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25 November 2021

Our Ref: 20037, Rev. 1

## ADVERTISED PLAN

Minister for Planning  
c/- Sam Mason  
Acting Manager, Renewable Team  
Dept. Environment, Land, Water & Planning

Dear Sam,

### Application to Amend Planning Permit PA1900722 35 Ervins Road, Nhill (formerly 239 Nhill-Harrow Road, Nhill)

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This application is prepared on behalf of **Vibe Energy Pty. Ltd.**, as the current permit holder – referred to herein as “the applicant”. This application is submitted subsequent to the previous approval of the facility via Planning Permit PA1900722 – issued by the Minister for Planning on 25/6/2020.

The applicant now seeks to amend the approved permit to allow the reconfiguration of the solar panel arrays within the approved solar energy facility. As part of this reconfiguration, this amendment also seeks a change to the original permit conditions as it now seeks removal of one (1) dead tree under Clause 52.17 *in addition to* the grass within the road reserve approved under PA1900722.

Further, with the changes to the CFA’s “Guidelines for Renewable Energy Installations” in March of this year, there have been some revisions to the internal layout of the facility. In particular, the provisions of Section 6.5 for Micro Solar Farms, which provide for a single point of access, the removal of the requirement for 6-metre-array-separation, and requirements for an all-weather perimeter road.

Accordingly, we hereby apply to amend **Planning Permit PA1900722** via Section 72 of the Planning and Environment Act.

As part of the pre-application process, the applicant has obtained specialist assessments of the proposed changes to demonstrate that the reconfiguration of the facility would not unduly impact any nearby sensitive land uses. Consequently, the following plans and documents are submitted in support of this application, and for endorsement with amended permit:

- **Revised Proposal Plans**
- **Updated Glint and Glare Assessment** (Appendix A)
- **Updated Acoustic Report** (Appendix B)
- **NVR Report** (Appendix C)
- **Confirmation Available Offsets** (Appendix D)

It should be noted that **the proposed changes do not increase the overall footprint of the approved facility**, which retains the same location and dimensions originally approved by the Minister. Upon acknowledgement of application receipt, our client will make arrangement for payment of the prescribed application fee.

### Proposed Changes

This application now seeks approval to alter the internal configuration of the approved solar energy facility. The full extent of changes is listed below:

- General realignment of the solar panels array:

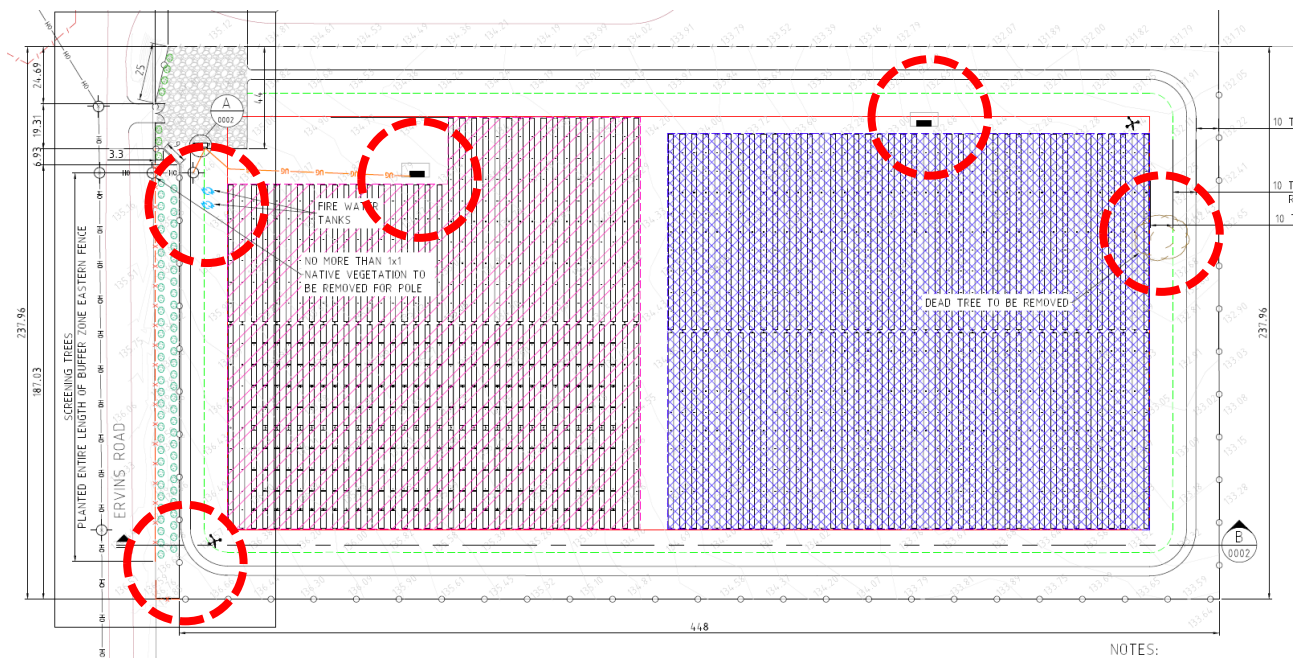
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- Axis of arrays to be relocated from east-west to north-south
  - Decrease to the number of solar panels from 15184 to 10973 panels due to larger panel wattage and single axis tracking system
- Removal of southern access/crossover to Ervins Road.
- Removal of 4m-wide formed perimeter track.
  - Informal vehicle tracks within the 10m perimeter firebreak to be retained.
- Relocation of both inverters to the northern side of the facility
- Provision of a two (2) permanent 22,500 litre water tanks:
  - One (1) for a static water supply for firefighting purposes
  - One (1) tank for irrigation purposes for proposed landscaping



PLAN VIEW - SOLAR ARRAYS  
SCALE: 1:2000  
PROPOSED NEW BOUNDARY REFER H013819  
PLAN OF PROPOSED SUBDIVISION SHOWING EXISTING FEATURES



## Proposed Site Plan

Key changes outlined in red circles (excluding solar array realignment)

## New Permit Triggers as a Result of the Proposed Amendment

The original planning permit was required pursuant to the below provisions of the Hindmarsh Planning Scheme:

- To **Subdivide** land in:
  - Farming Zone (35.07-3)
  - Environmental Significance Overlay (42.01-2)
- To **Use** land for a Section 2 Use (Solar Energy Facility and the associated Utility Installations) in the Farming Zone (35.07-1)
- To undertake **Building and Works**:
  - ... associated with a Section 2 Use in the Farming Zone (35.07-4)
  - ... including earthworks in the Environmental Significance Overlay 5 & 6 (42.01-2)
- To **remove, destroy or lop native vegetation**, including dead native vegetation (52.17-7)

**There are no new permit triggers introduced as a result of the proposed amendment**, as "removal of native vegetation" is allowed by PA1900722. The only meaningful introduction is that one (1) dead tree must now be offset pursuant to the native vegetation removal guidelines.

As the land has already been subdivided and title issued in accordance with the permit, **the subdivision element can be removed from the permit preamble** – as it is now redundant.

## Glint and Glare Assessment

Undertaken by Environmental Ethos, this assessment has considered the potential impact of the amended facility on nearby receptors within a 2km radius of the facility.

There would be **no glare on any nearby dwellings, nor any other sensitive receptors** as a result of the proposed tracking arrays. This includes any nearby roads, railways and the Raywood airport to the east of the site – as required by DELWP's *Solar Energy Facility Design and Development Guidelines*.

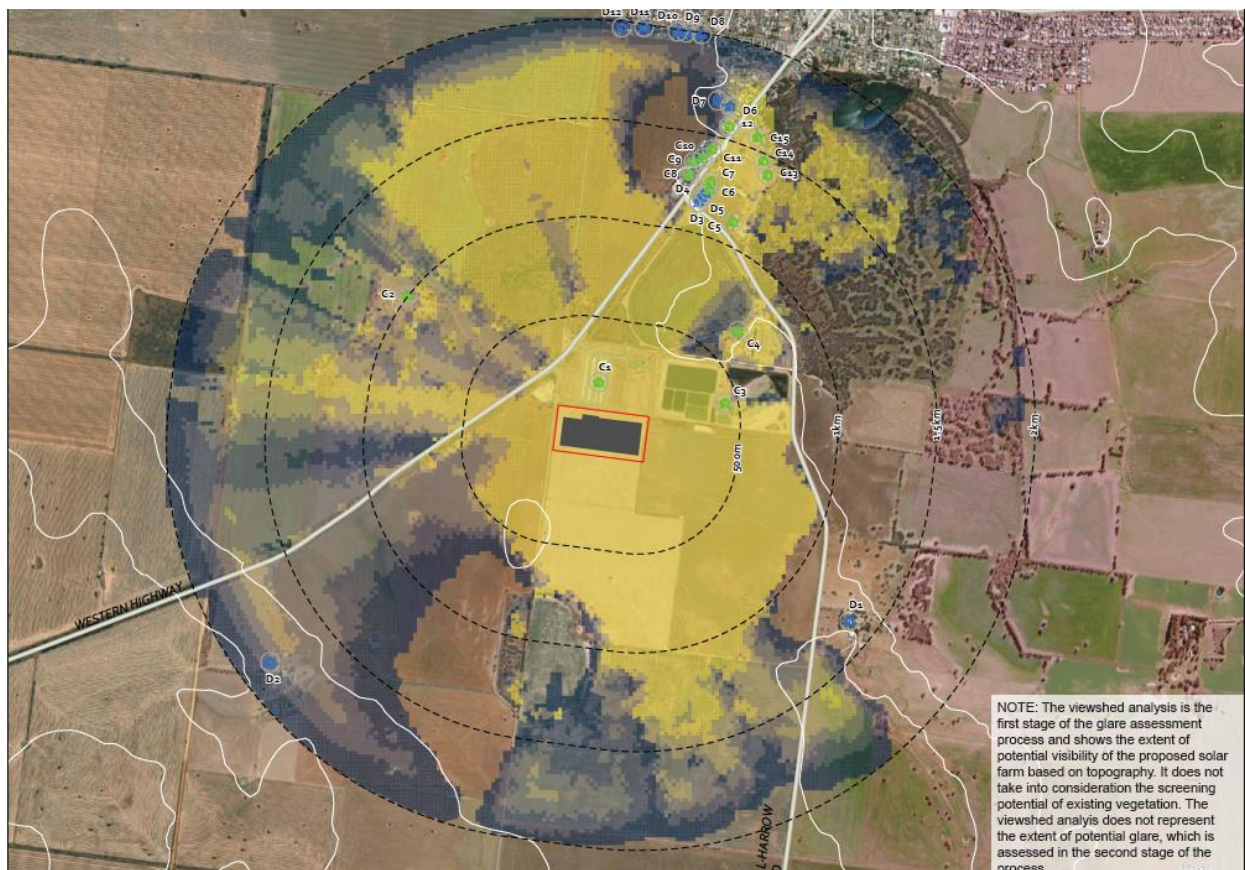


Table 2. SGHAT Assessment Results – Horizontal Single Axis Tracking System (Resting angle 60 degrees)

Sensitive Receptor	Glare Potential
Observation Points Rural and Residential Dwellings D1 to D12	No Glare
Observation Points Commercial and recreational properties – C1 to C15	No Glare
Western Highway	No Glare
Nhill-Harrow Road	No Glare
McKenzie Avenue	No Glare
Nhill Trailer Exchange	No Glare
Ervins Road	No Glare
Flight Path 1 – Nhill Airport Asphalt Runway (east)	No Glare
Flight Path 2 – Nhill Airport Asphalt Runway (west)	No Glare
Flight Path 3 – Nhill Airport Grass Runway (south)	No Glare
Flight Path 4 – Nhill Airport Grass Runway (north)	No Glare

Table 3. SGHAT Assessment Results – Resting Angle Analysis of 45 and 5 degrees

Sensitive Receptor	Resting Angle 45 degrees *- Glare Potential	Stowing Angle 5 degrees **- Glare Potential
Observation Points Rural and Residential Dwellings D1 to D12	No Glare	No Glare
Observation Points Commercial and recreational properties – C1 to C15	No Glare	No Glare
Western Highway	No Glare	No Glare
Nhill-Harrow Road	No Glare	No Glare
McKenzie Avenue	No Glare	No Glare
Nhill Trailer Exchange	No Glare	No Glare
Ervins Road	No Glare	No Glare
Flight Path 1 – Nhill Airport Asphalt Runway (east)	No Glare	No Glare
Flight Path 2 – Nhill Airport Asphalt Runway (west)	No Glare	No Glare
Flight Path 3 – Nhill Airport Grass Runway (south)	No Glare	No Glare
Flight Path 4 – Nhill Airport Grass Runway (north)	No Glare	No Glare

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## Acoustic Assessment

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An amended acoustic assessment of the proposed amendment was undertaken by Resonate to assess the potential noise impacts on the surrounding area against the standards of the EPA's Noise Protocol, which concluded:

*“Resonate has undertaken a peer review of the noise impact assessment submitted as part of the Vibe Energy town planning application for the proposed Solar Farm at Nhill.*

*We note that the assessment requires some modification of the Noise Protocol recommended maximum noise levels as well as requiring consideration of additional receptors within the GRZ. However, we note that these changes would not alter the conclusion of compliance with the Noise Protocol recommended maximum noise levels even considering the conservative prediction methodology in the report.*

*Resonate has undertaken a more detailed and accurate noise impact assessment for the proposed development site. The results of this assessment demonstrates that **noise levels from the inverters and tracker motors for proposed solar farm met the Noise Protocol limits, including consideration of potential cumulative compliance for multiple sites within the area according to EPA Victoria Environmental Protection Regulations (2021)**” (emphasis added)*

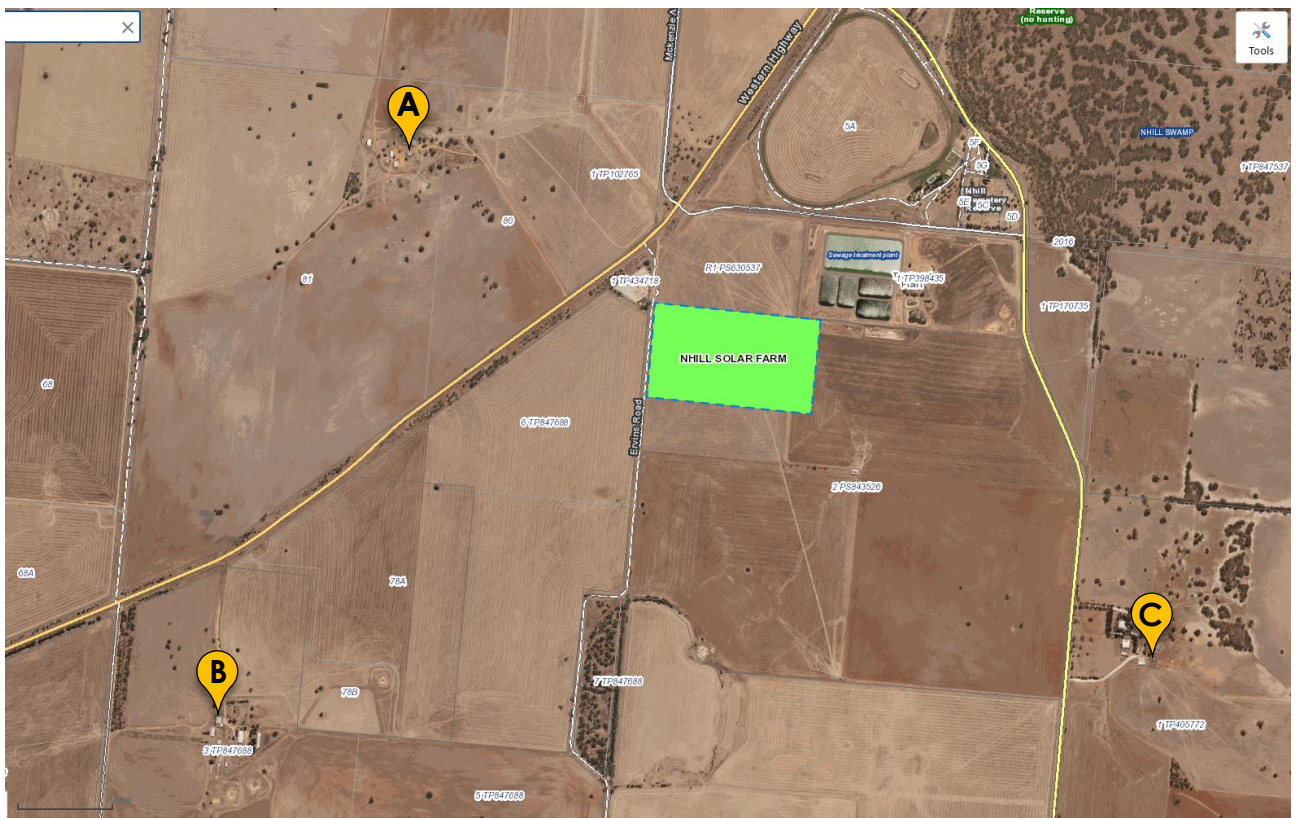


Table 5 Predicted noise levels at receptors

Receiver	Predicted sound pressure level, dB(A)	Noise Protocol night-time limits, dB(A)
House A*	14	32
House B*	7	32
House C*	11	32
Fritsh Street receptor	15	34

\*As referenced in the Planning Report to avoid confusion

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## Native Vegetation

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The original planning permit obtained approval for the removal of approximately 1sqm of native grasses within the adjacent road reserve. Due to the incredibly minor biodiversity impacts of this vegetation removal, there was no requirement for the vegetation to be offset.

**This application now seeks the removal of one (1) large, dead scattered tree with a circumference of 308cm** along the eastern edge of the facility, and the subsequent offset to reflect the loss of this tree.

Pursuant to Clause 52.17-1, we hereby seek planning approval for the removal of native vegetation for this tree, as illustrated in the below figures.



**Dead tree to be removed**

With diameter of 308cm at breast height

Pursuant to the Clause 52.17-2 Application Requirements, all planning permit applications that propose remove, destroy or lop native vegetation must comply with the application requirements specified in the “Guidelines for the removal, destruction or lopping of native vegetation” (the ‘Guidelines’).

In accordance with the Guidelines, this application hereby outlines the three-step approach to vegetation removal, which sets out that planning should:

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.

The facility itself is located on land that is currently agricultural land, and therefore contains limited biodiversity and largely avoids the requirement for extensive vegetation removal – the only exception

to this is the native grass that will be lost for the installation of the power pole and the tree that forms the focus of this application under 52.17. The facility has been designed in accordance with the relevant guidelines for solar energy facility by DELWP and the former CFA (now FRV).

In particular, the facility has been designed to including landscaping along the active frontages to the public realm, static water supply, storage areas and firebreaks that have pushed the facility eastward – which has ultimately rendered the tree’s retention unviable.

As vegetation removal is unavoidable, the proposal has ensured that loss of native vegetation has been minimised to the fullest extent to preserve the greatest level of biodiversity. This loss of vegetation is the absolute minimum that can be achieved whilst still providing functional operation of the solar arrays.



**Dead tree to be removed**  
Close up of trunk

Pursuant to the application requirements of Clause 52.17, an assessment has been undertaken through the DELWP Native Vegetation Information Management system online, which determined that the proposed removal of one (1) large tree can be undertaken through the intermediate assessment pathway – **Appendix C – NVR Report** – and would require an offset with a biodiversity score 0.014 general habitat units.

Further, a quote for this offset has been sought from a vegetation broker, Vegetation Link, which also demonstrates that these offsets are available for purchase. This quote is provided as **Appendix D** to this submission.

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## Conclusion

Based on the information submitted, the proposed changes represent an appropriate planning outcome as it:

- Represents a refinement of the approved facility and would not unduly impact the surrounding area or neighbouring properties.
- Would not represent an inappropriate loss of vegetation
- Would provide for a solar energy facility in accordance with the CFA Renewable Energy Facility Guidelines, March 2021

If you require any further information in this matter, please do not hesitate to contact our office.

Yours sincerely,



**Duncan Lewis**

Town Planner

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