Wangaratta Solar Farm Advisory Committee

Version: 27 September 2017

Advisory Committee appointed pursuant to Part 7, section 151 of the Planning and Environment Act 1987 to report on an application for review of the decision of the Rural City of Wangaratta (council) to issue a notice of decision to amend Planning Permit Pn16/132 for the use and staged development of land for a renewable energy facility and removal of native vegetation (VCAT ref P1841/2017).

Name

The Advisory Committee is to be known as the 'Wangaratta Solar Farm Advisory Committee'.

1. The Advisory Committee is to have members with the following skills:
   a. statutory and strategic planning,
   b. understanding of renewable energy projects.

Purpose

2. The purpose of the Advisory Committee is to advise the Minister for Planning as to the determination of Victorian Civil and Administrative Tribunal (VCAT) application P1841/2017, including whether an amended planning permit should be issued in consideration of planning permit application Pn16/132.01 under the Wangaratta Planning Scheme (the Scheme) and if so, what conditions should be applied.

Background

3. Planning Permit PnApp16/132 was issued by the Rural City of Wangaratta on 18 November 2016 for a 20MW solar farm with 70,000 photovoltaic solar panels, removal of 12 native trees and construction of a substation.

4. An application (Pn16/132.01) to amend the permit was submitted to council on 11 April 2017. The amended permit proposal incorporates an additional parcel of land to the north, and increases and redistributes the photovoltaic solar panels across four sites, to establish a 26MW facility with 80,000 panels and removal of two additional trees.

5. Two objections were received during public notification with one objection subsequently withdrawn. The primary concerns of the remaining objection relate to noise and visual impact from the inclusion of the additional parcel of land at Lot 1 TP9025 Bowser Road, North Wangaratta. The additional parcel of land adjoins the objector’s site which the Wangaratta North Family Motel occupies.

6. A Notice of Decision to Grant an Amended Permit was issued on 20 July 2017 by the council.

7. On 10 August 2017 Styles Accomp Pty Ltd and MERJ Holdings Pty Ltd lodged an application for review of the council's decision.

8. On 24 August 2017 Countrywide Energy requested that the Minister call in the proceeding from VCAT on the grounds that the timing of VCAT process will stop the project as the investors will not continue to support the project if it is delayed by a VCAT hearing.

9. At a Practice Day hearing on 15 September 2017, VCAT considered a request for the matter to be placed on VCAT's major cases list. The matter was then listed for a compulsory conference on 24 October 2017 and a hearing commencing on 6 December 2017 (instead of the original hearing date on 21 February 2017).

10. On 21 September 2017 the Minister for Planning called in the proceeding from VCAT under clause 58(2)(a) of Schedule 1 to the Victorian Civil and Administrative Tribunal Act 1998 on the grounds that the proceeding raises a major issue of policy regarding renewable energy and energy security including
significant effects beyond the immediate locality; and the determination of the proceeding may have a substantial effect on the achievement or development of planning objectives, in particular section 4(1)(a) of the Planning and Environment Act 1987 (to provide for the fair, orderly, economic and sustainable use, and development of land) and section 4(1)(g) (to balance the present and future interests of all Victorians).

11. The land area is approximately 64 hectares and the land is included in the Industrial 1 Zone under the Wangaratta Planning Scheme. Energy generated by the proposed project is to be directly transmitted to the North Wangaratta Industrial Estate.

Method

12. The Advisory Committee may apply to vary these Terms of Reference in any way it sees fit before submitting its report.

13. The Advisory Committee is to have regard to VCAT proceedings completed prior to the appointment of the Advisory Committee.

14. The Advisory Committee may inform itself in any way it sees fit, but must consider:
   a. relevant provisions of the Planning and Environment Act 1987 and the Wangaratta Planning Scheme, including any adopted plans, strategies or planning scheme amendments;
   b. any relevant provisions of the State Planning Policy Framework and Hume Regional Growth Plan;
   c. any relevant documentation prepared by or for the proponent, or otherwise provided to the Advisory Committee; and
   d. all submissions or objections provided to the Rural City of Wangaratta on planning permit application P1n16/132.01 and all submissions or material filed with VCAT in proceeding P1841/2017.

15. The Advisory Committee is not expected to carry out any additional public notification or referral, but may do so if it considers it to be appropriate.

16. A Directions Hearing is not required, but the Advisory Committee may issue written directions to confirm the arrangements for the Hearing.

17. The Advisory Committee is expected to carry out a short public hearing, endeavouring as far as possible to use the date of the compulsory conference set aside by VCAT (24 October 2017).

18. All parties to VCAT proceeding P1841/2017 must be provided with notice of the Advisory Committee hearing and be given the opportunity to be heard.

19. The Advisory Committee may limit the time of parties appearing before it and may prohibit or regulate cross-examination.

Submissions are public documents

20. The Advisory Committee must retain a library of any written submissions or other supporting documentation provided to it directly to it until a decision has been made on its report or five years has passed from the time of its appointment.

21. Any written submissions or other supporting documentation provided to the Advisory Committee must be available for public inspection until the submission of its report, unless the Advisory Committee specifically directs that the material is to remain confidential.

Outcomes

22. The Advisory Committee must produce a brief written report for the Minister for Planning providing the following:
   a. An assessment of all relevant matters relating to the application for review.
   b. An assessment of submissions to the Advisory Committee.
c. A recommendation as to whether or not an amended planning permit should be issued and the reasons for this recommendation.
d. A (without prejudice) draft planning permit including relevant conditions from Section 55 referral authorities.
e. Any other relevant matters raised in the course of the Advisory Committee hearing.
f. A list of persons who made submissions considered by the Advisory Committee.
g. A list of persons consulted or heard.

Timing
23. The Advisory Committee is required to complete its hearings no later than 20 business days from the date that Planning Panels Victoria is formally notified of the Committee’s appointment, but preferably on 24 October 2017.
24. The Advisory Committee is required to submit its report in writing as soon as practicable but no later than 15 business days from the completion of its hearings.

Fee
25. The fee for the Advisory Committee will be set at the current rate for a Panel appointed under Part 8 of the Planning and Environment Act 1987.
26. The costs of the Advisory Committee will be met by Countrywide Energy.

Christine Wyatt
Deputy Secretary Planning
(under delegation from the Minister for Planning)
Date: 6/10/17
The following information does not form part the Terms of Reference.

**Project Management**

1. Administrative and operational support to the Committee will be provided by Jacqueline Smith, Regional Planner, the Department of Environment, Land, Water and Planning, (03) 5722 9320, jacqueline.smith@delwp.vic.gov.au.

2. Day to day liaison for the Advisory Committee will be through Greta Grivas, Senior Project Officer of Planning Panels Victoria on 03 8392 5121 or planning.panels@delwp.vic.gov.au.