

Planning and Environment Act 1987

Correction to Advisory Committee Report

Wangaratta Planning Scheme

Permit Amendment Application: PIn App 16/132.01

Expansion of the Countrywide Energy Solar Farm, Wangaratta North

22 November 2017

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22 November 2017



Sarah Carlisle, Chair



Geoffrey Carruthers, Member

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Overview

Summary	
The Proposal	Countrywide Energy Solar Farm, Wangaratta North
Amendment application No.	Planning Application 16/132.01
VCAT Reference	P1841/2017
Subject site	Lot 1 PS 546480: Wangaratta-Eldorado Road, Wangaratta North (Property 1) Lot 4 LP 117811: 44 Coleman Road, Wangaratta North (Property 2) Lot 1 PS 315856 (Vol 10120 Folio 093): 99 Crosher Lane, Wangaratta North (Property 3); and Lot 1 TP 9025: Bowser Road, Wangaratta North (Property 4)
Parties to the proceedings	Responsible Authority: Wangaratta Rural City Council Permit applicant/Proponent: Countrywide Energy Ltd Objectors: Styles Accommodation Pty Ltd and MERJ Holdings Pty Ltd
The Advisory Committee	Sarah Carlisle (Chair) and Geoffrey Carruthers
Hearing	24 October 2017
Site inspections	Unaccompanied, 23 October 2017
Appearances	Proponent: James Lofting of HWL Ebsworth, calling: <ul style="list-style-type: none">- Will Gouthro of Arup in noise- Hayden Burge of ERM Consultants on visual impact Council: Jennie Baldry, Planning Coordinator Objectors: Ms Emmalee Styles and Mr Jayson Nichols
Date of first Report	15 November 2017
Date of this Report	22 November 2017

1 Erratum

This Erratum Report is to be read in conjunction with the Advisory Committee's first report dated 15 November 2017.

1.1 Issue

Planning Panels Victoria received an email from Regional Planning Services, Department of Environment Land Water and Planning (DELWP) on 20 November 2017, raising a possible error in the recommendation in the first report (see Appendix A).

The recommendation in the first report states:

The Minister for Planning issue amended Planning Permit 16/132.01 for the Countrywide Energy solar farm, North Wangaratta, with the conditions shown in Appendix B to this report.

DELWP suggested that the recommendation be corrected to state that the Minister for Planning direct the Rural City of Wangaratta to issue the amended planning permit.

1.2 Advisory Committee response

The Minister for Planning called in the VCAT Application under clause 58(2)(a) of schedule 1 to the *Victorian Civil and Administrative Tribunal Act 1998* (VCAT Act). Clause 58 states (as relevant and emphasis added):

- (2) *The Minister administering the Planning and Environment Act 1987 may—*
 - (a) *by notice in writing to the principal registrar call in the proceeding; or*
 - (b) *invite the Tribunal—*
 - (i) *to decline to hear or to continue to hear the proceeding and refer it to the Governor in Council for determination; or*
 - (ii) *to hear or to continue to hear the proceeding but, without determining it, refer it with recommendations to the Governor in Council for determination.*

...

- (4) *If the Minister calls in a proceeding under subclause (2)(a)—*
 - (a) *the Tribunal must not commence or continue to hear the proceeding; and*
 - (b) *the principal registrar must refer the proceeding to the Governor in Council for determination.*

1.3 Revisions

Having considered the above, the Committee determines that the following changes be made to the Committee's first report:

1. Revision 1

Recommendation 1 in the Committee's first report be amended to state:

The Minister for Planning recommend to the Governor in Council that the Governor in Council determine that amended Planning Permit 16/132.01 for the Countrywide Energy solar farm, North Wangaratta be issued, with the conditions shown in Appendix B¹ to this report.

1.4 Requirement for notice to submitters

As at the date of this Erratum Report, the Committee's first report has not been publically released. Accordingly, no additional notice to submitters is required.

¹ Being Appendix B in the report of 15 November 2017.

Appendix A Email from DELWP

Advisory committee report for Wangaratta Solar Farm
Jacqueline Smith/Person/VICGOV1
to:
Planning
Panels/DSE/VICGOV1
20/11/2017 08:48 AM
Cc:
"Bruce
Standish/Person/VICGOV1"
Hide Details
From: "Jacqueline Smith/Person/VICGOV1"
<jacqueline.smith@delwp.vic.gov.au> To: "Planning
Panels/DSE/VICGOV1" <Planning.Panels@delwp.vic.gov.au>,
Cc: "Bruce Standish/Person/VICGOV1" <bruce.standish@delwp.vic.gov.au>



Morning Greta

I have a query regarding the committee report and the recommendation and possible error and need for correction.

The recommendation is for the minister for planning to issue an amended permit. In this instance should it be worded to state something along the lines of the minister for planning direct the Rural City of Wangaratta to issue amended planning permit... etc as the Minister cannot issue the permit.

Could you let me

know. Thanks

Jacqui

Sent from my iPhone

Planning and Environment Act 1987

Advisory Committee Report

Permit Amendment Application: PIn App 16/132.01

**Expansion of the Countrywide Energy Solar Farm,
Wangaratta North**

15 November 2017

Planning and Environment Act 1987

Advisory Committee Report pursuant to section 151 of the Act
Expansion of the Countrywide Energy Solar Farm, Wangaratta North

15 November 2017



Sarah Carlisle, Chair



Geoffrey Carruthers, Member

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List of abbreviations

Act	<i>Planning and Environment Act 1987</i>
Council	Rural City of Wangaratta
DELWP	Department of Environment, Land, Water and Planning
EPA	Environment Protection Authority
LFG	landfill gas
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
MW	megawatt
NOD	Notice of Decision (to amend the original permit)
Objectors	Styles Accom Pty Ltd and MERJ Holdings Pty Ltd
Original Permit	Permit Pln App 16/132 granted on 18 November 2016
Property 4	the lot on Bowser Road
Proponent	Countrywide Energy Pty Ltd
PV	Photovoltaic (panel)
SPPF	State Planning Policy Framework
VCAT	Victorian Civil and Administrative Tribunal
VCAT application	Application P1841/2017

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Date of this Report	15 November 2017

Executive summary

(i) Summary

The Minister for Planning has (via delegation) appointed the Advisory Committee pursuant to section 151 of the *Planning and Environment Act 1987* to report on VCAT Application P1841/2017. The Terms of Reference are at Appendix A.

The Application is for review of the decision by the Rural City of Wangaratta (Council) to issue a Notice of Decision to amend Planning Permit 16/132 for the use and staged development of the land for a renewable energy facility and removal of native vegetation. The permit amendment seeks approval to:

- include Lot 1 TP 9025 Browser Road, North Wangaratta (Property 4)
- increase the removal of native trees from 12 to 14 trees
- increase the number of solar panels (from approximately 70,000 panels to approximately 80,000 panels)
- alter the location of the proposed electrical substation (from Property 1, or the northwest corner of Property 4).

The subject land is approximately 64 hectares and is made up of four parcels of land. The land is zoned Industrial 1, and is located on the western side of the Hume Freeway in North Wangaratta. The solar panels to be installed on the site would generate up to 26MW of electricity.

Having considered all matters and material that it is required to consider, the Committee concludes that an amended planning permit should be issued. The proposed expansion of the solar farm represents a significant investment in the Wangaratta area, and will provide economic stimulation to the region, and increased energy security for other businesses and industries in the region, as well as the broader regional community. The solar farm will also assist Victoria to reduce its overall carbon emissions, and contribute to reaching the State's renewable energy generation targets. These are positive environmental and social outcomes for the region, and for the State more broadly.

The Committee considers that conditions will be needed on the permit to ensure that the impacts of the solar farm, particularly visual impacts, glare and glint, and fire risk, are appropriately managed and ameliorated. The Committee has provided a without prejudice draft planning permit in Appendix B, which includes conditions from referral authorities under section 55 of the Act, as well as authorities to whom the amendment application was referred informally.

(ii) Recommendations

Based on the reasons set out in this report, the Committee recommends that:

1. **The Minister for Planning issue amended Planning Permit 16/132.01 for the Countrywide Energy solar farm, North Wangaratta, with the conditions shown in Appendix B to this report.**

1 Introduction

1.1 The proposal

The land that is the subject of this application consists of four lots in Bowser Road, Coleman Road, Wangaratta-Eldorado Road and Crosher Lane in Wangaratta North. Together, the four lots consist of about 64 hectares.



Figure 1: Site location (source: Proponent's submissions)

On 18 November 2016, the Rural City of Wangaratta (Council) issued permit 16/132 allowing Properties 1, 2 and 3 to be used and developed for a renewable energy facility (a 20MW solar farm). The original permit also allows the removal of 12 native trees, and the construction of a substation on Property 3.

On 11 April 2017, Countrywide Energy Pty Ltd (the Proponent) submitted Application Pln App 16/132.01 to amend the original permit. The amendment application proposes to extend the permit to include Property 4, and increase the capacity of the solar farm to 26MW. The proposed amendment also allows the removal of two additional native trees, and the relocation of the substation to Property 4, near the corner of Bowser and Bourke Roads.

If the amendment application is granted, the solar farm is to be developed in two stages:

- Stage 1 – Properties 1, 2 and 4 to be developed with approximately 70,000 panels, the substation and an administration building with six car parking spaces
- Stage 2 – Property 3 to be developed with approximately 10,000 panels.

1.2 Proceedings

Following receipt of the amendment application by Council, 35 affected properties were notified and two objections were received. One objection was subsequently withdrawn. The remaining objection was lodged by Styles Accom Pty Ltd and MERJ Holdings Pty Ltd (the

Objectors). The Objectors own and operate the Wangaratta North Family Motel, on Bowser Road (directly adjacent to Property 4).

The Council officer's assessment considered the use and development to be consistent with the relevant sections of the Wangaratta Planning Scheme, and on 20 July 2017 Council issued a Notice of Decision (NOD) to amend the original permit to:

- include Property 4
- increase removal of native trees from 12 to 14 trees
- increase the number of solar panels (from 70,000 panels to 80,000 panels)
- alter the location of the substation (from Property 3, to the northwest corner of Property 4).

On 10 August 2017, the Objector lodged Application P1841/2017 at the Victorian Civil and Administrative Tribunal (VCAT) against the NOD.

On 24 August, the Proponent wrote to the Minister for Planning asking him to call in the proceeding from VCAT, on the grounds that the timing of the VCAT process would prevent the project from going ahead, as the investors would not continue to support the project if it was delayed by a VCAT hearing.

On 21 September, the Minister called the proceeding in from VCAT 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
- the determination of the proceeding may have a substantial effect on the achievement of planning objectives.

The Minister appointed this Advisory Committee on 6 October 2017, to consider and hear submissions about the amendment application. The Committee was appointed under Part 7, section 151 of the *Planning and Environment Act 1987* (the Act), pursuant to Terms of Reference dated 6 October 2017.

The Committee conducted a Hearing on 24 October 2017 in Wangaratta. It conducted an unaccompanied site visit on 23 October 2017.

This is the Committee's report.

1.3 Subject site and surrounds

All four parcels are included in the North Wangaratta industrial area, and are zoned Industrial 1. The industrial area extends from Bowser Road in the north to Crosher Lane in the south, and Coleman Road in the east to Bourke Road in the west.

While the land has been zoned Industrial 1 for some time (approximately 17 years), the land to the north of Eldorado Road has remained largely agricultural. South of Eldorado Road, the Alpine MDF plant has been developed on Property 3, along with a number of smaller industrial facilities around Buckler Road.

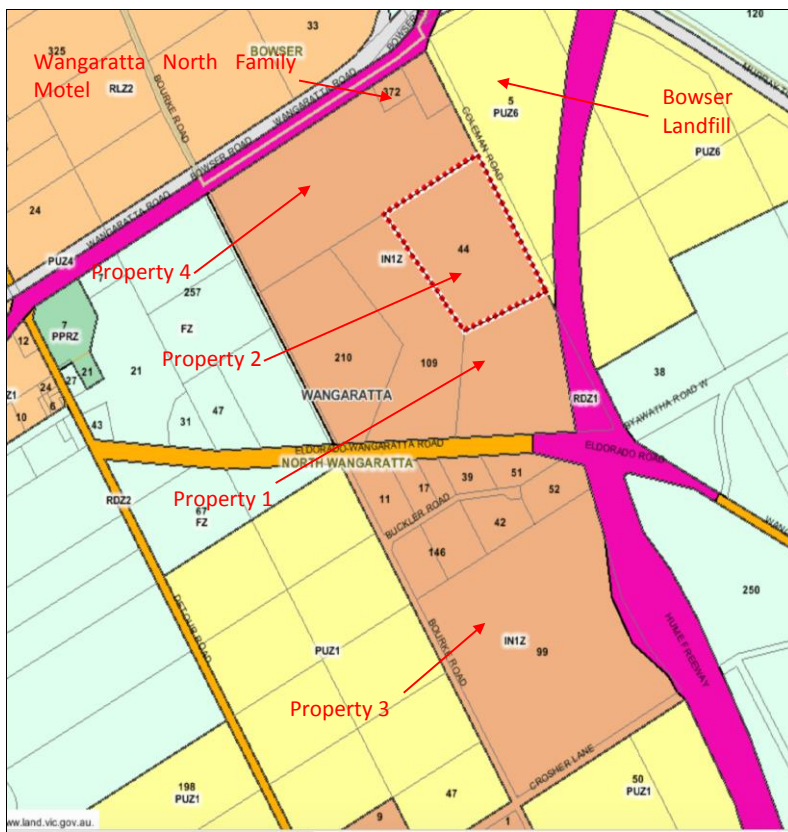


Figure 2: Zoning of site and surrounds (source: VicMaps)

The Wangaratta North Family Motel is located immediately adjacent to Property 4, in Bowser Road. Property 4 shares the western and southern boundaries of the motel site. To the east of the motel is a lot that is currently used for pasture, and further east (on the opposite side of Coleman Road) is the Bowser Road landfill. The landfill is a Council facility, and has been operating since the mid 1970s.

1.2 The issues

Having considered all submissions and objections provided to Council and to VCAT, and all relevant documentation prepared by or on behalf of the Proponent, the Committee has identified the following key issues:

- noise
- visual impact
- glare and glint
- fire risk
- landfill gas issues.

Other issues, such as native vegetation removal and drainage impacts, have also been considered and the Committee notes that conditions are included either in the original permit or the NOD dealing with these issues. The Committee supports these conditions, and has included them in its recommended without prejudice permit conditions in Appendix B.

2 Policy context

2.1 The State and local policy framework

The Proponent and Council both submitted that the proposal was highly consistent with State, local and even international policy.

Particularly relevant parts of the SPPF are:

- **Clause 17.02 Industry**, which seeks to ensure an adequate supply of industrial land including large sites for strategic investment, and to protect and carefully plan existing industrial areas to facilitate further industrial development.
- **Clause 19.01-1 Provision of renewable energy**, which seeks to promote and facilitate renewable energy facilities in appropriate locations, develop infrastructure to meet community energy demands, and ensure appropriate siting and design considerations are met.

Particularly relevant parts of the LPPF are:

- **Clause 21.08 Economic development and tourism**, which seeks to support sustainable economic development throughout the municipality, and attract new industry on investment ready industrial land supported by high end infrastructure, while protecting the landscape values and economic potential of tourist routes from land use that will compromise these values.
- **Clause 21.09 Industry and business**, which promotes a range of industrial uses and sizes on the industrially zoned land in North Wangaratta.
- **Clause 22.05 Industry and business**, which notes the capacity of the North Wangaratta industrial area to respond to a range of future industrial uses and value adding industries, and includes objectives of:
 - protecting the area from encroachment from non-industrial uses
 - harmonious coexistence of industry and adjoining rural and residential development
 - ensuring new industrial development is compatible with the aesthetic character of the surrounding land where practicable.

2.2 Zone and relevant particular provisions

The land is zoned Industrial 1. The zone purposes include:

To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner that does not affect the safety and amenity of local communities.

The Industrial 1 Zone contains a range of decision guidelines for use and for buildings and works, which include:

- the effect the use might have on nearby existing or proposed residential or other uses which are sensitive to industrial off-site impacts
- the effect of nearby industries on the proposed use
- natural and cultural values on or near the land
- landscaping treatment

- stormwater drainage.

No overlays apply to the site.

A number of particular provisions apply, including Clause 52.42 Renewable energy facility (other than wind energy facility and geothermal energy extraction), Clause 52.17 Native vegetation and Clause 52.06 Car parking.

The purposes of Clause 52.42 include:

To facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

Clause 52.42-3 contains a number of decision guidelines, including:

- the effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference
- the impact of the proposal on significant views, visual corridors and sightlines
- the impact of the proposal on the natural environment and natural systems
- whether the proposal will require traffic management measures.

2.3 Other relevant plans and policy objectives

Chapter 11.3 of the Hume Regional Growth Plan outlines the factors affecting future energy demands in the Hume Region, including rising electricity costs, and the needs of the region's larger, more energy intensive industries. It states that developing alternative energy sources such as solar will contribute to securing a sustainable energy future for the region. It identifies opportunities for solar energy resources in the northern parts of the region, which include North Wangaratta, and notes that the region already contains key electricity distribution infrastructure, such as substations and networks.

Map 9 of the Hume Regional Growth Plan identifies North Wangaratta as an industrial node. This is reflected in the draft revised Wangaratta Industrial Land Use Strategy, recently adopted by Council and currently on exhibition for public comment. The draft revised Industrial Land Use Strategy identifies the opportunity created by the need for sustainable industry solutions, which will see an increase in demand for renewable energy.

The amendment application must be assessed against the decision guidelines in Clause 65, and the requirements of section 60 of the Act, as well as the objectives of planning in Victoria contained in section 4 of the Act. These include, among other things, consideration of:

- social, economic and environmental impacts of the proposal
- whether the proposal would deliver a net community benefit.

The Committee also notes the broader policy context, including the State government's recent commitment to legislate renewable energy generation targets of 25 per cent by 2020 and 40 per cent by 2025, and the Commonwealth government's adoption of the Paris Agreement, which aims to limit global temperature rise to below 2 degrees Celsius, and to set a net zero carbon emissions target for participating nations by 2050.

2.4 Findings

It is clear from an analysis of the policy context, applicable zone controls and applicable particular provisions that the proposal has strong policy support. This policy support is not, however, unqualified. Impacts on surrounding land uses, landscape and natural and cultural values must also be considered and balanced.

3 Issues

3.1 Noise

(i) Evidence and submissions

Ms Styles and Mr Nichols submitted that the development should not elevate the existing noise levels at the motel. Their primary concern was the potential for solar panels to reflect and amplify traffic noise associated with Hume Freeway. They were also concerned that the switching sub-station and electricity inverters would create noise impacts. The Objectors requested an acoustic report to be prepared prior to construction, to establish a baseline for current noise levels experienced at the motel, and that further acoustic monitoring be undertaken after completion of the project to ensure that noise levels at the motel were not increased. The Objectors also submitted that construction activity should be restricted in order to allow motel patrons uninterrupted sleep until 9:00 am each morning.

The Proponent called noise expert Will Gouthro of Arup Consultants to present evidence in relation to the potential for the solar panels to increase noise levels at the motel. Mr Gouthro did not consider that noise mitigation is necessary for this development.

Mr Gouthro advised the Committee that there is no noise criteria in Victoria for assessing a change in traffic noise due to development. His evidence was that the VicRoads guideline *Requirements for Developers – Noise Sensitive Uses* (which typically applies to residential development) provides useful context. The guideline requires developers to attenuate freeway traffic noise to a level of 63 dB_(A) LA10, 18 hr or less, as measured externally 1 metre from the most exposed façade of a residential building.

Mr Gouthro's evidence was that the human perception of a change in noise levels is as set out in Table 1¹.

Table 1: Human perception of changes in noise levels

Change in sound level	Change in apparent loudness
3 decibels	Just perceptible
5 decibels	Clearly noticeable
10 decibels	Half or twice as loud
20 decibels	Much quieter or louder

Mr Gouthro predicted that the proposed development may increase the freeway traffic noise level at the motel approximately 1 decibel. This would only occur when the solar panels are in the horizontal position (in the middle of the day, for a period of around four hours). His evidence was that this increase would not be perceptible. Assuming a 3 decibel increase in road traffic noise of over a 10-year period (associated with increased road traffic

¹ Will Gouthro (Arup) Acoustic Expert Evidence page 3, 20 October 2017

volumes), he predicted the noise levels at the motel could reach in the order of 59 decibels – well below the 63 decibel limit referred to in the VicRoads guideline.

Mr Gouthro also assessed the potential for the solar panels to amplify noise from a short term noise event, such as noise from the Alpine MDF plant. He predicted that noise levels from a short term noise event could increase by approximately 2 decibels in the midday scenario (when the panels are oriented horizontally). His evidence was that such an increase would not be perceptible.

Mr Gouthro's evidence was that when the solar panels are in a near vertical position, angled towards the morning and afternoon sun, they could provide some acoustic shielding which could decrease the noise level at the motel by around 1 decibel. He did not take this into account in his assessment, making his assessment conservative.

(ii) Discussion

Mr Gouthro has conducted a desk top assessment, based upon road traffic data and other assumptions. His focus was limited to the increase in noise at the motel resulting from deflection from the solar panels. No baseline sound measurements were taken to ascertain in situ background noise levels at varying periods of the day and night. Such an approach may have provided more empirical data on which to compare the actual performance outcome should the proposal proceed.

Notwithstanding the somewhat limited basis for Mr Gouthro's conclusions and recommendations, they were not challenged during cross examination by Ms Styles or Mr Nichols. This Committee acknowledges that this would be difficult for lay people, and the Committee may have benefited from some degree of qualified peer review of Mr Gouthro's methods.

The Committee is not aware of the source of the subjective descriptors contained within Table 1 provided by Mr Gouthro, but it relies upon his expert opinion (in the absence of any contradicting evidence).

Mr Gouthro predicts noise increases at the motel, of 1 to 3 decibels for four hours around midday, could be "*just perceptible*". This must be considered within the context of the current industrial zoning applying to both the motel site and the solar farm site, and daily intermittent ambient noise from truck traffic, reversing beepers, agricultural machinery and the like. The Committee considers that a "*just perceptible*" increase in noise levels is acceptable in this context.

The Committee recommends a condition be included on the permit requiring the solar farm to comply with EPA Publication 411 *Noise from Industry in Rural Victoria*. If the noise levels attributable to the development turn out to be higher than predicted, and are "*clearly noticeable*", then the EPA should be contacted to investigate. At this point, actual operational noise monitoring might be necessary to 'ground prove' Mr Gouthro's predictions. If the solar farm is found to be not complying with Publication 411, the EPA should require the Proponent to mitigate the noise impacts. This could include attenuation at source, or mitigation treatments at the motel as sought by the Objectors.

The Proponent estimates the construction period for the proposed solar farm will be 12 months. Condition 3 on the NOD requires construction works to comply with relevant EPA noise control guidelines. This is an appropriate planning control.

Construction activities within Property 4 could impact most on the motel. The Objectors indicated in without prejudice discussions during the Hearing that an 8:00am starting time would be a satisfactory compromise. The Committee regards this as a reasonable outcome. It is also reasonable that the Proponent only need to comply with this condition when the motel is an operating business.

(iii) Findings

The Committee finds:

- Noise impacts from the proposed development are acceptable. No noise mitigation is recommended.
- Construction times in Property 4 should not commence before 8 am on any day, and construction noise should comply with EPA Publication 480 *Environmental Guidelines for Major Construction Sites*.
- Operational noise should be required to comply with EPA Publication 411 *Noise from Industry in Rural Victoria*.

The Committee has included appropriate conditions in Appendix B to reflect these findings (see conditions 3, 4 and 7).

3.2 Visual impact

(i) Evidence and submissions

Ms Styles and Mr Nichols raised concerns about the visual impact of the proposal on both the motel, and on the broader area. They submitted that the area is an open, rural landscape at present, characterised by open fields, shelter belt planting along the edges of paddocks, and grazing livestock. They submitted that this open, rural setting is one of the main attractions for guests of their motel. They also raised concerns about the visual impacts of the proposal on road users (particularly Bowser Road), and users of the Murray to Mountains Rail Trail which runs along the northern boundary of Property 4, submitting that a solar farm would be out of character with the area and a somewhat 'jarring' visual experience.

The Proponent called Hayden Burge of ERM Consultants to provide expert evidence in relation to the landscape and visual impact of the proposal. His evidence was that the overall visual impact on the motel, Bowser Road and the Rail Trail would be low to negligible, and acceptable in the context of an industrially zoned area.

Mr Burge's evidence was that the relatively low profile of the solar panels (approximately 2 metres above natural ground level), and the fact that the panels are mounted behind a layer of non-reflective tempered glass, means that their visual impact is considerably less than other types of industrial use and development that could occur on the land under the Industrial 1 zoning (for example factories or heavy industry).

Mr Burge acknowledged that there would be views of the solar farm from the motel, but these views are generally only glimpsed through gaps in the existing vegetation on the motel site. His evidence was that most (although not all) of the motel accommodation buildings were oriented away from the solar farm site, and the south facing windows were generally opaque or obscured. He said that the visual impacts on the motel would be further ameliorated by landscape screening within the site, around the western and southern boundaries of the motel site.

Mr Burge's evidence was that impacts on users of the Rail Trail and, particularly, Bowser Road would be limited, as users are generally passing the property. Views into the site from Bowser Road and the Rail Trail would be partially screened by existing vegetation, and further screening could be planted along the northern boundary of Property 4 if required (Mr Burge's opinion was that additional screening would not necessarily be required).

Mr Burge indicated that the visual impacts on users of Bowser Road and the Rail Trail would not necessarily be negative. His view was that the solar farm could in fact be a point of interest and a reason for users of the Rail Trail in particular to stop. He suggested that an information panel describing the project could enhance the experience of users of the Rail Trail.

Mr Burge noted that the substation, proposed to be located in the northwest corner of Property 4, could have visual impacts for users of Bowser Road and the Rail Trail, but that these could be appropriately ameliorated by the retention of the existing trees on that corner of the property, supplementary and replacement planting (if required), and other forms of (non-landscaped) screening. He cautioned against non-landscaped screening, as this could end up with a greater visual impact than the substation itself could have.

Mr Burge noted that the NOD includes a landscaping condition requiring screen planting in several areas, including around the edges of the motel, and along the entire width of Bowser Road. It also requires the retention of the existing shelter belt planting along the southern boundary of Property 4, from Bourke Road to where it meets the boundary of Property 2. Landscaping will constitute a combination of tube stock and seed planting of a mixture of native and local species. Mr Burge's evidence was that this is appropriate, as seed stock is generally more resilient, and the area is characterised by similar species types.

(ii) Discussion

The Committee accepts Mr Burge's evidence that the visual impacts of the proposal are acceptable, and can be satisfactorily ameliorated by the retention of existing vegetation around the northern boundary of the site (particularly in the area around the proposed substation), and additional screen planting around the boundaries of the motel site.

The Proponent tendered an expert witness statement and landscape design prepared by Ms Karen Watson of North East Survey Design. The North East Survey Design proposal, which is only focused on the visual impacts on the motel and areas to the north of Property 4, proposes a mixture of direct seed buffer planting, small to medium buffer trees and large buffer trees. The landscaping has been designed to:

- respond to the recommendations in the glint and glare study by Pager Power (see Chapter 3.3) and the conditions of the NOD

- be in keeping with the predominant landscape and vegetation character of the area
- retain good visibility of the motel from Bowser Road.

The landscape design involves a 10 metre wide buffer of screen planting along the entire northern boundary of Property 4, along Bowser Road and around the motel. The buffer around the motel is set back a further 6 metres from the motel boundary by a mown grassed area, to allow for some open space between the motel boundary and the screen planting. A gravel access track is proposed along the inside boundary of the landscaping.

Ms Watson was not called to give evidence, due to ill health. However, Mr Burge commented that he considered the proposed landscape design to be an appropriate response to the visual impacts of the proposal, save for his opinion that landscape screening may not be required along the Bowser Road interface.

At the Hearing, without prejudice discussions took place between the parties during which the Proponent agreed to increase the total width of the landscape buffer around the motel from 22 metres to 25 metres, partly to address visual impacts but primarily to address fire risk (see Chapter 3.4). The Committee considers that this is an appropriate response to the visual impacts of the proposal on the motel.

The Committee is not persuaded that additional planting is necessarily required along the Bowser Road interface. However, space should be set aside for planting should it be required. Further consideration should be given to the need for planting along the Bowser Road interface once construction on Property 4 is complete, and its visual impacts can be assessed.

(iii) Findings

The Committee finds:

- Although the solar farm will have some visual impacts, these impacts are acceptable in the context of the industrial zoning of the site and surrounding area, and can be satisfactorily ameliorated through additional landscaping.
- The landscaping proposed in the North East Survey Design landscape design is an appropriate response to the visual impacts of the proposal, save that:
 - the landscape buffer around the motel site should be increased from 22 metres to 25 metres, with an increase in the width of the mown grass area from 6 metres to 9 metres
 - planting of the landscape buffer around the motel site should occur before construction on Property 4 commences, to allow the landscaping some time to establish
 - while land should be set aside for planting along the Bowser Road interface, it is not necessary for planting to occur unless it is considered necessary once construction on Property 4 is complete.

The Committee has included appropriate conditions in Appendix B to reflect these findings (see conditions 1(b), 1(c), 10 and 11).

3.3 Glare and glint

(i) Evidence and submissions

The Proponent commissioned a glint and glare study by Pager Power in April 2017 (Document 5). The report, which was submitted with the amendment application, assessed the potential glint and glare impacts associated with the proposal on surrounding roads and. A high-level overview of aviation concerns was also included, as the Wangaratta Airport is located 11 kilometres from the site.

The analysis included consideration of a fixed panel position and a tracking system that optimises the panel angle throughout the day to maximise electricity generation.

The Pager Power report assessed the glint and glare effects on ground-based receptors within one kilometre of the solar farm. The analysis considered dwellings and roads that have a reasonable prospect of being able to view the panels. The assessment considered:

- a 1.2 kilometre stretch of Wangaratta Curran Road to the south of the solar farm
- a 1.1 kilometre stretch of the Hume Freeway to the east of the solar farm
- a 0.9 kilometre stretch of Bourke Road to the west of the solar farm
- a 1.8 kilometre stretch of the C314 (modelled for Property 3 only).

Pager Power concluded that:

- Glint and glare effects are possible for up to five dwellings in the area. Effects are predicted to last up to 20 minutes per day under particular conditions. The impact is classified as low.
- Reflections would be possible towards road users on approximately 3 kilometres of road, split over four areas. Effects would be fleeting in nature and comparable to many sources of reflection commonly encountered by road users. The impact is classified as low/moderate for the Hume Freeway and low for the remaining arterial roads.
- No significant effects are predicted for the Wangaratta Airport.
- If screening were required to mitigate glare and glint impacts at surrounding dwellings, opaque hedgerows with heights between 2 and 3.5 metres could be required at the locations marked on Figure 3 below.
- If screening were required to mitigate glare and glint impacts on road users, screen planting of 2 metres in height could be required at the locations shown in Figure 4 below. Screening to the southeast, adjacent to the Hume Freeway, is most likely to be required.
- Prior to determining a mitigation plan, the existing screening should be investigated as it may be that screening is currently sufficient in some cases, or that the mitigation only requires 'gap-filling'.
- No other mitigation was recommended at this stage, because the predicted impacts were low to moderate.



Figure 3: Location of screening for glare and glint – dwellings
Source: Pager Power Glint and Glare Study, April 2017

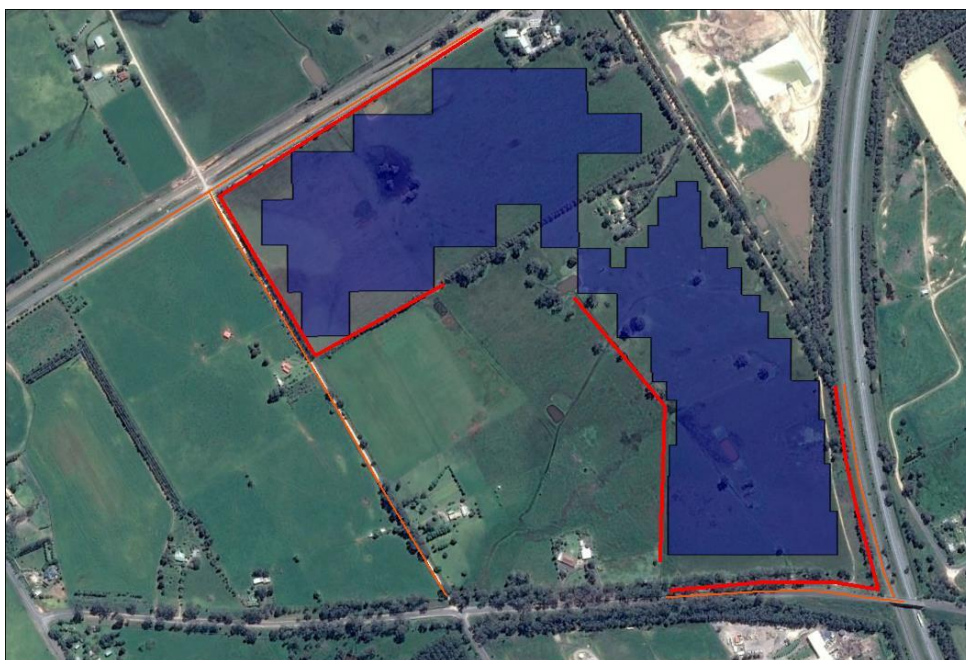


Figure 4: Location of screening for glare and glint – surrounding roads
Source: Pager Power Glint and Glare Study, April 2017

(ii) Discussion

No expert evidence was presented to the Committee at the Hearing. The Committee relies on the Pager Power report.

The proposed screen planting illustrated in the landscape design prepared by North East Survey Design appears to be a reasonable approach to mitigating glare and glint potential on the surrounding dwellings, the motel and the surrounding roads. Further iterations of the landscape plan would be required to be submitted and approved by the Responsible Authority, at a later detailed design stage.

The Committee considers that, in accordance with the recommendations in the Pager Power report, a condition should be included on the permit requiring additional gap or screen planting to be undertaken following completion of the construction of the project, if necessary to address glint and glare impacts.

The Proponent and Council noted at the Hearing that the original permit and amendment application were referred to VicRoads. VicRoads had no objection, provided that appropriate landscaping is undertaken to screen and minimise visibility of the solar farm from the freeway. VicRoads' condition is included in Appendix B (see condition 36). Additional gap or screen planting is addressed in recommended condition 12.

(iii) Findings

The Committee finds:

- The proposed landscaping and screen plantings illustrate a reasonable mitigation response to the potential glare and glint effects upon nearby dwellings, the motel, the Hume Freeway, and the surrounding roads.
- Additional gap or screen planting should be provided if considered necessary once construction is complete.

Appropriate conditions have been included in Appendix B (see conditions 12 and 36).

3.4 Fire risk

(i) Evidence and submissions

Ms Styles and Mr Nichols were concerned that an increased risk of bushfire hazard could be created if the proposed landscaping plan is implemented. They submitted that consideration should be given to whether a grassfire could be controlled before encountering their motel buildings.

They have designed and maintained the buildings in the interest of being able to adequately manage and defend them (and protect any person on the property) from risk of grassfire. All grass on the property, around the boundaries, is maintained well below the required 100 millimetres, and their alpacas and miniature horse control the tree growth up to a height of approximately 2 metres.

The Objectors submitted that adding significant vegetation to the boundaries of the property would create higher bushfire risk, where fires could easily jump from trees to the buildings. It would take 4 to 5 minutes for a fire truck to reverse from the front to the rear of the property (as trucks must always be positioned to be able to exit immediately by driving forward). It would take a minimum of 4 minutes for a dispatched fire truck to reach motel from the staffed Wangaratta CFA Station. If volunteers were deployed, this could extend to up to 12 minutes.

The on-site accommodation cabins that were installed on the motel site in 2013/14 have cedar exteriors. The Objectors submitted that if the new cabins were assessed in a bushfire risk area at the time of their application (rather than as a grassfire risk), the cabins may not have been approved for use. This is due to the significantly higher burn rate of cedar in comparison to other cladding options.

The Objectors submitted that the solar farm proposal does not allow for adequate emergency vehicle access. They also raised concerns about the lack of reticulated water supply at the motel or within Property 4. The motel has a single fire water pump. Firefighting would rely solely on tank water that could be compromised in the event that electricity supply is lost. No provision for water for firefighting has been outlined in the amendment application.

The Objectors sought referral of the application to the Municipal Fire Prevention Officer and the CFA in relation to the proposed landscape plan and access provisions. It was noted in their submission that up to 100 guests may be accommodated on any given day, and that their protection is of the utmost importance.

Council advised that the subject site is not covered by a Bushfire Management Overlay. It had informally referred the application to both the CFA, and the Fire Protection Officer for their responses. Neither CFA nor the Fire Protection Officer objected to the application, or required any conditions on the permit, but the CFA provided the following comments:

- During the Fire Danger Period grass will need to be maintained to less than 100 millimetres.
- A reliable water supply will need to be provided to ensure water for firefighting.
- Access from public road(s) and through the site will need to be maintained to ensure access for emergency vehicles.
- Prior to commissioning of the solar farm CFA would seek a familiarisation tour of the facility for operational pre-planning purposes by responding crews.

(ii) Discussion

The fire risk was considered at length during the Hearing, with the Proponent acknowledging the concerns of Ms Styles and Mr Nichols. The Committee has given considerable weight to the CFA responses to the proposal, and is satisfied that the fire risk issues can be appropriately managed.

Council's Delegate Report for the amendment application noted that there is existing significant vegetation within the motel property and along external boundaries. The proposal provides for an internal access road around the entire boundary of development, with the photovoltaic panel rows being spaced at 3 metre intervals. This would provide access for firefighting appliances. Access to Property 4 would be via an entrance from Bowser Road, which is the main arterial route to central Wangaratta.

The Proponent indicated it would provide a water storage on-site for firefighting purposes, as it wants to ensure that its plant and equipment is properly protected from fire, as well as surrounding properties.

The configuration of the plantation buffer abutting the motel was discussed at the Hearing on a without prejudice basis. The Proponent offered to widen the mown grass area from the

motel boundary to the landscaped shrub and tree plantings within the site from 6 metres to 9 metres. The Proponent noted that this would diminish the useable land for the photovoltaic panels, and could not agree to extending the widening to the entire length of Bowser Road as this would impact the commercial viability of the proposal.

The Committee regards widening along the motel boundary as a reasonable compromise, that would provide additional space for fighting a grass fire, offsetting the shrub and tree plantings further from the motel cabins, while providing a visual and noise attenuation screen for the motel.

(iii) Findings

The Committee finds that:

- The mown grass area between the motel boundaries and the landscaping buffer should be 9 metres in width rather than 6 metres.
- The height of grass within the site should be required to be maintained at 100 millimetres during the high fire risk season.
- A water storage should be required to be created and maintained within Property 4 for firefighting purposes, to the satisfaction of the Responsible Authority.

Appropriate conditions have been included in Appendix B (see conditions 1(c), 10(g) and 35).

3.5 Land fill gas issues

(i) Evidence and submissions

Council operates a municipal landfill located on the south eastern corner of Coleman and Bowser Roads (the Bowser landfill).

Ms Styles and Mr Nichols raised the issue of landfill gas (LFG) emitting from the Bowser landfill. They directed the Committee to the most recent section 53V audit report undertaken by FMG Engineering for Council, dated 8 August 2017. They questioned whether LFG emissions had migrated off the landfill site, and what impact that might have in relation to spark ignition from the electricity supplies in the solar farm. They also queried whether a presence of carbon dioxide might be detrimental to the solar panels.

Mr Newbury (a director of Countrywide Energy) responded that to his knowledge no sparking effect had been experienced at solar farms elsewhere. He was not aware of any methane or carbon dioxide emissions affecting the subject site, and doubted that any impacts would be experienced if there were.

(ii) Discussion

The Bowser landfill is split into two sections by the Hume Freeway: Bowser East and Bowser West. The landfill commenced operations in 1978. Bowser West is the section closest to the motel and the subject site, and contained the more recent landfill cells.

A licensed landfill requires a 500 metre buffer to any sensitive use. Both the motel and parts of Property 4 appear to be sited within this distance of the Bowser West landfill. While the motel constitutes a sensitive use, the solar farm (being an industrial use) does not.

The Committee has reviewed the most recent s53V audit report for the landfill (Document 29), and has accessed past section 53V audit reports from the website referred to by Ms Styles and Mr Nichols².

The Bowser East landfill cells were unlined and received rubbish until 1995, after which the newer cells were lined with compacted clay. Some LFG emissions and groundwater contamination by leachate have been detected, and amelioration and monitoring measures have been put in place by Council. The Bower West landfill is currently operated in accordance with its licence conditions.

Council referred both the original permit application and the amendment application to the EPA. The EPA is not a formal referral authority under section 55 of the Act. The EPA provided a response to the original permit application, but no response was provided in respect of the amendment application. The EPA's response to the original permit application raised no concerns in relation to the proximity of the proposed development to the landfill, and contained no reference to LFG or groundwater contamination.

Experience at inadequately lined landfills elsewhere demonstrates that LFG can traverse some distance from the closed cells, dependent upon the geology of the site and surrounding area. In the absence of any geotechnical analysis of the site being presented, the Committee considers that the precautionary principle should apply. The Committee recommends that the Proponent consider not locating personnel and equipment that might be sensitive to LFG within 500 metres of the landfill. The Committee notes that the proposed administration building for the solar farm is not proposed to be located within the buffer, which the Committee considers appropriate. The Proponent should also give careful consideration to LFG issues when constructing the solar farm.

The Committee is satisfied that the landfill is being audited annually in accordance with the requirements of section 53V of the *Environment Protection Act 1970*, and the LFG issue appears to be being managed by Council.

(iii) Findings

The Committee finds that:

- The Proponent should adopt a precautionary approach, and should consider not locating personnel and equipment that might be sensitive to LFG within 500 metres of the landfill.
- The Proponent should give careful consideration to LFG issues when constructing the solar farm.

An appropriate condition has been included in Appendix B (see condition 32(b)).

² <http://www.epa.vic.gov.au/our-work/publications/publication/2017/october/1642>

4 Response to Terms of Reference and Recommendation

Clause 22 of the Terms of Reference require the Committee to:

- assess all relevant matters to the application for review
- assess submissions to the Committee
- make a recommendation as to whether or not an amended planning permit should be issued, and provide reasons for its recommendation
- provide a without prejudice draft planning permit including conditions from referral authorities under section 55 of the Act
- report on any the relevant matters raised in the course of the Hearing
- provide a list of persons who made submissions considered by the Committee, and a list of persons consulted or heard.

Clause 14 requires the Committee to consider:

- relevant provisions of the Act and Scheme, including any adopted plans, strategies or planning scheme amendments
- relevant provisions of the SPPF and the Hume Regional Growth Plan
- relevant documentation prepared by or on behalf of the Proponent or otherwise provided to the Committee
- all submissions provided to Council and submissions and material provided to VCAT in relation to the amendment application.

Having considered all matters and material that it is required to consider, the Committee concludes that an amended planning permit should be issued, for the reasons set out in this report.

The proposed expansion of the solar farm represents a significant investment in the Wangaratta area, and will provide economic stimulation to the region. It will contribute to providing energy security for other businesses and industries in the region, as well as the broader regional community. Solar energy is a clean and renewable source of energy, and the solar farm will assist Victoria to reduce its overall carbon emissions, and contribute to reaching the State's renewable energy generation targets. These are positive economic, environmental and social outcomes for the region, and for the State more broadly.

The amendment application is supported by, and implements, the relevant sections of the State and Local Planning Policy Frameworks and the other policies and documents referred to in Chapter 2. It is consistent with the objectives of the Hume Regional Growth Plan, and the planning objectives set out in section 4 of the Act.

The Committee considers that conditions will be needed to ensure that the impacts of the solar farm, particularly visual impacts, glare and glint, and fire risk, are appropriately managed and ameliorated. The Committee has provided a without prejudice draft planning permit in Appendix B, which includes conditions from referral authorities under section 55 of the Act. It also includes conditions and notes reflecting the comments of the CFA and the EPA, received in response to informal referrals.

A list of persons who made submissions is included in the Overview. The Committee did not consult or hear from any additional persons, although it has taken into account the comments received by Council from referral authorities (VicRoads and North East Water), other authorities (the CFA and the EPA), and Council's own internal referrals.

Appendix A Terms of Reference

Terms of Reference

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 Pln16/132 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 Pln16/132.01 under the Wangaratta Planning Scheme (the Scheme) and if so, what conditions should be applied.

Background

3. Planning Permit PlnApp16/132 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 (Pln16/132.01) 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 Accom 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 anyway 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 Pln16/132.01 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

Appendix B Recommended permit conditions

PLANNING

PERMIT

ADDRESS OF THE LAND:	Lot 1 PS 546480 Vol 11492 Fol 982 - Wangaratta-Eldorado Road NORTH WANGARATTA VIC 3678 (Property 1)
	Lot 4 LP 117811 - 44 Coleman Lane NORTH WANGARATTA VIC 3678 (Property 2)
	Lot 1 PS 315856 Vol 10120 Fol 093 - 99 Crosher Lane NORTH WANGARATTA VIC 3678 (Property 3)
	Lot 1 TP 9025 Bowser Road NORTH WANGARATTA VIC 3678 (Property 4)
THE PERMIT ALLOWS:	Use and Staged Development of Land for a Renewable Energy Facility and Removal of Native Vegetation in accordance with the endorsed plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the development commences, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and two copies plus an electronic copy must be provided.

The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Site and Panel Layout plans amended to avoid the dam on Property 2, consistent with the original endorsed plans and incorporating Tree Protection Zones;
 - b) Landscape buffers along Bowser Road of a minimum of 16 metres in width, consisting of:
 - a 10 metre wide area immediately inside the site boundary, set aside for planting (if required); and
 - a gravel access track inside the potential planting area that meets CFA requirements;
 - c) Landscape buffers along the boundaries of the property at 372 Bowser Road (North Wangaratta Family Motel) of a minimum of 25 metres in width, consisting of:
 - a 9 metre wide mown grass strip immediately inside the site boundary;

- a 10 metre wide area for landscape screen planting in accordance with the Landscape Plan approved under condition 10 of this permit; and
 - a gravel access track inside the planting area that meets CFA requirements;
- d) Landscaping buffers along other boundaries and shelter belt planting to be retained;
- e) Detailed site and elevation plans of the proposed substation, including setback from road boundaries behind a landscaping buffer.
- All plans must be consistent in relation to site layout, dimensions and setbacks shown.
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. Construction must only be undertaken Monday-Friday between 7am-6pm and Saturdays between 7am-1pm, with the exception that construction in Property 4 must not commence before 8 am on any day while the motel is in business.
 4. Construction works must comply with EPA Publication 480 *Environmental Guidelines for Major Construction Sites*.
 5. The use and development must not alter existing natural water flows across the project site, or impact the natural water flows that occur on adjacent properties.
 6. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin or weeds;
 - e) Storage of solid waste;
 - f) Infiltration of groundwater.
 7. Noise levels emanating from the premises must not exceed those required to be met under EPA Publication 411 *Noise from Industry in Rural Victoria*.
 8. Maintenance of all buildings, surrounds, storage and parking areas within the site must be carried out in such a manner to render the site in a neat, tidy and clean condition at all times to the satisfaction of the Responsible Authority.
 9. Any external lighting installed on the site must be to the satisfaction of the Responsible Authority. All such lighting must be fitted with suitable shields and baffles so that no direct light is omitted which causes a nuisance to adjoining properties, or a danger to road or rail users.

LANDSCAPING

10. Prior to works commencing on site, a landscaping plan and specification detailing features designed to enhance the visual and environmental amenity of the development must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must show:
 - a) Screen planting along the east boundary of Property 1 in accordance with the recommendations of the *Solar Photovoltaic Glint and Glare Study July 2016* prepared by Pager Power [page 38];
 - b) Screen planting along the entire south and west boundary of the property at 372 Bowser Road (Wangaratta North Family Motel) that meets the requirements of condition 1(c) of this permit;
 - c) Space set aside for screen planting along the north boundary of Property 4 to Bowser Road, if required, that meets the requirements of condition 1(b) of this permit;
 - d) Retention of the existing shelter belt planting along the south boundary of Property 4 abutting the north boundaries of 210 Bourke Road and 109 Wangaratta Eldorado Road;
 - e) Landscaping and planting within all open areas of the site;
 - f) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, pot sizes, sizes at maturity, and quantities of each plant.
 - g) Maintenance schedule of planting. Maintenance must include regular mowing of the grass on the site to keep it below 100 millimetres in height during high fire danger periods.
11. Except as specified in conditions 11(a) and (b), all works shown on the landscape plan relevant to a particular stage must be completed to the satisfaction of the Responsible Authority prior to the commencement of the use of that stage.
 - a) Planting in the landscape buffer around the North Wangaratta Family Motel must be completed to the satisfaction of the Responsible Authority prior to construction on Property 4 commencing.
 - b) Planting in the landscape buffer along Bowser Road only needs to be completed if the Responsible Authority considers it necessary, once construction in Property 4 is complete.
12. Following completion of construction, the applicant must provide additional gap and/or screen planting to address glint and glare impacts if required by the Responsible Authority.

NATIVE VEGETATION CONDITIONS

13. A maximum of 14 remnant native trees may be removed as identified in the Biodiversity Assessment Report dated 28 April 2017 submitted with the amendment application.
14. During construction works on the site, any remnant vegetation not designated as being removed must be protected by an appropriate Tree Retention Zone (TRZ), free

of digging, trenching, excavation, stockpiles, chemical or material mixing and storage, parking or any other disturbance, and marked with a physical barrier on site. The TRZ will have a radius from the tree of at least 12 DBH (diameter of the tree at breast height) (as per Australian Standards). By default, a tree will be considered lost and require an offset if one of the above activities occurs over more than 10% of the total area of the TRZ.

15. If these exclusion zones are not put in place or construction works cannot be physically carried out without impacting these zones, these trees, whilst still retained must be counted as removed and included in the Vegetation Offset Management Plan required under condition 17 of this permit.
16. Consideration should be given to trees in the road reserves adjoining the sites which may be impacted by the use or development. If any vegetation is removed, destroyed or lopped to provide access to any of the lots, or the appropriate TRZ is not adhered to in accordance with the requirements in condition 14, an amended Biodiversity Assessment Report must be submitted to the satisfaction of the Responsible Authority. This may change the risk pathway that the application has been assessed against.
17. The applicant is to provide a Vegetation Offset Management Plan (VOMP) which includes offset calculation, location of offset site, planting plan, and maintenance plan to the satisfaction of the Responsible Authority. The offset must:
 - a) Contribute a gain of 0.315 general biodiversity equivalence units
 - b) Be located within the North East Catchment Management Authority boundary or the Rural City of Wangaratta municipal district
 - c) Have a strategic biodiversity score of at least 0.475Council's Natural Resource Management (NRM) Coordinator should be consulted about a suitable location, and planting species. This offset is to be protected and maintained for 10 years by the applicant.
18. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. The offset must meet the offset requirements set out in this permit and be in accordance with the requirements of the *Permitted clearing of native vegetation - biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*. Offset evidence can be either:
 - a) A security agreement, to the required standard, for the offset site or sites, including a 10 year management plan.
 - b) A credit register extract from the Native Vegetation Credit Register

ENGINEERING CONDITIONS

19. Prior to the commencement of works the applicant must, at its own expense, submit for approval by the Responsible Authority, plans and specifications prepared by a suitably qualified engineer showing:
 - a) Staging of works;
 - b) All new accessways;

- c) Temporary and permanent parking areas;
 - d) Drainage of all buildings and hard stand surface areas; and
 - e) Any other related infrastructure to service the development.
20. Prior to the commencement of the use the applicant must undertake, or cause to be undertaken, full construction of all new access ways, parking areas, drainage and related infrastructure as referred to in condition 19 and these works must conform to the approved plans.

EARTHWORKS

21. Prior to the commencement of the use and following the existing dam being filled, the applicant must satisfy the Responsible Authority that the area has been drained and desilted to the satisfaction of the Responsible Authority.
22. Prior to the commencement of the use the applicant must satisfy the Responsible Authority that any fill required in order for finished surface levels to comply with drainage, building and/or access requirements has been selected, placed and compacted in layers, in accordance with IDM standards.

DRAINAGE

23. Prior to the commencement of works, drainage plans prepared by a suitably qualified person to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority (Drainage Plans). The Drainage Plans must show:
- a) all drainage works associated with the development;
 - b) the nominated legal point of discharge;
 - c) the measures to be taken to enhance the quality of stormwater discharged from the land; and
 - d) the installation of an appropriate stormwater detention facility to limit the maximum discharge rate to no greater than the pre-developed discharge rate. The detention facility must cater for flows up to and including the critical 10 year ARI flow.
24. Prior to the commencement of the use, the drainage and associated works shown on the Drainage Plans must be constructed in accordance with those plans to the satisfaction of the Responsible Authority.

ROAD DESIGN

25. Prior to the commencement of works on Property 1, the applicant must design, construct and drain an access route to the satisfaction of the Responsible Authority to provide safe and convenient access between Coleman Lane and the Wangaratta-Eldorado Road.
26. Prior to the commencement of the use the applicant must satisfy the Responsible Authority that vehicles can enter and leave each lot while travelling only in a forward direction, and that all loading and unloading will take place within the lot.

27. Prior to the commencement of the use on Property 2, the applicant must satisfy the Responsible Authority that, should the route referred to in condition 25 be identified as a primary access route for Property 2, adequate provision has been made to allow vehicles to pass while travelling in opposite directions, and that the pavement can withstand the resultant traffic concentrations and turning movements.

PROPERTY ACCESS

28. Prior to the commencement of the use, the applicant must obtain a permit from Council for the construction of an access crossover to Property 1, and this crossover must be constructed to the standards specified and to the satisfaction of the Responsible Authority.
29. Prior to the commencement of the use on Property 1, the applicant must satisfy the Responsible Authority that an easement of way has been created in favour of the Authority to facilitate continued use of the above access route for the purposes of the Authority.
30. Prior to the commencement of the use the applicant must satisfy the Responsible Authority that, when a vehicle crossing to any lot is proposed to be located on a section of public road not listed on the Road Register of the Authority, the road in question has been upgraded to a point at least 15m beyond the vehicle crossing, in accordance with IDM standards.

PARKING AND INTERNAL ACCESS

31. Prior to the commencement of the use the applicant must satisfy the Responsible Authority that all parking areas and access routes shown on the endorsed plans have been constructed, sealed, drained, line-marked and provided with appropriate lighting to the satisfaction of the Responsible Authority.

CONSTRUCTION

32. Before the commencement of works a Site Management Plan must be submitted to and approved by the Responsible Authority, and effective measures consistent with the Plan must be taken to:
- a) Secure occupational health and safety;
 - b) Manage any risks associated with the presence of landfill gas that may have migrated onto the site from the Bowser Landfill;
 - c) Implement effective traffic management and environmental controls;
 - d) Establish and maintain safe construction vehicle access to the site;
 - e) Maintain vehicle and machinery hygiene;
 - f) Avoid the spread of soil-borne pathogens and weeds;
 - g) Minimise erosion, sedimentation and contamination;
 - h) Reduce the impact of noise, dust and other emissions during construction;
 - i) Prevent mud, dirt, sand, soil, clay or stones from entering the drainage system;
 - j) Avoid having such materials deposited on public land by construction

- vehicles;
- k) Restore all disturbed areas to their original condition; and
 - l) Establish and maintain all recommended Tree Protection Zones.
33. During construction, no excavated or construction materials may be placed or stored outside the site area or on adjoining road reserves, except where the materials are required in connection with any road works in such reserves that are required as part of this permit.
34. Construction and post-construction activities must be in accordance with EPA Publication 275 *Construction Techniques for Sediment Pollution Control 1991* or as amended.
35. A reliable water supply must be provided on the site, sufficient for fire fighting purposes.

VicRoads condition

36. An appropriate landscape/visual screen must be developed to further minimise visibility of the facility and associated infrastructure or operations. A landscape plan must be approved. The landscape must be installed prior to the use of the facility or works commencing. Species chosen must include those appropriate for a visual screen and be appropriate for the growing conditions. A scaled and dimensioned plan shall be prepared with a species list (botanic and common name and mature dimensions and stock size and numbers for each species). The landscape plan shall provide notes about planting. The landscape buffer must be established. The buffer shall be pruned to ensure visual screening.

Expiry Condition

37. This permit will expire if one of the following circumstances applies:
- a) the use or development is not started within two years of the date of this permit, or
 - b) the development is not completed within four years of the date of this permit, or
 - c) if commenced within two years, the use is then discontinued for a period of two years or greater.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

CFA Notes:

- Access from public road(s) and through the site will need to be maintained to ensure access for emergency vehicles.
- Prior to commissioning of the solar farm CFA would seek to have a familiarisation tour of the facility for operational pre planning purposes by responding crews. This can be facilitated by making contact with District 23 Operations Manager on 5741 4122.

VicRoads Notes:

- The construction works required by your permit may require consent to work in the road reserve under the Road Management Act 2004. It is acknowledged that an application for consent to Work within the Road Reserve has been submitted to VicRoads for review, reference number JT15024, however approval for consent has not been issued.
- Prior to any construction in the Road Reserve a Memorandum of Authorisation (MOA) and Traffic Management Plan/s (TMP) needs to be submitted to and approved by Roads Corporation (VicRoads). The MOA and TMP needs to be prepared and implemented by a pre-qualified Traffic Management Company. All applications/enquiries can be emailed to nriw.ntheastern@roads.vic.gov.au <<mailto:nriw.ntheastern@roads.vic.gov.au>>

North East Water Note:

- The applicant is required to ensure compliance with North East Water buffer distance requirements as they may apply.

General Note:

- Before undertaking any works that cross onto public land or roads, the applicant must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.

Appendix C Document list

No.	Date	Description	Presented by
1	24/10/17	HWL submission	James Lofting (for CWE)
2	"	Delegate Report Amended Permit	"
3	"	IN1 zone plan	"
4	"	Burge (ERM) PowerPoint presentation	Hayden Burge
5	"	Page Power Glint & Glare Study April 2017	James Lofting
6	"	Rural City Wangaratta Council submission	Jennifer Baldy
7	"	EPA referral response to original permit	"
8	"	Aerial photo of locality	Emmalee Styles
9	"	Aerial photo of site (zoomed)	"
10	"	Photos illustrating the interactions with M-M Rail Trail	"
11	"	Photos illustrating outwards views from Motel cabins	"
12	"	Photos showing the views from the Motel to environs	"
13	"	Photos of dam on Parcel 4	"
14	"	Photos of rain event inundation of Motel	"
15	"	NOD for amended permit 16/132.01	Jennifer Baldy
16	"	Original permit 16/132	"
17	25/10/17	Complete copy of application material submitted in support of the amendment application, including proposed amended plans	"
18	"	Endorsed plans dated 18/11/16 under the original permit	"
19	"	Comments from Council's Natural Resources Manager dated 17/5/17 in relation to the amendment application	"
20	"	Map showing extent of notification of amendment application	"
21	"	Notice of the amendment application published in the Chronicle 12/5/17	"
22	"	Objection dated 25/5/17 from Ms Styles and Mr Nichols to the amendment application	"
23	"	Objection dated 5/7/17 from Ms Styles and Mr Nichols to the amendment application	"
24	"	VicRoads referral authority response to amendment application signed 1/6/17	"
25	"	North East Water authority response to amendment application dated 26/5/17	"
26	"	Copy of informal referral of amendment application to the CFA, together with the CFA response dated 17/5/17	"

No.	Date	Description	Presented by
27	“	Biodiversity Assessment Report accompanying amendment application dated 23/3/ 17 (superseded) and 17/4/ 17	“
28	“	PowerPoint presentation by Andrew Newbury, Director Countrywide Energy	James Lofting
29	“	Section 53V audit of the Bowser Landfill dated 8/8/17	Emmalee Styles
30	“	Minutes of Council meeting 17/9/13 containing officer’s report on application for permit for signage at Bowser Road North Wangaratta	“
31	“	<i>Transad Australia P/L v Wangaratta Rural City Council</i> [2012] VCAT 937	“
