal.</i> <i>There is a reasonable likelihood that Striped Legless Lizard may occur in low densities within the footprint of the proposed solar farm development. This is based on information, advice and consultation with local species experts.</i> <i>Threats to Striped Legless Lizard from the proposed solar farm development are likely to occur wherever there is disturbance of top-soil/ground layer- including earthworks, roading, construction, drainage and machinery/vehicle access.</i> 	<p>The Flora and Fauna Assessment has been updated to include the Striped Legless Lizard habitat survey results and analysis of historical Striped Legless Lizard records in relation to topography, geology, soils and hydrology (Section 2.2.4, 3.3.1.2 and Appendix H of the Flora and Fauna Assessment).</p> <div style="border: 2px solid red; padding: 10px; text-align: center; margin-top: 20px;"> <p>This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright</p> </div>

Request for Information		Response Summary
	<ul style="list-style-type: none"> • A specific concern is the potential impact of ground boring/trenching associated with the installation of the upright structures supporting each solar panel. These impacts occur at discreet points every few metres across the proposed panelling footprint. Cumulative degradation and disturbance to ground layer and fossorial fauna habitats are expected to occur. • Little is known about the potential impacts of solar panels and the effects of prolonged shading and alteration of thermal microhabitat for grassland fauna. Being a diurnal ectotherm, it is considered reasonable to accept some level of negative impacts on Striped Legless Lizard if present from broad-scale installation of permanent shading structures. • As part of collecting further information, targeted surveys or on-ground habitat assessment by an appropriately qualified species expert may be worth considering to further determine the level of risk 	<div style="border: 2px solid red; padding: 10px; text-align: center;"> <p>This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright</p> </div>
10	Further, more comprehensive details of how the proposal considers and addresses the objectives, requirements and decision guidelines of this clause, in particular how it implements the Solar Energy Facilities Design and Development Guideline (DELWP, August 2019).	Clause 53.13 has been addressed in Section 6.8.6 of the Planning Report included at Attachment C .
Environmental and Construction Management Plan		
11	Address the Application Requirements of this clause, including a site environmental/construction environmental management plan, in accordance with the application requirements at Clause 53.13. This plan needs to include (but not necessarily be limited to) the following.	<p>A Preliminary Environmental Management Plan has been prepared and is included at Attachment C, Appendix T.</p> <p>A Site Environmental/Construction Environmental Management Plan will be prepared once approval for the project has been sought.</p>
a	Identification and location of measures to be implemented to protect native vegetation to be retained on site during and post construction works, and the person/s responsible for implementation and compliance. These measures must	The Site Environmental/Construction Environmental Management Plan will include a Tree Protection Plan compliant with AS 4970-2009 Protection of Trees on Development Sites.

Request for Information		Response Summary
	<p>include the erection of a native vegetation protection fence around all native vegetation to be retained and must include the tree protection zones of all native trees to be retained. Note that tree protection zones must comply with AS 4970-2009 Protection of Trees on Development Sites.</p>	<p>A Construction and Operation Wildlife Management Plan will also be prepared once approval for the project has been sought.</p>
b	<p>A site/design plan that clearly shows all proposed development/works areas and details of measures to be implemented to protect vegetation to be retained on site. The plan must be drawn to an appropriate scale, with dimensions, over aerial photography and must include (at least):</p> <p>the location and exact extent of the panel installations and clear identification of any differences in panel types;</p> <ul style="list-style-type: none"> • the location and exact extent of all associated infrastructure; • the location and alignment of all other structures proposed on site, including inverters, transformers, substation, office buildings, parking, water storage facility, equipment/material storage and set-down sites (as relevant); • clear identification of all access/egress points to the site/s and within the site; • location and alignment of all utility services to be provided for the site; • the location and areas of all native vegetation on site and on adjoining land that is proposed to be removed; • the location and areas of all native vegetation on site and on adjoining land that is to be retained, this must include all patches of vegetation, scattered trees and associated tree protection zones that are to be retained on site and adjoining roadsides; • the location of and measures to be implemented to protect any waterways/ drainage lines on site; and 	

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Request for Information		Response Summary
	<ul style="list-style-type: none"> the location of any rehabilitation/revegetation works to be completed as part of the proposed development, ie buffers, retained vegetation areas, perimeters. 	
c	Any perimeter/buffer area revegetation proposed and details of rehabilitation after decommissioning of the facility. Any revegetation to be conducted on site must use indigenous species appropriate to the ecological vegetation class of the site.	
d	A wildlife recovery, protection and relocation plan including full details of how any fauna species found on site will be protected, recovered from trees to be felled or post-fell and details for potential relocation of species. This must include appointment of a suitably qualified and experienced wildlife assessor and handler	

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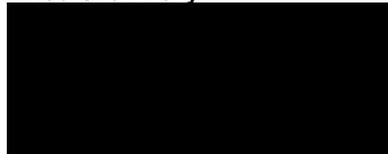
ADVERTISED PLAN

5.0 CONCLUSION

We trust that the further information provided in this letter and the enclosed documentation satisfies DELWP's request and that the application can now proceed to the notice and review process.

Should you require any additional information or would like to discuss any aspect of the application please do not hesitate to contact the undersigned.

Yours faithfully



Associate Director - Planning



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Attachment A – Application Form

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Attachment B – Title Documents

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Attachment C – Planning Report

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