
NILLUMBIK SOLAR FARM UPDATED TOWN PLANNING REPORT

LMS Energy Pty Ltd
FINAL

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1. INTRODUCTION

This report has been prepared by Fyfe Pty Ltd (Fyfe) on behalf of LMS Energy Pty Ltd (LMS Energy) to accompany a planning permit application for the construction and operation of a solar energy facility on the site at 290-304 Yan Yean Road and 193-213 Heard Avenue, Plenty VIC 3090 (the site). The facility will produce up to 1.2MW (megawatts) of electricity per annum, connected to the local distribution network with the purpose of supplying a portion of Council's electricity needs.

The subject site is on land that has previously been used for landfill. The site is public land owned by Nillumbik Shire Council and is located in the Public Use Zone and Rural Conservation Zone of the Nillumbik Planning Scheme, where a permit is required for the use and development of the solar energy facility and utility installation.

This report outlines the details of the proposal and provides an assessment against the relevant guidelines and planning provisions.

Key reference documents used to guide the site selection and design process for this proposal are:

- Municipal Planning Strategy and the Planning Policy Framework;
- Solar Energy Facilities Design and Development Guidelines, August 2019;
- Solar Farm Guideline Example Permit Conditions, 2019;
- CFA Guidelines for Renewable Energy Installations, February 2019;
- The Nillumbik Planning Scheme;
- Community Engagement and Benefit Sharing in Renewable Energy Development, 2017.

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2. SITE SELECTION AND PRE-APPLICATION PROCESS

The following section provides background context to the site and the project.

2.1 Site History

The subject site was developed as a Council owned and operated waste landfill and recycling depot operations centre in 1974. Prior to this, the land was a greenfield site comprising agricultural land. The waste landfill component of the site ceased operations in 2006 and has been permanently closed with land capping works, completed in mid-2021. The Council waste depot and recycling depot operations centre is still an active use on the site, located on the southern portion of the site fronting Yan Yean Road.

2.2 Project Inception

Aligned with the Commonwealth's wider renewable energy targets, Council's *Climate Change Action Plan 2016 – 2020* identified a key mitigation action to be exploring the potential to supply renewable energy to Council's facilities through the development of a local renewable energy facility.

A feasibility study was commissioned by Council which identified the Plenty landfill site as the most suitable location in the local area for a solar farm due to its proximity to the electricity distribution network and the limited potential for alternative uses on the former landfill site.

At its Ordinary Meeting of Council in November 2019, Council resolved to proceed with plans to develop a solar farm on the former landfill site. LMS Energy has since been engaged as the contractor to design, develop and operate the facility on site.

Under the scope of the agreement, the solar farm will supply electrical power to Council under a power purchasing agreement. The project supports Council's climate change actions and targets, achieving compliance with the Commonwealth's renewable energy targets, and providing tangible support of the renewable energy economy.

2.3 LMS Energy Company Profile

LMS Energy is a South Australian-based renewable energy project company that specialises in the construction and operation of Landfill Gas-to-Energy (Bioenergy) facilities. These facilities produce base-load renewable electricity from landfill gas and offer one of the most efficient, reliable, and cost-effective sources of renewable energy.

LMS Energy is highly recognised as an innovator in this industry, owning and operating various landfill-based Bioenergy and Solar Energy facilities across Australia, including eight existing sites in the State of Victoria. LMS' facilities abate over 4 million tonnes (CO₂e) of carbon per annum.

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2.4 Community Engagement

Community engagement has been a large focus for both Council and LMS Energy during site selection, design and development phase of the project. The initial phase of the local engagement process invited the community to share their thoughts on the concept of a solar farm being located at the former landfill site. This information was published through various communication avenues including on the Participate Nillumbik web site page, social media posts, local newspapers and through community groups. This initial phase was undertaken for three weeks in July 2020. The community was overwhelmingly in support of the proposal, generally viewing the proposed use and an improved outcome in comparison to the former landfill activities. Further details on methodology, statistics and responses during this phase can be found in Council's Proposed Solar Farm Community Engagement Report dated August, 2020.

Since being engaged for the works, LMS Energy has been working with Council to develop a Community Investment Strategy, that will allow residents to benefit from the installation of the project through tangible benefits. The Community Investment Strategy will be used to promote the development and benefits through 'shared value' opportunities.

Throughout 2021 with uncertainty surrounding COVID-19 in Victoria and the wider concern for social distancing measures and travel restrictions meant that LMS Energy was unable to meet the local community in-person. Given the community response to the project during the initial consultation was largely positive, LMS Energy made the decision to utilise the existing available consultation feedback to guide the design process. Further online information sessions are scheduled to run once the application has been lodged. It is understood that notice provisions in Section 52 of the *Planning & Environment Act* will ensure all relevant stakeholders will be notified. Should there be any new matters of concern, these will be considered and addressed accordingly during the assessment process.

2.5 Pre-Application Meeting with Department of Environment, Land, Water and Planning (DELWP)

At the initiation of the design process, LMS Energy and relevant project team members engaged with the Renewable Projects team at Department of Environment, Land, Water and Planning (DELWP) as the relevant authority for the assessment of the future planning permit application. In May 2021, a virtual pre-application meeting was held to discuss the relevant design considerations and procedural matters for the application process. LMS Energy and the project team have since engaged in preliminary discussions with the recommended agencies and consultants prior to finalising the proposal for lodgement.

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2.6 Pre-Application Consultation with Relevant Authorities

Preliminary consultation has been undertaken with the following agencies:

- The CFA in relation to bushfire risk management;
- The Registered Aboriginal Party (RAP) in relation to cultural heritage management;
- AusNet in relation to infrastructure connections, and
- Energy Safe Victoria in relation to health and safety considerations.

The matters raised during these preliminary discussions have been incorporated into the proposed design, to align with the applicable requirements and expectations.

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3. SITE AND LOCALITY DESCRIPTION

The following section provides details on the site and surrounding locality.

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3.1 Site Details

A summary of the site details is provided in Table 1.

Table 1 Site Details

PROJECT TITLE	Nillumbik Solar Farm
ADDRESS	290-304 Yan Yean Road and 193-213 Heard Avenue, Plenty VIC 3090 Road reserve of Yan Yean Road
REAL PROPERTY DESCRIPTION	Lots 6, 7, 8, and 9 LP69413 Lots 44 and 45 PS827184 Lot 1 TP159384 Lot 1 TP165350 Lot 3 LP133874
SITE AREA	18.7ha
PREVIOUS USES	Waste landfill (1974 – 2006) Recycling Centre (circa 1974 – current) Greenfield / agricultural land (pre-1974)
LOCAL GOVERNMENT	Nillumbik Shire Council
PLANNING SCHEME	Nillumbik Planning Scheme
ZONING	Public Use Zone – Local Government (PUZ6) Rural Conservation Zone (RCZ3) Road – Category 1 (RDZ1)
OVERLAYS (for the subject site)	Bushfire Management (BMO) Environmental Significance (ESO1)
OVERLAYS (for the road reserve for the powerline connection)	Public Acquisition Overlay (PAO1)
OTHER CONSIDERATIONS	Aboriginal Cultural Heritage Sensitivity

3.2 Site Description

The site consists of two (2) separate land titles owned by the Nillumbik Shire Council and covers 18.7ha of total site area. The combined land is irregular in shape, with primary frontage to Yan Yean Road to the south and secondary frontage to Heard Avenue to the east. The site has undulating levels, with the highest points being at the northern and southern points, falling towards the west and east, with lowest point being in the south-eastern corner fronting Heard Avenue. The land has largely been cleared of vegetation except for sections of bushland in the north-eastern corner and western corner of the site. There are also scattered trees sited along the entrance driveway and amongst the structures and carparking area to the south. There are leachate ponds on site for the collection and treatment of leachate generated within the buried landfill waste. One pond is located near to the southern boundary, east of the recycling facility, and the larger and newer pond is in the south-eastern corner of the site towards Heard Avenue.

The site is accessed from an existing intersection entrance on Yan Yean Road, which was recently upgraded in Stage 1 of the Yan Yean Road Upgrade Project. There is existing boundary fencing surrounding the site as shown on the Site Layout Plan. There is one gate access point in the far western corner and three gate access points along the Heard Avenue boundary fencing, however only the southern-most gate appears to be utilised to access the southern pond.



Figure 1 Subject site

The southern portion of the site is currently used as Council’s recovery and recycling centre and animal pound. The facility comprises various buildings and structures for operations including sheds, workshops, waste drop-off bays and waste skips, office and employee facilities, and designated car parking areas. The site is accessed from the existing intersection entrance on Yan Yean Road.

The northern portion of the site comprising 11ha of land was previously used as a waste landfill between 1974 and 2006. A leachate and landfill gas management system is fitted at the site along with a permanent cap to manage the environmental impacts of the landfill in accordance with EPA requirements. Land capping works have recently been completed on site and has been covered with grass plantings. The area is otherwise cleared and made ready to commence works for the proposed solar energy facility.

Existing site conditions are captured in the following site photos taken in June 2021:

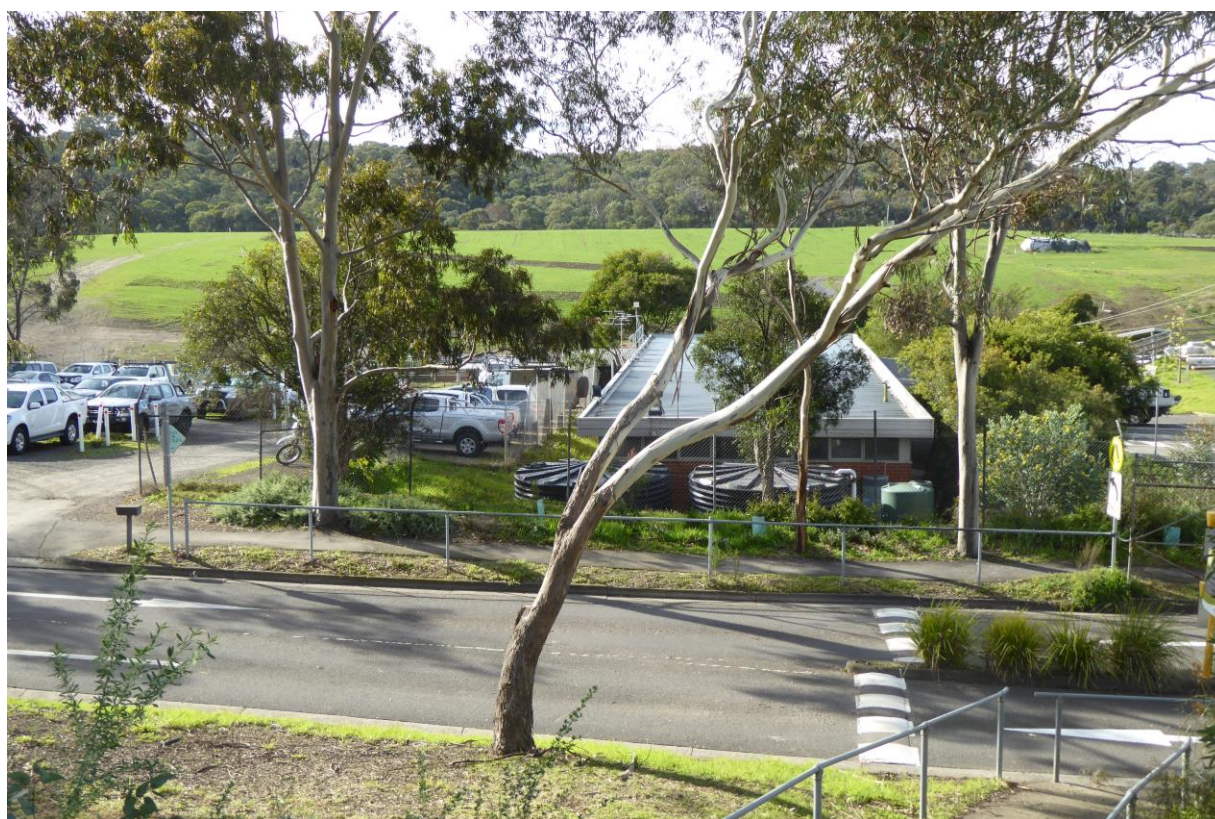


Figure 2 Views north towards the land cap site from the existing recycling centre entrance

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Figure 3 Views north-east towards the land cap site from the existing carpark



Figure 4 View south towards Yan Yean Road from the land cap, showing the existing driveway, storage area, parking

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Figure 5 View south-east, showing the existing recycling facility, animal pound and associated structures

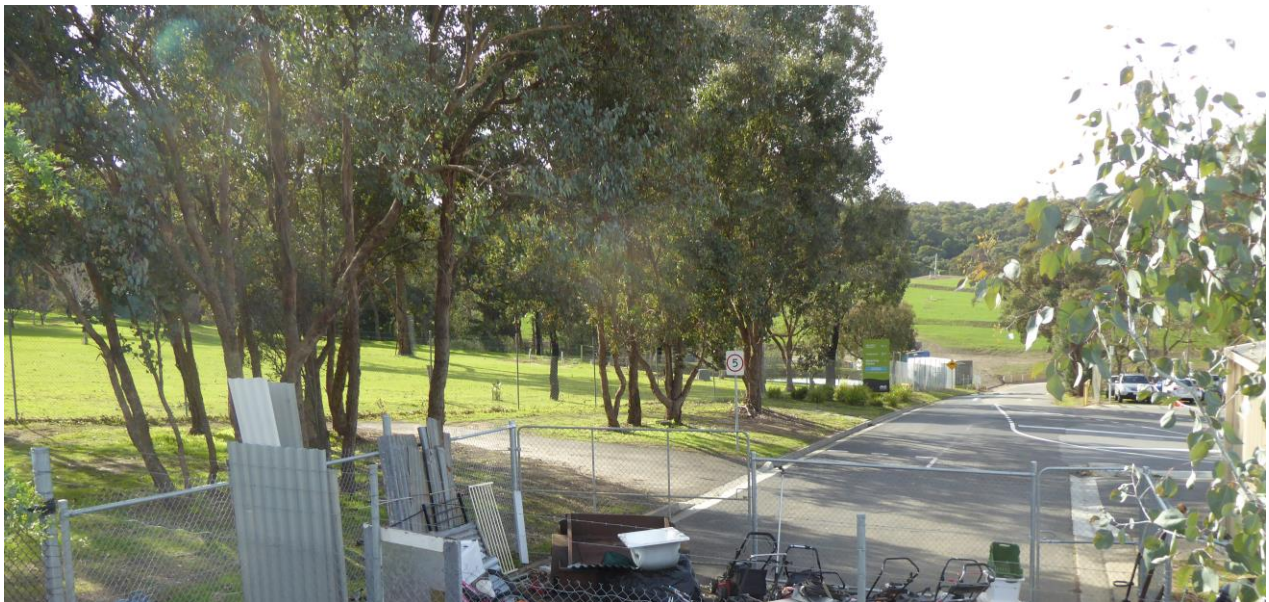


Figure 6 Views north from the driveway entrance, showing existing trees on site lining the existing driveway

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Figure 7 Views to east towards Heard Avenue from former landfill site



Figure 8 Views north from the western side of the former landfill site



Figure 9 Views west from the centre of the former landfill site



Figure 10 View east from the western corner, showing existing bushland vegetation on site



Figure 11 View south-west from northern corner. Existing boundary fencing along the western boundary



Figure 12 Existing dam in south-east corner of the site



Figure 13 Panoramic view in western direction from south to north, standing in centre of landfill area.



Figure 14 Panoramic view in eastern direction from north to south, standing in centre of landfill area

3.3 Surrounding Locality

The Shire of Nillumbik is predominantly a rural residential area located on the north-eastern urban-rural fringe of Melbourne, approximately 25km from Melbourne's central activities area. The predominant land uses in the area include agriculture, rural living and conservation.

The adjacent properties surrounding the subject site are characterised by large allotments comprising residential properties with dense mature vegetation bordering the shared boundary lines to the subject site. There are 29 dwellings within a 500-metre radius of the site. Due to the undulating nature of the topography in the area and the existing mature tree canopy coverage, the site has minimal to nil visibility from most of these properties and the local road network. A views analysis is included in the Landscape Plan (**Appendix F**).

A major high voltage regional transmission network travels in an east-west direction approximately 100 metres south from the site. There is an existing 22kV overhead powerline along Yan Yean Road reserve connecting into the local electricity supply system.

Yan Yean Road, being the primary frontage to the site, is a major road which services approximately 20,000 – 24,000 vehicles per weekday. The portion of the road bordering the site was recently upgraded as part of the Yan Yean Road Upgrade Project Stage 1 in the Major Road Projects Victoria program. It is noted that new vegetation mixes have been planted in the roadside verge between Yan Yean Road and the subject site, as part of the upgrade works. This planting schedule is detailed in the Landscape Plan attached in **Appendix F**. Once mature, these plantings will obscure view lines to the site from Yan Yean Road.

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The surrounding locality is captured in the following photos taken in June 2021:



Figure 15 Site visibility along Yan Yean Road, looking north-east



Figure 16 Site visibility along Yan Yean Road, looking east



Figure 17 Existing electricity distribution infrastructure in Yan Yean Road reserve, to the west of the site entrance



Figure 18 Views along Heard Avenue, looking north (subject site is on the left side)

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Figure 19 Existing roadside vegetation along Heard Avenue, looking west at the subject site.

3.4 Existing Planning Controls

The subject land is located within the **Public Use Zone** (PUZ6 - Local Government) and the **Rural Conservation Zone** (RCZ3 - Schedule 3). The land is also located in the following Overlays:

- Bushfire Management Overlay (BMO) – applies to the whole site.
- Environmental Significance Overlay (ESO1 -Schedule 1) – applies to the north-western portion of the site.
- Public Acquisition Overlay (PAO1) – applies to the Yan Yean Road reserve.

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4. PROPOSAL AND PLANNING PERMIT TRIGGERS

This application seeks planning approval to develop and use the land at 290-304 Yan Yean Road and 193-213 Heard Avenue, Plenty for a solar energy facility and associated utility installation, as shown on the plan pack provided in **Appendix A**. The following section provides details on the proposed development and planning permit triggers.

4.1 Development Description

4.1.1 Development Summary

The proposal includes the installation of fixed, tilted solar panel arrays and control equipment within an inverter compound with a total capacity of 1.2MW. Associated works include fencing, designated car parking, fire protection system, and earthworks to install an underground powerline extension from the inverter compound to the Yan Yean Road site boundary.

The proposal also includes development of the adjacent Yan Yean Road reserve for a utility installation, being the extent of the underground powerline extension to a new 22kV recloser pole and connecting into the existing 22kV overhead pole sited along the road reserve.

The inverters will only be operating during daylight hours. The site will be an unmanned facility and will operate independently from the existing recycling facility on site, fronting Yan Yean Road. The number of vehicles and personnel accessing the site will therefore be limited to irregular inspection and maintenance staff.

The site will be accessed using the existing access point from Yan Yean Road, and internal driveway. A designated car parking area with four (4) car parking spaces and a turnaround area is provided near the end of the existing driveway. An access path is provided around the perimeter of the solar array area and inverter compound area, also serving as a designated firebreak buffer.

4.1.2 Facility Equipment

The dimensions and details of the proposed equipment and structures is detailed below.

Solar Panel Array

Solar panels positioned on the site running parallel in an east-west direction at various lengths. Each panel has the following specifications:

- Dimensions of 2.2m x 1.1m;
- Maximum height of 1.27m;
- Nominal tilt angle of 15°;
- Orientation of due 0° North.

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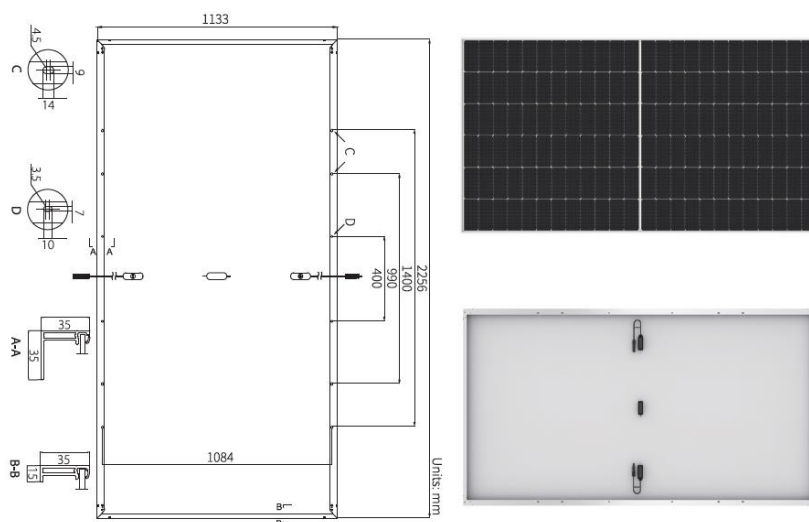


Figure 20 Proposed solar panel model

Inverter Compound

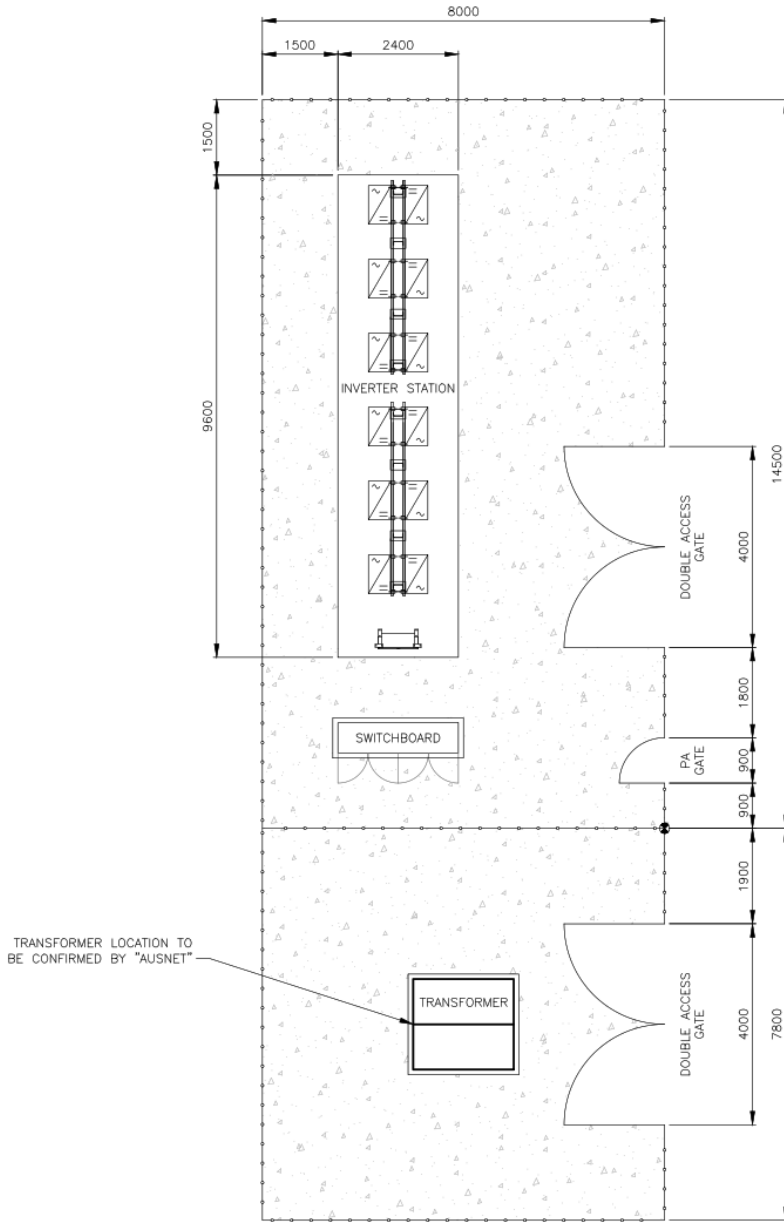
An enclosed 14.5m x 8m area located in the south-western corner of the site adjacent to the entrance, setback at least 60m from the closest boundary, housing the following equipment:

- 1 x Inverter Station comprising 12 x high power 100kVA inverters
- 1 x switchboard

AusNet will place a transformer outside the Inverter Compound, with final location to be confirmed. The LV terminals of the transformer will be the Distributor's proposed connection point.

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Figure 21 Proposed floorplan layout of Inverter Compound

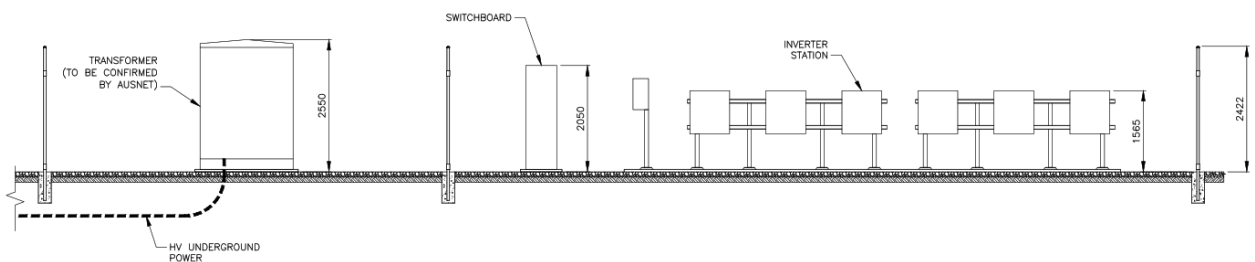


Figure 22 Proposed elevation of Inverter Compound

22kV Underground Powerline from Transformer to Yan Yean Road

Drilling for High Voltage lines is undertaken at a minimum of 1 metre depth below ground. To avoid any obstructions including trees, infrastructure and roadways and to avoid damage to any footpaths or curbing, this depth may increase as necessary. An access pit is dug at each end of the line path which typically follows a parabolic shape. Requirements to drill depths greater than 1 meter are determined on site, based on conditions encountered.

Utility Connection to the Existing 22kV Electricity Distribution Network (Overhead) in Yan Yean Road Reserve

The local network distributor will undertake works to connect the solar farm to the local 22kV distribution network by;

- Replacing the existing kerb side pole (#2601759685) on Yan Yean Road with a 15 metre pole (final height to be determined at detailed design stage).
- Tee off from the pole to a new 10 metre high dedicated ACR pole approximately 8 metres away located on kerb side.
- Install a second 10 metre termination pole approximately 8 metres from the ACR pole located on Council property.
- Extend 22kV overhead lines between the poles.

Fencing

Fencing will be provided around the entire facility perimeter and to the carpark and inverter compound areas. The perimeter fencing includes double gate access at the entrance of the site off the existing internal driveway. The inverter compound fencing includes double gate and pedestrian access at the western elevation.

Existing fencing along the north-west, north-east, Heard Avenue and residential boundaries will be connected with new fencing to run along the southern boundary, ensuring the perimeter of the facility is enclosed.

A separate fence will enclose the inverter compound.

All new fencing will be 1.8 metre high and will be a chain mesh fence with an additional 450 mm high section including three-point barbed wire lines above.

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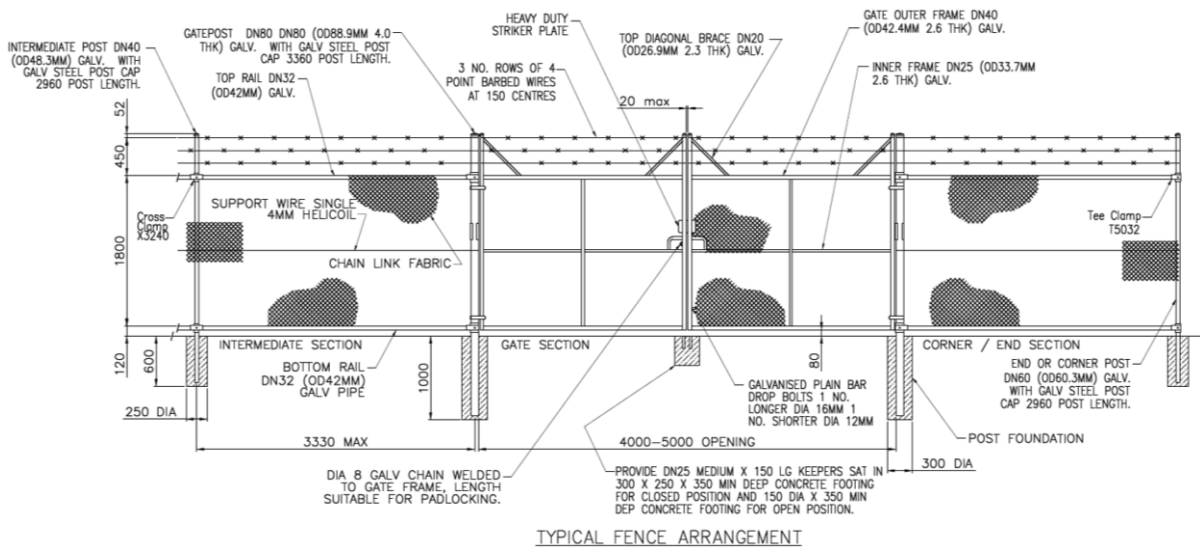
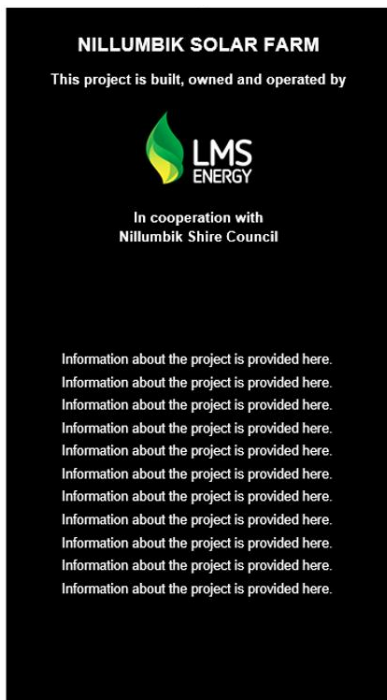


Figure 23 Proposed fence design elevation

Business Identification Signage

A lightweight metal sign will be attached to the fence near the entrance to the facility, to identify the facility and its operations. The dimensions of the sign are approximately 1200mm wide by 2400mm high. The content will include a plain background, the LMS Energy company logo, 'NILLUMBIK SOLAR FARM' in plain text, with operative details and project background details below. Sample image shown in the Figure below.



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Figure 24 Proposed business identification sign at facility entrance

Internal Access Track

An access track also serving as a 10 m wide fire break clearance is provided around the a portion of the facility perimeter. This track connects to the site entrance and is accessed from the existing internal driveway connecting to Yan Yean Road. Intended for use during construction and for service operations and maintenance.

Designated Parking Area

Four (4) car parking spaces and designated assembly area, unloading bay and turn around area is proposed in the existing storage area adjacent to the facility entrance. This area includes fire-fighting equipment including on-site water supply for emergency services.

4.2 Planning Permit Triggers

Pursuant to the Nillumbik Planning Scheme, a planning permit is triggered for the proposed use and development outlined above, by the following provisions:

Rural Conservation Zone

- 35.06-1 Section 2 – To use land for a Renewable Energy Facility (other than wind energy facility) and Utility Installation (other than Minor Utility Installation and Telecommunications facility).
The use must meet the requirements of Clause 53.13.
- 35.06-5 – To construct or carry out works associated with the use as a Renewable Energy Facility and Utility Installation.

Public Use Zone

To use land for a Renewable Energy Facility (other than wind energy facility) and Utility Installation is not listed as a prohibited use in Section 3. While the proposed use will be carried out on behalf of the public land manager, a renewable energy facility is excluded from the exemption for requiring a planning permit in Clause 52.31. As such, the proposed use for a Renewable Energy Facility and Utility Installation in the zone has been applied to a Section 2 – Permit Required.

- 36.01-2 – To construct or carry out works for any use in Section 2 of Clause 36.01-1.

Road Reserve Zone

- 36.04-1 Section 2 – Utility installation (other than Minor Utility installation and Telecommunications facility).

Environmental Significance Overlay

- 42.01-2 – To construct a building or construct or carry out works, including a fence (as per Schedule 1)

Public Acquisition Overlay

- 45.01-1 – To use land for any Section 1 or Section 2 use in the zone (the Public Use Zone)
- 45.01-1 – To construct or carry out works associated with the use as a Renewable Energy Facility and Utility Installation.

Clause 52.05 - Signs

- 52.05-14 Section 2 – Business Identification Sign (total display area must not exceed 3 sqm).

5. DESIGN CONSIDERATIONS

The proposed development has been designed with consideration for the *Clause 65 Decision Guidelines* in the Nillumbik Planning Scheme, as well as the following guiding frameworks and documents:

- **Solar Energy Facilities Design & Development Guidelines, August 2019** with respect to the key state-wide considerations for the use and development of solar facilities. A response to these recommendations is outlined in Section 5.1 below;
- **CFA Guidelines for Renewable Energy Installations, February 2019** with respect to the standard requirements regarding fire safety, risk and emergency management in the design, construction, and operation of solar energy facilities. A response to these requirements is outlined in Section 5.2 below;
- **Clause 53.13 of the Nillumbik Planning Scheme** with respect to the siting of renewable energy facilities in appropriate locations to ensure minimal impact on the amenity of the area. These requirements are addressed throughout the planning assessment in Section 6 of this Report.

These documents have informed the design development process including considerations for stakeholder consultation, proposed layout, construction methods, operation and maintenance, and ultimate decommissioning of the facility. Evidence of consideration towards these matters is demonstrated throughout this report and the supporting documents.

5.1 Solar Energy Facilities Design and Development Guidelines

The Victoria Government has developed the *Solar Energy Facilities Design & Development Guideline (August 2019)* aiming to help outline the assessment and development process for large-scale solar energy facilities in Victoria. This guideline sets out best practice advice for developers of solar energy facilities, including recommendations for community consultation, design, consideration of off-site impacts, construction, operation, and decommissioning. The performance of the proposal against the guideline recommendations is summarised below.

Identifying Suitable Locations

As detailed in Section 2.2 of this report, the decision to select the subject site was made following the undertaking of a feasibility study and initial community consultation process. In accordance with the guideline recommendations, the subject site is an ideal location for a renewable energy facility for the following reasons:

- The site is located close to the existing electricity transmission network, which has capacity for the additional electricity load and is accessible through existing distribution infrastructure along Yan Yean Road reserve;
- The site was previously used for waste landfill; the development does not result in any loss of or impact to productive, state-significant agricultural land;
- Due to the former landfill sensitivities, the proposed development finds a new use for a site which is otherwise difficult to re-purpose;
- The site has recently undergone land capping works, therefore the development does not require any removal or loss of vegetation, habitat or species of environmental importance;

- While the site is located in a broader rural residential area, the site is largely screened from public and private views due to the nature of the topography, the existing mature bushland surrounding the site, and the existing Recycling Facility on site. The historical use of the site as a relatively unsightly operating landfill likely resulted in dwellings being designed and constructed to avoid views towards the landfill;
- The site has ready, formal access from a recently upgraded main road; and
- The site is located outside of any declared irrigation district and is away from the floodplain of any major water course or wetland.

Engaging the Community

As detailed in Section 2.4 of this report, early consultation with local stakeholders has been undertaken prior to lodging this application. The initial phase of the community engagement was led by Council in July 2020. The Council has coordinated an ongoing 'Participate Nillumbik' webpage on the Council website where the community is able to access information about latest project news.

Upon being engaged for the works, LMS Energy has been developing the Community Investment Strategy and the Community Engagement Plan in collaboration with Council. The intention was to host a face-to-face public event during the design development stage to discuss the proposal with the local community. Due to the uncertainty of changing restrictions and announcements related to the COVID-19 pandemic situation in Victoria and wider Australia, this was unable to occur. As an alternative method of engagement, LMS Energy and Council intend to host scheduled online sessions with the public in late 2021.

A virtual meeting was held with representatives of the Traditional Owner Group, to understand any considerations from a cultural heritage perspective. The proposal is currently being reviewed for endorsement by the relevant Board.

Further notice of the planning permit application will be issued under Section 52 of the *Planning & Environment Act*, ensuring that all relevant stakeholders will be notified.

Design Stage

The proposed facility and associated structures have been sited to minimise their impacts on the surrounding locality. The following design elements have been incorporated into the proposal in accordance with guideline recommendations:

- The solar array is sited at least 30 metres away from the property boundaries and avoids the existing pipework and infrastructure associated with the land cap;
- The inverters and associated equipment are grouped within the inverter compound, which is sited adjacent to the designated car parking spaces and fire protection system at the facility entrance. The inverter compound is setback at least 60 metres from the property boundaries;
- The potential for additional landscaping on site is limited due to the sensitivity of the land cap underneath the site. Fortunately, the location is largely screened by existing surrounding vegetation, structures, and undulating topography.

- A Glint and Glare Assessment has been undertaken to identify any potential glare impacts from the proposed solar array. Where potential low glare impact was identified for select Observation Points, further considerations for existing vegetation on site and appropriate mitigation measures have been proposed;
- Noise monitoring has been undertaken to ensure that noise levels experienced by the receptors surrounding the proposed facility would be in compliance with construction and operative noise limits in accordance with the relevant State Policy;
- Appropriate security measures including perimeter fencing and sufficient site access are included in the design;
- A 10 metre wide fire break area will be maintained around the perimeter of the site between the fencing and the associated equipment within, to reduce potential bushfire hazard and provide ongoing maintenance and emergency access;
- The solar array is arranged on the site to avoid conflict with the leachate pond, gas release vents and other equipment associated with the ongoing landfill impact management system;
- Traffic impacts associated with the facility will be close to nil. As the facility will be unmanned and monitored remotely, the only vehicles accessing the site during operation will be staff visiting for scheduled maintenance works. This activity is anticipated to generate 1 or less vehicle movement per week. Vehicles accessing the site will enter from Yan Yean Road using the designated intersection and the existing internal driveway. Car parking spaces are to be provided at the entrance to the facility, allowing vehicles to enter and exit in a forward direction. Informal track access on the fire break area is available around to the perimeter of the facility.

Construction Stage

The proposed facility is designed to operate as an unmanned facility that is monitored remotely. As such, the facility will have minimal environmental impact once built and in operation. The construction period will be the most impactful period of the facility's lifespan. The Construction Environment Management Plan (CEMP) attached in **Appendix H** provides an overview of construction methods including management of potential construction impacts. It also includes measures to minimise impacts to amenity and the environment during the construction, operation and decommissioning of the solar facility, to comply with relevant requirements.

Operation Stage

The Environmental Management Plan attached in **Appendix G** has identified the potential environmental risks and demonstrates compliance with relevant requirements.

Decommissioning

Decommissioning will largely be the reverse of the construction process and is anticipated to be some 20 plus years into the future. By that time recycling opportunities are expected to be even more comprehensive than is the case at present. In addition to what is outlined in the Environmental Management Plan attached in **Appendix G**, it is anticipated that the following components will be recovered for reuse or recycling:

- Concrete: recycled;
- Precast module footings: reused or recycled;
- Cabling: metal content recycled, sheathing potentially recycled;

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- Solar panels: glass, metal, rare earths recovered and recycled;
- Structural steel, fencing: recycled; and
- Transformers, inverters: recycled.

No substantive waste streams are expected to be generated during the decommissioning of the facility.

5.2 CFA Guidelines for Renewable Energy Installations

The *CFA Guidelines for Renewable Energy Installations (March 2021)* provides details on standard measures and processes in relation to fire safety, risk and emergency management that should be considered when designing, constructing, and operating new renewable energy facilities, and upgrading existing facilities.

The proposal has been designed in accordance with the CFA's Guidelines for Renewable Energy Facilities to ensure that bushfire risk to the facility and surrounding land is mitigated to an acceptable level. It is noted that the proposed facility, being smaller than 5MW in size, is recognised as a 'micro-solar farm'.

The key fire risks identified include bushfire events, ignition sources from the previous landfill use, and property fires on neighbouring sites or at the Recycling Centre on-site.

In response to preliminary correspondence with the CFA Specialised Risk and Fire Safety Unit, the following design components have been incorporated into the proposal to mitigate risk:

- The provision of a 10 metre wide fire break area around the perimeter of the facility; ensuring a cleared buffer between property boundaries and surrounding vegetation from the solar array and associated infrastructure;
- The provision of secure fencing around the perimeter of the facility and around the inverter compound to restrict site access to authorised personnel;
- A vegetation maintenance schedule is included in the Landscape Plan, giving consideration for appropriate vegetation clearance and management during the Fire Danger Period;
- Adequate access for emergency vehicles to and within the facility, utilising the existing designated access from Yan Yean Road and inclusion of an adequate turn around area at the site entrance, and informal facility perimeter path (fire break);
- The provision of an on-site fire protection system comprising 22.5 kL water supply and fire-fighting equipment at the facility entrance;
- The proposed incoming power line will be installed underground, eliminating the potential hazards associated with overhead powerlines sited above persons, property, plant and vegetation;
- Appropriate management of ignition sources by siting the panels and infrastructure away from vents and released gas associated with the capped landfill. During detailed design LMS Energy will undertake a hazardous area assessment of the existing atmospheric gas vents. Using a suitable calculation method (API521, Phast dispersion modelling, etc.) the explosive gas zones will be determined and a hazardous area classification drawing produced in accordance with AS/NZS 60079.10.1. Design of the solar facility layout will ensure that electrical equipment is situated outside of the hazardous area zones or be suitably rated; and

— The proposal does not include a battery energy storage system or other dangerous goods storage on site.

An Emergency Management Plan incorporating a Fire Management Plan will be prepared prior to commencing works. The Emergency Management Plan will be prepared in accordance with the requirements of *AS 3745-2010: Planning for emergencies in facilities*.

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6. PLANNING ASSESSMENT

The following Section provides a summary of the relevant planning policy, including a description of the proposed development as it responds to the policy.

6.1 Nillumbik Planning Scheme

The Nillumbik Planning Scheme outlines Victorian Planning Provisions relevant to the site. This section outlines the relevant provisions under the Nillumbik Planning Scheme, including:

- 11. Settlement
- 12. Environmental and Landscape Values
- 13. Environmental Risks and Amenity
- 14. Natural Resource Management
- 15. Built Environment and Heritage
- 17. Economic Development
- 19. Infrastructure
- 20. Vision – Strategic Framework
- 35.06 Rural Conservation Zone
- 36.01 Public Use Zone
- 42.01 Environmental Significance Overlay
- 44.06 Bushfire Management Overlay
- 45.01 Public Acquisition Overlay
- 52.06 Car Parking
- 52.17 Native Vegetation
- 52.29 Land Adjacent to Public Acquisition Overlay for a Category 1 Road
- 52.31 Local Government Projects
- 53.13 Renewable Energy Facility
- 60. General Provisions

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6.2 Planning Policy Framework

Settlement

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Planning is to recognise the need for, and as far as practicable contribute towards [relevant matters included below]:

- *Health, wellbeing and safety.*
- *Adaptation in response to changing technology.*
- *Economic viability.*
- *Energy efficiency.*

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- *Prevention of pollution to land, water and air.*
- *Protection of environmentally sensitive areas and natural resources.*
- *Accessibility.*

The proposed development facilitates sustainable development, repurposing a filled municipal waste landfill site with a new renewable energy facility. It is an investment in local renewable energy infrastructure, strategically located close to the existing electrical transmission network and accessed from a recently upgraded major road. The proposed use is compatible with the surrounding land uses; being able to operate in conjunction with the existing Recycling Centre on site and with no detrimental impact to the amenity, health, wellbeing and safety of the neighbouring rural residential properties and the public realm.

Environmental and Landscape Values

VPP 12.01-1S: Protection of biodiversity

- *To assist the protection and conservation of Victoria's biodiversity.*

The area to the north, east and west of the subject site includes established bushland which is identified as having environmental significance. A large portion of the subject site is cleared due to the vegetation removal and significant ground disturbance which occurred during the former waste landfill construction and operation. This cleared area has sufficient space to accommodate the proposed solar energy facility while also maintaining adequate setbacks to the bushland on the neighbouring properties and the remaining portion of pre-existing vegetation on the subject site.

The facility equipment will be constructed and operated without impacting the systems in place to manage the landfill materials beneath the cap, including the leachate system, gas vents, stormwater drainage system and the landfill cap itself.

The subject land contains one row of planted trees along the existing driveway that will be in proximity to the proposed underground distribution line. These trees will be protected during the construction works using excavation methods which are sympathetic to the tree root zones.

The proposed development will allow for the ongoing protection and conservation of local biodiversity by retaining the existing native vegetation on site. The design implements good separation distances from the site boundaries and commits to ongoing vegetation management as prescribed in the Landscape Plan.

Environmental Risks and Amenity

VP 13.02-1S: Bushfire Planning

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

The subject site and surrounding area is within a Bushfire-Prone Area. The *CFA Guidelines for Renewable Energy Installations, March 2021* outlines the relevant design requirements for micro solar farms within bushfire prone areas. A detailed assessment against bushfire risk and the prescribed design measures is outlined in Section 5.2 of this report. Further information in relation to operations and safety management will be explored in a later Emergency Management Plan incorporating a Fire Management Plan for the facility.

VP 13.04-1S: Contaminated and potentially contaminated land

- *To ensure that contaminated and potentially contaminated land is used and developed safely.*

The landfill component of the site remains under careful management, with the continuation of the regulated measures to control leachate, landfill gas release, stormwater and soil erosion. Council's recent land capping works have been undertaken in accordance with the relevant policy standards and ensure the affected land will be suitable for its intended use.

It is recognised that the former landfill is a contaminated site and is listed on the Victorian Environment Protection Authority's *Priority Sites Register*. Accordingly, there are constraints on the potential uses of the land due to it being contaminated. These constraints include it not being used for a sensitive use such as low density residential, child care and primary school uses. It is also likely to exclude uses where there could be a vapour intrusion risk due to landfill vapours entering and accumulating in indoor spaces. The proposed use is not a sensitive use, being commercial in nature and largely unmanned and remotely monitored during operation. There will be no enclosed structures and no office space, buildings or workshops present and therefore no potential for staff, contractors, or visitors to be in any space where vapours could accumulate. The proposed development therefore represents an appropriate use of the site, and with the measures outlined in the associated application documentation, is able to be developed and operated safely.

VP 13.05-1S: Noise Abatement

- *To assist the control of noise effects on sensitive land uses*

Sensitive noise receptors have been identified within a 500-metre radius of the proposed solar energy facility. Being a solar facility, it will only operate and generate noise during daylight hours as all the electronic components cease operating outside of daylight hours, and the facility will be unmanned. The Noise Assessment prepared by MATRIX Acoustics demonstrates that the anticipated noise generation from the facility is in accordance with the Environment Protection Regulations under the Environment Protection Act 2017.

VP 13.07-1S: Land use compatibility

- *To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts*

The proposed development contributes to local renewable energy infrastructure. As demonstrated in this report and in the supporting documentation, the construction and ongoing use of the solar energy facility is compatible with former waste landfill component of the site, the neighbouring Recycling Centre operations, and the surrounding rural residential setting. The design, scale, and siting of the equipment and structures, along with the substantial natural screening from surrounding topography and established bushland, means that the facility can operate without having any adverse impact on the surrounding activities or on the health, safety and well-being of the community.

Natural Resource Management

VP 14.01-1S: Protection of agricultural land

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

Renewable energy generation facilities are often sited in rural landscapes. There is an emphasis on ensuring that these facilities do not reduce or compromise strategically significant agricultural land in Victoria. The subject site, while not previously used for productive farming purposes, supports the protection of productive farmland in the wider region by finding an alternative, innovative solution on a former waste landfill site and contributing to the delivery of local renewable energy infrastructure without impacting the Shire's agricultural base.

Built Environment and Heritage

VP 15.02.1S: Energy and resource efficiency

- *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions*

The intention of renewable energy facilities is to generate electricity that has significantly less greenhouse emissions than conventional fossil fuel sources.

The facility will be a significant net generator of greenhouse free electrical energy that operates on a fully renewable energy source without consuming any fuel and contributing to an overall reduction of greenhouse gas emissions.

The facility will also maintain grass plantings across the site, where there was previously no vegetation due to the landfill activities.

The proposed development will contribute to the following strategies:

Improve efficiency in energy use through greater use of renewable energy technologies and other energy efficiency upgrades.

Encourage retention of existing vegetation and planting of new vegetation as part of development and subdivision proposals.

VP 15.03.2S: Aboriginal cultural heritage

- *To ensure the protection and conservation of places of Aboriginal cultural heritage significance.*

Places of Aboriginal cultural heritage significance must be identified, assessed and documented. In accordance with the *Aboriginal Heritage Regulations 2018*, a Cultural Heritage Management Plan is required for a proposed development if:

- All or part of the activity area for the activity is an area of cultural heritage sensitivity; and
- All or part of the activity is a high impact activity.

Part of the subject site is identified as having cultural heritage sensitivity, shown below. The *Aboriginal Heritage Regulations 2018* prescribe this area as having cultural heritage sensitivity because it is within 200 metres of a waterway. Pursuant to Clause 26, land nearby to waterways are not considered to have cultural sensitivity where significant ground disturbance has already occurred. It is noted that a significant ground disturbance has affected the majority of the sensitive area on the site, during the waste landfill operations between 1974 and 2006.

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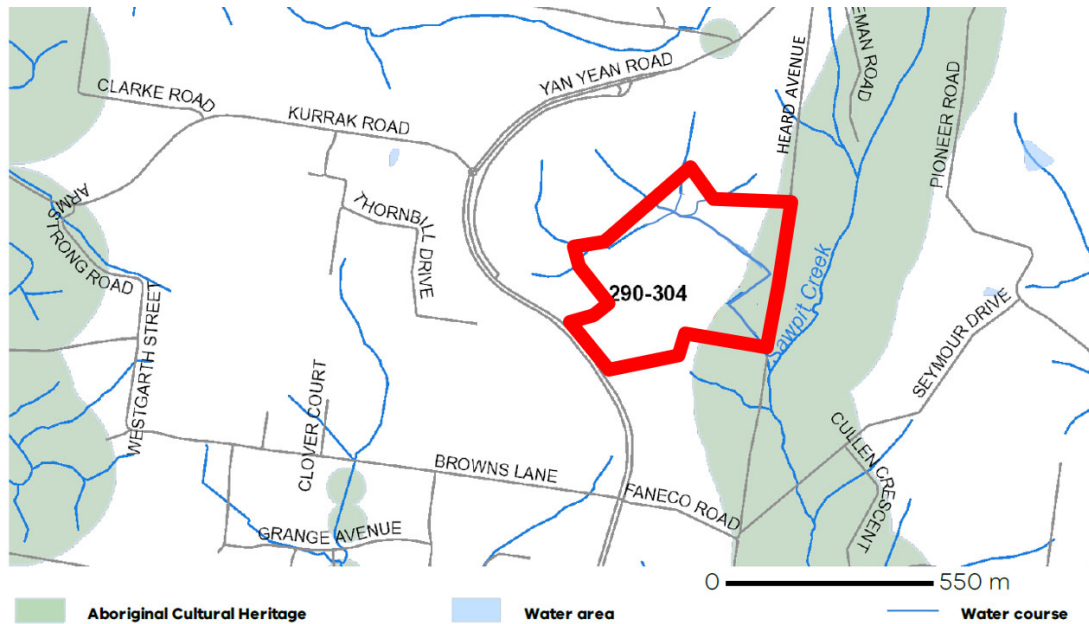


Figure 25 Area of cultural heritage sensitivity

Clause 46 outlines that a solar facility, being ‘land used to generate electricity’, is recognised as a type of use associated with high impact activity. However, the ground works associated with the proposed development are to be contained within the existing land cap material on site, towards the western side of the site. Accordingly, the proposed ‘high impact activity’ does not result in any further significant ground disturbance in area still deemed to be sensitive land.

Accordingly, a Cultural Heritage Management Plan is not required as a part of this planning permit application. This determination was discussed with the Wurrundjeri Woi Wurrung Committee, being the Registered Aboriginal Party (RAP) for the land, appointed by the Victorian Aboriginal Heritage Council. The endorsement is following in Appendix L.

Economic Development

VP 17.01.S: Diversified economy

- *To strengthen and diversify the economy.*

The proposed use and development of a renewable energy facility within Nillumbik Shire will provide a compatible new use for the site and promote an opportunity for a regional Shire to establish itself as a strong contributor to renewable energy delivery and sustainability. It will reduce the reliance on electricity sourced from the state’s electricity grid and contribute to a diversified electricity generation system.

Construction, commissioning, and decommissioning of the site for the proposed use will benefit Nillumbik Shire in the following ways:

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

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- Improve access to jobs closer to where people live.

VP 17.01.2L: Innovation and research in Nillumbik

- *To create opportunities for innovation and the knowledge economy within existing and emerging industries, research, and education*

The proposal represents a significant opportunity for a low-impact, sustainable diversification of the municipality's economic base, through the facilitation of investment in an emerging industry. The proposal supports the following strategy for Nillumbik:

Facilitate use and development involved in environmental and agricultural research and development.

Infrastructure

VP 19.01.1S: Energy Supply

- *To facilitate appropriate development of energy supply infrastructure*

The proposed facility will be sited in a location which can take advantage of existing infrastructure in the Yan Yean Road Reserve and nearby transmission network. The development facilitates local energy generation to help diversify the local economy and improve sustainability outcomes for the Shire's local government facilities.

VP 19.01.2S: Renewable Energy

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

State planning policy seeks to support renewable energy in appropriate locations. The proposed site was chosen as a suitable location following a feasibility study and early community consultation process run by Council. The design of the facility has been guided by the applicable guidelines, standards and recommendations of relevant authorities and stakeholders, to ensure the proposed development would be in an appropriate location and compatible with the existing surrounding uses. The site provides sufficient space to house the solar energy infrastructure. The proposed infrastructure supports the following strategies:

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

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6.3 Local Planning Policy Framework

02.04-1 Strategic Framework Plan

The subject land is identified within the Environmental Rural area by the Nillumbik Strategic Framework Plan. It is also identified as having critical conservation area to the north, east and west of the site on the Landscape Plan, as shown below. It is demonstrated throughout this report and the supporting documentation that the proposed development

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does not result in the loss of any productive agricultural land or retains the pre-existing native vegetation on site. Accordingly, the proposed use and development is considered to be in keeping with the Strategic Framework Plan.

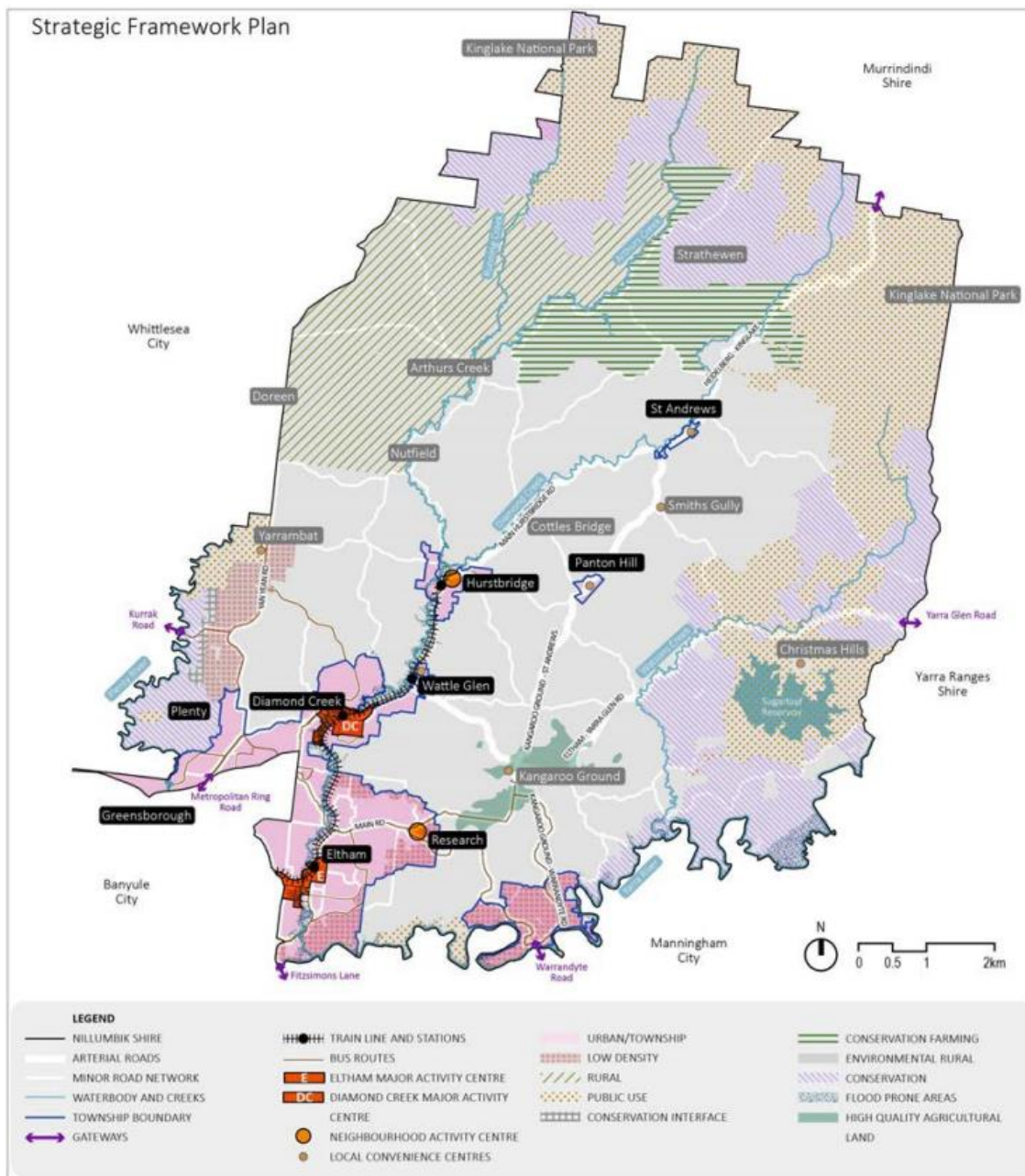


Figure 26 Strategic Framework Plan within Nillumbik Planning Scheme Clause 02.04-1

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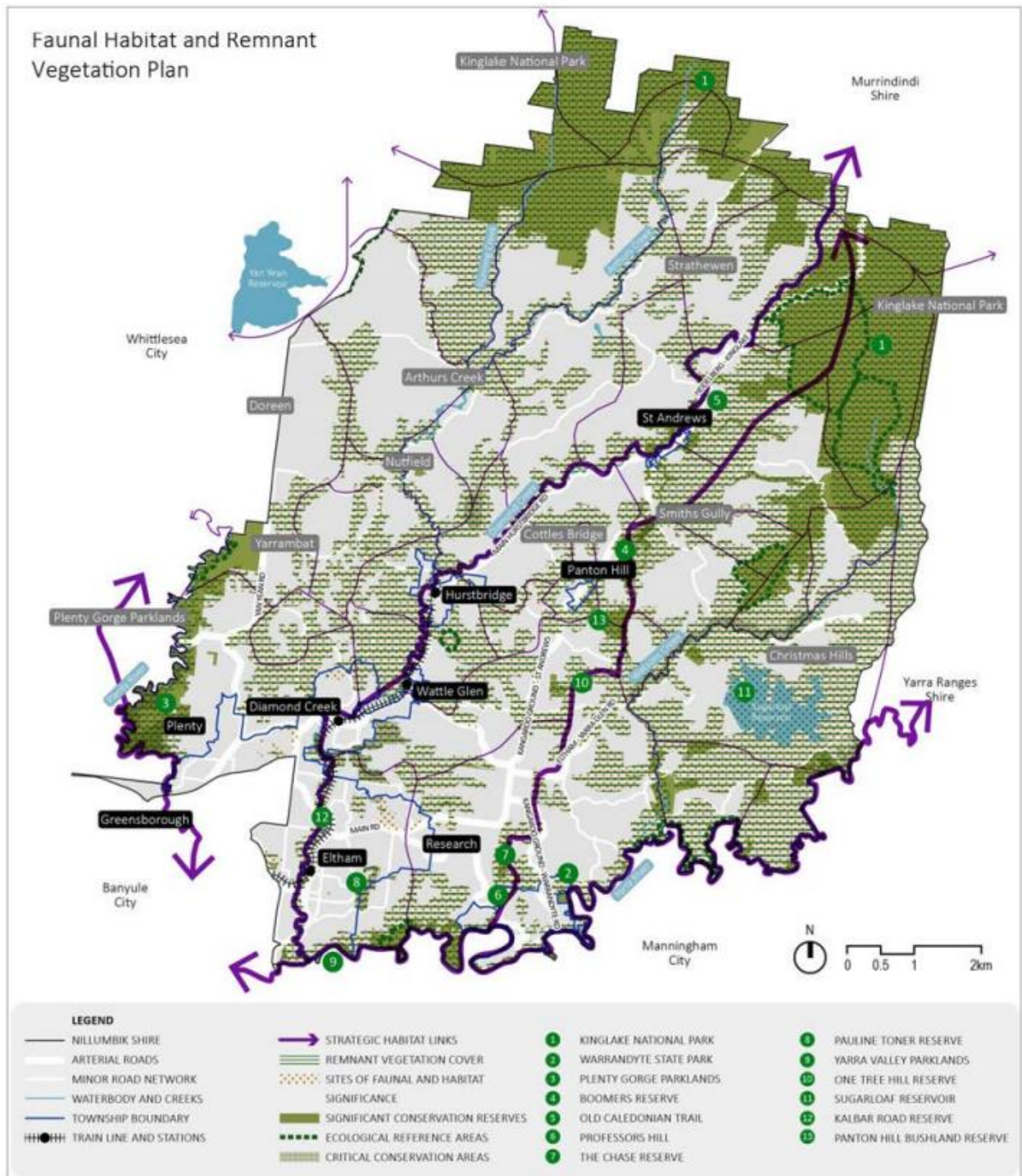


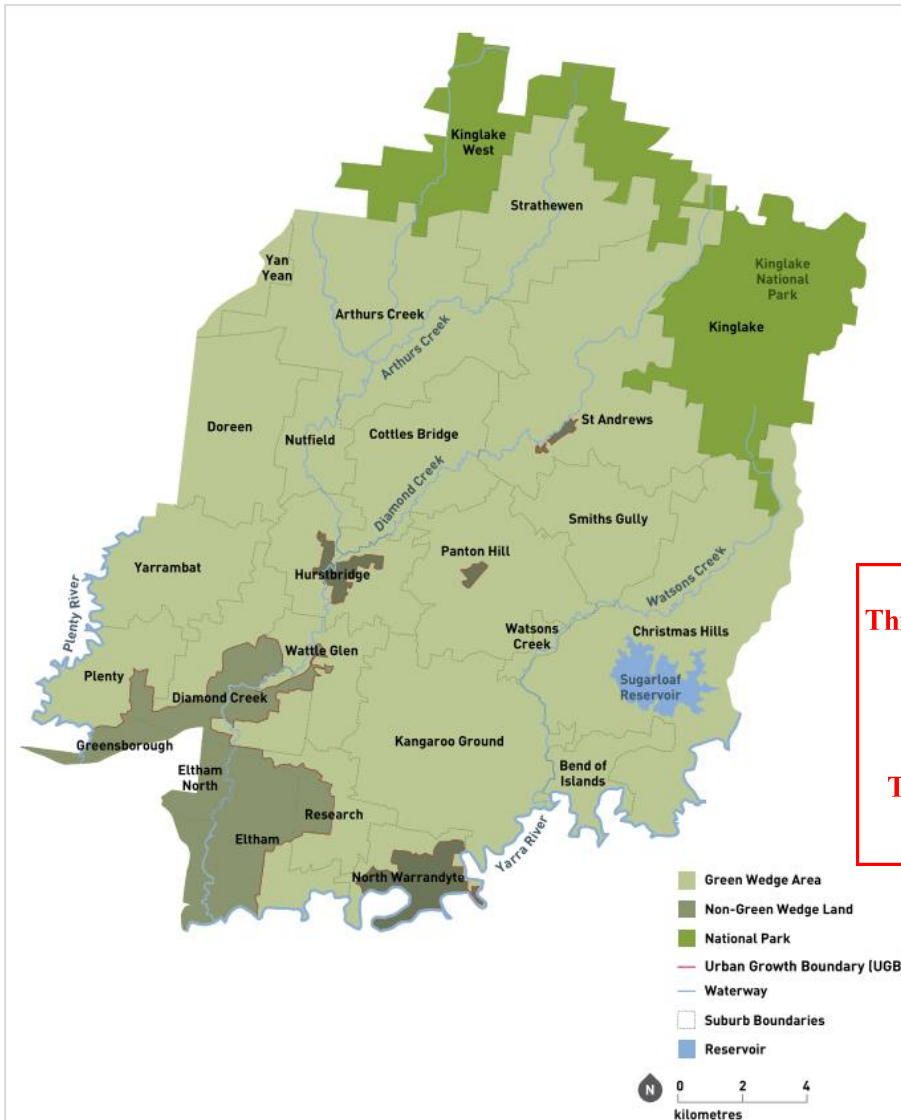
Figure 27 Faunal habitat and remnant vegetation plan within Nillumbik Planning Scheme Clause 02.04-2

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VPP 11.01-1R: Green Wedges – Metropolitan Melbourne

- To protect the green wedges of Metropolitan Melbourne from inappropriate development.

The subject land is located within the Nillumbik Green Wedge Area, as shown in the Shire’s Green Wedge Management Plan (GWMP) dated November 2019. The proposed use of the land for a solar energy facility is considered to be compatible with the Green Wedge values and objectives outlined in the GWMP. The proposed facility finds an innovative new use for the former landfill site, resulting in local energy savings and renewable energy generation as envisaged in the Council’s Climate Energy Plan 2016-2020. The proposed facility does not result in the removal of any vegetation or significant biodiversity, habitats or habitat links within the Green Wedge. The proposed design allow for sufficient fire break areas to reduce the risk of bushfires while also maintaining the existing sections of bushland on site. Overall, the development is considered to be appropriate as it contributes towards the Council’s efforts to mitigate and adapt to climate change, and protect biodiversity and landscape within the Green Wedge.



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Figure 28 Nillumbik Shire Council’s Green Wedge Management Plan

6.4 Zones

The subject site is located in the Rural Conservation Zone (RCZ3) and the Public Use Zone (PUZ6). The land fronts onto Yan Yean Road, located in Road Zone Category 1.

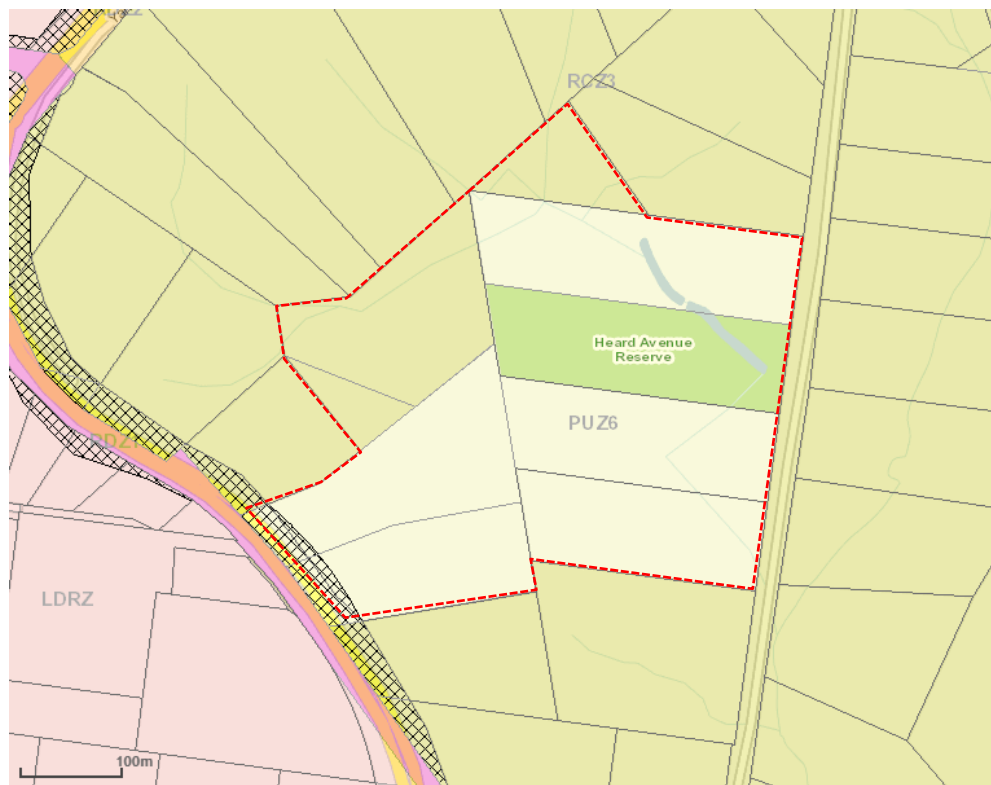


Figure 29 Site Land Use Zones

VPP 35.06 Rural Conservation Zone (RCZ3)

The north-western portion of the site and adjacent land is located within the Rural Conservation Zone. Pursuant to the relevant provisions of Clause 35.06, a permit is required to both use and develop the land for a Renewable Energy Facility (Solar Energy Facility) and Utility Installation in the Rural Conservation Zone.

The purposes of this zone are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve the values specified in a schedule to this zone.
- To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values. To protect and enhance natural resources and the biodiversity of the area.
- To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.

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- *To provide for agricultural use consistent with the conservation of environmental and landscape values of the area. To conserve and enhance the cultural significance and character of open rural and scenic non-urban landscapes.*

The proposed land use is for a solar energy facility and utility installation. This proposed use and associated works are consistent with the relevant purposes of the zone as they deliver renewable energy infrastructure aligned with sustainable practice and environmental values of the zone. The development finds a new use for a former landfill site, resulting in no loss of productive agricultural land and no further clearance of native or significant vegetation. The proposed development does not compromise the surrounding vegetation on neighbouring properties, but rather provides protection in the form of sufficient setbacks, a firebreak buffer, and ongoing vegetation management on site.

The following table outlines the consistency of the proposed use and development with the Rural Conservation Zone decision guidelines.

Table 2 Rural Conservation Zone Decision Guidelines

<i>Zone Decision Guidelines</i>	<i>Response</i>
<p>General Issues</p> <p>The Municipal Planning Strategy and the Planning Policy Framework</p> <p>Any Regional Catchment Strategy and associated plan applying to the land.</p> <p>The capability of the land to accommodate the proposed use or development.</p> <p>How the use or development conserves the values identified for the land in a schedule.</p> <p>Whether use or development protects and enhances the environmental, agricultural and landscape qualities of the site and its surrounds.</p> <p>Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses</p>	<p>The subject land has undergone rigorous works to ensure that the ongoing environmental impacts of the landfill component are appropriately managed.</p> <p>The proposed development is demonstrated to have minimal impact on existing site conditions, requiring minor earthworks for the installation of equipment and access. Once in operation, the facility will not result in a change to water discharge from the site or to the soil erosion prevention measures in place, and will create no on-site waste generation</p> <p>Being sited near existing overhead powerline infrastructure and delivering the utility connection underground, removes the requirement for extensive overhead lines that could further impact safety and landscape amenity, either on the subject land or off-site.</p> <p>The proposed development will operate adjacent to the existing Recycling Centre on site, and has sufficient area, setbacks, and natural screening to operate without having detrimental impact on the surrounding rural residential properties in the locality.</p>
<p>Rural issues</p> <p>The environmental capacity of the site to sustain the rural enterprise.</p>	<p>The proposed use is compatible with the former land use on site, being designed to ensure there is not disruption to the existing land cap and associated infrastructure on site.</p>

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<p>The need to prepare an integrated land management plan.</p> <p>The impact on the existing and proposed infrastructure.</p> <p>Whether the use or development will have an adverse impact on surrounding land uses.</p>	<p>The siting and design of the facility is such that it does not have detrimental impact on the surrounding land uses, being appropriately distanced and screened.</p> <p>The proposed equipment associated with the use has been carefully sited to ensure that the pre-existing vegetation on site and surrounding bushland is protected.</p>
<p>Environmental issues</p> <p>An assessment of the likely environmental impact on the biodiversity and in particular the flora and fauna of the area.</p> <p>The protection and enhancement of the natural environment of the area, including the retention of vegetation and faunal habitats and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas.</p> <p>How the use and development relates to sustainable land management and the need to prepare an integrated land management plan which addresses the protection and enhancement of native vegetation and waterways, stabilisation of soil and pest plant and animal control.</p> <p>The location of onsite effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</p>	<p>The area surrounding the subject site comprises established bushland which is identified as an area of environmental significance, providing critical habitat.</p> <p>The development will retain the remaining clusters of vegetation on site which continue to contribute to this bushland area.</p> <p>A Landscape Plan has been prepared for the proposed use and development which identifies the local flora and fauna of the area.</p> <p>The ongoing operation of the facility will create minimal disruption to the local fauna species as the site will be unmanned and safely secured with fencing. Routine vegetation management as proposed in the Landscape Plan ensures that sustainable land management will be carried out up until the decommissioning of the site.</p>
<p>Design and siting issues</p> <p>The need to minimise any adverse impacts of siting, design, height, bulk, and colours and materials to be used, on landscape features, major roads and vistas.</p> <p>The location and design of existing and proposed infrastructure services which minimises the visual impact on the landscape.</p> <p>The need to minimise adverse impacts on the character and appearance of the area or features of archaeological, historic or scientific significance or of natural scenic beauty or importance.</p>	<p>The subject site is largely screened naturally from the surrounding topography and established bushland on-site and off-site.</p> <p>The proposed use is to be sited centrally on the site, providing appropriate setbacks and orientation to minimise disruption to the neighbouring properties. Appropriate measures have been proposed in the Landscape Plan based on the findings of the Glint and Glare Assessment and the Noise Assessment.</p> <p>The site benefits from existing, direct access onto Yan Yean Road. A formal driveway entrance with slip lanes and traffic light intersection, and existing overhead</p>

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The location and design of roads and existing and proposed infrastructure services to minimise the visual impact on the landscape.	powerline infrastructure in the road verge, is able to service direct vehicle access and utility installation for the proposed use.
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VPP 36.01 Public Use Zone (PUZ6)

The south-east portion of the site is located within the Public Use Zone. The specific purpose of this public land use is Local Government.

Pursuant to the relevant provisions of Clause 36.01, to use and develop the land for a Renewable Energy Facility (Solar Energy Facility) and Utility Installation is not identified as a prohibited use in Schedule 3 of the Public Use Zone. While the proposed use and development is being carried out on behalf of the public land manager (Nillumbik Shire Council) on public use land, a renewable energy facility is excluded from the exemption for requiring a planning permit in Clause 52.31. As such, the requirement for a planning permit application is being applied by classifying the proposed use and development in Schedule 2 by default.

The following table outlines the consistency of the proposed use and development with the Public Use Zone decision guidelines.

Table 3 Public Use Zone Decision Guidelines

<i>Zone Decision Guidelines</i>	<i>Response</i>
<p>The Municipal Planning Strategy and the Planning Policy Framework.</p> <p>The comments of any Minister or public land manager having responsibility for the care or management of the land or adjacent land.</p> <p>Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines</p>	<p>The intention to develop the site for a Solar Energy Facility and Utility Connection was initially explored by council. Being the public land manager, council sought to find a new use for the former landfill site and to action the strategies for delivering local renewable energy infrastructure in the shire, as identified in their Climate Action Plan.</p> <p>LMS Energy has since been engaged to develop the design of the facility, ensuring the expectations of the community and council are met. As demonstrated throughout this report and in the application’s supporting documentation, the use and development has been designed with consideration for the relevant guidelines and standards in relation to scale, siting, safety, and environmental protection.</p>

VPP 35.06 Road Zone Category 1

The purpose of the Road Zone (Category 1) is to identify significant existing roads and identify land which has been acquired for a significant proposed road. Yan Yean Road is in this zone and has recently undergone major road upgrades as part of the Yan Yean Road Major Upgrade Stage 1, completed in 2019. The proposed development

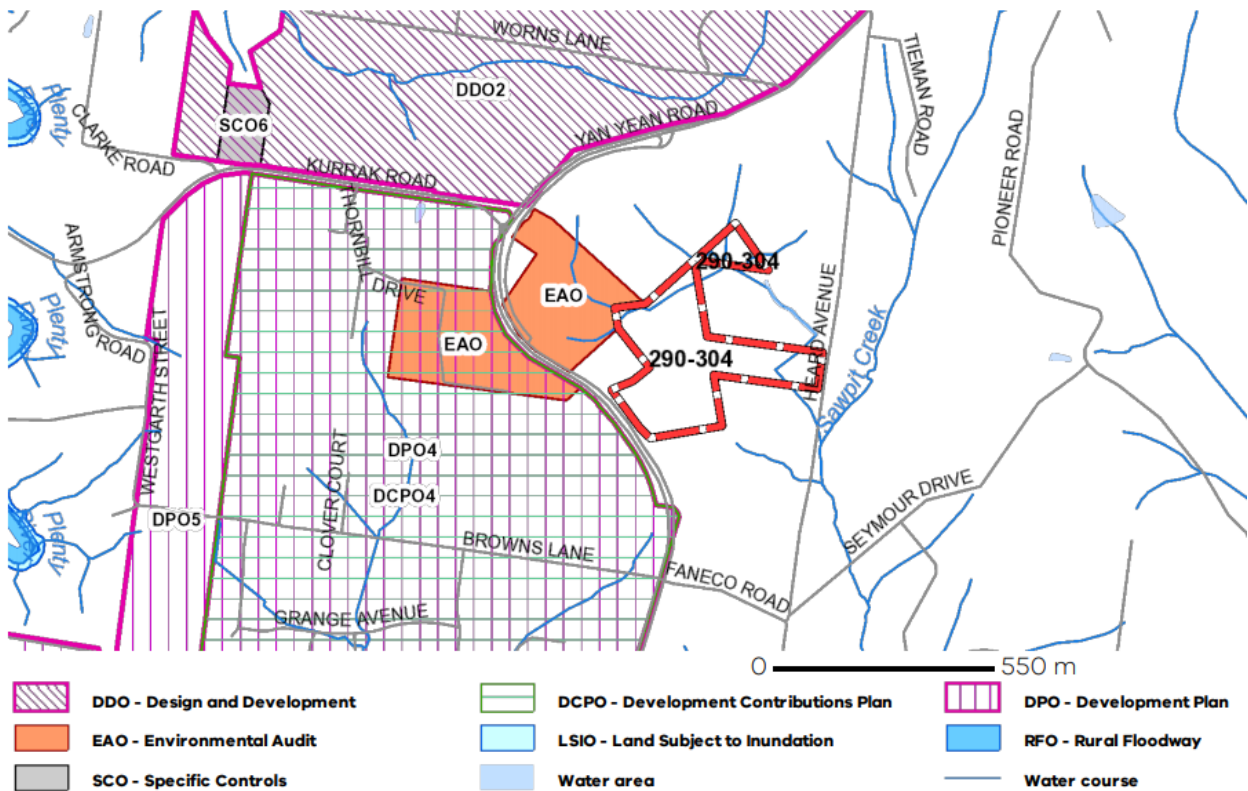
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includes a utility installation to the road reserve, to connect the proposed 1.2MW facility into the existing 22kV overhead powerline along Yan Yean Road via the pole located near to the site frontage.

The proposed use will operate with minimal vehicle movements to and from the site, limited to scheduled maintenance visits. Given the access point to the site was incorporated in the recent road upgrade works and now incorporates a formal traffic light intersection entrance with slip lanes, a traffic management plan is not considered to be necessary for the development. Adequate measures to manage additional vehicle movements during the temporary stages of construction and decommissioning are outlined in the Construction Environmental Management Plan prepared by Fyfe.

6.5 Overlays

The subject site is sited within three Planning Overlays within the Nillumbik Planning Scheme. These include the Bushfire Management Overlay (BMO), Environmental Significance Overlay (ESO1) and the Public Acquisition Overlay (PAO1). It is noted that several overlays are within the surrounding locality but do not directly impact the site, as shown below. An assessment against the relevant overlay policy is outlined below.



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

Figure 30 Surrounding planning overlays

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VPP 42.01 Environmental Significance Overlay (ESO1)

The northern and eastern portion of the site and surrounding area is within the Environmental Significance Overlay. The purpose of the overlay is outlined below:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.



Figure 31 Environmental significance overlay

The decision guidelines of the overlay draw attention to the statement of environmental significance and the environment objectives contained in the relevant schedule of the overlay.

Schedule 1 is the relevant overlay schedule for the subject site, identifying sites of faunal and habitat significance.

Statement of Environmental Significance:

- Much of the Shire is heavily vegetated and supports a diverse range of native fauna and flora. Some species are listed under the Flora and Fauna Guarantee Act. There are specific sites occurring on both private and public land that have been identified as being of particular importance within the Sites of Faunal and Habitat Significance in North East Melbourne (Beardsell 1997). Identification, protection and enhancement of the environmentally significant sites and strengthening of connecting habitat links will assist in the maintenance of biodiversity within the Shire and surrounding areas

The environmental objectives to be achieved include:

- To protect and enhance sites of faunal and habitat significance identified in (Beardsell 1997) Sites of Faunal and Habitat Significance in North East Melbourne.
- To protect and enhance regional and strategic habitat links identified in (Beardsell 1997) Sites of Faunal and Habitat Significance in North East Melbourne

On site currently, there is established bushland in the north-east corner and mature trees scattered along the eastern boundary line adjacent to Heard Avenue road reserve. These areas continue to provide a mix of native flora species, providing biodiversity and habitat. However, it is noted that the upmost northern corner of the site, which is also identified in this overlay, has been cleared of vegetation and was used for part of the former landfill activities. This

area has recently been covered with ryegrass at completion of the land cap, which is an agricultural species. This section of the land does not provide refuge or habitat links for local fauna and is not considered to be an environmentally significant area. There is no potential to revegetate this area without compromising the land cap material and outer drainage channel running along the boundary.

The proposed facility is positioned outside of the Environmental Significance Overlay, except for the northern corner which applies to an area which is a cleared and grassed land cap area described above. The proposed development does not require the removal of any vegetation within the overlay, and provides large separation distances to any surrounding vegetation within this overlay. Wildlife is deterred from approaching or congregating near the facility, with the absence of any vegetation across the facility and secured perimeter fencing.

In summary, the proposed development protects and enhances the conditions for native flora and fauna on site and in the surrounding area, by retaining existing vegetation contributing to habitat. This in turn, enhances biodiversity in the area and strengthens faunal and habitat value in the overlay.

VPP 44.06 Bushfire Management Overlay (BMO)

The subject site and surrounding area is located in the Bushfire Management Overlay (BMO). The proposal has been considered against the relevant purposes of the BMO, which seeks:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.
- To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.



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Figure 32 Bushfire management overlay

Schedule 1 is the relevant overlay schedule for the site, identifying specific areas including Plenty.

Statement of the Bushfire Management Objectives:

- To specify bushfire protection measures to construct or extend one dwelling on a lot.
- To specify referral requirements for applications to construct or extend one dwelling on a lot

An assessment against bushfire risk and the prescribed design measures is outlined in Section 5.2 of this report. Review of the recommendations for micro solar farms in *the CFA Guidelines for Renewable Energy Installations, March 2021* and early consultation with the relevant fire management authority was undertaken during the design process to avoid unnecessary bushfire risk exposure. Pursuant to Clause 44.06-7, this application will be referred to the relevant fire management authority for further review of the site conditions, design requirements, and inputs for the Fire Management Plan.

VPP 45.01 Public Acquisition Overlay (PAO1)

A section of land between the subject site and Yan Yean Road reserve is identified in the Public Acquisition Overlay (PAO1). The acquiring authority is VicRoads and the purpose of acquisition is road widening.



Figure 33 Public acquisition overlay

As shown in the Figures provided in Section 3.3, the road widening has already been undertaken as part of the Yan Yean Road Major Upgrade Project Stage 1. The proposed development does not include any changes to the current road or existing access point to the site. The proposed utility installation works in the road reserve will connect the proposed facility into the existing overhead powerline along Yan Yean Road and will not disrupt the function or purpose of the road. Installation works will be undertaken in accordance with the relevant power distributor's infrastructure connection procedures and safety standards.

6.6 Particular Provisions

Clause 52.06 Car Parking

Pursuant to Clause 52.06-1, planning must consider the provisions of car parking for all proposed new land uses. The relevant purposes of this provision of the Scheme is:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.

- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Table 1 prescribes in Clause 52.06-5 prescribes the number of car parking spaces required for a new use types. A standardised car parking requirement is not prescribed for a renewable energy facility. Accordingly, Clause 52.06-6 defers car parking to be provided to the satisfaction of the responsible authority.

The construction period will require various contractors and machinery to be on site, to install the associated facility structures and equipment. Informal parking adjacent to the point of work will be undertaken during this temporary period, meaning there is no demand of designated parking spaces. The site of the proposed facility is readily accessible and is a large, cleared area with sufficient space for informal temporary parking. The Environmental Management Plan (EMP) addresses traffic and parking management during this period, to ensure the potential impacts are identified and managed in accordance with the relevant requirements.

Upon completion, the proposed facility will be largely unmanned as the equipment is automated and remotely monitored. The facility is capable of operating with irregular staffing that would be largely limited to maintenance and site inspections typically be undertaken using purpose-built vehicles and equipment. The proposed gated entrance at the end of the existing internal driveway and the cleared fire break area around the perimeter of solar array, will allow purpose-built vehicles to drive around the facility as needed.

Although personnel visiting the site are anticipated to drive directly to the point of work, the existing levelled storage area located directly west of the facility entrance gate will accommodate four (4) designated parking spaces. This location provides a logical and convenient location for periodical site visitors who need to park at the entrance and walk to the facility. A total of four designated car parking spaces will accommodate demand in the very rare scenario where multiple contractors are on site concurrently and need to park at the entrance rather than driving directly to the point where they are inspecting or carrying out works. As such, the car parking area provided has an appropriate number car parking spaces for the demand likely to be generated and the activities on the land in accordance with Clause 52.06-10.

Clause 52.17 Native Vegetation

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

The plan pack, Landscape Plan and site photos in this report show that native vegetation has been cleared for the extent of the land cap area across the northern portion of the land. Native vegetation remains in various other locations across the subject land, particularly in the clusters of pre-existing bushland in the north-eastern and western corners of the site. There is also scattered native tree species throughout the existing Recycling Centre facility and lined along the existing driveway.

The proposed facility will be sited mostly over the land cap and entirely within existing cleared area, requiring no removal, destruction or lopping of native vegetation which would trigger a permit requirement under Clause 52.17.

Earthworks are required along the western side of the existing driveway for the proposed utility installation underground connection. These works will be undertaken within several metres of the trunks of existing trees. As shown in Figure 6, these trees are smaller in size and appear to have been planted. Regardless, the associated earthworks will be undertaken using tree-sensitive measures to ensure the protection of these trees, as detailed in the Landscape Plan.

Clause 52.29 Land Adjacent to Public Acquisition Overlay for a Category 1 Road

The provisions of Clause 52.29 outline that a permit is required to create or alter access to a road in Road Zone Category 1. The section of Yan Yean Road adjacent to the site is identified as being in Road Zone Category 1. Given the subject site has vehicle access from recently upgraded works on Yan Yean Road and there is no changes required to this access point to facilitate the proposed solar energy facility, the development does not result in the creation or alteration to Yan Yean Road. Accordingly, the permit requirement of Clause 52.29 is not triggered.

Clause 52.31 Local Government Projects

To facilitate the development of land by or on behalf of municipal councils, Clause 52.31 lists exemptions where requirements to obtain a permit to construct a building or construct or carry out works does not apply on council land. However, this exemption does not apply to a development associated with the use of land for an energy generation facility, and therefore does not apply to this proposed development.

Clause 53.13 Renewable Energy Facility

The provisions of Clause 52.13 apply where it proposed to use and develop land for a renewable energy facility. Consequently, the following application requirements are set out as appropriate:

- *A site and context analysis, including:*
 - 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.*
- *Accurate visual simulations illustrating the development in the context of the surrounding area and from key public view points.*
- *The extent of vegetation removal and a rehabilitation plan for the site.*
- *Written report and assessment, including:*
 - *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 Development Licence, Operating Licence, Permit or Registration 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.*

The application requirements and decision guidelines listed in Clause 53.13 apply as a general provision to all renewable energy facilities being proposed in Victoria. The set of plans provided by LMS Energy and the supporting documentation, including this report, outline and address the relevant application requirements listed above. The following aspects of the proposal are emphasised, in relation to the decision guidelines:

- This planning report outlines the relevant sections of the Municipal Planning Strategy and the Planning Policy Framework as they apply to the site and nature of the development;
- The supporting application documentation has informed the design to ensure there are no detrimental impacts on the surrounding area in terms of noise, glint and glare, light spill, vibration, odour or electromagnetic interference;
- The subject site has low visibility from surrounding public and private views;
- The subject site was formerly used for landfill and is not suitable for agricultural activities;
- The subject site is not located within a declared irrigation district;
- The proposal does not require native vegetation removal and does not make changes to the environmental measures in place to manage the landfill component and natural systems of the site;
- The proposal utilises an existing access point from a recently upgraded road and creates close to nil traffic generation during operation; and
- The development of the proposal to date has been guided by recommendations within the Solar Energy Facilities Design and Development Guidelines, dated August 2019.

6.7 General Provisions

A holistic review of planning matters as they apply to renewable energy facilities, the subject site and surrounding locality, and the proposed development itself have been addressed throughout the various sub-sections of this report and in the associated supporting documentation provided with the planning permit application.

The matters set out in Clause 65.01 of the Nillumbik Planning Scheme for the approval of an application or plan have been considered throughout the preparation of this application. The relevant assessments have been undertaken to ensure that the proposed development presents orderly planning of the area with consideration for the effect on the environment, human health and amenity of the area during the full lifespan of the use.

Accordingly, it is submitted that the proposal has been assessed against and deemed appropriate in the terms of all revelation considerations.

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7. CONCLUSION

In conclusion, it is demonstrated that the proposed use and development is an appropriate outcome for the site and aligns with State, Regional and Local Planning Policy Provisions. In summary:

- The project will provide substantial benefit to the local region, including opportunities to increase renewable energy usage and reduce greenhouse effects;
- Initial stakeholder engagement led by the public land manager found there was support in the local community for the proposed use on the site;
- The proposal finds an innovative solution to re-purposing an identified contaminated site;
- The facility equipment is able to be constructed and operated without changing or impacting the systems in place to manage the landfill materials beneath the cap;
- The facility equipment and infrastructure are located centrally on the site, with adequate setbacks to protect existing vegetation and the amenity of adjacent properties;
- The selected site is located within close proximity to the local transmission network;
- No native vegetation is proposed to be removed;
- The subject site has low visibility from surrounding public and private views;
- The proposed facility layout incorporates the design requirements for micro-solar farms prescribed in the CFA Guidelines in relation to access, siting, ongoing maintenance, and operations.
- It is demonstrated that the noise levels from the site will not unreasonably impact on sensitive receptors in the area and will meet the relevant EPA guidelines;
- Proposed mitigation techniques and ongoing monitoring will ensure there is no unreasonable glint or glare impact to sensitive receptors in the area;
- Traffic generation as result of the development will be close to nil. Occasional maintenance vehicles accessing the site will use the existing driveway access from Yan Yean Road;
- The proposed facility layout aligns with the recommendations of the Solar Energy Facilities Design and Development Guideline (August 2019); and
- The proposed facility layout aligns with the objectives and decision guidelines of Clause 53.13.

Overall, the proposal is well-considered and responds appropriately to the local site context. It has been clearly demonstrated that the proposed use is compatible with the former and current land uses both on-site and surrounding and maintains the environmental values of the Shire. In our opinion, the proposed development is strongly aligned with relevant local, regional, and state planning policy and meets the relevant planning requirements. It is considered that the proposal warrants planning approval.