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Use and Development of a Solar Energy Facility

910 Princes Highway, Bairnsdale

JUNE 2023

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1. Introduction

This report has been prepared by Habitat Planning on behalf of BE Pro BD Pty Ltd in support of a planning permit application for the use and development of a renewable energy facility and battery storage facility, utility installation and the removal of native vegetation at 910 Princes Highway Bairnsdale.

The subject land is zoned Farming Zone (“FZ1”) pursuant to the East Gippsland Planning Scheme (“the planning scheme”) and is subject to the Design and Development Overlay – Schedule 7 (“DDO7”) and the Vegetation Protection Overlay – Schedule 1 (“VPO1”).

This report and accompanying information is provided in accordance with the requirements of the *Planning and Environment Act 1987* and the planning scheme. It provides a detailed description of the existing site and its context, an assessment against the relevant planning policies and matters for consideration within the planning scheme and other relevant documentation. This report is also accompanied by specialist technical reports as required.

The purpose of this report is to detail the proposed development and consider the proposal against the relevant matters for consideration and demonstrate the proposal is worthy of approval by Council.

1.1. Supporting Plans and Documentation

This application is accompanied by:

- Title information
- Development Site and Layout Plans, prepared by Bison Energy
- Acoustic Impact Assessment, prepared by Acoustic Dynamics
- Agricultural Impact Assessment Report, prepared by Meridian Agriculture
- Bushfire Management Statement, prepared by Nature Advisory
- Glint and Glare Assessment, prepared by Environmental Ethos
- Native Vegetation Assessment Report, prepared by Nature Advisory
- Traffic Impact Assessment, prepared by TrafficWorks
- Landscape Visual Impact Assessment, prepared by Yonder Studio
- Cultural Heritage Management Plan, prepared by Benchmark Heritage

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2. Site Analysis

2.1. Site Location and Context

The subject site ('the site') is formally described as Lot 1 in PS516537 and is located at 910 Princes Highway, Bairnsdale VIC 3875.

The site is located on the western fringe of Bairnsdale and fronts the main western access road to the city (Princes Highway) and is adjacent to the railway line. **Figure 1** below indicates the subject land in context to the urban area of Bairnsdale.

A copy of the certificate of title and title plan is attached within this application. There are no covenants or Section 173 agreements registered on the title; however, an electricity easement does traverse the southern boundary of the property for a depth of approximately 20 metres.

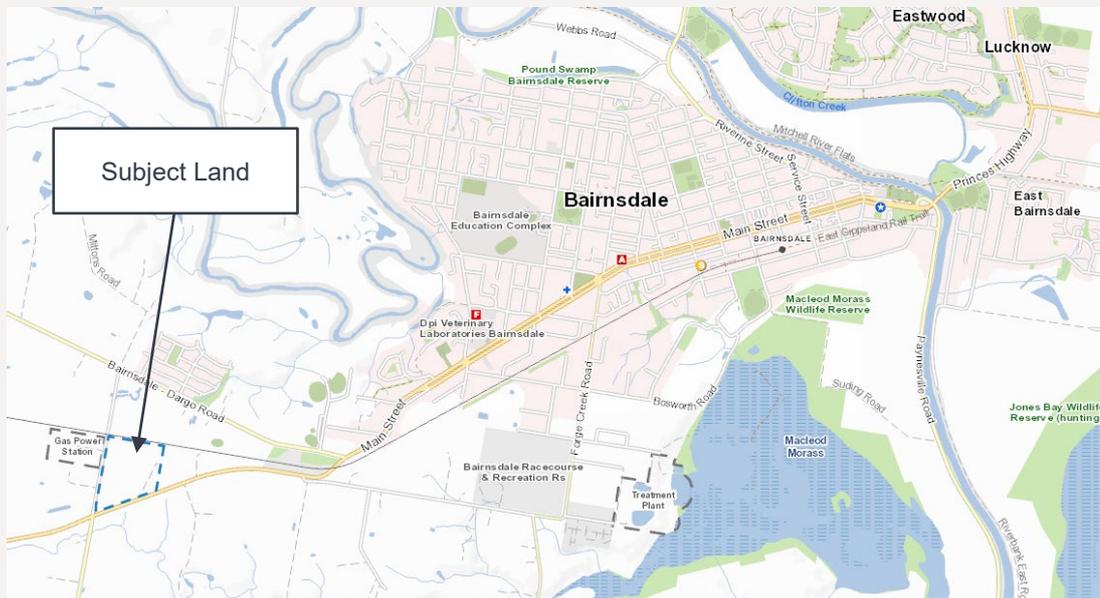


Figure 1 | Context Map (VicPlan 2023)

2.2. Site Description

The site is an irregular in shaped corner allotment with a primary frontage to the Princes Highway of 493 metres (approx.) a secondary frontage to Power Station Road of 539 metres (approx.) and comprises a total area of 20.8 hectares (approx.). The site also has a frontage to a rail reserve along its northern boundary of 878 metres.

Physical access to the site is currently provided via informal crossovers to the Princes Highway and Power Station Road leading to access gates.

The existing conditions of the property are illustrated by the image at **Figure 2** below.

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Figure 2 | Aerial view of site (NearMap, 2023)

2.3. Existing Conditions

The site is currently void of development, with the exception of a farm shed located toward the eastern boundary and a telecommunications tower located on the western boundary of the site. Vegetation on the site is limited and primarily concentrated along property boundaries and road frontages. The site presents generally flat topography and two dams are located in the southern third of the property.

The existing conditions of the property are illustrated by the images at **Figures 3-15** below.

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Figure 3 | Subject site looking south from north-west corner

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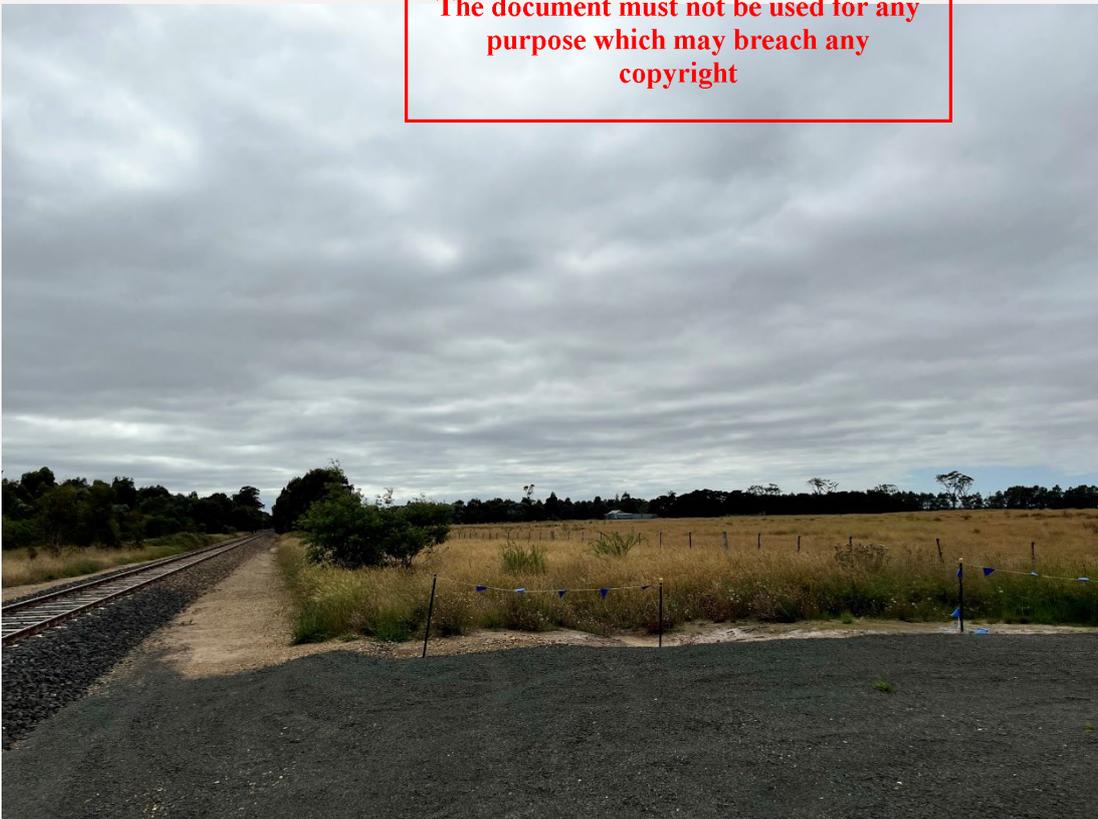


Figure 4 | Subject site looking east from north-west corner



Figure 5 | Subject site viewed from Power Station Road looking south-east, with telecommunications tower visible

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Figure 6 | View of existing telecommunications tower on western boundary of subject site, viewed from Power Station Road looking east

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Figure 7 | Existing native vegetation along western boundary

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Figure 8 | Existing site access from Power Station Road



Figure 9 | Subject site viewed from Power Station Road, looking east

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Figure 10 | Subject site viewed from Power Station Road, looking south-east

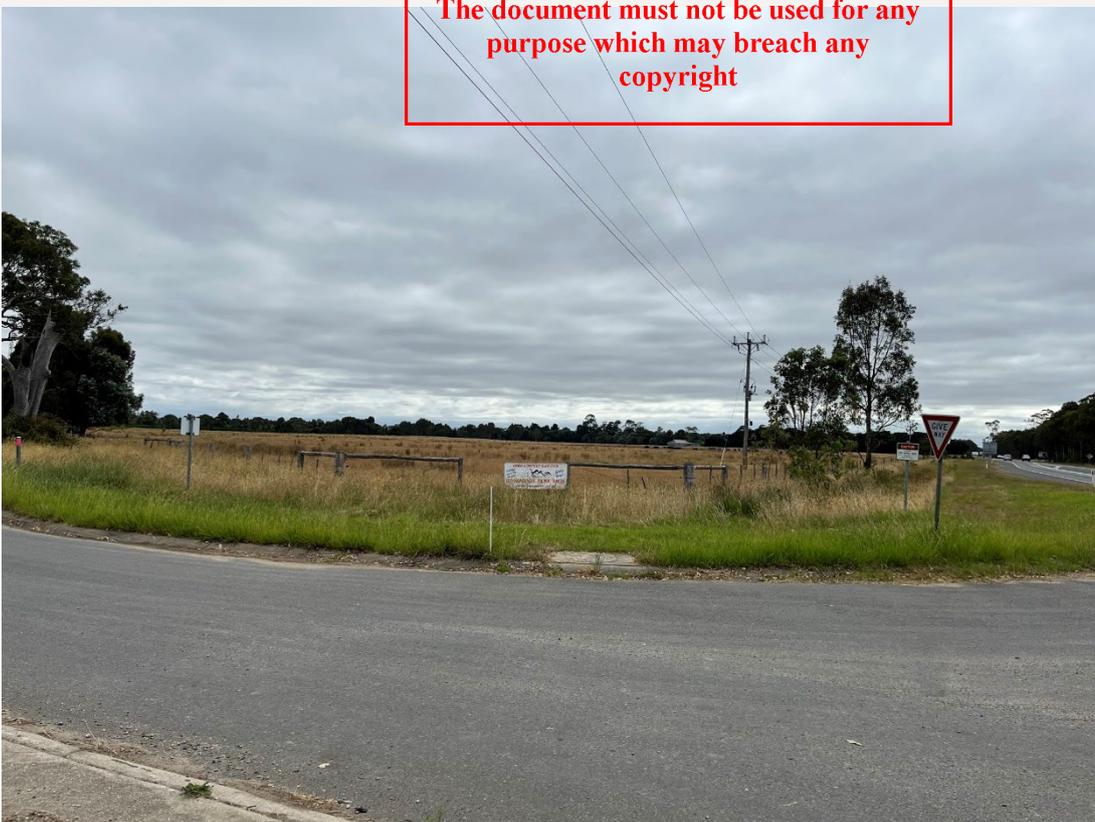


Figure 11 | Subject site looking east from south-western corner

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Figure 12 | Subject site looking north from south-western corner

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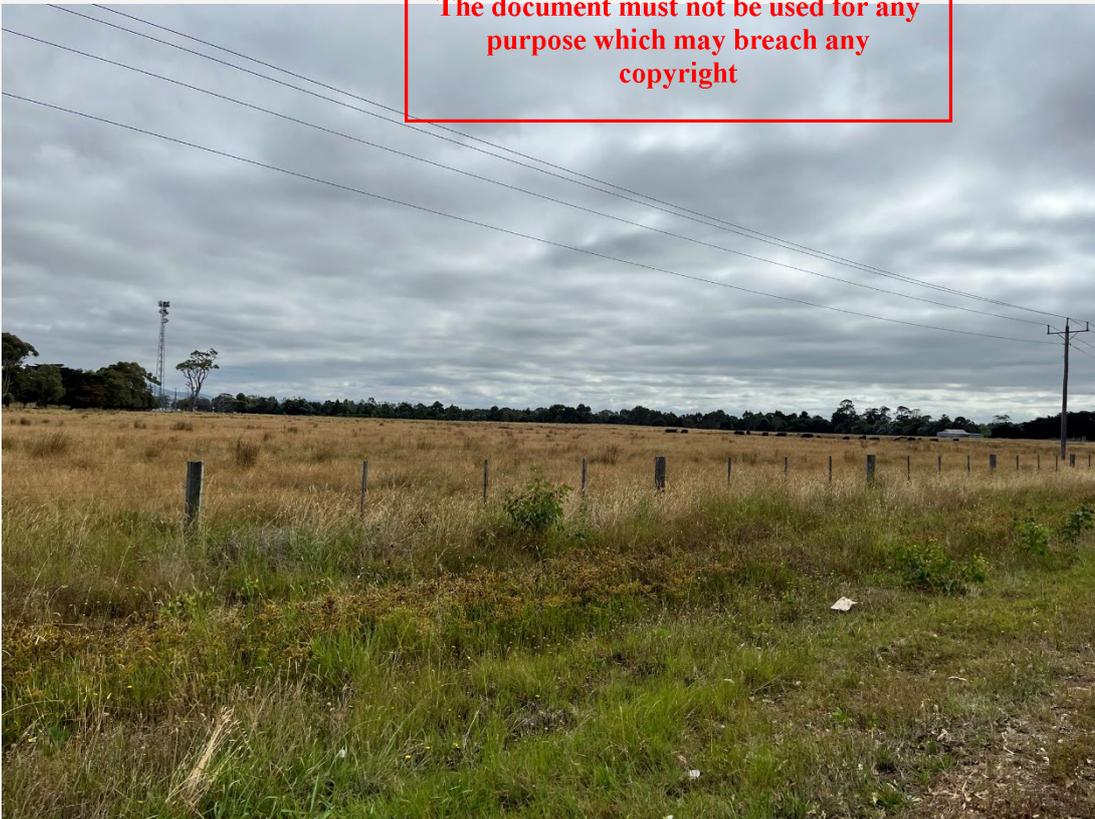


Figure 13 | Subject site looking north viewed from Princes Highway

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Figure 14 | Subject site looking north from south-eastern corner



Figure 15 | Subject site looking west from south-eastern corner

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2.4. Surrounding Development

The site is located within a rural context, attributable to its location at the western fringe of the Bairnsdale township and reflective of the underlying zoning of the area. Notwithstanding the rural context, the land use composition surrounding the site is eclectic and comprises a variety of uses.

Land to the north of the site is occupied rail reserve that serves at the primary rail connection to the Melbourne CBD. Further north land comprises rural tenements with modest agricultural activity as well as the Bairnsdale Christian College.

Land to the east of the site comprises a rural dwelling and land holding, accessed via Princes Highway. From a physical inspection of the surrounding area a demonstrable agricultural use of the land was not apparent and appeared to be managed land only.

To the south of the site, is the Princes Highway which is a state significant roadway comprising two lanes of vehicular traffic and located within the Transport 2 Zone (TR2Z). Beyond the Princes Highway land is similarly zoned for farming purposes and comprises a number of rural tenements. The Smith Creek traverses a number of properties located to the south of Princes Highway connecting to the Macleod Creek to the east.

To the west of the site is Power Station Road, a 30 metre road reserve providing a local north-south connection from the Princes Freeway in the south to the Bairnsdale Dargo Road in the north. Further west, across Power Station Road is Bairnsdale Power Station, substation and Parkside Timber Mill Bairnsdale. Beyond this, land predominantly comprises managed farmland.

Figures 16-30 provide photographs of the site and surrounding area

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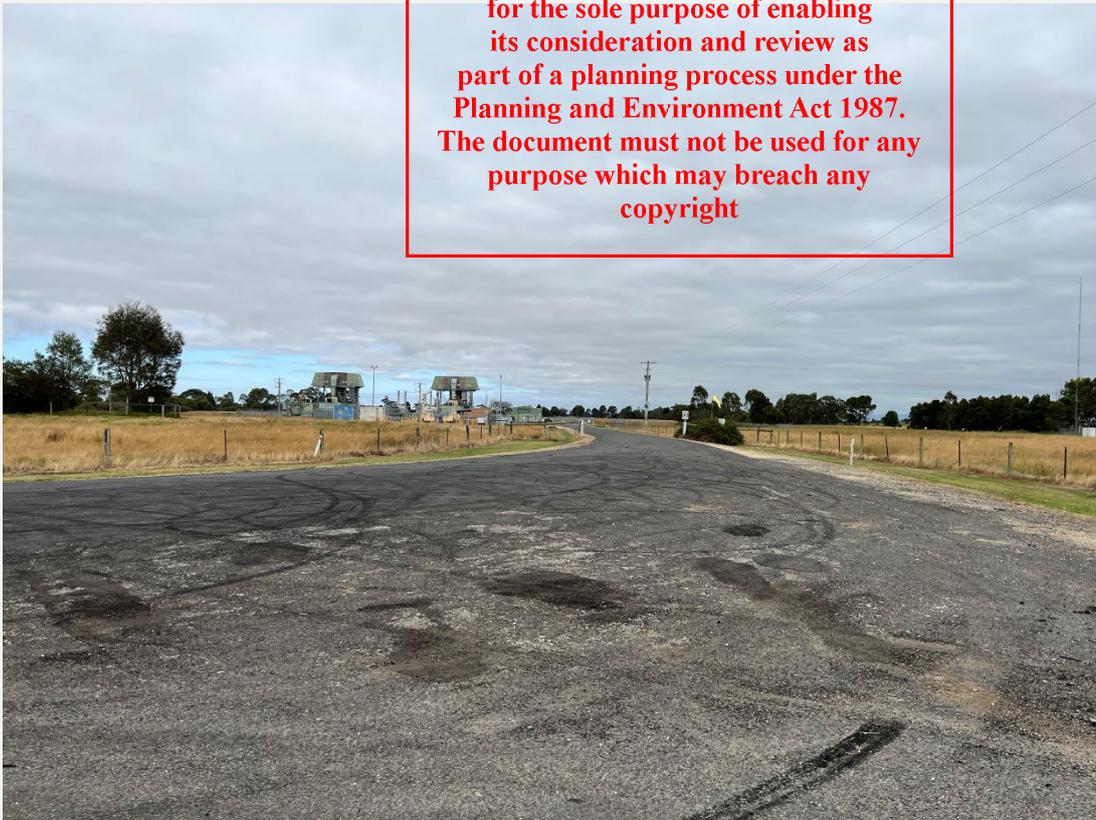


Figure 16 | Entry to Bairnsdale Power Station, looking west from Power Station Road

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Figure 17 | Power Station Road looking south from entry to power station

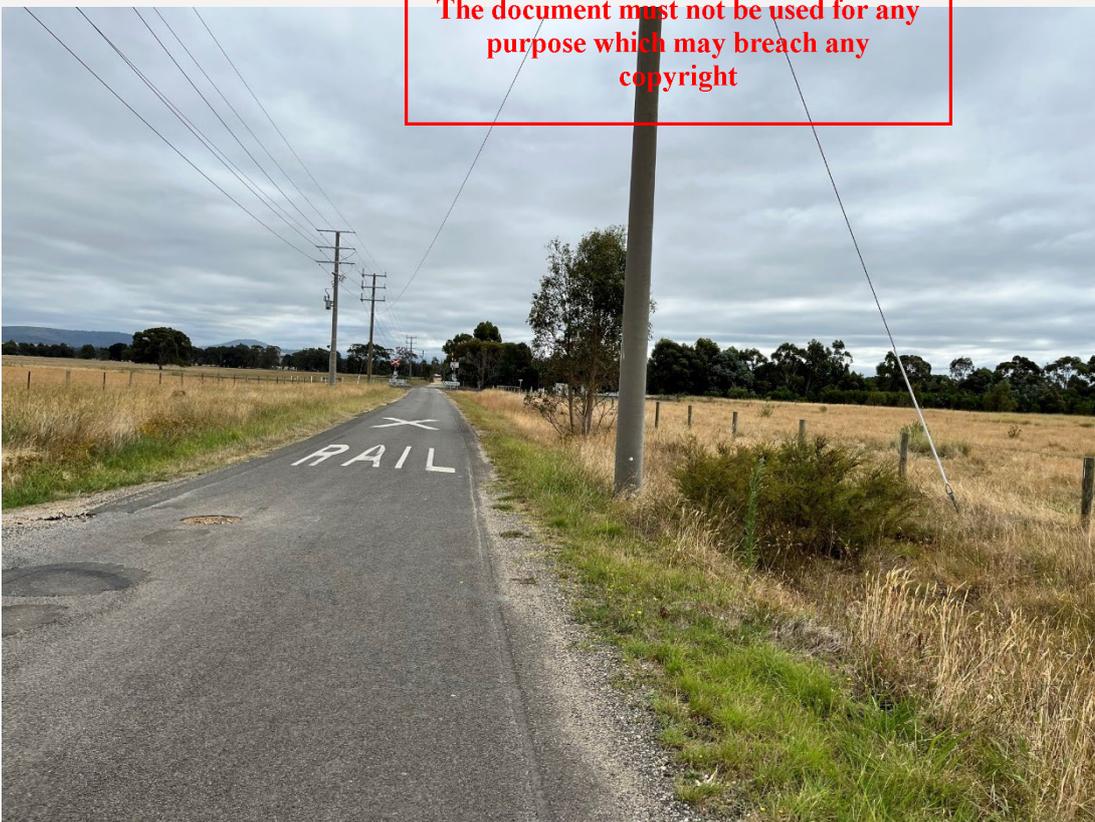
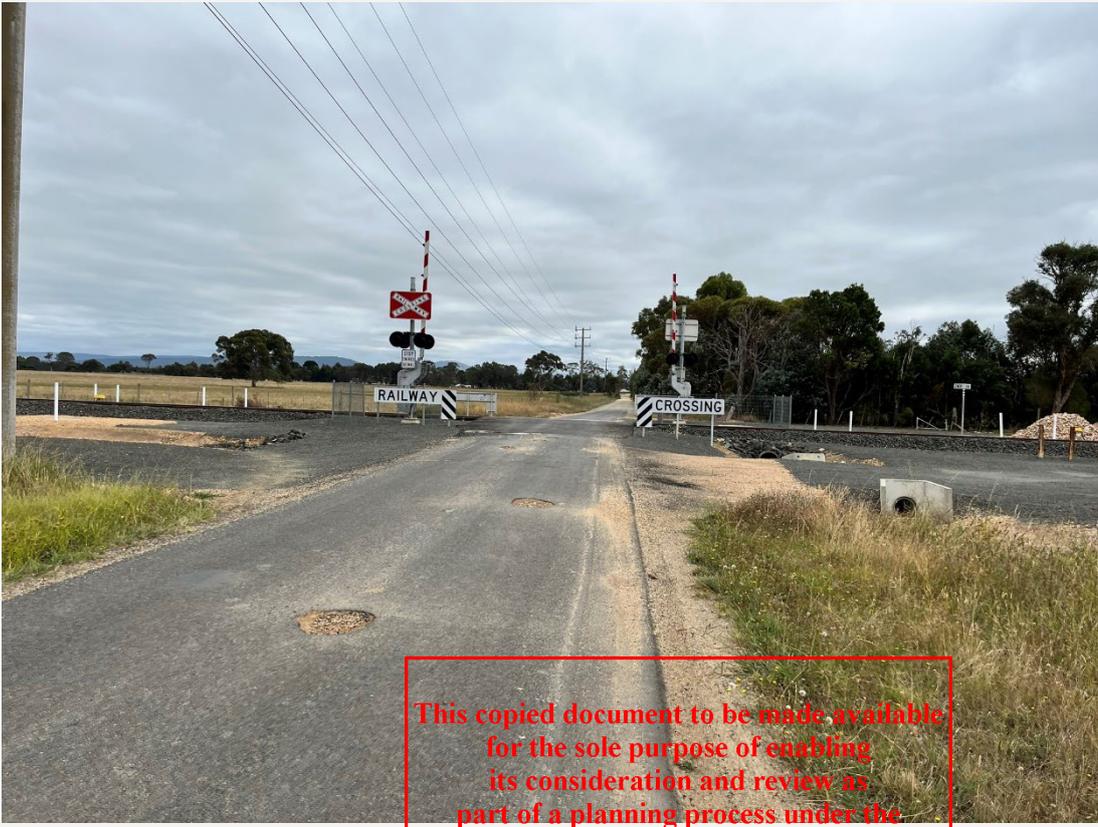


Figure 18 | Power Station Road looking north from entry to power station

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Figure 19 | Level crossing on Power Station Road



Figure 20 | Railway infrastructure at north-western corner of development site, looking north-east

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Figure 21 | Power Station Road looking south from north-west corner of subject site



Figure 22 | View of railway line from north-western corner of subject site looking north-east

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Figure 23 | View of railway line from north-west corner of subject site looking west

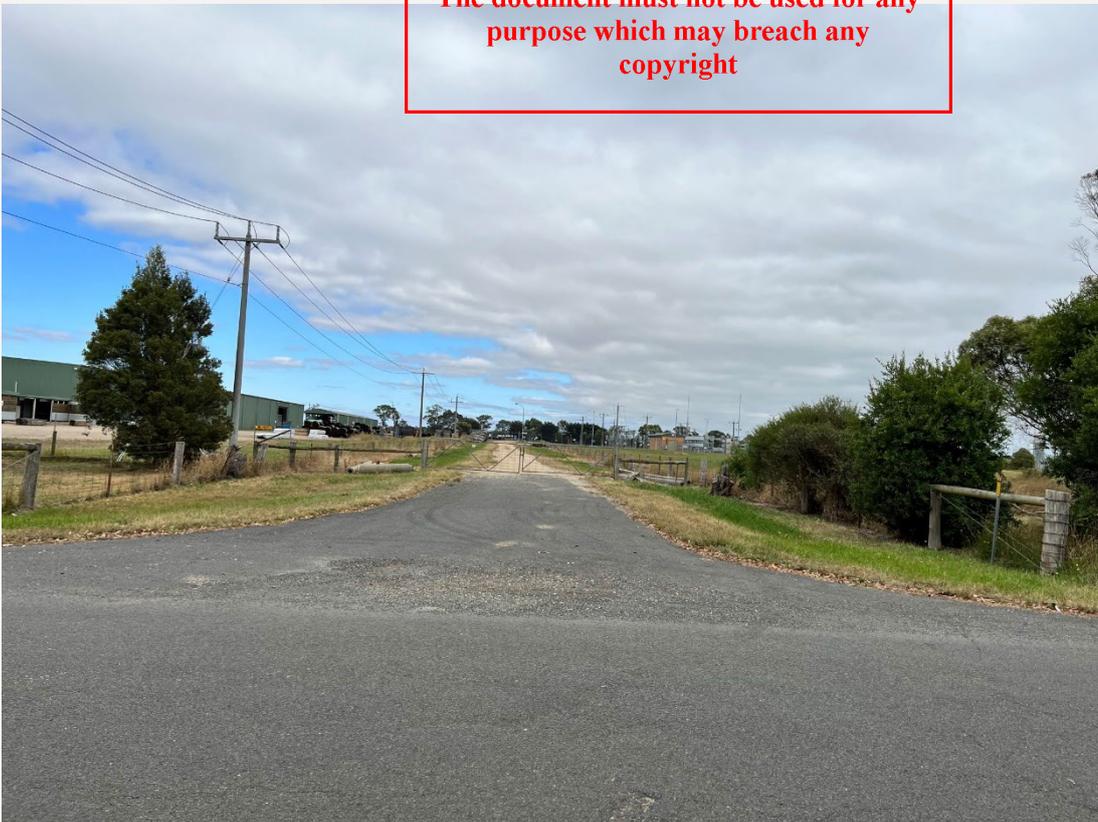


Figure 24 | View of entry to 25 Power Station Road, viewed from Power Station Road, looking west

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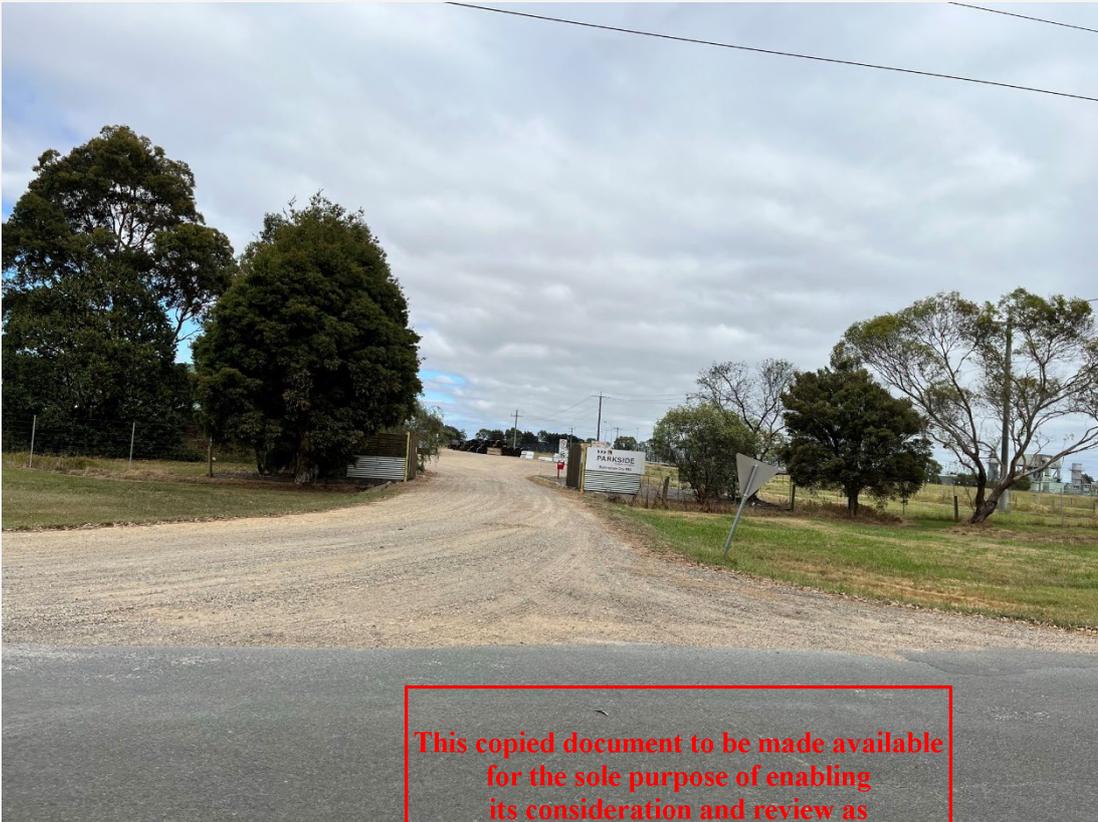


Figure 25 | View of northern entry to 15 Power Station Road, viewed from Power Station Road, looking west

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Figure 26 | View of southern entry to 15 Power Station Road, viewed from Power Station Road, looking west

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Figure 27 | View of intersection of Power Station Road and Princes Highway, looking south

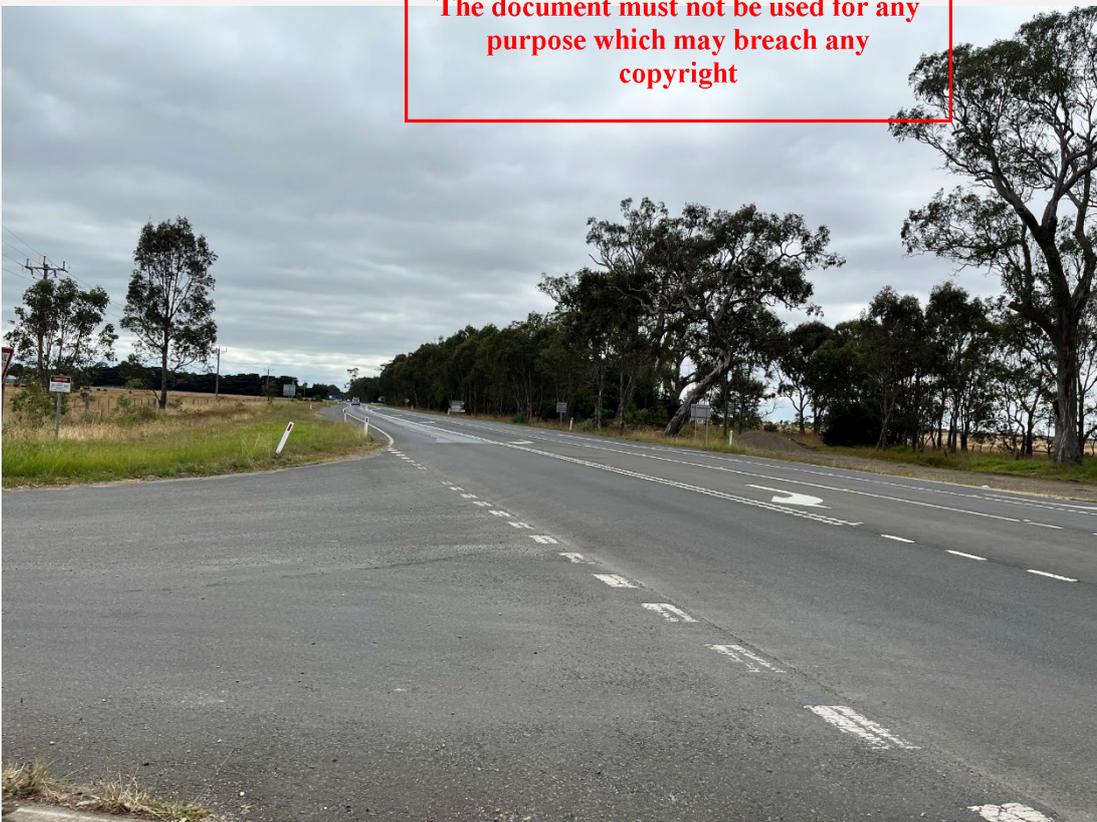


Figure 28 | View of Princes Highway, looking east from Power Station Road

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Figure 29 | View of intersection of Princes Highway and Bengworden Road, looking south from Power Station Road

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Figure 30 | View of property entry to 870 Princes Highway, viewed from Princes Highway looking north

3. Description of Proposal

3.1. Overview

The proposal seeks to use and develop the site for the purpose of a solar renewable energy facility with capacity of up to 50MW to generate renewable electricity and a Battery Energy Storage System (“BESS”). The facility is proposed to be connected into the 66kV electricity network via a new connection point across Power Station Road connecting directly into the Bairnsdale substation.

To establish the facility, the proposal also requires the removal of native vegetation from the site to allow for access and the placement of PV panels and associated infrastructure. Access to the site is proposed to be formalised from Power Station Road via the existing crossovers to the north and south of the vegetation strip. An internal driveway network is proposed to be established and facilitate through traffic movement across the site for servicing and maintenance.

The site is located adjacent to the Bairnsdale Substation on the opposite side of Power Station Road. A new connection point to this network will be achieved via the establishment of a new underground trenching comprising a 66kV AusNet Feeder. The connection configuration can be achieved without any reconfiguration of the supply network in this area.

The proposed facility is expected to take approximately 6 months to complete construction. It will operate for a period of up to 30 years, after which it may be subject to further operation, with further upgrades, or decommissioned.

3.2. Project Details

Specifically, the proposal involves the following primary components:

- Solar panels
- Battery energy storage systems
- Power station transformers
- 20m x 6m Switchroom (plus external stairs (20m x 7m)
- 66kV Feeder Bay (AusNet owned)
- 10m x 6m Control Room (plus external stairs (10m x 7m)
- 4 x 72,000L water tanks
- Security fencing and gates

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A site plan of the proposal is provided in the attached plans and reproduced below.

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Figure 31 | Proposed site plan

3.3. PV Panel Arrays and Single Axis Tracker System

The panels will utilise a horizontal single axis tracker system aligned north-south. The arrays will have a height of 1.2m to the centroid, and 2.5m at full rotation.

The solar panels' primary function is to absorb the sunlight and convert this into electricity, with minimal reflection.

The panels will be installed on a single axis ground mounted tracker system, which will follow the sun to obtain maximum solar exposure. The panels will tilt 60 degrees in either direction, with a resting position of 10 degrees.

196 strings make up the array, although this is subject to change based on technological advancements.

3.4. Power Station

The development will include 18 battery inverters, being the SCS 3600 UP Inverter and 18 power stations, being the SCMV 4200 Switch/Transformer.

The structures will have dimensions of 2.78m width, 2.31m height, 1.58m depth, and will have muted tones to blend into the surrounding landscape.

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Figure 32 | Example of power station and inverter

3.5. Battery Energy Storage System

The development will include 72 x 3.72MWh CATL EmerC Battery energy storage containers. The structures will have dimensions of 6.05m length, 2.46m width, 2.89m height.

The structure will be prefabricated containers that will be delivered and placed on the site. The units will each have a battery capacity of 3.72 MWh and a voltage capacity of 153 V. The EmerC system will provide a liquid cooling system to the batteries and reduce fire risk.

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Figure 33 | Example of battery energy storage system

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3.6. Electrical Infrastructure

Supporting the PV panels will be a range of other associated electrical infrastructure components. These facilities will be contained within a dedicated area towards the west of the PV panel arrays and accessible by the internal driveway access.

The proposed power stations and battery storage units will be located adjacent to one another, with cabling from the arrays provided to the power stations via underground trenching. Additional underground cabling will also be constructed through the facility to provide connection to the electricity network to the west, including to the 66kV AusNet feeder line.

The substation yard is to comprise a levelled and compacted area of land for movement of vehicles and personnel between proposed parking areas and the facilities.

3.7. Maintenance

Once operational, the facility will involve daily monitoring of plant and all associated infrastructure. Staff will access the site as necessary for monitoring and management of equipment.

Where required, minor repairs and maintenance of components of the facility will be undertaken by either staff or contractors. Other occasional maintenance tasks will include washing panels, controlling grass and weeds on site, maintaining internal access tracks, general waste collection and disposal.

Regular inspections of the site will be carried out to ensure that grassland is managed to reduce the risk of bushfire to surrounding land and to control weeds. Mowing or slashing between rows of PV panels and in the area immediately surrounding the arrays would be carried out as required.

3.8. Landscaping

The proposal includes a landscape buffer along the southern boundary. The western boundary will continue to be screened via the existing established vegetation. The other areas of the site are not proposed to include a landscape buffer due to the existing established vegetation and/or lack of interface with any sensitive uses. As such, treatments to these interfaces have been considered in relation to the particular interface, the nature of development beyond the site and screening needs for each interface.

The proposed landscaping outcome is intended to be a long term addition, being that it will contribute to the long term linkages within the area and serve as a useful boundary definition for ongoing agricultural operation. The identification of landscaping on boundaries has also had regard for the long term function of the land, such as need to ensure connection between the full parcel of land after any solar proposal has been decommissioned.

The proposed landscape response is detailed in the attached plans.

3.9. Stormwater and Drainage

The site is not traversed by any water courses. The proposed panels will only slightly reduce the area of pervious surfaces on the site, as the panels will be elevated on poles, retaining grass paddocks below. Stormwater drainage will be managed throughout the construction process by utilising silt traps and sediment control measures.

3.10. Security

Security of the solar facility will be critical to operations and ensuring safety of the public. A new security fence and gate is to be established inside the site and set behind the proposed landscape buffers, to enclose the proposed battery container facility.

No security lighting will be installed for the facility.

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3.11. Vegetation Removal

The proposed works will require the removal of 0.383 hectares of native vegetation in patches to facilitate the use, development and accessing of the proposal. No large trees are proposed to be removed as part of this application.

Vegetation removal is further detailed in Section 7 of this report.

3.12. Decommissioning

The facility is intended to remain in operation for a period of up to 30 years and may be continued for a further period of 10 years or more beyond this period subject to landowner and operator agreement. This period of time represents the useable life of a solar facility, after which the infrastructure and components would need to be upgraded to the latest technologies for ongoing efficient operation.

If the facility ceases operations at this point, all infrastructure, panels, mounting frames including footings, inverters, cabling and other sub-surface materials would be disassembled and removed from the site to enable the site to be re-cultivated for cropping or grazing purposes.

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4. Statutory Planning Framework

4.1. Zone

4.1.1. Farming Zone – Schedule 1

The site is located within the Farming Zone (FZ1) of the East Gippsland Planning Scheme. The purpose of the Farming Zone is:

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

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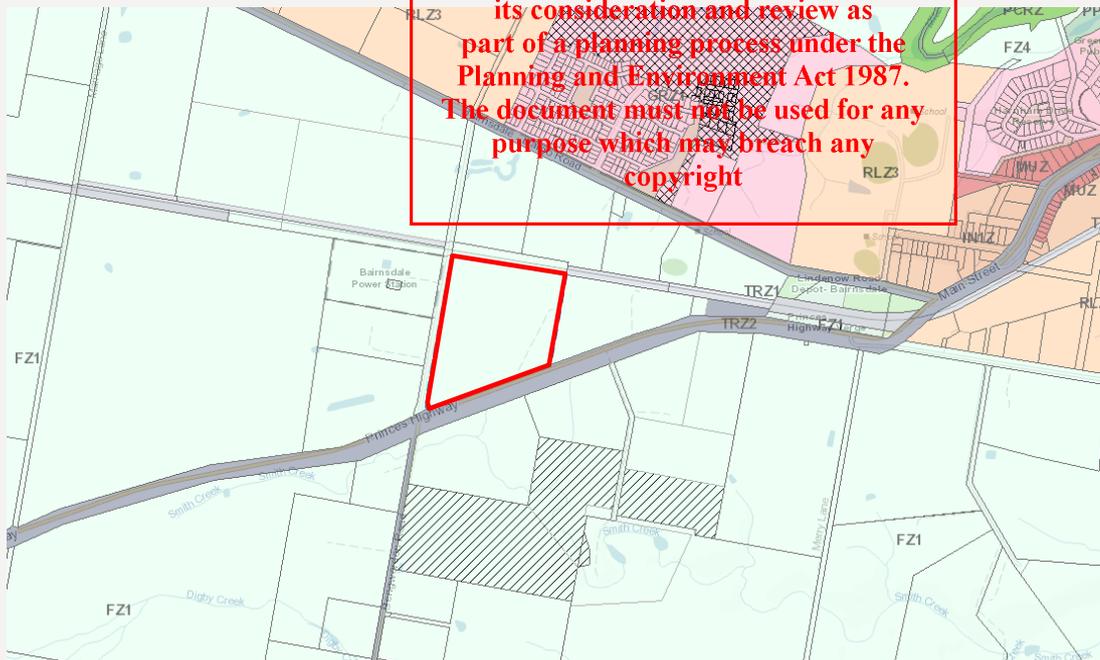


Figure 34 | Site Zoning – Farming Zone – Schedule 1

The use and development of land for the purpose of a renewable energy facility requires a planning permit pursuant to the requirements of Clauses 35.07-1 and 35.07-4 of the Farming Zone. An application for use and development must consider the relevant Decision Guidelines of Clause 35.07-6.

Schedule 1 to the Farming outlines the following design and siting requirements:

- Minimum setback from a road within a Transport Zone 2 – 100 metres.
- Minimum setback from a road – 20 metres

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- Minimum setback from a boundary – 20 metres

4.2. Overlays

4.2.1. Design and Development Overlay – Schedule 7 (DDO7)

The site is partially affected by Design and Development Overlay – Schedule 7 (DDO7) which relates to Highway Corridors, Princes Highway and Great Alpine Road. The relevant design objectives of DDO7 include:

- *To ensure that development in the Highway corridors in non-urban areas is managed to minimise adverse effects on the safe and efficient flow of traffic along the highways.*
- *To encourage high standards of design and the use of appropriate materials in building and works to be constructed within the highway corridors.*
- *To prevent linear or ribbon development along the Highway corridors.*
- *To protect significant native vegetation in the Highway road reserves.*

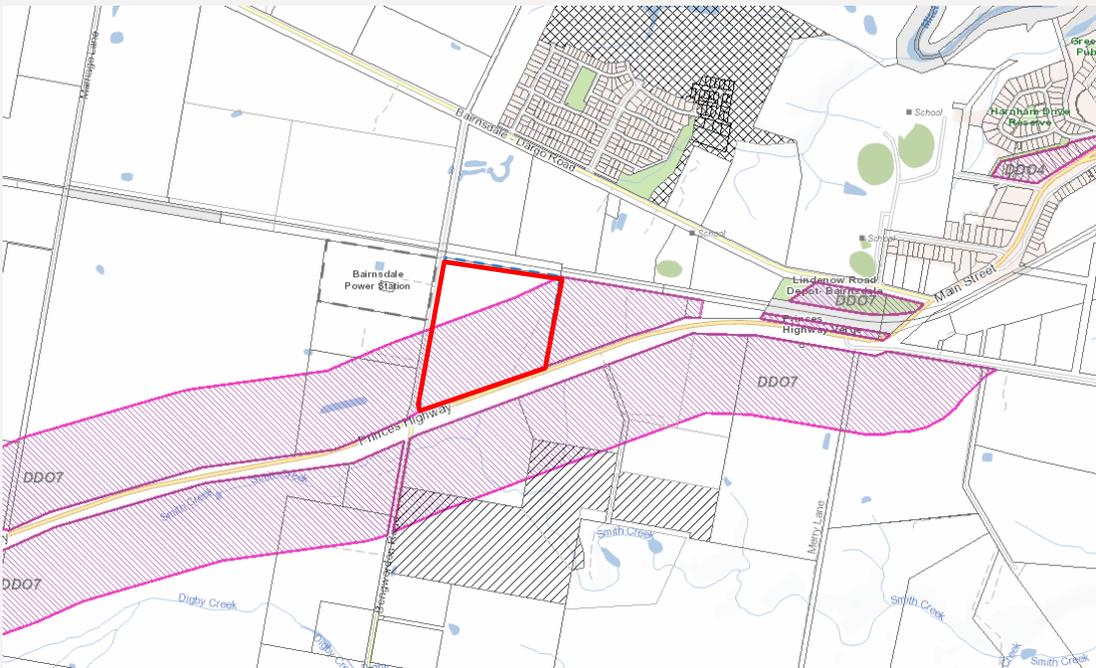


Figure 35 | Design and Development Overlay - Schedule 7 (DDO7)

Clause 2.0 to DDO7 outlines that a planning permit is not required for buildings and works if the following requirements are met:

- *Buildings and works must be for a 'permit not required' use as set out in section 1 of the table of uses applicable to the zone.*
- *Buildings and works excepting fences, dams, driveways, services and tree planting must be sited at least 40.0 metres from the Highway frontage.*

As the proposed buildings and works are associated with a Section 2 use pursuant to the requirements of the Farming Zone, a planning permit is required in this instance. An application for a permit pursuant to the requirements of DDO7 must consider the relevant decision guidelines at Clause 6.

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4.2.2. Vegetation Protection Overlay – Schedule 1 (VPO1)

The site is partially affected by Schedule 1 to the Vegetation Protection Overlay. VPO1 relates to the Tambo-Bairnsdale Roadside Vegetation Protection Network. The vegetation protection objectives to be achieved pursuant to this zone, include:

The Tambo-Bairnsdale Roadside Vegetation Protection Network overlay seeks to protect high conservation value roadside vegetation within Government road reserves from:

- *The potential adverse impacts of establishing access through roadside vegetation located between the carriageway and adjacent private land.*
- *The potential adverse impacts of road maintenance and construction activities.*

The overlay objective is:

- *To ensure that development of access to private land, and road maintenance and construction activities occur so as:*
 - *To conserve areas of vegetation with high conservation value by minimising the extent of vegetation loss.*
 - *To conserve and enhance fauna habitat and habitat corridors by minimising the extent of vegetation loss and encouraging regeneration of indigenous species.*
 - *To preserve existing trees and other vegetation where it contributes to high landscape and aesthetic values.*

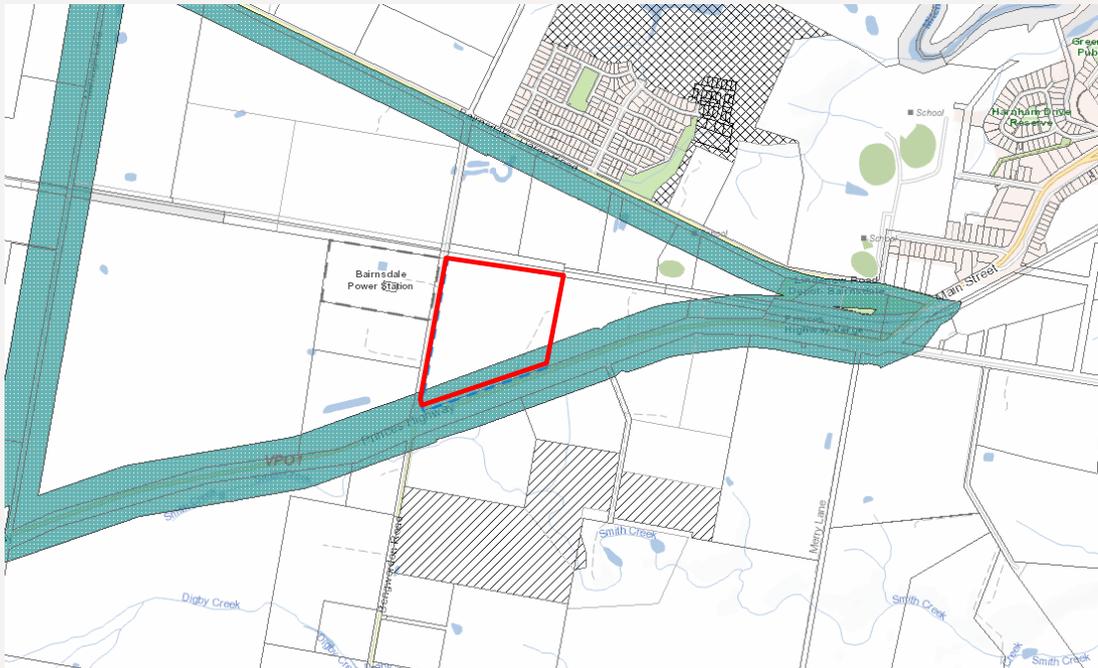


Figure 36 | Vegetation Protection Overlay - Schedule 1 (VPO1)

A planning permit is required to remove, destroy or lop native vegetation. A patch of native vegetation that traverses this overlay boundary is proposed to be removed as part of this application and accordingly a planning permit is required.

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4.3. Aboriginal Cultural Heritage

The site is partially affected by an area identified as being of potential cultural heritage significance.

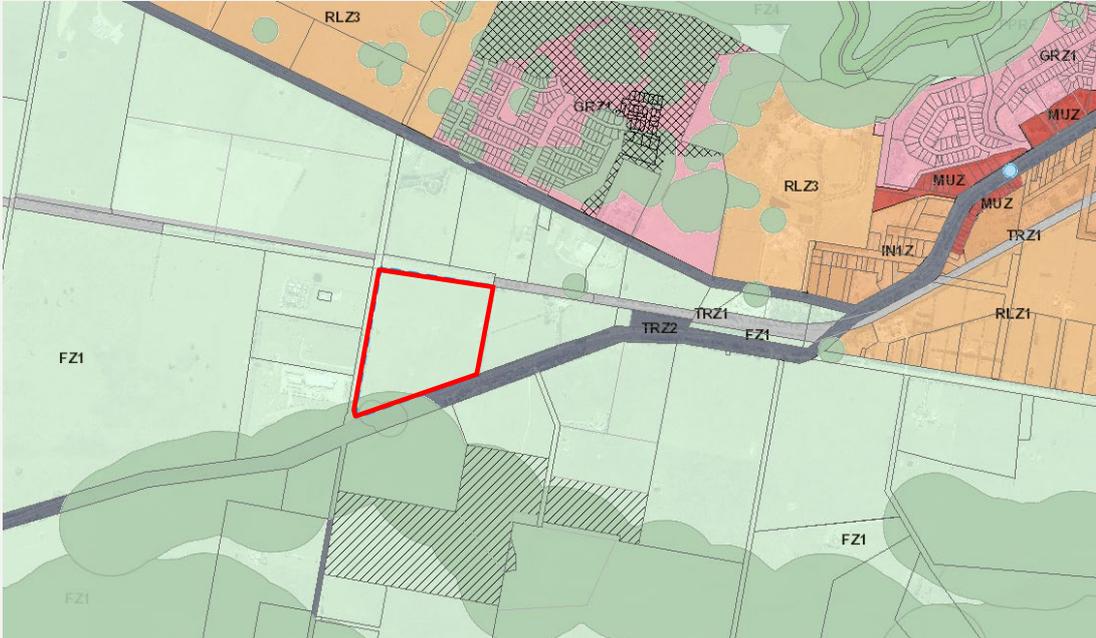


Figure 37 | Aboriginal Cultural Heritage Sensitivity

The proposed scope of works are located outside the area of potential significance and are not considered to be high impact. Therefore, a Cultural Heritage Management Plan is not required in this instance, however a voluntary CHMP has been prepared.

4.4. Particular Provisions

- Car Parking (Clause 52.06)
- Native Vegetation (Clause 52.17)
- Land adjacent to the Principal Road Network (Clause 52.29)
- Renewable Energy Facility (Clause 53.13)
- Decision guidelines (Clause 65)

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5. Planning Permit Requirements

The proposed development requires a planning permit for the following reasons:

5.1. Use

Pursuant to the requirements of Clause 35.07-1 a planning permit is required to use land for the purpose of:

- A renewable energy facility.
- Utility Installation.

5.2. Buildings and Works

A planning permit is required to construct a building or carry out works, pursuant to:

- Clause 35.07-5 of the Farming Zone
- Clause 2.0 to Schedule 7 of the Design and Development Overlay

5.3. Native Vegetation Removal

A planning permit is required to remove, destroy or lop native vegetation pursuant to:

- Clause 3.0 to Schedule 1 of the Vegetation Protection Overlay
- Clause 52.17-1

5.4. Access

A planning permit is required to create or alter access to a road in a Transport Zone 2, pursuant to Clause 52.29-2.

5.5. Notice and Review Provisions

The proposed use and development of land is not exempt from notice and review provisions.

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6. Strategic Policy Framework

6.1. Planning Policy Framework (PPF)

The PPF seeks to ensure that the objectives of planning in Victoria (as set out in Section 4 of the *Planning and Environment Act 1987*) are fostered through appropriate land use and development policies and practices. It informs the preparation and implementation of local planning policy objectives and the introduction of zone and overlay controls, and seeks to integrate relevant environmental, cultural, social and economic factors in the interest of net community benefit and sustainable development.

The following clauses from the PPF are relevant to this application:

- **Clause 12 (Environmental and Landscape Values)** which refers to the protection of values including biodiversity and any potential impacts the amenity of the landscape.
- **Clause 12.01-1S (Protection of Biodiversity)** seeks to protect and enhance Victoria's Biodiversity.
- **Clause 12.01-2S (Native Vegetation Management)** seeks to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.
- **Clause 12.03-1S (River And Riparian Corridors, Waterways, Lakes, Wetlands And Billabongs)** seeks to protect and enhance waterway systems including river and riparian corridors, waterways, lakes, wetlands and billabongs.
- **Clause 12.05-1L (Environmentally Sensitive Areas)** seeks to protect and enhance environmental, cultural and aesthetic values within East Gippsland.
- **Clause 12.05-2S (Landscapes)** seeks to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.
- **Clause 13.01-1S (Natural Hazards and Climate Change)** seeks to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.
- **Clause 13.02-1S (Bushfire)** seeks to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- **Clause 13.04-2S (Erosion and Landslip)** seeks to protect areas prone to erosion, landslip or other land degradation processes.
- **Clause 13.05-1S (Noise Management)** seeks to assist the management of noise effects on sensitive land uses.
- **Clause 13.07-1S (Land Use Compatibility)** seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.
- **Clause 14.01-1S (Protection of Agricultural Land)** seeks to protect the state's agricultural base by preserving productive farmland.
- **Clause 14.01-1R (Protection of Agricultural Land – Gippsland)** seeks to protect productive land and irrigation assets, including the Macalister Irrigation District, that help grow the state as an important food bowl for Australia and Asia.
- **Clause 14.01-1L-01 (Protection of Agricultural Land)** applies to land located within the Farming Zone – Schedule 1 and seeks to:
 - Limit subdivision outside those areas defined as being suitable for rural residential development to the lot sizes shown in Schedules 2, 3 and 4 to the Farming Zone.
 - Adopt cluster housing arrangements where the balance of the land is under unified management for agricultural, pastoral or conservation purposes.

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- Support tourist-related or other economic development in non-urban areas, where it maintains environmental protection and the rural character of the area.
- Restrict subdivision at W-Tree and Gelantipy unless road access and the retention of treated sewage on-site can be provided to all new lots.
- Support subdivision that prohibits or limits the development of farming land for dwellings.
- **Clause 14.01-2S (Sustainable Agricultural Land Use)** seeks to encourage sustainable agricultural land use.
- **Clause 14.01-2L (Sustainable Agricultural Land Use)** applies to land within the Farming Zone Schedule 1 and seeks to:
 - Support alternative agricultural and horticultural crops and pastoral industries including organic farming.
 - Support value-adding primary produce and resource processing industries.
- **Clause 15.01-1S (Urban Design)** seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- **Clause 15.01-1L-01 (Urban Design-General)** outlines a series of strategies relating to urban design.
- **Clause 15.01-6S (Design for Rural Area)** seeks to ensure development respects valued areas of rural character.
- **Clause 15.03-2S (Aboriginal Cultural Heritage)** seeks to ensure the protection and conservation of places of Aboriginal cultural heritage significance.
- **Clause 19.01-1S (Energy Supply)** seeks to facilitate appropriate development of energy supply infrastructure.
- **Clause 19.01-2S (Renewable Energy)** seeks to support provision and use of renewable energy in a manner that ensures appropriate siting and design considerations are met.

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6.2. Municipal Planning Strategy

This section responds to the purpose of the Planning Scheme and the vision and strategic direction for the Municipality of East Gippsland.

- **Clause 2.01 (Context)** sets out the broader context for the municipality outlining its location attributes, project growth forecasts, community assets and environmental and economic development pillars.
- **Clause 2.02 (Vision)** outlines the Vision for the municipality as ‘East Gippsland is the most liveable region in Australia. A place of natural beauty, enviable lifestyles, and opportunities. This vision is supported with principles that are relevant to land use planning including:
 - Strong and vibrant communities create healthy, productive and fulfilling places to live.
 - Proactive leadership and strategic partnerships protect and enhance our quality environment.
 - Investment and visitation develop a sustainable and prosperous economy.’
- **Clause 2.03 (Strategic Direction)** sets the strategic policy direction for the municipality under the key themes of: settlement and housing, environmental and landscape values, environmental risk and amenity, natural resource management, built environment and heritage, economic development, transport and infrastructure. Of particular relevance to the subject application are:
 - **Clause 02.03-4 (Natural Resource Management)** which sets the following strategic directions:

- Protecting water quality and quantity, particularly in water catchments used for domestic supply.
 - Providing opportunities to add value to agricultural and timber products.
 - Protecting high quality agricultural land from inappropriate development.
 - Avoiding small lot subdivision of rural land.
 - Providing for small lots where there is a lack of availability of undeveloped lots of the proposed size range in the area.
 - Controlling the release of small-lot rural land and rezoning at a rate that ensures that land released does not compete with fully serviced lots in urban centres.
 - Encouraging exploration for and development of mineral resources in appropriate areas.
- **Clause 02.04 (Strategic Framework Plan)** identifies the site is not located within an area identified as 'prime agricultural land'.

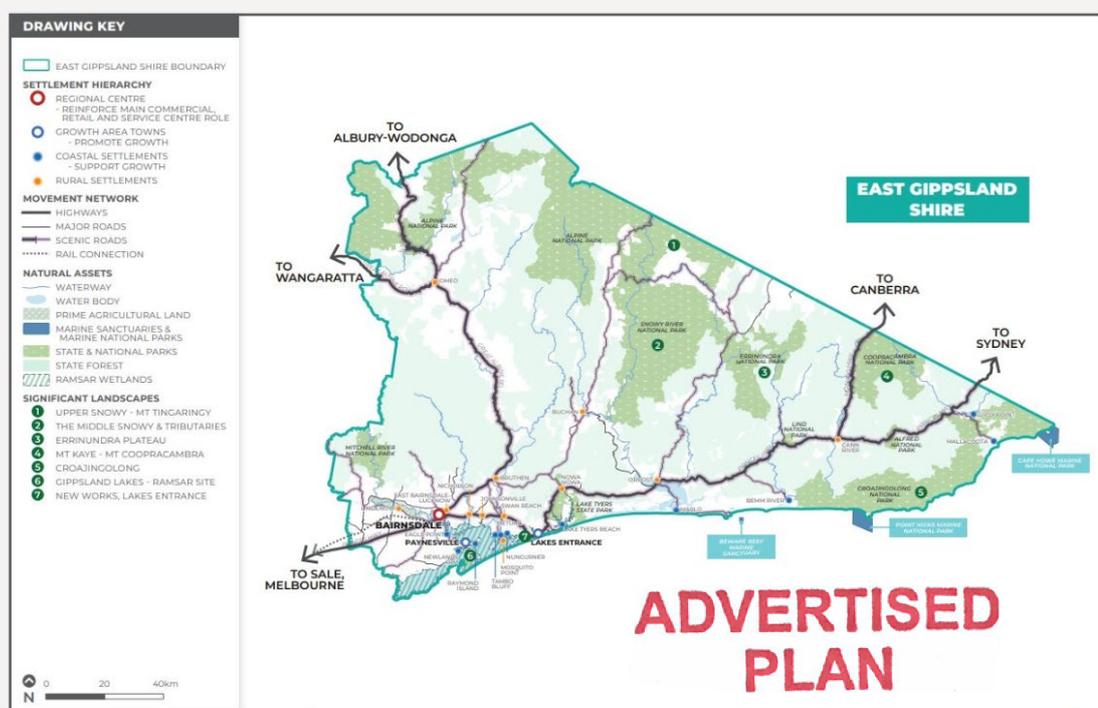


Figure 38 | Strategic Framework Plan

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7. Planning Considerations

A consideration of the planning merits of the proposal and how it responds to the relevant policies and planning provisions in relation to the land use and development has been divided and assessed under the following headings:

- Strategic Planning Directions
- Land Use Consistency
- Response to Clause 53.13
- Built Form, Design, Siting and Visual Impact
- Amenity Considerations
- Native Vegetation Removal
- Bushfire
- Traffic, Access and Parking
- Stormwater Management
- General Provisions

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7.1. Strategic Planning Directions

Within the Planning Policy Framework, key themes emerge in relation to the strategic directions and policy objectives sought. The proposal responds to these themes by:

- Directly facilitating the development of renewable energy sources to assist in the combatting of climate change forces.
- Promoting the provision and use of renewable energy in a manner that ensures appropriate siting and design considerations are met.
- Providing a clean and renewable source of energy while minimising the potential for any negative environmental impacts.
- Contributing to a reduction in the Municipalities' carbon footprint to help to mitigate risks associated with climate change as well as reduce the dependence on non-renewable sources of energy.
- Siting and designing the facility to minimise impacts on the surrounding environment and community, through site responsive design including isolating the footprint to an area separated from sensitive receptors as well as mitigating issues associated with noise and visual amenity.
- Implementing the principles of ecologically sustainable development through the provision of alternative energy sources and renewable energy facilities.
- Minimising the removal of native vegetation where possible and where native vegetation has been proposed to be removed is proposed to be offset via a third party registered offset broker.
- Minimising the extent of ground disturbance through the use of direct piling for the installation of mounting pole and limiting grading and compaction construction techniques to the development of accessing roads and installation of associated hardstand area.
- Designing and siting the facility to protect and enhance the surrounding rural landscape while contributing to the implementation of the provision of sustainable environmental character.
- Providing a clean and renewable source of energy that supports emergency preparedness and enhances the resilience of the community.

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- Siting and designing development to minimise visual impacts on surrounding natural scenery and landscape features of the surrounding context.
- Contributing to the decentralisation of the energy production through the provision of alternate sources or energy production.
- Design for bushfire mitigation through observing the design, alignment and setback recommendations of the Solar Energy Facilities Design & Development Guidelines.
- Optimising the use of presently underutilised agricultural land for the production of renewable energy and isolating site selection of the facility away from prime agricultural land.
- Co-locating the proposed use and development in immediate proximity of existing electrical infrastructure to facilitate direct connection into the broader network supply.
- Providing a positive contribution to the built form environment through appropriate siting, design, landscaping and ongoing maintenance to minimise the impact of the development and prioritise the safety for users of the Princes Highway and Power Station Road.
- Siting and designing the facility to minimise associate impacts related to noise on surrounding sensitive receptors.
- Promoting the foundational principles of best practice urban design through the considered siting and location of the facility to maximise energy production through a largely unimpeded northerly aspect while having minimising impact on surrounding receptors and existing site conditions.
- Stimulating economic growth through the creation of new job opportunities in the construction, development and ongoing management of the proposed facility, broadening the economic base of the Municipality.
- Reducing the impacts associated with climate change through the provision of additional supply of renewable energy into to the grid, reducing the reliance on non-renewable energy sources that are associated with myriad negative climate, health and economic issues and contributing to a more sustainable and reliable energy supply to support the growth and development of the Municipality.
- Supporting the sustainable development of the Municipality through the provision of a reliable and renewable source of energy that contributes to a raft of social, economic and environmental benefits for the broader community.

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7.2. Land Use Consistency

The overarching objectives of the Farming Zone place a strong emphasis on the retention and ongoing enhancement of productive farming land to ensure its ongoing viability for agricultural use. The Zone goes on to prioritise the use of the land for agricultural purposes and ensure that uses not directly related to agricultural activities be limited.

The use of the land for the purpose of a renewable energy facility is a Section 2 (permit required) land use. Pursuant to Clause 73.03 a renewable energy facility is defined as:

Land used to generate energy using resources that can be rapidly replaced by an ongoing natural process. Renewable energy resources include the sun, wind, the ocean, water flows, organic matter and the earth's heat.

It includes any building or other structure or thing used in or in connection with the generation of energy by a renewable resource.

It does not include a renewable energy facility principally used to supply energy for an existing use of the land.

A solar energy facility is included within this definition; however, is also separately defined pursuant to Clause 73.03 as:

Land used to generate electricity from solar energy using ground-mounted photovoltaic and thermal technology, where the primary role is to export power to the electricity network.

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It does not include the generation of electricity principally used for an existing use of land.

The proposed development is considered to harness the ambitions and directions of this Clause to deliver an acceptable land use outcome for the site.

Renewable energy production is commonly undertaken in rural areas given the larger spatial provision and availability of land, and planning policy recognises that such uses can be appropriately accommodated in rural areas. In particular, it is noted that ‘agricultural production’ as defined by the planning scheme includes “*Any form of primary production of renewable commodities*” (emphasis added).

While not typically reflective of standard agricultural uses the proposed development delivers on the ambitions of policy through the production of renewable energy in accordance with this definition.

The development will not include any substantial permanent works on the land to enable the site to have limited direct impact on the physical state of the site and ensure transition of the site to agricultural land can be achieved efficiently after decommissioning of the solar facility.

Once operational, the proposal will be a ‘passive’ development in that it will not generate high levels of traffic, will not generate any significant noise and has been designed to be as recessive as possible in the landscape.

The development of a renewable energy facility is considered to facilitate the overarching objectives of this Clause in the following ways:

- Implements the MPS and PPF through the promotion of sustainable development and supporting the transition to a low-carbon economy. The production and use of renewable energy sources can reduce greenhouse gas emissions and mitigate the impacts of climate change, which are key objectives of these planning policies and frameworks.
- Supporting the provision of land for agricultural purposes by utilising underutilised or marginal land, such as unused farmland for the purposes of energy production thus preserving productive agricultural land from encroachment from alternative uses.
- Minimising the impact of the development on the ongoing production of the land for agricultural uses through appropriate siting, design and use of minimally invasive construction techniques to limit the impact on land.
- Providing for a meaningful contribution to the local economy through a broadening of the economic base to include the development of renewable energy. It is anticipated that the development will contribute to the creation of local employment opportunities through the construction, development and ongoing management of the facility as well as decentralising the income source of the landowner away from standard agricultural practices.
- Contributing to the sustainable management of the land through best practice initiatives including vegetation and land management, erosion control and bushfire risk minimisation.
- Facilitating a meaningful contribution to the ongoing long-term sustainability of the area.

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7.2.1. Agricultural Capacity of Land

The majority of renewable solar energy development is undertaken on rural land, and the planning scheme and DELWP guidelines set out various considerations when proposing such uses on rural land. The development has been considered with regard to potential impact on agricultural production, and the need to avoid permanent loss of high value rural land.

An Agricultural Impact Assessment (“the AIA”) has been undertaken by Meridian Agriculture and accompanies this planning permit application. The assessment considers the site’s agricultural capability, the regional implications of removing agricultural land use from the site and provides commentary on whether the proposed facility can co-locate with other agricultural activities.

The assessment concluded that *‘the soils in this location are classed as soils of low to moderate fertility with significant subsoil constraints that limit their ability to be highly productive. The soil types are not considered to be suitable for long term cropping and so they are likely to remain as pastures for*

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grazing. The proposed BESS at this site would have no long term detrimental effect on the productive capacity of the soil, nor would it have a significant impact on the overall productivity of the region or state, nor impact on the ability of neighbouring businesses to operate’.

Overall, while being located in a rural context, the proposal is considered appropriate as it is not strategically important and highly productive agricultural land that would be lost from production and the development will generally have a low impact on the site and its existing conditions. The design enables the site to be returned to its agricultural function at the end of its life for a solar facility.

Please refer to the AIA prepared by Meridian Agriculture for further details.

7.2.2. Response to Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate the decision guidelines of the FZ. The decision guidelines considered against this proposal in below.

Table 1 | Consideration of the decision guidelines of the FZ

Decision Guidelines	Response
General	
<ul style="list-style-type: none"> The Municipal Planning Strategy and the Planning Policy Framework 	<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>
<ul style="list-style-type: none"> Any Regional Catchment Strategy and associated plan applying to the land 	
<ul style="list-style-type: none"> The capability of the land to accommodate the proposed use or development, including the disposal of effluent. 	<p>The land is suitable to accommodate the proposed development as it has excellent site access for both construction and operational traffic, is flat, is generally cleared and is co-located adjacent the existing Bairnsdale Power Station and Substation where connections can easily be extended across Power Station Road.</p> <p>The site is able to accommodate the use with minimal impact. The works proposed will include ground disturbance and tree removal, however no on-site wastewater disposal is required.</p>
<ul style="list-style-type: none"> How the use or development relates to sustainable land management. 	<p>The use of the land in this instance is for an activity that will provide a sustainable renewable energy source. The earthworks required to establish the facility are not extensive and will involve only the driving of mounting piles and the establishment of the unsealed internal road.</p> <p>The use itself allows for transition to rural land in the future and will also ensure that surrounding land is not impacted, and may still continue to be farmed. After the decommissioning of the land, the land can return to its former agricultural function.</p>
<ul style="list-style-type: none"> Whether the site is suitable for the use or development and whether 	<p>This Planning Report and the submitted technical assessments demonstrate that the land is suitable for</p>

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Decision Guidelines	Response
<p>the proposal is compatible with adjoining and nearby land uses.</p>	<p>development of a solar facility, particularly when considered against the siting and design requirements of the Solar Facility Design Guidelines.</p> <p>Residential dwellings and receptors are noted in the surrounding area, however, can be appropriately buffered from the development through the incorporation of landscape planting.</p> <p>The site is also located on land directly adjacent to existing power authority infrastructure, including Power Station and Substation that will provide for efficient distribution of generated electricity. The facility can be connected into the electrical network.</p>
<ul style="list-style-type: none"> How the use and development makes use of existing infrastructure and services. 	<p>The proposal will not have any significant load on existing services in the area, and will be appropriately connected into the electricity network in accordance with AusNet's requirements.</p> <p>The proposal has a positive benefit in that it will deliver additional renewable energy input into the local electricity system.</p>

Agricultural issues and the impacts from non-agricultural uses

<ul style="list-style-type: none"> Whether the use or development will support and enhance agricultural production. 	<p>An Agricultural Impact Assessment has been prepared by Meridian Agriculture and should be referred to for further detailed assessment.</p> <p>The proposed use is for a renewable energy facility, however, has been carefully considered and designed to be integrated into the agricultural context without significant impacts. The land will not be significantly compromised given the nature of construction works, and can be decommissioned and returned to an agricultural function at the end of its life.</p> <p>'Agricultural production' as defined by the planning scheme includes "<i>Any form of primary production of renewable commodities.</i>" This recognises that establishing land for renewable energy can be established in a manner which is sustainable to the agricultural conditions of rural properties.</p>
<ul style="list-style-type: none"> Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production. 	<p>The Agricultural Impact Assessment, prepared by Meridian Agriculture completed a review of soil quality and concluded the following:</p> <p><i>'The soils in this location are classed as soils of low to moderate fertility with significant subsoil constraints that limit their ability to be highly productive. The soil types are not considered to be suitable for long term cropping and so they are likely to remain as pastures for grazing.'</i></p>

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Decision Guidelines	Response
<p style="border: 2px solid red; padding: 5px; color: red; text-align: center;">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>	<p><i>The proposed BESS at this site would have no long term detrimental effect on the productive capacity of the soil, nor would it have a significant impact on the overall productivity of the region or state, nor impact on the ability of neighbouring businesses to operate.'</i></p> <p>Earthworks for the development are minimal, as described above, and will not include significant disturbance of the site conditions.</p> <p>Topography and other physical conditions will be generally unchanged.</p> <p>Once decommissioned, the subject site can be easily reinstated to be used for productive purposes. The works will therefore not permanently remove land from agricultural production.</p>
<ul style="list-style-type: none"> The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses. 	<p>The development does not include any processes that will impact surrounding agricultural uses or expansion.</p>
<ul style="list-style-type: none"> The capacity of the site to sustain the agricultural use. 	<p>As established, the proposed use is considered to be consistent with the broader definition of 'agricultural production' and is thus consistent with the overarching objectives and purposes of the Farming Zone provisions.</p> <p>The proposed land use is consistent with surrounding land uses which also accommodate similar uses including a power station and substation and represents an efficient use of marginal agricultural land that provides for a broader community benefit than standard agricultural production in this instance through providing additional and renewable energy supply to the broader network.</p> <p>The proposed development will not remove any 'prime agricultural land' from production and has been designed to minimise impact on the land to ensure that once decommissioned the land can be used to accommodate more conventional agricultural practices.</p>
<ul style="list-style-type: none"> The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure. 	<p>Refer to discussion above.</p>
<ul style="list-style-type: none"> Any integrated land management plan prepared for the site. 	<p>Not applicable.</p>
<p>Environmental issues</p>	
<ul style="list-style-type: none"> The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality. 	<p>The development has been designed to minimise the impact upon the natural and environmental features of the land.</p>

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Decision Guidelines	Response
	<p>It has been located within an area of the site that avoids the more significant areas of native vegetation (including scattered mature trees) and isolates the facility primarily land which has been heavily modified for agricultural uses.</p> <p>The proposal does not include significant earthworks or modification of the topography of land and will be constructed using primarily 'light touch' construction techniques to enable minimal land disturbance.</p>
<ul style="list-style-type: none"> The impact of the use or development on the flora and fauna on the site and its surrounds <div data-bbox="23 920 568 1258" style="border: 2px solid red; padding: 5px; margin: 10px 0;"> <p style="color: red; text-align: center;">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>As above, the proposed works are within an area of the site that avoids significant areas of native vegetation.</p> <p>With respect to removal the accompanying Native Vegetation Removal Report, prepared by Nature Advisory states:</p> <p><i>“the proponent proposes to remove 0.383 hectares of native vegetation in patches...based on the extent of native vegetation, the number of large trees, and the location category, the proposal must be assessed under the Basic assessment pathway. This would not trigger referral to the Department of Energy, Environment and Climate Action (DEECA)”.</i></p> <p>The report goes on to identify the following offset requirements:</p> <p><i>0.055 general habitat units with the following offset attribute requirements:</i></p> <ul style="list-style-type: none"> - A minimum strategic biodiversity value (SBV) of 0.364 - Located within the East Gippsland CMA boundary or the East Gippsland Shire Council.
<ul style="list-style-type: none"> 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 	<p>Areas of more significant vegetation have been protected by the proposal. The development will also include the establishment of new perimeter plantings in sections that are not buffered by established vegetation, which will provide additional revegetation opportunities. The development will also offset the vegetation loss from the site within the surrounding region.</p>
<ul style="list-style-type: none"> The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation. 	<p>There is no on-site effluent disposal required as part of the proposal.</p>
<p>Design and siting issues</p>	
<ul style="list-style-type: none"> The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses 	<p>The layout of all structures is distributed across the site, while incorporating generous setbacks and perimeter landscaping.</p>

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Decision Guidelines	Response
<p>and to minimise the loss of productive agricultural land.</p> <div data-bbox="23 495 568 831" style="border: 2px solid red; padding: 5px; 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>	<p>The proposed design and siting of the development has had regard to the setback requirements outlined within Schedule 1 to the Farming Zone.</p> <p>The development can adequately accommodate these setbacks to side and rear boundaries as well as to Power Station Road. The proposal does; however, seek to slightly vary the 100 metre setback to the Princes Highway for a minor portion of the development. However, on balance does maintain a 100 metre average setback across this frontage. The proposed variation is considered to be minor and of minimal impact on the visual presentation of the development noting that the proposed landscape concept seeks to establish landscape buffering along this interface.</p> <p>As discussed throughout this report, the placement of panels also allows generally minimal impact on the landscape and avoids large scale landform changes.</p>
<ul style="list-style-type: none"> The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts. 	<p>The subject site and immediate surrounds are generally flat; however, the size and scale may have visual impacts on the surrounds. A visual impact assessment has been carried out in response, and subsequently recommends appropriate interface plantings and treatments.</p> <p>Visual impacts have been considered in terms of general visual impact and glare impacts, with the landscaping and siting design response provided accordingly. Landscape buffers are proposed along parts of the perimeter without vegetation interface. This is also intended to assist with minimising potential for glare.</p>
<ul style="list-style-type: none"> 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 design of the facility incorporates generous setbacks from side and rear boundaries, adjoining roads and incorporates the use of landscape planting to ensure the development compliments the rural character. The new features on the site will be generally non-reflective and the panels will be treated with anti-reflective coating. This means that the facility will remain passive in the landscape.</p>
<ul style="list-style-type: none"> The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities 	<p>The proposed facility is provided with public road access, including the primary access via Power Station Road.</p> <p>The proposal will connect to the electrical infrastructure point of connection located to the immediate west opposite the Power Station Road.</p> <p>The site does not require connections to other essential service infrastructure.</p>
<ul style="list-style-type: none"> Whether the use and development will require traffic management measures. 	<p>A Traffic Impact Assessment has been completed and is attached to this application, please refer to this report for further details.</p>

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7.3. Response to Clause 53.13

Clause 53.13 applies to a renewable energy facility, other than a wind energy facility, and the considerations of this clause therefore apply to the proposal. The purpose of this clause is to provide the framework for facility design and site determination.

It is also noted that the Department of Environment, Land, Water and Planning (DELWP) has released the Solar Energy Facilities Design & Development Guidelines (August 2019), which outlines the key considerations for the use and development of solar facilities across Victoria. The guidelines include siting and design guidance along with recommendations for community consultation, design, consideration of off-site impacts, construction, operation and decommissioning. The relevant considerations of the Guidelines are discussed below.

7.3.1. Application requirements

In accordance with Clause 53.13-2, an application must be accompanied by the information presented in the following table.

Table 2 | Application requirements for the development of a renewable energy facility (other than a wind energy facility)

Requirement	Response
A site and context analysis, including:	<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> <p>Addressed in Section 2 and Section 3 of this report, as well as the proposed site plans attached at Appendix B.</p> <p>Refer Section 2 of this report, and proposed site plans attached at Appendix B.</p>
A site plan, photographs or other techniques to accurately describe the site and the surrounding area.	
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.	
A design response, including:	
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	<p>The proposed development plan indicates the dimensions of the development, proposed alignments, landscaping and materials to be used in the development.</p> <p>The facility will incorporate non-reflective and muted materials and colours to avoid impacts on the surrounding area.</p> <p>The facility is intended to connect directly to adjacent electrical infrastructure which are located to the west of the site.</p>
Accurate visual simulations illustrating the development in the context of the surrounding area and from key public view points.	A visual assessment of the site and surrounding area has been prepared and is attached with this report.

Requirement	Response
<p>The extent of vegetation removal and a rehabilitation plan for the site.</p>	<p>The site is generally disturbed; however, will require the removal of native vegetation to establish the development. The full extent of vegetation removal is addressed in the Native Vegetation Assessment attached with this report.</p> <p>While there is no rehabilitation plan prepared as part of this proposal, the works will include perimeter screening planting, that will consist of local native species in accordance with the attached Landscape Plan, ensuring the partial reinstatement of native habitat.</p>
<p>Written report and assessment, including:</p> <ul style="list-style-type: none"> • An explanation of how the proposed design derives from and responds to the site analysis. • A description of the proposal, including the types of process to be utilised, materials to be stored and the treatment of waste. • Whether a Works Approval or Licence is required from the Environment Protection Authority. • the potential amenity impacts such as noise, glint, light spill, emissions to air, land or water, vibration, smell and electromagnetic interference. • the effect of traffic to be generated on roads. • the impact upon Aboriginal or non-Aboriginal cultural heritage. • 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. • A statement of why the site is suitable for a renewable energy facility including, a calculation of the greenhouse benefits. • An environmental management plan including, a construction management plan, any rehabilitation and monitoring. 	<p>Assessment of these items have been completed and incorporated into this report, as relevant. Generally, these matters have been assessed within this report and where relevant within the submitted technical documents.</p> <p>The proposed development site is located sited with a suitable separation distance from any nearby viewpoints and is recessed behind the adjoining roadways. It is not in a prominent location and will not substantially impact sensitive receptors in the surrounds.</p> <p>The proposed facility will be a passive facility and will not include any significant noise or light transfer to surrounding properties or major access roads. Panels are designed to be non-reflective and will be screened from surrounding properties by landscaping.</p> <p>The submission of an Environmental Management Plan would be expected as a permit condition and is intended to be prepared prior to construction commencing on-site.</p>

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7.3.2. Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate the decision guidelines of clause 53.13-3 for the development of a renewable energy facility. The decision guidelines considered against this proposal in the following table.

Table 3 | Decision guidelines for the development of a renewable energy facility (other than a wind energy facility)

Decision Guidelines	Response
<ul style="list-style-type: none"> The Municipal Planning Strategy and the Planning Policy Framework 	Addressed in Section 7.1 of this report.
<ul style="list-style-type: none"> The effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference 	<p>The subject site has considered the impact of the development on the surrounding landscape and sensitive receptors from a visual, noise, glint and glare perspective, with the mitigation measures within this report setting out the manner in which the site is to be treated to mitigate these impacts. The general operation of the facility is not anticipated to generate substantial noise, light spill, or vibration.</p> <p>A Glint and Glare Assessment is attached and considers the potential impact of the development on surrounding properties.</p> <p>An Acoustic Impact Assessment Report is also attached to consider the impact of noise on adjoining properties.</p>
<ul style="list-style-type: none"> The impact of the proposal on significant views, including visual corridors and sightlines 	<p>The subject site is in a relatively flat area and is not located along any ridgelines, valleys or other important sightlines.</p> <p>A Visual Impact Assessment Report is attached and considers the potential implications on the effect on visual amenity as a result of the proposed facility.</p>
<ul style="list-style-type: none"> The impact of the proposal on strategically important agricultural land, particularly within declared irrigation districts. 	An Agricultural Impact Assessment has been completed by Meridian Agriculture in support of the proposal and is attached. This assessment did not identify the land as being located in strategically important. Please refer to this report for further details.
<ul style="list-style-type: none"> The impact of the proposal on the natural environment and natural systems 	As discussed within the assessment of impacts within this report and the attached technical documents, the proposal is designed to minimise impacts on the physical conditions of the site, by avoiding substantial landform changes and/or hardstand areas that may alter the site conditions.
<ul style="list-style-type: none"> The impact of the proposal on the road network. 	This is addressed in detail in the Traffic Impact Assessment attached. The proposal is not anticipated to significantly increase the traffic of the surrounding roads beyond their design capacity.

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Decision Guidelines	Response
<ul style="list-style-type: none"> <i>Solar Energy Facilities Design and Development Guideline</i> (Department of Environment, Land, Water and Planning, August 2019). 	<p>The relevant matters of the <i>Solar Energy Facilities Design and Development Guideline</i> have been addressed within this report and the attached technical documents.</p>

7.4. Built Form, Design, Siting and Visual Impact

Guidance in relation to the design, siting and built form outcome for the development is primarily limited to the provision of the Farming Zone, Design and Development Overlay – Schedule 7, Clauses 15.01-1S, 15.01-1L-02, 15.01-6S and more broadly the Urban Design Guidelines for Victoria. The proposal responds to this policy context by:

- Generally meeting the broad setback requirements outlined within Schedule 1 to Farming Zone. Where variations to such setback requirements have been sought, the development continues to maintain a suitable setback distance from primary vistas to ensure it remains a recessive element within its context.
- Responding to the physical and contextual characteristics of the site and surrounds through sympathetic design techniques and building siting.
- Minimising potential visual amenity impacts associated with the development through building siting and the provision of meaningful landscaping to offset the appearance of the development from the public realm.
- Isolating vehicle entry and egress to the secondary road frontage away from the primary highway interface.
- Promoting best practice urban design outcomes along primary transport corridor through the minimisation of visual amenity impacts.
- Incorporate non-reflective and muted materials and colours to ensure the development is read a secondary element within the broader landscape context to avoid impacts on the surrounding area.
- Consolidating development to a site characterised by relatively flat topography to minimise visual impact on surrounding scenery and landscape features.

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A more detailed response to the specific design consideration of the proposal is provided below.

7.4.1. Built Form and Design

The design and layout of the facility has been considered with a view to maximise energy production while having minimal impact on the site conditions. The land containing the facility is largely unconstrained, which allows for the PV panels to be arranged with maximum northern exposure.

The design has also been informed by the considerations of bushfire, observing the design, alignment and setback recommendations of the Solar Energy Facilities Design & Development Guidelines in August 2019. It has been designed to minimise potential impacts on the surrounding land uses ensuring that productive agriculture is not unreasonably impeded.

The solar energy facility will be operational for a period of at least 30 years, after which it is likely to be decommissioned and returned to agricultural production. The design is therefore considered on the basis of minimising the impacts on the natural conditions of the site so that it may be easily returned to its original state.

The proposal aims to retain as much of the overall property for agricultural production by only using the area necessary to generate the 50MW output. The proposal also utilises the most up to date panel technology to obtain higher energy outputs using less panel infrastructure. The ongoing maintenance of facility will ensure that any adverse impacts on nearby agricultural land are avoided.

7.4.2. Design and Development Overlay Schedule 7 (DDO7)

The land is within a Design and Development Overlay (DDO) Schedule, specifically Schedule 7 which refers to 'Highway Corridors, Princes Highway, & Great Alpine Road'. This DDO schedule seeks to ensure that development positively contributes to the built environment by providing high quality, attractive building design outcomes that improve the visual appearance of the area and are attractive and inviting for residents and visitors.

The proposal represents a considered design response with respect to the overarching objectives of this Clause. The proposal has been designed and sited as to minimise impacts associated with visual amenity. A visual impact assessment, landscape plan, glint and glare assessment and traffic impact assessment have been prepared, accompany this application, and have informed the eventual locational and design response of the development.

As a result of this technical input the proposed design response represents a considered outcome that seeks to minimise any associated impacts on the public domain through a combination of development setbacks, materiality and associate landscape treatment along sensitive interfaces.

A comprehensive assessment against the relevant Decision Guidelines is provided below.

7.4.3. Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

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Table 4 | Consideration of the decision guidelines of the DDO7

Decision Guideline	Response
The need to minimise development with direct access or frontage to the highway.	The proposal does not seek to provide access via the Princes Highway and will consolidate access via Power Station Road.
Any additional traffic which may be generated by the use or development.	A Traffic Impact Assessment has been prepared by Traffic Works that confirms management arrangements for traffic generation associated with the development. Please refer to this report for further details.
The potential impact of the use or development on significant vegetation in the highway corridor.	The proposed development will not result in any unreasonable impacts on any significant vegetation within the highway corridor.
The proposed design and materials of the building and its likely impact on the visual amenity and character of the area.	The design of the facility incorporates with generous setbacks from side and rear boundaries, adjoining roads and incorporates the use of landscape planting to ensure the development compliments the rural character. The new features on the site will be generally non-reflective and the panels will be treated with anti-reflective coating. This means that the facility will remain passive in the landscape.
Any signs associated with the proposed use or development and their likely impact on the visual amenity and character of the area.	No signs are proposed.
The need for the use or development to promote the purpose of the zone.	Please refer to Section 7.2 .
The need for buildings to be designed and constructed and use materials and colours that compliment the visual amenity of the landscape.	A visual impact assessment, landscape design and glint and glare assessment have been prepared and accompany this application. The proposed design and siting of the facility have been informed by this suite of technical report to ensure that the proposal sits comfortably within its context. The provision of substantial landscape planting along primary interfaces coupled with non-reflective panel will ensure the facility compliments the visual amenity of the area.

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7.4.4. Visual Impact

The proposal is located within an area where the landscape is generally flat and the site may be observed in the broader landscape from prominent public locations. A Visual Impact Assessment has been carried out by Yonder Studio, with associated landscape recommendations included in a Landscape Plan.

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The Visual Impact Assessment includes an investigation of possible viewsheds along Princes Highway, Power Station Road and Bengworden Road where the proposed development may be seen, and undertaking a visual impact assessment using the grading matrix, considering visual sensitivity and the magnitude of the visual change.

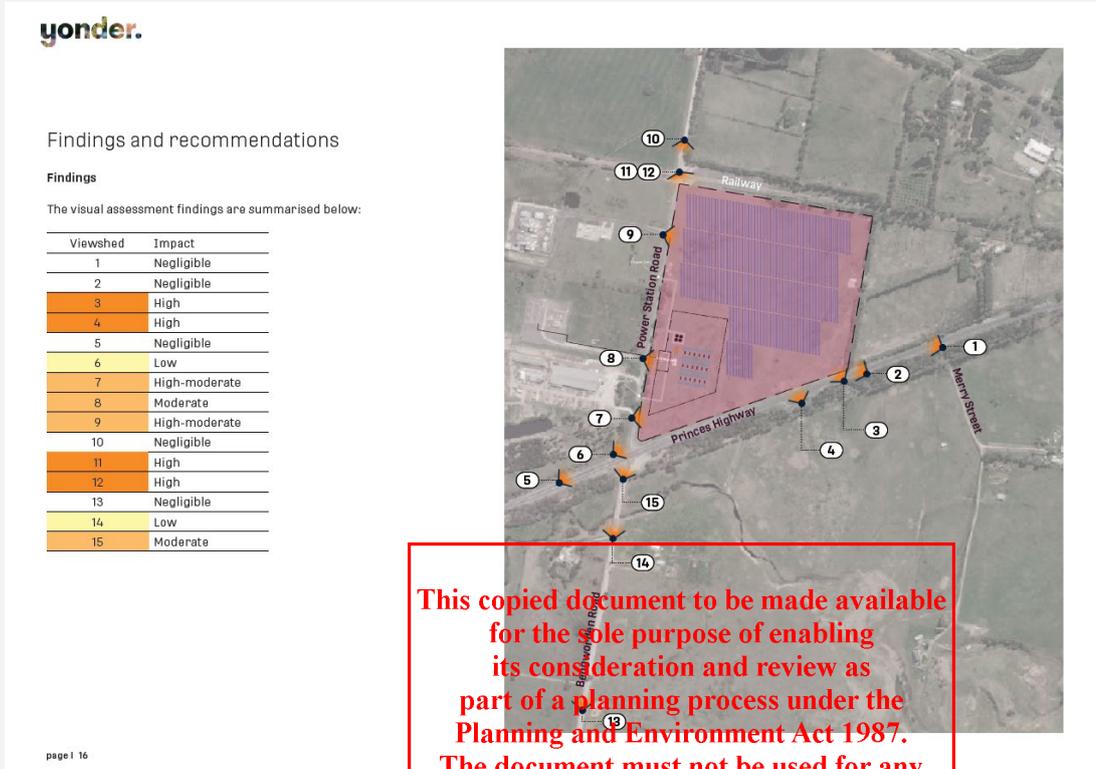


Figure 39 | Extract from Visual Impact Assessment

The assessment identifies that the approach along the Princes Highway from the east, and the approach from the north along Power Station Road were of the highest visual sensitivity. As a result of this, the subsequent landscape recommendations are for the establishment of a landscape buffer along western and southern boundaries.

The landscape concept intends to create a natural condition along the site perimeter to firstly enable a screening of the facility, but also provide a long term benefit to the natural conditions of the area. The proposed landscaping outcome is intended to be a long term addition, being that it will contribute to the long term linkages within the area and serve as a useful boundary definition for ongoing agricultural operation.

Accordingly, the proposed development is not considered to result in an unreasonable visual impact, subject to the implementation of the recommendations of this assessment. Please refer to the assessment and plan for further details.

7.4.5. Glint and Glare

Generally, solar panels will not create significant glint and glare compared with other commonly existing surfaces. Likewise, photovoltaic solar panels are generally less reflective than other naturally occurring elements such as soils and crops.

A Glint and Glare assessment prepared by Environmental Ethos accompanies this application. The assessment utilised the Solar Glare Hazard Analysis Tool (SGHAT 3.0) in conjunction with a viewshed analysis, to undertake the glare modelling which is the basis for the impact assessment methodology. The assessment identified that:

- *The SGHAT modelling identified no glare is geometrically possible affecting rural and residential dwellings within 1km of the Project, therefore no impact is likely.*

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- The SGHAT modelling identified no glare is geometrically possible affecting the Princes Highway, local roads, and Gippsland rail line within 1km of the Project, therefore no impact is likely.
- The SGHAT modelling identified no glare affecting the runway approach paths (within the 2 mile flight path limit) for the two runways at Bairnsdale Airport.
- The SGHAT modelling also identified no glare affecting Bairnsdale Christian College, the level railway crossing on Power Station Road, and the entrance to Bairnsdale Power Station.

The assessment went on to include the following recommendation for management and mitigation measures:

The Project Environmental Management Plan (EMP) should detail glare management measures, including the parameters detailed in this report. In addition, the EMP should detail a process for monitoring glare hazard and managing possible complaints.

Overall, the assessment determines that there will be no glare impacts on the surrounding receptors, providing that backtracking is not allowed by the proposal system. The applicant has committed to this outcome and it is expected that any approval will require this outcome.

7.5. Amenity Considerations

Amenity impacts associated with the development are likely to be isolated to matters pertaining to visual and acoustic amenity. Matters associated with visual amenity have been assessed above within Section 7.4 of this report.

With respect to acoustic amenity Clause 13.05-4 provides the most tailored assessment guidance in relation to the assessment of noise impacts associated with the proposed development. In response to this policy guidance a Noise Impact Assessment Report has been prepared by Acoustic Dynamics for the proposed development. The purpose of the assessment is to identify potential off-site noise emissions from the proposed development and to determine required noise control measures, if necessary, to achieve compliance with relevant noise limits applicable under the legislation at noise sensitive locations.

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The report concluded that “...the proposed development can be designed to comply with the relevant acoustic criteria of the East Gippsland Shire Council, EPA Victoria and Australian Standards. It is our opinion that the acoustic risks associated with the proposal can be adequately controlled and the amenity of neighbouring properties and residents satisfactorily protected”.

Please refer to this report for further details.

7.6. Native Vegetation Removal

Clause 52.17 of the planning scheme refers to native vegetation and has the purpose to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. The requirements of the clause are supported by application of the three step approach in accordance with Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (“the Guidelines”).

A planning permit is required pursuant to clause 52.17-1 to remove, destroy or lop native vegetation, including dead native vegetation, unless an exemption is otherwise specified.

The proposal seeks to remove native vegetation to establish the new PV array and infrastructure. There are no exemptions which apply to these trees and a permit is therefore required.

A Native Vegetation Removal Report has been prepared by Nature Advisory that provides a detailed assessment of the proposed vegetation removal. The report concludes that the proposed vegetation removal is acceptable. Please refer to this report for further details.

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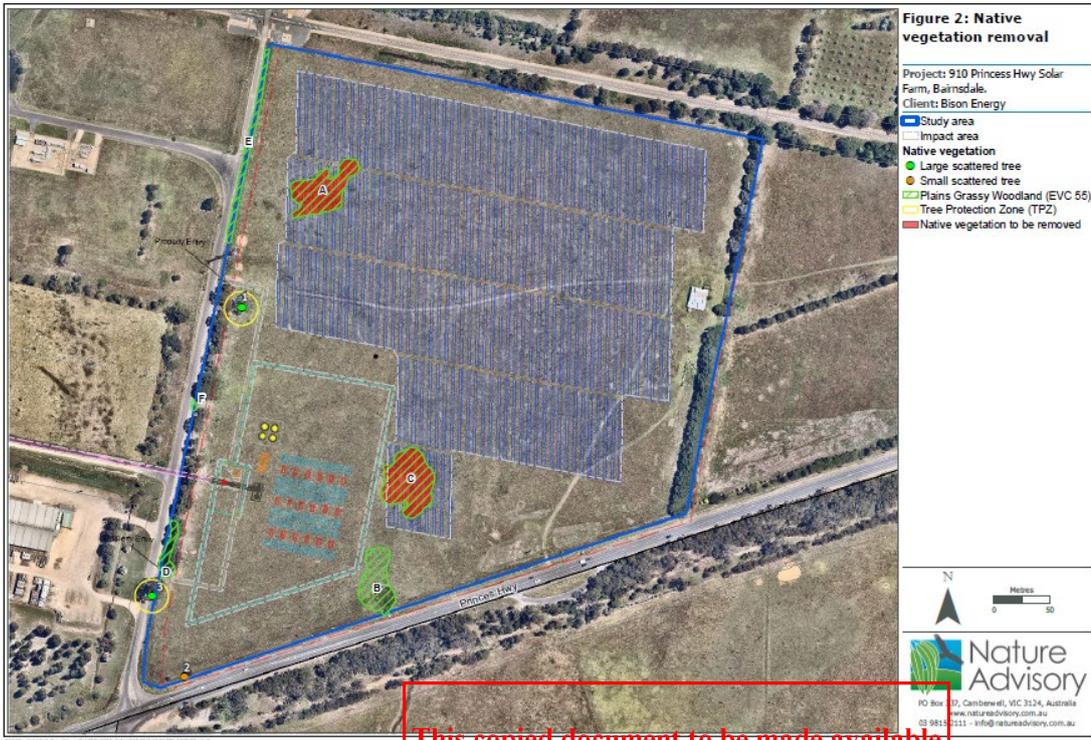


Figure 40 | Extract from Native Vegetation Report illustrating Vegetation to be Removed

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7.7. Bushfire

The subject land is not mapped as Bushfire Management Overlay but is recognised as Bushfire Prone under the building regulations. Having regard to this, and the policy directions of clause 13.02-1S, it is appropriate that the facility be designed with regard to bushfire risks.

A Bushfire Management Statement has been prepared by Nature Advisory and demonstrates how the proposal meets the requirements of Clause 13.02-1S. Please refer to this report for further details.

7.8. Traffic, Access and Parking

A traffic impact assessment has been prepared by Trafficworks and concludes that the proposed traffic, access and parking arrangements for the development are acceptable, subject to the following recommendations:

- that specific areas be identified on the site plan to be dedicated to car and truck parking, vehicle manoeuvring and materials storage during the construction phase.
- that detailed design of the new site entry driveway incorporate the relevant aspects of SD 265 of the IDM

Please refer to this report for a complete assessment of matters pertaining to traffic access and parking.

7.9. Stormwater Management

As per the recommendations of the Solar Energy Facilities Design and Development Guideline, drainage and stormwater plans will be incorporated within an environmental management plan, which may be required by permit condition. The subject site is not located within a flooding area, nor does it traverse any waterways. The development will generally be designed to maintain the quality of stormwater within and exiting the site, and it is anticipated that the development will impose some stormwater management measures, although not of a significant scale as majority of the groundcover on the site will be retained.

7.10. General Provisions

Clauses 65.01 of the East Gippsland Planning Scheme identifies that prior to determining an application the Responsible Authority must consider the directions of this Clause. The contents of this report herein clearly demonstrate consistency with outcomes of these considerations.

The proposal represents a carefully crafted design response that has provided due consideration to the site's opportunities and constraints to deliver a development outcome that is not only responsive to the directions and aspirations of planning policy, but also its existing physical context.

The proposal represents an efficient use of land zoned for agricultural purposes contributing to the promotion of sustainable development and the transition to a low carbon economy. The proposed design is responsive and sympathetic to the established character of its surrounds, can be suitably serviced by infrastructure, minimises the impact on any biodiversity values and appropriately manages impacts associated with natural hazard risk.

Accordingly, the proposal represents an acceptable response to the directions of this Clause.

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8. Conclusion

This Planning Report seeks approval for use and development of land for a renewable energy facility (solar), associated utility installations, and the removal of native vegetation. The subject land is described as Lot 1 in PS516537 and is located at 910 Princes Highway, Bairnsdale.

The proposal deserves the support of DELWP because:

- it complies with the standards and objectives outlined within the East Gippsland Planning Scheme;
- it represents orderly planning of large farming allotments in an area that minimises impacts on more sensitive land;
- it proposes a site responsive design which integrates with the existing topography and ensures the development does not significantly impact the amenity of the area;
- it proposes treatments such as perimeter landscape plantings and screenings to minimise conflicts with adjoining sensitive interfaces;
- access can be easily obtained through connections to the surrounding road network and
- existing infrastructure connections, including to a conveniently located distribution line, can be easily extended with minimal works required;
- it contributes to the sustainability of the shire through providing an alternative renewable energy source;
- it contributes towards the state objective to reduce emissions by 28-33 per cent by 2025 and 45-50 per cent by 2030;
- it will have a positive economic effect through providing work and contracting opportunities to local businesses, and through indirect effects such as accommodation, hardware stores, or food premises’;

In light of the above considerations, it is our opinion that the proposal is appropriate from a planning point of view and is in the public interest. The proposed development warrants support by DELWP.

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Appendix A: Title Details

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Appendix B: Plans

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Appendix C: Acoustic Impact Assessment

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Appendix D: Agricultural Impact Assessment Report

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Appendix E: Bushfire Management Statement

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Appendix F: Glint and Glare Assessment

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Appendix G: Native Vegetation Assessment Report

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Appendix H: Traffic Impact Assessment

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Appendix I: Visual Impact Assessment

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Appendix J: Cultural Heritage Management Plan
