20 March 2019

The Hon Richard Wynne MP
Minister for Planning
Level 16, 8 Nicholson Street
EAST MELBOURNE VIC 3002

Dear Minister,

RE: Draft Solar Energy Facilities Design and Development Guidelines

The Office of the National Wind Farm Commissioner welcomes the opportunity to provide a submission to the Victorian Government’s Solar Energy Facilities Design and Development Guidelines.

The National Wind Farm Commissioner has a national, independent role and is responsible for:

- facilitating the handling of complaints from concerned community residents about planned and operating wind farms, solar farms (5 MW or more) and energy storage facilities (1 MW or more);
- identifying and promoting best practices for industry, government and related agencies to adopt with regard to the planning, operation and governance of these projects; and
- improving information access and transparency about proposed and operating projects and wind, solar and energy storage industries.

Our Office considers that a clear policy on the assessment of solar farms in Victoria is vital. The Office understands that the draft guidelines are intended to provide an overview of the assessment and development process for large-scale solar farms and guidance on how potential impacts can be avoided or mitigated.

With regard to the Commissioner’s experiences within the context of the wind industry, as well as preliminary learnings within the solar industry, our Office has provided the comments below:

Planning scope and framework

- The proposed Guidelines should ensure that there is sufficient guidance for the default responsible authority (local government) in assessing solar farm applications and determining strategies for appropriate site selection. In particular, the Victorian Government may wish to consult with the Municipal Association of Victoria and local government councils for further insight into further guidance that may be provided in this document.

- The Minister for Planning should have the ability to ‘call in’ a solar farm proposal that is above a particular size or capacity (e.g. 30MW), so to ease pressure on local government responsibility for larger and more complex proposals.
Grid connection

• With reference to the Victorian electricity transmission network and the Renewable Energy Zones outlined in the draft Guidelines, our Office considers that:
  
o locations for targeted zones should ideally be in locations further away from more populated areas, particularly given that existing and approved wind farms may have already selected optimal sites for their location, based on the current grid structure; and
  
o targeted zones may give rise to the potential for nearby residents or communities to be ‘surrounded’ by solar farms and related infrastructure if multiple projects proceed, which could lead to a range of cumulative impacts to residents and communities.

Site selection

• There may be scope within the Guidelines to identify marginal agricultural areas in Victoria that might be better suited to solar farm development than high-value agricultural areas. Further, proposals should be designed with technology that does not prevent activities such as sheep-grazing within the project footprint.

• There may be a higher likelihood of community issues and concerns to contend with when a proposed or operating solar farm is located near or amongst more populated areas.

• Where multiple renewable energy projects and associated infrastructure are proposed within a region, there should be consideration of how any potential negative impacts to nearby communities can be avoided or mitigated. Potential benefits to these communities should also be encouraged.

• Further guidance on site selection and planning strategies should include consideration of:
  
o opportunities to prioritise planning strategies which better balance the likelihood of acceptance of projects by the surrounding communities; and
  
o measures to avoid clustering of energy projects near communities (e.g. the transmission network could be augmented to allow power stations to be more distributed and located in less populated areas).

• Page 15 of the draft Guidelines state that ‘a regional perspective is also needed on the potential effects of a project to provide a wider context for assessing potential impacts on biodiversity, landscape and agricultural values, such as the impact of several solar energy facilities along the same upgraded irrigation channel.’ The Commissioner agrees with this statement and encourages further development and detail of this within the finalised Guidelines to provide additional guidance to proponents and local government.

• Section 8 of the Commissioner’s 2017 Annual Report (pages 44-46) also outlines recommendations for wind farm site selection that may be applicable to site selections for solar farms.
Standards and assessment documentation

- Section 4.5 of the draft Guidelines discuss considerations in relating to landscape values and visual amenity impacts, including 'appropriate setbacks from residential areas and other sensitive land uses.' The guidelines should provide further detail and guidance on how this may be applied. For instance, an appropriate setback from a residence may be 500m and an appropriate setback from a public road or boundary fence may be 250m.

- In determining visual amenity impacts, it may be necessary in some circumstances for a proponent to provide visual assessment reports and photomontages, particularly in areas where there may be an elevated view of the proposed project.

- Page 16 of the draft Guidelines state 'all permit applicants are encouraged to engage an experienced planning consultant to help prepare, lodge and navigate the planning permit application through the process.' The Commissioner agrees with this statement, however there should also be further emphasis on the audit and peer review of consultant reports as assurance of the accuracy of planning application documents. Section 6 of the Commissioner’s 2017 Annual Report outlines additional recommendations for consideration.

Monitoring and compliance

- The Guidelines should provide clarity in relation to determining the responsible authority for all aspects of monitoring and compliance. In particular, any permit should clearly state who the responsible compliance authority is (and clarify the respective roles of each responsible compliance authority if there is more than one).

- A solar farm proponent should publish the name and contact details of the responsible compliance authority on a project website so these details are easily accessible to the public.

Decommissioning

- In relation to decommissioning of projects, it would be useful to include some guidance on how decommissioning may be addressed in landowner agreements. Section 1 of the Commissioner’s 2017 Annual Report (pages 23-25) outlines a number of considerations for landowners and proponents when entering into commercial agreements that may be applicable.

- In some circumstances, the responsible authority may consider stipulating that proponent provide a security such as a bond or bank guarantee as assurance that the decommissioning phase will be carried out in accordance with an approved decommissioning plan.

Further guidance for best practice approaches

- In relation to the best practice guidance for the construction and operation of solar farms, Section 3 of the Commissioner’s 2017 Annual Report (pages 28-31) outline recommendations for community engagement that solar farm proponents may wish to consider.
While Appendix A of the draft Guidelines (page 34) has a list of useful contacts, it may be worth also considering a targeted guide for industry in promoting best practice—for instance, listing all contacts and resources that should be consulted during the development of a project (e.g. local State or Federal Member of Parliament, Country Fire Authority and other emergency management authorities, Office of the National Wind Farm Commissioner).

Thank you for the opportunity to provide comments on the draft Guidelines. For reference, I have enclosed a copy of the Commissioner's 2017 Annual Report, which includes a number of observations and recommendations that are relevant to the issues raised above.

I welcome your feedback on the above comments and would be pleased to discuss any of these issues with you in further detail.

Sincerely

Andrew Dyer
National Wind Farm Commissioner