

25 February 2019

Department of Environment, Land, Water & Planning
PO Box 500
East Melbourne VIC 8002

[submission made via online Engage Consultation Victoria Platform]

Dear Sir / Madam,

RE: DRAFT SOLAR ENERGY FACILITIES – DESIGN & DEVELOPMENT GUIDELINES

It is understood that the Department of Environment, Land, Water & Planning (DELWP) has prepared the draft *Solar Energy Facilities – Design and Development Guidelines* to help outline the assessment and development process for large-scale solar energy facilities in Victoria. The document is to be used by councils, proponents, regulators and the community alike to provide clear and technically robust advice on establishing well-located, best practice facilities.

The Mornington Peninsula commends State Government, both for undertaking this important initiative and for the overall high quality of the *Guidelines*. Our Shire staff have undertaken a detailed review of the draft *Guidelines* and have identified many elements worthy of support. The Shire has also identified a number of key recommended improvements. At its Planning Services Committee Meeting of 18 February 2018, Council resolved to make the following submission to DELWP supporting the draft *Guidelines* subject to amendments acknowledging the role of State Government owned land in potentially accommodating Solar Energy Facilities, the role of Green Wedge land and associated policies and provisions, as well as corresponding improvements to the *Victoria Planning Provisions (VPPs)*.

Background

The Mornington Peninsula Shire does not comprise land designated by the Australian Energy Market Operator (AEMO) as “ideal” for large-scale solar energy facilities pursuant to the *Integrated System Plan (July 2018)*. Nevertheless, the *Guidelines* remain of significance to the Shire given the potential for such facilities to establish as discretionary use and development on properties within the Green Wedge (i.e. land zoned Green Wedge or Farming).

The *Guidelines* emphasise ‘rural’ and ‘agricultural areas’ as potentially suitable for large-scale solar facilities recognising that growth of the renewable energy industry brings significant investment into rural economies. The *Guidelines* highlight that such facilities can effectively co-exist with agricultural production, supporting farmers by diversifying income streams to help stabilise earnings which can fluctuate due to changing commodity prices and climatic patterns.

The Guidelines are of particular relevance to the Shire given the recently adopted *Green Wedge Management Plan (December 2018)* identifies a lack of guidance in the Mornington Peninsula Planning Scheme regarding the siting and development of solar energy facilities. Action 6.5 specifically denotes that the development of policy and guidelines for the planning, design, construction and management of major infrastructure (including electricity supply infrastructure and solar farms) is a high priority 'to minimise impact on the rural landscape and rural land use and on the amenity of rural residents' (Appendix 3, p. 1). The Guidelines will partly address this current gap in policy.

Recommendations

Overall, the draft *Guidelines* appear to be a sound document that would assist Council in assessing future applications for solar energy facilities within our Shire. The following aspects of the submission are supported in particular:

- emphasis on proponents to develop robust, strategically justified developments that are expertly documented and founded on meaningful and early community engagement, stakeholder consultation, and pre-lodgement discussions with council;
- inclusion of strategic assessment criteria addressing planning policy and controls, agricultural values (including strategically significant agricultural land), heritage and Aboriginal cultural values, landscape values and visual amenity impacts, biodiversity and native vegetation, electricity grid connection and transmission and distribution infrastructure, and cumulative impact of solar energy facilities;
- explanation of the detailed development assessment requirements outlined in Clause 53.13: Renewable energy facility (other than wind energy facility and geothermal energy extraction) and other approval requirements, which includes site and context analysis, design response, access and traffic management, referral authority directives, flora and fauna, environmental effects, heritage and cultural heritage, fire management, infrastructure plans, connections and licenses;
- best practice guidelines for proponents to apply in the process of developing the facility, including community engagement and stakeholder consultation, design considerations, construction, operation and decommissioning stages; and
- a planning permit checklist for solar energy facilities.

The Shire recommends, however, that the *Guidelines* be amended to acknowledge the role of State Government land in potentially accommodating solar energy facilities. For all the reasons emphasised in the *Guidelines*, such infrastructure provides clear and significant public benefits. It is also acknowledged that solar energy facilities often require sizeable parcels of land on which to establish. The State Government owns large tracts of land throughout the Shire (and elsewhere) that could be ideal locations in which to establish these key facilities.

The Shire also recommends that the *Guidelines* be amended to acknowledge the role of Green Wedge land in accommodating solar energy facilities. At present, the draft *Guidelines* focus on the role of 'rural' and 'agricultural' land in accommodating solar energy facilities, but only in a purely "regional" context. That is, reference is limited to agricultural policy (ie. Clause 14.01: Agriculture), 'Regional Growth Plans' and the Farming Zone provisions. Rural and agricultural land is also found in Green Wedges – the zoning for which designates solar energy facilities as discretionary. As such, the *Guidelines* should be amended to acknowledge, not only the role of

Green Wedge land in accommodating solar energy facilities, but the associated planning framework which is distinctly different to that of generic farming and rural land. That is, the *Guidelines* should note the importance of Green Wedge Zone provisions, as well as Clause 11.01-1R (Green wedges – Metropolitan Melbourne) which specifically seeks to ‘provide opportunities for renewable energy generation’ (p.1) whilst also protecting environmental, landscape and scenic values and productive agricultural land. This issue is of particular relevance to the Mornington Peninsula Shire given 70% of the Shire is comprised of Green Wedge land.

In addition to the above improvements to the *Guidelines*, the Mornington Peninsula Shire submits that the following corresponding statutory changes to the *Victoria Planning Provisions* (VPPs) are essential to guide decision-making around solar energy facilities:

- A clear definition for ‘solar energy facility’ should be included in the Land Use Terms at Clause 73.03. At present, such a facility is an innominate use in the VPPs. A formal definition is especially important given the potential variance in scale and nature (and associated impacts) of solar energy facilities. It is prudent that the VPPs clarify the important distinction between large-scale industrial facilities and small domestic facilities (like roof-top solar panel arrays). The provision of a formal definition for solar energy facilities would be consistent with the approach already afforded to a ‘wind energy facility’ in the VPPs.
 - The land use term ‘solar energy facility’ should be included in the ‘Renewable Energy Group’ Nesting Diagram at Clause 73.04-17.
 - Amendment to Clause 66: Referral and Notice Provisions to clarify referral and notice requirements to provide for the necessary technical assessment and vetting of these major facilities, and to ensure that appropriate (government/industry recognised) and environmentally sound technology and methods are proposed.
 - Amendment to the Application requirements of Clause 53.13: Renewable Energy Facility (Other Than Wind Energy Facility and Geothermal Energy Extraction) to include the following elements in a statement about site suitability:
 - the agricultural quality of the site,
 - the amount of strategically significant agricultural land in the council area and the region, and
 - the impact of removing this land from agricultural production.
 - a statement of the cumulative impact of solar energy facilities in the area.
 - a statement in response to the relevant Localised Planning Statement.
 - a statement about any necessary construction of distribution and/or transmission lines and substations (including off-site) and an assessment of landscape and environmental impacts.
 - Amendment to the Decision Guidelines of Clause 53.13 to include:
 - The comments of relevant government authorities and utility providers.
 - The impact of the proposal on agricultural values.
 - The final version of the *Solar Energy Facilities – Design & Development Guidelines* included as a Policy document in Clause 19.01-2S Renewable energy (noting that the guidelines for the development of wind energy facilities has been included here).
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MORNINGTON
PENINSULA
Shire

Council thanks the Department for the opportunity to make the above submission and looks forward to the release of the revised *Guidelines* in June 2019.

In the meantime, should you wish to discuss the matters raised in this submission, please do not hesitate to contact myself on 5950 1396 or via email at Rosa.Zouzoulas@mornpen.vic.gov.au.

Yours faithfully

Rosa Zouzoulas
Team Leader, Peninsula Wide