

MINUTES

FOR THE
GREATER SHEPPARTON CITY COUNCIL

ORDINARY COUNCIL MEETING

HELD ON
TUESDAY 20 FEBRUARY, 2018
AT 5.30PM

IN THE COUNCIL BOARDROOM

COUNCILLORS:

Cr Kim O’Keeffe (Mayor)
Cr Seema Abdullah (Deputy Mayor)
Cr Dinny Adem
Cr Bruce Giovanetti
Cr Chris Hazelman
Cr Les Oroszvary
Cr Dennis Patterson
Cr Fern Summer
Cr Shelley Sutton

VISION

*A THRIVING ECONOMY IN THE FOODBOWL OF VICTORIA WITH
EXCELLENT LIFESTYLES, INNOVATIVE AGRICULTURE
A DIVERSE COMMUNITY AND
ABUNDANT OPPORTUNITIES*

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FOR THE
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**CHAIR
CR KIM O'KEEFFE**

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RISK LEVEL MATRIX LEGEND

Note: A number of reports in this agenda include a section on “risk management implications”. The following table shows the legend to the codes used in the reports.

Likelihood	Consequences				
	Negligible (1)	Minor (2)	Moderate (3)	Major (4)	Extreme (5)
Almost Certain (5) Would be expected to occur in most circumstances (daily/weekly)	LOW	MEDIUM	HIGH	EXTREME	EXTREME
Likely (4) Could probably occur in most circumstances (i.e. Monthly)	LOW	MEDIUM	MEDIUM	HIGH	EXTREME
Possible (3) Reasonable probability that it could occur (i.e. over 12 months)	LOW	LOW	MEDIUM	HIGH	HIGH
Unlikely (2) It is not expected to occur (i.e. 2-5 years)	LOW	LOW	LOW	MEDIUM	HIGH
Rare (1) May occur only in exceptional circumstances (i.e. within 10 years)	LOW	LOW	LOW	MEDIUM	HIGH

Extreme Intolerable – Immediate action is required to mitigate this risk to an acceptable level. Event/Project/Activity is not to proceed without authorisation

High Intolerable – Attention is needed to treat risk.

Medium Variable – May be willing to accept the risk in conjunction with monitoring and controls

Low Tolerable – Managed by routine procedures

PRESENT: Councillors Kim O’Keeffe, Dinny Adem, Bruce Giovanetti, Chris Hazelman, Dennis Patterson, Fern Summer and Shelley Sutton.

**OFFICERS: Peter Harriott – Chief Executive Officer
Phillip Hoare – Director Infrastructure
Geraldine Christou – Director Sustainable Development
Chris Teitzel – Director Corporate Services
Kaye Thomson – Director Community
Maree Martin – Official Minute Taker
Carmen Saunders – Deputy Minute Taker**

1. ACKNOWLEDGEMENT

“We the Greater Shepparton City Council, begin today’s meeting by acknowledging the traditional owners of the land which now comprises Greater Shepparton. We pay respect to their tribal elders, we celebrate their continuing culture, and we acknowledge the memory of their ancestors.”

2. PRIVACY POLICY

This public meeting is being streamed live via our Facebook page and made available for public access on our website along with the official Minutes of this meeting.

All care is taken to maintain your privacy; however as a visitor in the public gallery, it is assumed that your consent is given in the event that your image is broadcast to the public. It is also assumed that your consent is given to the use and disclosure of any information that you share at the meeting (including personal or sensitive information) to any person who accesses those recordings or Minutes

3. APOLOGIES

**Moved by Cr Hazelman
Seconded by Cr Giovanetti**

That the apologies from Cr Abdullah and Cr Oroszvary be noted and a leave of absence be granted.

CARRIED

4. DECLARATIONS OF CONFLICT OF INTEREST

In accordance with sections 77A, 77B, 78 and 79 of the *Local Government Act 1989* Councillors are required to disclose a “conflict of interest” in a decision if they would receive, or could reasonably be perceived as receiving a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

Disclosure must occur immediately before the matter is considered or discussed.

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved by Cr Giovanetti
Seconded by Cr Patterson

That the minutes of the Ordinary Council meeting held 19 December 2017 as circulated, be confirmed.

CARRIED.

6. PUBLIC QUESTION TIME

7. INFRASTRUCTURE DIRECTORATE

7.1 Contract 1785 - Cosgrove 3 Cell 1 Construction Panel Award Recommendation

Disclosures of conflicts of interest in relation to advice provided in this report
Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest..

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Consultant CTM Group

Proof reader(s): Project Manager Cosgrove Landfill, Manager Projects

Approved by: Director Infrastructure

Executive Summary

Tenders were invited closing 4.00pm, Wednesday 21 June 2017 for the “Lump Sum Contract for Cosgrove 3 Cell 1, Leachate Ponds & Cosgrove Clay Pit Rehabilitation”. The works in general consist of three components:

- Construction of Cosgrove 3 Cell 1 and Leachate Ponds
- Construction of Stormwater Pond
- Rehabilitation of the Cosgrove Clay Borrow Pits

Since the request for tender was issued, a re-evaluation of the annual rate of airspace take-up at Cosgrove 2 has been undertaken. This review indicated a need for the works under this contract to be deferred for a short period.

The Panel has considered this matter, sought advice and recommended a two-stage procurement process for this contract consisting of:

Stage 1 – Undertake an evaluation of all tenders received and short list a minimum of three contractors who will be invited to re-evaluate, and if necessary, submit an updated tender price at a future time nominated by Council.

Stage 2 – Review contractual requirements, seek updated submissions from short listed tenderers and determine the award of contract at the nominated later date.

Six (6) tenders were received and evaluated by the Evaluation Panel. All tenders were evaluated against the evaluation criteria set out in the Request for Tender (RFT) documents with the Evaluation Panel recommending a short-list of four contractors.

Stage 2 was initiated mid-November where updated prices were invited from the four shortlisted tenderers and evaluated by the Tender Evaluation Panel. After considering all matters the Tender Evaluation Panel makes the following recommendation.

7. INFRASTRUCTURE DIRECTORATE

7.1 Contract 1785 - Cosgrove 3 Cell 1 Construction Panel Award Recommendation (continued)

Moved by Cr Giovanetti
Seconded by Cr Summer

That the Council:

1. accept the tender submitted by Apex Earthworks Pty Ltd, (t/a Pearse Earthmoving) of 907 Goulburn Valley Highway, Congupna for Contract No. 1785 Lump Sum Contract for Cosgrove 3 Cell 1, Leachate Ponds & Clay Pit Rehabilitation for the contract value of \$3,567,321.29 (including GST)
2. authorise the Chief Executive Officer to sign and seal the contract documents.

CARRIED.

Contract Details

The contract is for the Construction of the Cosgrove 3 Cell 1, Leachate Ponds & Cosgrove Clay Pit Rehabilitation.

The works in general consist of three components:

- Construction of Cosgrove 3 Cell 1 and Leachate Ponds
- Construction of Stormwater Pond
- Rehabilitation of the Cosgrove Clay Borrow Pits

Tenders

Tenders were received from:

Tenderers
Apex Earthworks Pty Ltd t/a Pearse Earthmoving
Ertech Pty Ltd
Goldsmith Civil and Environmental Pty Ltd
DDTLA Pty Ltd t/a Teneo
Keystone Civil Holding Pty Ltd
PJ& T McMahons Excavation (a Division of PJ&T Motors Pty Ltd)

A compulsory site meeting was held at 11.00am, 6 June 2017. All Tenderers listed above were represented at the compulsory Site Meeting. Notes of the Site meeting were made available to all Tenderers.

The following shortlisted tenderers were invited to resubmit their proposals based on updated plans and specifications. (Tenderer letters are randomly assigned to shortlisted tenderers)

Tenderers
Tenderer A
Tenderer B
Tenderer C
Tenderer D

7. INFRASTRUCTURE DIRECTORATE

7.1 Contract 1785 - Cosgrove 3 Cell 1 Construction Panel Award Recommendation (continued)

Updated tenders closed at 4:00 pm, Monday, 5 December 2017.

Tender Evaluation

Tenders were evaluated by:

Title	Branch
Project Manager	Project Manager, Projects Dept.
Manager Waste and Works	Manager Works & Waste
Consultant	Consultant CTMG

The Tender Evaluation Panel has conducted three no. meetings to date:

1. Pre-Tender Evaluation Meeting – 6 June 2017
2. Evaluation Meeting No. 1 – 1 August 2017
3. Evaluation Meeting No. 2 – 30 August 2017
4. Moderation Meeting No. 3 - 5 December 2017

Evaluation Criteria

Original tenders were evaluated on the following criteria:

Evaluation Criteria	Weighting
Price	30%
Occupational Health & Safety	10%
Specific Project Experience	10%
Capacity to complete the Contract (including timeliness)	20%
Environmental Sustainability	10%
Quality & Environmental Systems	10%
Benefit to the Local Region	10%

At close of stage 2 the following tenders were received.

Tenderers
Tenderer A
Tenderer B
Tenderer C

All shortlisted tenders contained a number of special conditions which were assessed by the Panel as reasonable and similar in nature. Only the Tender C is within budget. The shortlisted tenderers were then subject to moderation with the full details set out on the attached evaluation spreadsheets.

7. INFRASTRUCTURE DIRECTORATE

7.1 Contract 1785 - Cosgrove 3 Cell 1 Construction Panel Award Recommendation (continued)

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Delays in Contract Award leading to noncompliance with the provisions of the Local Government Act 1989	Unlikely	Moderate	Moderate	Council to award the contract.
Contractor failing financially	Unlikely	Moderate	Moderate	Financial Capability checks completed on short listed tenders in contention as part of the Evaluation Process
Contractor fails to deliver at the required contract rates.	Unlikely	Major	Moderate	Rigorous contract management

Policy Considerations

The Sustainable Decision Making Policy includes the following Objectives:

- Being more responsive to climate change
- Using our resources more efficiently
- Reducing our Environmental impact

Key projected outcomes from the implementation of this Contract include:

- Reductions in emissions through the use of a modern vehicle fleet.
- Market testing has ensured that best value outcomes have been achieved.
- The application of environmental sustainability by the Contractor as evidenced in the tender submission.

Financial Implications

	Approved Budget Estimate for this proposal ¹	This Proposal GST Exclusive	Variance to Approved Budget Estimate	This Proposal GST Inclusive ²
	\$	\$	\$	\$
Revenue				
Expense	\$3,360,897.00	\$3,243,019.35	-\$117,878.00	\$3,567,321.29
Net Total				

¹ Budgets are GST exclusive

² For Contract Award reports the GST inclusive expense shall match the amount reported in the recommendation

Legal/Statutory Implications

Tender process has been carried out according to the requirements of *Section 186* of the *Local Government Act 1989*.

Environmental/Sustainability Impacts

The impacts of the works under the Contract include:

7. INFRASTRUCTURE DIRECTORATE

7.1 Contract 1785 - Cosgrove 3 Cell 1 Construction Panel Award Recommendation (continued)

- The potential to reduce greenhouse gases through the use of modern earthmoving equipment compliant with emissions and noise standards.
- Rigorous requirements of the contract for the protection of existing trees.
- Provision for treating stockpiles to reduce dust emissions and weed growth.

Strategic Links

a) Greater Shepparton 2030 Strategy

Directly relates to the Greater Shepparton 2030 Strategy.

Topic: Environment: Conservation and enhancement of significant natural environments and cultural heritage.

Objective: 4. To reduce greenhouse gas emissions by local action, in the interests of current and future generations

Action: 4.2, 4.3.

Conclusion

The Evaluation Panel has taken into account the Evaluation Criteria as the basis for the recommendation that Council accept the tender submitted by Apex Earthworks Pty Ltd t/a Pearse Earthmoving of 907 Goulburn Valley Highway for Contract No. 1785 - Lump Sum Contract for Cosgrove 3 Cell 1, Leachate Ponds & Cosgrove Clay Pit Rehabilitation.

Attachments

Nil

7. INFRASTRUCTURE DIRECTORATE

7.2 Whole of Sport Plan for Cricket

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Acting Sporting Clubs Officer

**Proof reader(s): Team Leader Sports Development and Strategic Planning,
Manager Parks, Sport and Recreation**

Approved by: Director Infrastructure

Executive Summary

Council's Sport 2050 Strategy is the current overarching document providing general guiding principles for the delivery of more detailed planning work. Whole of Sport Strategies provide direction for the future of a particular sport within Greater Shepparton. These strategies then inform individual reserve master plans and facility feasibility studies.

This Whole of Sport Plan for Cricket has been developed to provide Greater Shepparton City Council with a vision for supporting cricket at a local and regional level, and to guide the development of improved facilities that will meet current and future community need.

The Plan considers the needs and expectations of the local cricket community, the vision Cricket Victoria has for the future of cricket and the role cricket plays in helping Council to achieve its priority of improving liveability through social and recreational opportunities.

The plan has identified three themes with a number of recommendations under each theme:

- Participation
- Infrastructure
- Capacity Building

The final draft report was provided to clubs and stakeholders involved in the process for review and feedback. No feedback was provided.

The report has now been finalised, a summary and marketing poster have been prepared and are now ready for endorsement by Council.

Moved by Cr Patterson

Seconded by Cr Sutton

That the Council endorse the Whole of Sport Plan – Cricket.

CARRIED.

7. INFRASTRUCTURE DIRECTORATE

7.2 Whole of Sport Plan for Cricket (continued)

Background

This Whole of Sport Plan for Cricket has been developed to provide Greater Shepparton City Council with a vision for supporting cricket at a local and regional level, and to guide the development of improved facilities that will meet current and future community need.

The Plan considers the needs and expectations of the local cricket community, the vision Cricket Victoria has for the future of cricket and the role cricket plays in helping Council to achieve its priority of improving liveability through social and recreational opportunities.

The process of developing the Whole of Sport Plan for Cricket has included five distinct steps:

1. Reviewing key planning documents to understand the strategic priorities of Greater Shepparton City Council, Cricket Shepparton and Cricket Victoria
2. An assessment of the demographic characteristics of the Greater Shepparton community, general sport and recreation trends, along with cricket participation rates and trends
3. Consultation with Cricket Victoria, Cricket Shepparton and local cricket clubs
4. An audit of the existing cricket facilities within the Greater Shepparton municipality.
5. Planning/preparing a documented plan.

The information gathered through this research has been used to:

- **Develop guiding principles** to assist Council in making decisions and establishing priorities for the development of cricket infrastructure
- **Analyse local participation demand**, including latent demand and to identify opportunities for increasing cricket participation
- **To identify issues and opportunities** associated with linkages, connections and partnerships.

The plan has identified three themes with a number of focus areas under each theme:

- Participation
- Infrastructure
- Capacity Building

Participation

Declining or stagnating participation is a key issue for cricket clubs in Greater Shepparton and this is impacting upon the viability of clubs in relation to player numbers, volunteers and financial sustainability. There is however, significant opportunity to grow cricket participation in Greater Shepparton with an increasing population, and state-wide growth in participation by females and multicultural communities, along with an increasing number of older adults looking for opportunities to remain fit and active as they age.

7. INFRASTRUCTURE DIRECTORATE

7.2 Whole of Sport Plan for Cricket (continued)

Strategic Direction: Provide inclusive, accessible and welcoming playing environments that will support increased participation in cricket.

Focus Area 1	Implement the Junior Cricket Pathway Program developed by Cricket Victoria.	Cricket Shepparton
Focus Area 2	Identify initiatives to support increased local participation in cricket.	Cricket Shepparton and Cricket Victoria

Infrastructure

The quality of the environment provided by local clubs and Cricket Shepparton is largely contingent on the quality of local cricket facilities and amenities. It is vital that cricket clubs and associations have initiatives in place to ensure that appropriate facility provision is developed and maintained if participation is to grow and evolve in the region.

Strategic Direction: Provide access to facilities of the right type and the right quality in the right locations to support and grow cricket participation.

Focus Area 3	Implement facility improvements based on the criteria for prioritising infrastructure works outlined in this plan	Council, Cricket Shepparton and Cricket Victoria
Focus Area 4	Assess the feasibility of developing a regional cricket facility in Greater Shepparton	Council, Cricket Shepparton and Cricket Victoria
Focus Area 5	Explore opportunities to consolidate cricket facilities and provide higher quality infrastructure in central locations	Cricket Victoria, Cricket Shepparton and Clubs

Capacity

Local cricket only survives because of the army of volunteers, administrators, coaches and umpires. The quality of the experience that the individual club provides to its members is often reflected in all aspects of the club. It is vital that cricket attracts, develops and retains talented, passionate people to fill the many volunteer roles that it takes to run a successful cricket club.

7. INFRASTRUCTURE DIRECTORATE

7.2 Whole of Sport Plan for Cricket (continued)

Strategic Direction: Support volunteers, administrators and clubs in making sure that community cricket is well run, vibrant and relevant.		
Focus Area 6	Explore the opportunity to provide centralised administration support for cricket in the region	Cricket Shepparton and Cricket Victoria
Focus Area 7	Increase opportunities for cricket clubs in Greater Shepparton to network and explore opportunities to work together more collaboratively	Council, Cricket Shepparton and Cricket Victoria
Focus Area 8	Strengthen the skill and capacity of local cricket club administrators through the provision of training opportunities	Valley Sport, Council and Cricket Victoria,

Council Plan/Key Strategic Activity

The Whole of Sport Plan Cricket is consistent with the following goals and objectives outlined in the *Greater Shepparton Council Plan 2017-2021*:

- 2.2 Our community is supported to achieve and sustain physical, emotional and spiritual health and wellbeing
- 2.4 Social and cultural, educational and employment opportunities are created to enable children, young people, individuals and families to actively participate in their community
- 2.9 Public places, open space and community facilities are safe and accessible for all and presented to a high quality
- 3.3 Greater Shepparton is a major destination for events and tourism (e.g. progression of the business case for the Greater Victoria Commonwealth Games Bid)
- 4.4 Quality infrastructure is provided and maintained to acceptable standards
- 4.5 Assets are well managed and their renewal is being planned through long term renewal strategies

Risk Management

There are no adverse risks associated with this project.

Policy Considerations

There is no conflict with existing Council policies.

7. INFRASTRUCTURE DIRECTORATE

7.2 Whole of Sport Plan for Cricket (continued)

Financial Implications

Responsibility for implementation items identified in the Whole of Sport Plan for Cricket if endorsed by Council will require financial consideration and commitments by relevant stakeholders.

Key actions identified as a Council responsibility are primarily focused on more detailed planning, which is anticipated to be covered by current officer and operational planning budgets. Therefore, there are no additional resources required from Council at this stage.

Implementation of capital projects that emanate from the Whole of Sport Plan for Cricket and additional detailed planning phases will be subject to Council's annual budgetary process.

Legal/Statutory Implications

Implementation of some recommendations, such as building works, will require statutory approvals. Legal/statutory implications will be considered when recommendations for the plan are being implemented.

Environmental/Sustainability Impacts

The approval of the recommendation will have no negative environmental impact.

Social Implications

Improved access to facilities supporting current use, encouraging increased use and supporting increased social connection opportunities.

Economic Impacts

Planned facilities will ensure best value for money including assessment of need and sustainability of use into the future.

Consultation

The Whole of Sport Plan for Cricket considers a wide range of issues and opportunities and consultation was conducted with the Cricket Victoria, Cricket Shepparton and the cricket clubs in the City of Greater Shepparton.

During phase one of the consultation all cricket clubs based in Greater Shepparton were invited to complete a short online survey and participate in a workshop discussion. The survey was completed by 12 of the 15 clubs and 9 clubs participating in the workshop.

Upon completion of the draft document it was forwarded to clubs and stakeholders for a one month period for review and feedback. No feedback was received.

Each stakeholder group including Council has an equal stake and responsibility in this Whole of Sport Plan and the actions included in the plan. An important part of the plan has been building relationships and partnerships with the key stakeholders.

Council officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

7. INFRASTRUCTURE DIRECTORATE

7.2 Whole of Sport Plan for Cricket (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

The adoption of the Whole of Sport Plan Cricket is consistent with the objectives, strategies and actions outlined in the Community and Infrastructure Sections of the *Greater Shepparton 2030 Strategy 2006*.

b) Other strategic links

1. Greater Shepparton Sport 2050 Strategic Plan
2. Greater Shepparton Municipal Health and Wellbeing Action Plan
3. The Future of Australian Sport, Australian Sports Commission 2013
4. Cricket Victoria Strategic Plan 2015-2017
5. Common Ground: A Unified Plan for Victoria Cricket Facilities Development 2014

Conclusion

Council officers are now seeking adoption for the Whole of Sport Plan for Cricket document.

Attachments

1. Whole of Sport - Cricket Poster [↓](#) Page 247
2. Whole of Sport - Cricket [↓](#) Page 249
3. Whole of Sport Plan - Cricket [↓](#) Page 316

7. INFRASTRUCTURE DIRECTORATE

7.3 Whole of Sport Plan for Tennis

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Acting Sporting Clubs Officer

**Proof reader(s): Team Leader Sports Development and Strategic Planning,
Manager Parks, Sport and Recreation**

Approved by: Director Infrastructure

Executive Summary

Council's Sport 2050 Strategy is the current overarching document providing general guiding principles for the delivery of more detailed planning work. Whole of Sport Strategies provide direction for the future of a particular sport within Greater Shepparton. These strategies then inform individual reserve master plans and facility feasibility studies.

This Whole of Sport Plan for Tennis has been developed to provide Greater Shepparton City Council with a vision for supporting tennis at a local and regional level, and to guide the development of improved facilities that will meet current and future community need.

The Plan considers the needs and expectations of the local tennis community, the vision Tennis Victoria has for the future of tennis and the role tennis plays in helping Council to achieve its priority of improving liveability through social and recreational opportunities.

The plan has identified three themes with a number of recommendations under each theme:

- Participation
- Infrastructure
- Capacity Building

The final draft report was provided to clubs and stakeholders involved in the process for review and feedback. Two clubs and Tennis Victoria provided feedback in relation to the document. This feedback has been considered in preparing the final report.

The report has now been finalised, a summary and marketing poster have been prepared and are now ready for endorsement by Council.

**Moved by Cr Summer
Seconded by Cr Adem**

That Council endorse the Whole of Sport Plan – Tennis.

CARRIED.

7. INFRASTRUCTURE DIRECTORATE

7.3 Whole of Sport Plan for Tennis (continued)

Background

This Whole of Sport Plan for Tennis has been developed to provide Greater Shepparton City Council with a vision for supporting tennis at a local and regional level, and to guide the development of improved facilities that will meet current and future community need.

The Plan considers the needs and expectations of the local tennis community, the vision Tennis Victoria has for the future of tennis and the role tennis plays in helping Council to achieve its priority of improving liveability through social and recreational opportunities.

The process of developing the Whole of Sport Plan for Tennis has included five distinct steps:

1. Reviewing key planning documents to understand the strategic priorities of Greater Shepparton City Council, Tennis Victoria and Tennis Australia
2. An assessment of the demographic characteristics of the Greater Shepparton community, general sport and recreation trends, along with tennis participation rates and trends
3. Consultation with Tennis Australia, Tennis Victoria, local tennis associations and clubs
4. An assessment of the existing tennis facilities within the Greater Shepparton municipality.
5. Planning/preparing a documented plan.

The information gathered through this research has been used to:

- **Develop guiding principles** to assist Council in making decisions and establishing priorities for the development of tennis infrastructure
- **Analyse local participation demand**, including latent demand and to identify opportunities for increasing tennis participation
- **To identify issues and opportunities** associated with linkages, connections and partnerships.

The plan has identified three themes with a number of focus areas under each theme:

- Participation
- Infrastructure
- Capacity Building

Participation

Declining or stagnating participation is a key issue for tennis clubs in Greater Shepparton and this is impacting upon the viability of clubs in relation to player numbers, volunteers and financial sustainability. There is however, significant opportunity to grow tennis participation in Greater Shepparton with an increasing population, expanding multicultural community and a younger age profile, along with an increasing number of older adults looking for opportunities to remain fit and active as they age.

7. INFRASTRUCTURE DIRECTORATE

7.3 Whole of Sport Plan for Tennis (continued)

Strategic Direction: Provide inclusive, accessible and welcoming playing environments that will support increased participation in tennis.

Focus Area 1	Implement the Tennis Victoria participation programs	Tennis Victoria, Local Tennis Clubs and Associations
Focus Area 2	Identify initiatives to support increased local participation in tennis	Tennis Victoria, Local Tennis Clubs and Associations
Focus Area 3	Investigate any barriers to accessing tennis courts	Tennis Victoria, Local Tennis Clubs and Associations

Infrastructure

Greater Shepparton have a large number of tennis courts throughout the municipality with just over 50% located in the Shepparton/Mooroopna Urban area and 50% located in the rural areas. What is not clear is the condition and functionality of many of the courts, along with the extent of use they receive. Developing this understanding will assist in determining where infrastructure investment or repurposing should be considered.

Strategic Direction: Provide access to facilities of the right type and the right quality in the right locations to support and grow tennis participation.

Focus Area 4	Undertake research to understand the condition, functionality and use of tennis facilities in Greater Shepparton	Council, Tennis Victoria, Local Tennis Clubs and Associations
Focus Area 5	Assess the feasibility of developing a regional tennis facility in Greater Shepparton	Council, Tennis Victoria, Local Tennis Clubs and Associations

7. INFRASTRUCTURE DIRECTORATE

7.3 Whole of Sport Plan for Tennis (continued)

Focus Area 6	Adopt a criteria for decision making on investing in or repurposing tennis facilities	Council, Tennis Victoria, Local Tennis Clubs and Associations
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Capacity

Local tennis survives because of the army of volunteers, administrators, and coaches. The quality of the experience that the individual club provides to its members is often reflected in all aspects of the club. It is vital that tennis attracts, develops and retains talented, passionate people to fill the many volunteer roles that it takes to run a successful tennis club.

Strategic Direction: Support volunteers, administrators and clubs in making sure that community tennis is well run, vibrant and relevant.

Focus Area 7	Review the structure of tennis in the region exploring the feasibility of establishing an overarching body to centralise administration and organisation of tennis in the region	Tennis Victoria, Local Tennis Clubs and Associations
Focus Area 8	Strengthen the skill and capacity of local tennis club administration through the provision of training opportunities	Tennis Victoria, and Council

Council Plan/Key Strategic Activity

The Whole of Sport Plan Tennis is consistent with the following goals and objectives outlined in the *Greater Shepparton Council Plan 2017-2021*:

- 2.2 Our community is supported to achieve and sustain physical, emotional and spiritual health and wellbeing
- 2.4 Social and cultural, educational and employment opportunities are created to enable children, young people, individuals and families to actively participate in their community
- 2.9 Public places, open space and community facilities are safe and accessible for all and presented to a high quality
- 3.3 Greater Shepparton is a major destination for events and tourism (e.g. progression of the business case for the Greater Victoria Commonwealth Games Bid)
- 4.4 Quality infrastructure is provided and maintained to acceptable standards
- 4.5 Assets are well managed and their renewal is being planned through long term renewal strategies

Risk Management

There are no adverse risks associated with this project.

7. INFRASTRUCTURE DIRECTORATE

7.3 Whole of Sport Plan for Tennis (continued)

Policy Considerations

There is no conflict with existing Council policies.

Financial Implications

Responsibility for implementation items identified in the Whole of Sport Plan for Tennis if endorsed by Council will require financial consideration and commitments by relevant stakeholders.

Key actions identified as a Council responsibility are primarily focused on more detailed planning, which is anticipated to be covered by current officer and operational planning budgets. Therefore, there are no additional resources required from Council at this stage.

Implementation of capital projects that emanate from the Whole of Sport Plan for Tennis and additional detailed planning phases will be subject to Council's annual budgetary process.

Legal/Statutory Implications

Implementation of some recommendations, such as building works, will require statutory approvals. Legal/statutory implications will be considered when recommendations for the plan are being implemented.

Environmental/Sustainability Impacts

The approval of the recommendation will have no negative environmental impact.

Social Implications

Improved access to facilities supporting current use, encouraging increased use and supporting increased social connection opportunities.

Economic Impacts

Planned facilities will ensure best value for money including assessment of need and sustainability of use into the future.

Consultation

The Whole of Sport Plan for Tennis considers a wide range of issues and opportunities and consultation was conducted with the Tennis Australia, Tennis Victoria and the Tennis clubs in the City of Greater Shepparton.

During phase one of the consultation all tennis clubs based in Greater Shepparton were invited to complete a short online survey and participate in a workshop discussion. The survey was completed by 13 of the 24 clubs and 10 clubs participating in the workshop.

Upon completion of the draft document it was forwarded to clubs and stakeholders for a one month period for review and feedback. Two clubs and Tennis Victoria provided feedback in relation to the document.

Each stakeholder group including Council has an equal stake and responsibility in this Whole of Sport Plan and the actions included in the plan. An important part of the plan has been building relationships and partnerships with the key stakeholders.

Council officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

7. INFRASTRUCTURE DIRECTORATE

7.3 Whole of Sport Plan for Tennis (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy

The adoption of the Whole of Sport Plan Tennis is consistent with the objectives, strategies and actions outlined in the Community and Infrastructure Sections of the *Greater Shepparton 2030 Strategy 2006*.

b) Other strategic links

1. Greater Shepparton Sport 2050 Strategic Plan
2. Greater Shepparton Municipal Health and Wellbeing Action Plan
3. The Future of Australian Sport, Australian Sports Commission 2013

Conclusion

Council officers are seeking adoption for the Whole of Sport Plan for Tennis document.

Attachments

1. Whole of Sport - Tennis Poster [↓](#) Page 327
2. Whole of Sport Plan - Tennis [↓](#) Page 329
3. Whole of Sport - Tennis [↓](#) Page 407

8. COMMUNITY DIRECTORATE

8.1 New Shepparton Art Museum Projected Costs Report

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Project Manager Shepparton Art Museum

Proof reader(s): Manager Projects and Manager Finance and Rates

Approved by: Director Community

Executive Summary

At the 19 of May 2015 Ordinary Council meeting, Council agreed to:

1. Accept the findings of the Feasibility Study and Business Case for a New Art Museum in Shepparton and endorse the location at the site selected at the Southern and of the Victoria Park Lake.
2. Note the New SAM project estimated capital value of \$34.5 million subject to documentation outlined in item 4
3. Include the New SAM project into the Greater Shepparton City Council long term financial plan (LTFP) and strategic resource plan (SRP), noting the following recommended funding options:
 - a- \$10M – Greater Shepparton City Council
 - b- \$10M – State Government (funding application)
 - c- \$10M– Federal Government (funding application)
 - d- \$4.5M – SAM Foundation (plus additional \$8M for investment endowment to support future operational costs)
4. Prepare all documentation necessary to progress the New SAM project including (but not restricted to):
 - a. Architectural design
 - b. Construction plans
 - c. Planning and building permits
 - d. Victoria Park Master Plan update
 - e. Governance model and transition
 - f. Project timelines and milestones.

Council has progressed the new SAM (Shepparton Art Museum) project with successful funding applications from both the State and Federal Governments, committed funded from the SAM Foundation and selection of Architects. Council resolved to appoint DCM (Denton Corker Marshal) architects to prepare the necessary detailed design based on the project objectives adopted by Council.

Throughout the detailed design process, two cost reviews have revealed that the new SAM project, which is consistent with the business case, competition guidelines and awarded design, is not achievable with the current budget restraints. This is primarily due to cost escalation associated with construction and regulatory changes associated with requirements for external cladding.

This report will examine what the new SAM building would include if it was constructed to the current budget against the project deliverables.

8. COMMUNITY DIRECTORATE

8.1 New Shepparton Art Museum Projected Costs Report (continued)

The report also recommends a functional design option which achieves the project deliverables. It also details projected costs, investigates the required changes in Council's contribution and the effects of those changes on the Council's financial position.

**Moved by Cr Hazelman
Seconded by Cr Adem**

That the Council endorse the Functional Design Option estimate for the new Shepparton Art Museum project of \$39.9M (GST exclusive) as detailed in this report.

CARRIED.

Cr Summer called for a division.

Those voting in favour of the motion: Cr Adem, Cr Patterson, Cr Hazelman, Cr Giovanetti, Cr O'Keeffe and Cr Sutton.

Those voting against the motion: Cr Summer

Cost Comparison and Discussion Notes

Cost Comparison – Budget vs To build to Budget vs Functional Design			
	Business Case	To Build to Budget	Functional Design
TOTAL PROJECT COSTS	\$34,566,569.00	\$34,566,370.00	\$39,915,870.00
			(additional \$5.35M)
CONDITIONS			
Reduction in the height of the building of 700mm.	No	Yes	No
Reduction in the building area of 10%	No	Yes	No
Allowance only for joinery and fit out	Yes	No	Yes
Allowance for a standby generator	Not Considered	No	No
Allowance for switching requirements to accommodate a temporary generator	Not Considered	No	Yes
Allowance for a loading dock leveller	Yes	No	No (Infrastructure only)
Allowance for Environmental sustainable design	Yes	No	Yes

8. COMMUNITY DIRECTORATE

8.1 New Shepparton Art Museum Projected Costs Report (continued)

Allowance for photovoltaic cells	Yes	No	Yes
Fit for purpose floor materials (Timber, Resilient flooring etc)	Yes	No (Polished Concrete flooring only)	Half Polished and Half Alternate Surface Treatments (Timber, Resilient flooring etc)
Allowance for storage units, shelving or racking to the storage/archive/workshop areas	Yes	No	Yes
Allowance for equipment or fit-out to the café and bar areas	Yes	No	Partial
Allowance for loose furniture and equipment.	Yes	No	Yes
Allowance for concrete pedestrian paths	Yes	No (Granitic Sand)	Yes
Allowance for two double environmentally conditioned galleries	Yes	No (One space only – Less than current SAM)	Yes
Allowance for business transition	Yes	No	Yes

As shown above to build to the current budget would result in the new SAM building having limited functionality and requiring further investment to be operational. As this would negatively impact the long term viability of the projects deliverables the functional design option should be adopted.

Council Plan/Strategic Links

Greater Shepparton City Council's 2030 strategy to develop the Shepparton CBD as the regional centre for commerce and entertainment would include the new SAM building. Based on the implications of developing the building within the current budgetary restraints and the Communities strategy to become a significant regional centre the functional design would be the preferred option.

8. COMMUNITY DIRECTORATE

8.1 New Shepparton Art Museum Projected Costs Report (continued)

Council Plan/Strategic Links

Greater Shepparton City Council's 2030 strategy to develop the Shepparton CBD as the regional centre for commerce and entertainment would include the new SAM building. Based on the implications of developing the building within the current budgetary restraints and the Communities strategy to become a significant regional centre the functional design would be the preferred option.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Build a non-functional building (build to budget)	1	4	Extreme	Build the functional design option
Reputation loss of Council due to non-functional building (build to budget)	1	3	High	Build the functional design option
Uncontrolled drop and fall hazard due to no dock leveller (Build to budget and functional design)	3	3	Moderate	Install infrastructure and retrofit a dock leveller when funds are available

Financial Implications

The SAM project was endorsed May 2015 under the provision that the Council would undertake a loan of \$10M to fund the project. The project loan would have been facilitated over a 15 year period at approximately 5% interest equating to a \$4.23M interest expense to the Council and therefore a total liability of \$14.23M. The Council has since completed financial modelling where the new SAM project can be funded through cash reserves. With the proposed Council contribution increase to \$5.35M in upfront capital, offset by savings in interest expense, the Council's total liability would increase by \$1.1M (3.2%) to \$15.35M on the initial Council endorsed commitment.

When considering the proposed \$5.35M increase, as shown in the cost comparison table, in Council contribution from cash reserves there would be a reduction in Council's liquidity with no offsetting income to fund (i.e. rate cap variation increase, extra borrowings, and additional government grants). However, based on the net liability increase of \$1.1M, financial modelling indicates that the Council's liquidity ratio would still be within accepted parameters (low risk) and be able to accommodate modest changes in future operational expenses.

While this option is within accepted parameters for Council, to fund the increase, additional measures to potentially offset this financial risk will be further explored as follows.

1. Additional Federal and State funding / Grants;
2. Grant opportunities for components of the project.
3. Changes to the SAM Foundation Capital works / trust contribution breakdown.

Please note, endorsement of the functional design option estimate cannot assume the above offsets can be achieved and the final budget will be established at construction tender stage.

8. COMMUNITY DIRECTORATE

8.1 New Shepparton Art Museum Projected Costs Report (continued)

Social Implications and Economic Impacts

When considering the design options, it is important to note from investment in the cultural and creative sectors there are social and economic dividends for the community. The return from the social dividend is qualitative and lies in the enrichment and strengthening of our cultural heritage and underlying values of inclusiveness, openness and democratic practice. The economic dividend is quantifiable and can be measured an analysis of the potential number of cultural visitors - domestic and international, their spending patterns and economic contribution to the community.

Evidence indicates Victorian cultural facilities and activities are an important drawcard for international and interstate visitors. Close to 400,000 domestic and international cultural tourists (defined as those who attend three or more cultural attractions during their visit) visited Victoria in 2011.

Cultural tourists' expenditure represents a significant input into the state and regional economy. In addition to expenditure on cultural activities, these tourists purchased other local goods and services, such as meals, accommodation, gifts and transport.

Cultural tourism is one of the largest and fastest-growing global tourism markets. Culture and creative industries are increasingly being used to promote destinations and enhance their competitiveness and attractiveness.

Greater Shepparton is now actively developing its tangible and intangible cultural assets as a means of developing comparative advantages in an increasingly competitive tourism marketplace, and to create local distinctiveness in the face of regional competition.

Development of the SAM project in accordance with the project deliverables and functional design recommended will allow Council to maximise the economic potential from the construction and operation of the New SAM project.

Consultation

The proposed functional design and its associated cost increase have been communicated to the all relevant stakeholders through the Project Control Board.

Conclusion

The functional design, at the value of \$39.9M, does not adversely affect the Council's liquidity position, achieves all desired project deliverables and provides the community and all future occupiers with the best opportunity to contribute to the economy dividend this project will provide to the Greater Shepparton Community.

Attachments

Nil

8. COMMUNITY DIRECTORATE

8.2 Greater Shepparton Sports Hall of Fame - Revised Terms of Reference and Appointment of Committee Members

Disclosures of conflicts of interest in relation to advice provided in this report
Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Team Leader Healthy Communities

Proof reader(s): Manager Active Living

Approved by: Director Community

Executive Summary

Greater Shepparton City Council ran its inaugural Greater Shepparton Sports Hall of Fame induction ceremony in August 2017. This ceremony was the culmination of almost two years work undertaken by the Greater Shepparton Sports Hall of Fame Advisory Committee, appointed by Council in 2016 to establish the eligibility criteria and recommend to Council inductees to the Greater Shepparton Sports Hall of Fame and the way in which their induction would be recognised. The inaugural induction ceremony was an outstanding success and has spurred continued interest in the initiative.

As the initial term of the advisory committee neared its end, the terms of reference for the committee was reviewed and updated with the view to continuing the success of this initiative. Changes to the terms of reference recommended included;

- Removal of the positions on the committee reserved for a major sponsor, local media and non-mainstream sport.
- Addition of a Council Project Officer to the membership that was not listed previously.
- Minor adjustment to the role and purpose description of the advisory committee in line with their activities in their first term.
- The two year term was retained.

Following this review of the terms of reference, Greater Shepparton City Council called for nominations from local residents for the Greater Shepparton Sports Hall of Fame Advisory Committee.

Membership of the committee as referred to in the revised terms of reference (included with this report) comprises up to ten members for a two year term and includes;

- Four representatives from Greater Shepparton City Council two Councillors – Cr Bruce Giovanetti and Cr Dennis Patterson, Manager Active Living and Team Leader Healthy Communities,
- One representative from Valley Sport and,
- Up to five community representatives

8. COMMUNITY DIRECTORATE

8.2 Greater Shepparton Sports Hall of Fame - Revised Terms of Reference and Appointment of Committee Members (continued)

Nominations for the community representative positions were advertised from Friday 8 December and closed at 5.00pm Friday 22 December 2017. A total of 5 nominations were received from the following individuals:

- Darryl Butcher
- Ian Fitzsimmons
- Don Kilgour
- Margo Koskelainen
- Lana Young

Lana Young is new to the committee, with all other nominees having served on the committee for the previous two years and wanting to continue. At the conclusion of each term, members are currently eligible for re-nomination.

All nominations received meet the membership prerequisites of committee representation as detailed in the Terms of Reference and allows for a quorum to be achieved.

Moved by Cr Giovanetti
Seconded by Cr Patterson

That the Council:

1. adopt the revised Greater Shepparton Sports Hall of Fame Advisory Committee Terms of Reference;
2. appoint the following five community members to the Sports Hall of Fame Advisory Committee for a term of two years commencing on 21 February 2018 and concluding on 20 February 2020.
 - Darryl Butcher
 - Ian Fitzsimmons
 - Don Kilgour
 - Margo Koskelainen
 - Lana Young

CARRIED.

Background

The Greater Shepparton Sports Hall of Fame Advisory Committee was first established in February 2016 in accordance with the Terms of Reference adopted by Resolution of Council on 17 November 2015.

The Sports Hall of Fame seeks to recognise and celebrate significant sporting achievements of Greater Shepparton residents; and has the potential to recognise sporting achievers from the Goulburn Valley and become a Regional Sports Hall of Fame. Achievements recognised in the first induction include participation and success in sport at a national, international, state or local level and included players and athletes, coaches and officials, administrators and others involved in sport at an elite level.

Members of the first Greater Shepparton Sports Hall of Fame Advisory Committee served on the committee for a two year period. The first meeting was held on 26 February 2016 and last meeting for this period was held on 24 November 2017.

8. COMMUNITY DIRECTORATE

8.2 Greater Shepparton Sports Hall of Fame - Revised Terms of Reference and Appointment of Committee Members (continued)

Members included councillor representatives Cr Dinny Adem, Cr Kevin Ryan (later replaced by Cr. Bruce Giovanetti and Cr. Dennis Patterson), Manager Active Living, Team Leader Healthy Communities, Don Kilgour, Margo Koskelainen, Ian Fitzsimmons, Darryl Butcher, David Quinn (Valley Sport representative). Noel Hussey (resigned) and Jason Kelly (resigned).

Over the past two years, members of the Greater Shepparton Sports Hall of Fame Advisory Committee developed selection criteria, called for public nominations to induct the Inaugural Greater Shepparton Sports Hall of Fame inductees. The Greater Shepparton Inaugural Sports Hall of Fame Induction Ceremony was held on Friday 4 August 2017 which saw 27 individuals inducted into the Greater Shepparton Sports Hall of Fame.

McPherson Media, media partner for the initiative has established a Greater Shepparton Sports Hall of Fame website containing stories published and photos of each of the inductees. A longer term, more permanent commemoration of recipients is yet to be confirmed by the advisory committee. Work on this continues.

The Terms of Reference for the committee has been reviewed and updated following the completion of the Greater Shepparton Sports Hall of Fame Inaugural Induction Ceremony.

While there have been some minor adjustments to purpose and roles as described in the document to better reflect the activities of the committee in its first term, changes to membership is more significant. Removing positions for a major sponsor and/or local media reflects both an inability to attract a representative to these appointments as well as an acknowledgement that the committee can invite both sponsors and media to committee meetings as required. The position reserved for an advocate for non-mainstream sport has and is being represented by the Valley Sport appointee and so is no longer required. A Council Project Officer has been added to the membership that was not listed previously.

The membership of the Sports Hall of Fame Advisory Committee as described in the revised terms of reference now includes:

- Greater Shepparton City Council – Up to 2 Councillors, 1 Senior Staff member and 1 Project Officer
- Valley Sport – 1 Representative
- Community Members – up to 5 Representatives

At the conclusion of each term, members will be eligible for re-nomination.

8. COMMUNITY DIRECTORATE

8.2 Greater Shepparton Sports Hall of Fame - Revised Terms of Reference and Appointment of Committee Members (continued)

Council called for nominations from local residents for the Greater Shepparton Sports Hall of Fame Advisory Committee. Nominations for appointments to the committee were received until 5.00pm Friday 22 December 2017. A total of 5 applications were received from the following individuals – Don Kilgour, Margo Koskelainen, Ian Fitzsimmons, Darryl Butcher and Lana Young.

The nominations received fit the membership of the committee in accordance with the Terms of Reference and a quorum can be met. Members will be appointed for a two year term in accordance with the Terms of Reference, concluding in November 2019.

Council Plan/Key Strategic Activity

The Sports Hall of Fame links to the following strategic goals outlined in the Council Plan 2017 – 2021.

Social – develop resilient, inclusive, healthy communities that make Greater Shepparton a safe and harmonious place to live, work, learn and play.

Economic Prosperity – Increased tourism, including conferences, events and sports.

This is achieved by establishing a formal recognition scheme for sporting accomplishments achieved by Greater Shepparton residents. The Sports Hall of Fame will have a flow on effect to the community, with Hall of Fame inductees engaged in programs that support participation in sport and physical activity. The Sports Hall of Fame presents itself as an economic opportunity for the region.

Risk Management

The Greater Shepparton Sports Hall of Fame is a low risk activity with reputational risk to both Council, the advisory committee and the initiative itself being managed through the eligibility criteria which forms part of the terms of reference.

Policy Considerations

There are no conflicts with existing Council policies.

Financial Implications

There are no financial implications identified at this stage. Potential for a physical location and/or web based location which will include associated capital and operational costs will be investigated at a later stage.

Legal/Statutory Implications

There are no legal/statutory implications identified within this project.

Environmental/Sustainability Impacts

There are no environmental/sustainability impacts associated with this report.

8. COMMUNITY DIRECTORATE

8.2 Greater Shepparton Sports Hall of Fame - Revised Terms of Reference and Appointment of Committee Members (continued)

Social Implications

The concept of a Sports Hall of Fame has a range of positive social implications including:

The appointment of community members to a committee helps to build a sense of community by increasing participation, involvement and pride in this project.

Connecting with others through the social medium of sport is a great way to acknowledge sporting achievements and inspire community members to participate in sport and recreation, overcome obstacles and provide a sense of motivation to achieve a high standard. The Sports Hall of Fame aims to preserve, celebrate and showcases history and heritage of sports excellence and achievement in Greater Shepparton.

Economic Impacts

It remains an ambition that the Sports Hall of Fame initiative including future induction ceremonies has the ability to attract financial support from corporate sponsorship, philanthropic trust support and government grants which, when added to event ticket pricing will minimise any subsidy by Greater Shepparton City Council.

Should a physical commemorative feature be decided upon for the hall of fame, it is expected that this will act as a tourist attraction for the region.

Consultation

Nominations for the Sports Hall of Fame Advisory Committee were advertised in the Shepparton News, on the Greater Shepparton City Council website and Facebook page and the Get Mooving Greater Shepparton Facebook page. Nominations closed at 5.00pm on Friday 22 December 2018.

The 5 nominations received were evaluated based on qualifications, skills and experience and all deemed suitable for appointment to this committee.

Strategic Links

a) Greater Shepparton 2030 Strategy

Community Life: focusing upon enhancing the health of the community both through services and facilities.

b) Other strategic links

Greater Shepparton Community Development Framework

The Community Development Framework was adopted by Council in 2010. This framework outlines Council's commitment to implement a community development approach to empower and strengthen communities, encourage cooperative practices and celebrate and embrace diversity of our community.

Sport and Recreation Victoria Strategic Framework 2013 – 2015

Victorians gain greater health and wellbeing, and Victoria's prosperity and liveability is enhanced, through participation in sport and active recreation.

8. COMMUNITY DIRECTORATE

8.2 Greater Shepparton Sports Hall of Fame - Revised Terms of Reference and Appointment of Committee Members (continued)

Conclusion

Based on the success of the inaugural Greater Shepparton Sports Hall of Fame induction ceremony, it is recommended that the hall of fame concept continue.

In support of this, it is recommended that the revised terms of reference for the advisory committee be adopted and above mentioned applicants be appointed to the Sports Hall of Fame Advisory Committee by Council.

Attachments

Sports Hall of Fame Advisory Committee Terms of Reference 2018 -
2020 Revised [↓](#)

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8. COMMUNITY DIRECTORATE

8.3 Greater Shepparton Public Health Plan Update

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Municipal Health Project Officer

Proof reader(s): Team Leader Healthy Communities

Approved by: Manager Active Living, Director Community

Executive Summary

Greater Shepparton City Council sought and was granted an exemption to integrate health and wellbeing matters into the Council Plan 2017-21. This integration requires Council to demonstrate how they will meet their statutory requirements of section 26 and 27 of the Public Health and Wellbeing Act 2008. This will be achieved by the preparation of a *Public Health Strategic Plan* (and annual implementation plan) that outlines initiatives that seek to improve the health and wellbeing outcomes of the Greater Shepparton community.

The previous Greater Shepparton Public Health Advisory Committee identified evidence of health inequality and social class disparities in some areas across Greater Shepparton. A recommendation was made to complete a Liveability Audit to measure a number of determinants of health and wellbeing across all life stages. It should be noted that recruitment for a new Advisory Committee is currently underway with recommendations as to committee appointments expected to be presented to Council in February 2018.

Greater Shepparton participated in the Rural Cities Victoria – Liveability Index project conducted by Deloitte Access Economics, which identified 24 indicators across 7 themes of Liveability (see draft report attached). This project focussed on indicators that could be used to compare ten regional cities across the state and with metropolitan Melbourne.

8. COMMUNITY DIRECTORATE

8.3 Greater Shepparton Public Health Plan Update (continued)

More recently and in consultation with Department of Health and Human Services (DHHS) and RMIT University, the need to extend on these indicators to be more specific to Greater Shepparton was identified. RMIT have now been engaged by DHHS to gather information on additional indicators to inform Council's Public Health Strategic Plan.

As information from these liveability audits become available, Council's Active Living Team has revised the Greater Shepparton Public Health Strategic Plan presented to the previous Advisory Committee to clearly define a vision, purpose and guiding principles of Council's public health direction into the future. *The Greater Shepparton Public Health Strategic Plan* encompasses short, medium and long term goals driven by local evidence and analysis of our health status, gaps and trends identified across the municipality together with a clear direction of how local government will lead the collaborative local approach to maximise health outcomes.

Once appointed, the Public Health Advisory Committee will be updated on this work and be asked to have input prior to presenting to Council, expected in May 2018.

Moved by Cr Summer
Seconded by Cr Giovanetti

That the Council note the update and the progress of the Greater Shepparton Public Health Strategic Plan.

CARRIED.

Background

When Council sought to integrate health and wellbeing matters into a Council Plan they agreed to either include specific elements in that Plan or prepare a Strategic Public Health Plan to meet the statutory requirements of the Public Health and Wellbeing Act 2008. In choosing the later, work commenced on meeting this requirement as described.

Service mapping has identified over 165 active networks in Greater Shepparton including; 35 advisory councils, 65 local networks, 26 regional networks, 19 section 86 committees and 17 established small town planning groups engaging with Councillors or Council staff. A review of the Public Health Advisory Committee membership has identified prospective partner organisations that could further maximise local effort to drive the new strategic approach and encompass all aspects of a defined liveability approach across a range of domains. It is hoped that an expanded Advisory Committee will reflect the network as described.

The purpose of the Liveability Audit project is to extend on the indicators previously identified by Deloitte's to further inform actions, programs and services of the Greater Shepparton Public Health Strategic Plan, encompassing aspects from small towns.

Data against these additional Liveability indicators, now identified will be compiled by the *Healthy Liveable Cities Group* at RMIT University who have extensive experience in public health data collection. RMIT will provide a range of data and spatial indicators as addition to the seven Deloitte's themes.

8. COMMUNITY DIRECTORATE

8.3 Greater Shepparton Public Health Plan Update (continued)

The Greater Shepparton Public Health Strategic Plan, once developed will have the following elements:

- Summarise the local health status of the Greater Shepparton community
- Establish goals and strategies and actions based on local evidence
- Describe the involvement of the local community in the development, implementation and evaluation of the plan
- Demonstrate partnership efforts with Department of Health and Human Services and other partner organisations
- Be consistent with the Local Government Act 1989 and the Planning and Environment Act 1987
- Consider the State Public Health and Wellbeing Plan
- An annual review timetable for the plan

Once adopted, a copy of the Greater Shepparton Public Health Strategic Plan will be provided to the departmental Secretary as required. A copy of the plan will also be distributed to members of the Public Health Advisory Committee and made available on Council's website for public access.

Council Plan/Key Strategic Activity

The Council Plan 2017-21 identifies five key themes and supporting objectives which define Council's strategic approach; Leadership and Governance, Social, Economic, Built, Environment.

Risk Management

As described further in the Legal/Statutory section of this report, the main risk to Council is its obligation to develop and submit a strategic plan including implementation plan for health and wellbeing initiatives.

This report and the work described seeks to mitigate this risk through engagement with key stakeholders in public health as well as the broader community.

Policy Considerations

There are no conflicts with existing Council policies.

Financial Implications

The expected cost to engage RMIT to undertake Stage one of a liveability audit for Greater Shepparton is approximately \$30,000.

DHHS have provided funding for this stage of the project as a regional pilot. There is no expectation of a contribution by Council at this time.

Legal/Statutory Implications

Greater Shepparton City Council have applied for an exemption to integrate health and wellbeing matters into the Council Plan and require a Strategic Plan to be developed and reviewed annually to fully meet the statutory requirements of the Local Government Act 1989 and Public Health and Wellbeing Act 2008.

8. COMMUNITY DIRECTORATE

8.3 Greater Shepparton Public Health Plan Update (continued)

Environmental/Sustainability Impacts

Environmental and sustainable impacts have been reflected in the Strategic Plan and Liveability Audit; river health strategies, tree plantings, initiatives that decrease pollution, ways to decrease carbon emissions, approaches to identify renewable energy options, pest control strategies, tobacco control prevention models and opportunities to consider sustainable practices.

Social Implications

Local Government's leadership in considering public health and wellbeing matters is paramount based in part on their population focus, closeness to their communities and ability to influence wider and more equitable access to the social determinants of health through effective policies and strategies that address local needs.

Economic Impacts

A collaborative approach to health and wellbeing initiatives will help to strengthen funding applications, events, fairer access to health services and guide planning for the most vulnerable or disadvantaged residents in the municipality.

Consultation

In order to meet our statutory requirements the Active Living team have commenced consultation across Council departments and with the previous Public Health Advisory Committee. This work will continue RMIT undertake their activity and then through the development of the Greater Shepparton Public Health Strategic Plan.

Strategic Links

The Greater Shepparton Public Health Strategic Plan, its goals, strategies and actions will all aim to inform and support the following strategic documents;

- a) Greater Shepparton Council Plan 2017-21
- b) Greater Shepparton 2030 Strategy

Conclusion

The development of the Greater Shepparton Public Health Strategic Plan is well underway and seeks to set a clear strategic direction for all public health matters.

At this time, two important activities are underway; the recruitment for an expanded Advisory Committee and gathering of data against an expanded set of liveability indicators to those provided previously.

The Greater Shepparton Public Health Strategic Plan will seek to clearly describe our long term strategic direction for public health and outline short, medium and long term targets and interventions to achieve health outcomes across our community.

Attachments

Deloitte - Regional Cities Victoria - Liveability index - Draft Report - 2017 [↓](#) Page 422

8. COMMUNITY DIRECTORATE

8.4 Greater Shepparton's Public Health Advisory Committee | For Endorsement of Membership

Disclosures of conflicts of interest in relation to advice provided in this report
Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Municipal Health Project Officer

Proof reader(s): Manager Active Living, Healthy Communities Team Leader

Approved by: Director Community

Executive Summary

Council is required to establish and maintain a Municipal Public Health Advisory Committee as part of its obligations under the Health and Wellbeing Act 2008 and the Local Government Act 1989.

The Public Health Advisory Committee (PhAC) was established in September 2001 and has played a pivotal role in engaging the wider community in the planning, development and annual review of a Public Health Plan (integrated into Council Plan), Strategic Plan and annual Implementation Plan to address Greater Shepparton's public health priorities, guide health preventative projects in collaboration and identify emerging public health risks.

An Expression of Interest (EOI) was advertised to fill vacancies and establish a new advisory committee with representation across all sectors of the community for the Council Plan term 2017-2021.

Active Living team members also directly approached a number of local organisations to consider being represented on the committee, including three organisations that had previously expressed interest in being involved in the new formation.

The EOI closed 12 January 2018. There were 14 completed applications received for consideration who expressed interest in participating. Details of applicants are attached with this report. There will be eight partner organisations represented, plus an additional five community members. GSCC will also provide a Councillor representative as Chair, a Manager and an administrator, with only the Councillor and Manager having a voting right.

It is envisaged that all the expressions of interest be accepted, to form a Committee comprising of up to eight partner organisations with one voting right, plus an additional five community representatives with one voting right each. Each member/partner organisation will have one voting right, excluding the Councillor/Chair who may have a second deciding vote on any equal decision as stipulated in the Terms of Reference.

The quorum at any PhAC meeting shall represent the majority of appointed partner organisations and community representatives. Current membership equals eight partner organisations and five community members. A quorum will require the presence of half of all partner organisations and community member representatives.

8. COMMUNITY DIRECTORATE

8.4 Greater Shepparton's Public Health Advisory Committee | For Endorsement of Membership (continued)

The EOI applications received represent a diverse cross section of all sectors of the community, have met the eligibility criteria and are recommended for endorsement. Acceptance of these applications received will ensure that a quorum is met and an advisory committee is established to fulfil Council's statutory obligations in relation to a Public Health Plan with representation across all liveability focus areas.

It should be noted that both GV Health and Primary Care Connect have more than one representative. It is envisaged that we can have one or all representatives in attendance at each meeting depending on the topics tabled for discussion at any given meeting. Each organisation however shall be limited to one vote. The V/Line representative is a current member of the Accessibility Reference Group representing the North Eastern Region and has stipulated that they will provide valuable advice in relation to customer accessibility and will be supported by V/Line staff where matters require specific decisions or clarification on services provided by V/Line. Similar to GVH and PCC, the V/Line representatives will have only one voting right where both the delegate and/or a V/Line staff delegate attend.

Moved by Cr Summer Seconded by Cr Patterson

That the Council:

1. Endorse the following applicants to the Public Health Advisory Committee for a two year term commencing on 21 February 2018 and concluding on 20 February 2020:

Organisation	Elected Member	Position
Community Member	Prudence Fraser	Teacher
Community Member	Suresh Jayasundera	Doctor
Community Member	Steve Jeffs	Practice Manager
Community Member	Rebecca Monk	Dietician
Community Member	Menon Parameswaran	Doctor
Go Tafe	Susan Huffer	Partnership Engagement Officer
GSCC	Cr Kim O'Keeffe	Chair
GSCC	David Booth	Manager Active Living
GV Health	Trevor Saunders	Chief Executive Officer
GV Health	Anne Hughes	Manager Innovation and Re-design
GV Health	Jacinta Russell	Div. Director of Clinical Support
GVPCP	Craig Chadwick	Chief Executive Officer
Primary Care Connect	Broni Paine	Exec Manager Integrated Services
Primary Care Connect	Megan Lorains	Exec Manager of Research and Development
VLINE	Dianne King	Accessibility Reference Group (North Eastern Region)
University Melbourne	Trudie Newman	Aboriginal Research & Affairs

2. approve the Terms of Reference (TOR) for the Public Health Advisory Committee to be distributed to the approved members to guide the formation of this Public Health Advisory Committee and to manage their role and expectations

8. COMMUNITY DIRECTORATE

8.4 Greater Shepparton's Public Health Advisory Committee | For Endorsement of Membership (continued)

3. acknowledge that when more than one expression of interest has been received for the same partner organisation the representatives may determine who will attend each meeting and if more than one, that they will have one vote only, as detailed in the Terms of Reference.

CARRIED.

Background

The functions of this Advisory Committee are governed by the Terms of Reference (attached) and will need to be endorsed by the new committee once membership has been approved, with key roles outlined in the advertised EOI committee Guidelines and Application Form (attached) which were made available online during the advertisement of the vacant committee positions. The key roles of the committee are to:

- Advocate for improved health and wellbeing outcomes
- Promote health and wellbeing across the Municipality
- Promote public health as everybody's business
- Encourage community participation in all levels of decision-making about public health.

The Greater Shepparton Public Health Advisory Committee (PhAC) will provide an alliance across our Municipality including; local government, local business representatives, health professionals, community organisations and interested community members across all sectors to work together to improve liveability in Greater Shepparton.

This Advisory Committee provides a great opportunity for a collaborative approach to local health and wellbeing issues, identifying risks and effort to maximise health outcomes for individuals and the local community.

Some examples of recent projects and programs supported by the previous Advisory Committee include:

- Development and annual review of the Greater Shepparton Health and Wellbeing Implementation Plan
- Guidance and support to develop and implement the obesity monitoring project across Primary Schools in Greater Shepparton.
- Formation of a collaborative network of community leaders with a focal point for discussion of local health risks and rising health demands impacting on individuals and the whole community.

The PhAC will support the analysis of local evidence, health and wellbeing indicators, health status data and demographics to identify public health risks, emerging health trends or gaps in Greater Shepparton.

The PhAC will work as a forum to discuss regional health risks across interest groups and municipalities resulting in a better co-ordinated research, planning, consultative and action network.

8. COMMUNITY DIRECTORATE

8.4 Greater Shepparton's Public Health Advisory Committee | For Endorsement of Membership (continued)

The PhAC will assist with the development and annual review of a Public Health Strategic Plan and the development, implementation and annual review of an annual Implementation Plan.

An EOI was offered in the Shepparton News and Shepparton Adviser for local professional and community members to nominate their interest as a representative. The EOI encouraged representation from all sectors of the community for individuals of all ages to establish an inclusive and well rounded approach to health and wellbeing discussions. A key focus of this committee will align with the Council Plan to investigate liveability across the life stages, particularly any impact on health and wellbeing for an individual and a whole community. Council sought local knowledge, experience or personal interest from representatives from any of the following themes to bring benefit to this committee:

- Crime and Safety
- Education
- Employment
- Food and Local Services
- Health and Social Services
- Housing
- Leisure and Culture
- Local Democracy/Social Equality
- Open Spaces/Natural Environment
- Public Transport

Council Plan/Key Strategic Activity

The Council Plan 2017-21 identifies five key themes and supporting objectives which define Council's strategic approach; Leadership and Governance, Social, Economic, Built, Environment.

Given the Public Health Plan is incorporated into the 2017 – 2011 Council Plan delivery of key components of the plan directly impact Council Plan objectives.

Risk Management

Risks associated with this Advisory Committee who work in collaboration to seek change and advocate for improved health outcomes are low and are managed through the decision making and recommendation to Council process in place.

Policy Considerations

There are no conflicts with existing Council policies associated with this report.

Financial Implications

The budget allowance for the Public Health Advisory Committee is modest (see table on below). Council provides administrative support to co-ordinate meetings, prepare agendas, record minutes and cater for morning tea or lunch as required.

8. COMMUNITY DIRECTORATE

8.4 Greater Shepparton's Public Health Advisory Committee | For Endorsement of Membership (continued)

	Approved Budget Estimate for this proposal ¹ \$	This Proposal GST Exclusive \$	Variance to Approved Budget Estimate \$	This Proposal GST Inclusive ² \$
Revenue				
Expense	1,500	1,500	0	1,650
Net Total	1,500	1,500	0	1,650

¹ Budgets are GST exclusive

² For Contract Award reports the GST inclusive expense shall match the amount reported in the recommendation

Legal/Statutory Implications

This Advisory Committee play an important support role for Greater Shepparton City Council who have received exemption to integrate health and wellbeing matters into the Council Plan. Whilst integrated, there is need for a Public Health Strategic Plan to be developed and reviewed annually to fully meet the statutory requirements of the Local Government Act 1989 and Public Health and Wellbeing Act 2008. The Public Health Advisory Committee are custodian of this strategic plan.

Environmental/Sustainability Impacts

Environmental and sustainable impacts are key to the success of public health plan. The committee will consider environment/sustainability as a specific liveability indicator requiring specific attention to meet natural environment expectations and a sustainable approach into the future and reflect this in any recommendation to Council accordingly.

Social Implications

Local Government's leadership in considering public health matters is paramount based in part on their population focus, closeness to their communities and ability to influence wider and more equitable access to the social determinants of health through effective policies and strategies that address local needs.

Economic Impacts

A collaborative approach to public health discussions will help to strengthen Council's approach, including a fairer access to health services and planning for the needs of the most vulnerable or disadvantaged residents in the municipality.

Consultation

Consultation across Council departments and with the previous HWBAC members has been completed to develop both the Draft Strategic Plan and project outline for the Liveability Audit. Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

8. COMMUNITY DIRECTORATE

8.4 Greater Shepparton's Public Health Advisory Committee | For Endorsement of Membership (continued)

Strategic Links

a) Greater Shepparton 2030 Strategy.

Links to all objectives of this plan have been identified; settlement & housing ensuring enough diverse housing is available, community life encouraging social connection and access to services, environment to plan sustainable practices, waste management and tree protection, economic development to encourage growth and infrastructure to expand transport and active transport opportunities.

b) Greater Shepparton Council Plan 2017-21

This report demonstrates the direct link with the integration of health and wellbeing matters across health planning.

c) Other strategic links

Greater Shepparton Strategic Resource Plan 2015-16 to 2018-19

Captures the Council financial and non-financial resources required to achieve the strategic objectives of the Council Plan and MPHP.

Conclusion

The endorsement of the terms of reference and membership for the Greater Shepparton Public Health Advisory Committee will allow the establishment of a collaborative network to address public health matters.

This committee will play a pivotal role in meeting Council's statutory obligations to involve community in the development and annual review of each Public Health Strategic Plan and annual implementation plan to monitor progress and capture achievements.

Attachments

- | | |
|---|----------|
| 1. Terms of Reference Greater Shepparton Public Health Advisory Committee ↓ | Page 452 |
| 2. Public Health Advisory Committee - Summary of EOI ↓ | Page 456 |

8. COMMUNITY DIRECTORATE

8.5 Section 86 Special Committees - Committees of Management Memberships

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Committees and Cemeteries Operations Officer

**Proof reader(s): Team Leader Community Strengthening
Manager Neighbourhoods**

Approved by: Director Community

Executive Summary

In accordance with Greater Shepparton City Council Corporate Procedure 07.PRO05 section three, members of special committees (established under Section 86 of the *Local Government Act 1989*), can only be appointed or removed by a formal resolution of Council.

The Kialla District Hall Committee of Management has received advice of the resignation of a co-opt member and has notified Council accordingly. In addition an Application for Co-Opt Appointment has also been received for this Committee.

Moved by Cr Patterson

Seconded by Cr Adem

That the Council:

1. accept the resignation of Ann THOMPSON from the Kialla District Hall Committee of Management and rescind her membership accordingly;
2. having considered the Application for Co-Opt Appointment to the Kialla District Hall Committee of Management, appoint Annette HUNT as a Co-Opt member to the existing committee's term commencing immediately and concluding 19 May 2018.
3. resolve that all members (who are not Councillors or nominated Officers) of the Kialla District Hall Committee of Management continue to be exempt from the requirement to complete Interest Returns in exercise of power granted to Council under section 81(2A) of the *Local Government Act 1989*.

CARRIED.

Background

Kialla District Hall Committee of Management

At the Ordinary Council Meeting held on 17 May 2016 ten applicants were appointed to the Kialla District Hall Committee of Management for a term of two years concluding 19 May 2018. Three further applicants were appointed at Ordinary Council meetings held on 16 August 2016, 20 December 2016 and 19 September 2017 and the membership of one applicant was also rescinded on 19 December 2017. These changes have resulted in the total number of committee members being twelve.

8. COMMUNITY DIRECTORATE

8.5 Section 86 Special Committees - Committees of Management Memberships (continued)

Ann THOMPSON has now tendered her resignation from the Committee of Management and it is recommended that Ann's membership be rescinded in accordance with her resignation. In addition, an Application for Co-Opt Appointment has been received from Annette HUNT and it is recommended that Annette's application be accepted and her appointment confirmed.

Interest Return Exemption

It is recommended that all newly appointed members of Section 86 Special Committees be exempt from the requirement of completing Interest Return in accordance with Section 81(2A) of the *Local Government Act 1989*.

Council Plan/Key Strategic Activity

This proposal supports the following goals of the *Council Plan 2017-2021*:

Leadership and Governance

- 1.3 Council demonstrates strong leadership and sound decision making in the best interests of the community.
- 1.7 Council advocates on issues, priorities and needs that matter to our community in partnership with key stakeholders.
- 1.9 Service standards and service delivery models are realistic and meet community expectations and demand while being financial viable and in line with Council's core business.

Social

- 2.1 Our community is supported to achieve and sustain physical, emotional and spiritual health and wellbeing.
- 2.4 Social and cultural, educational and employment opportunities are created to enable children, young people, individuals and families to actively participate in their community.
- 2.6 Volunteering is promoted and encouraged along with other measures to improve community resilience.
- 2.7 Public places, open space and community facilities are safe and accessible for all and presented to a high quality.

Built

- 4.4 Quality infrastructure is provided and maintained to acceptable standards.
- 4.5 Assets are well managed and their renewal is being planned through long term renewal strategies.

8. COMMUNITY DIRECTORATE

8.5 Section 86 Special Committees - Committees of Management Memberships (continued)

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Delegation of Council powers to a committee	Possible	Major	High	The appointment and removal of members by formal resolution of Council reduces governance risks by ensuring that all members of a committee are covered by Council's public liability insurance.
Exemption of all special committees from submitting primary and ordinary returns	Possible	Major	High	Restricted powers outlined in the Instrument of Delegation and Guidelines to these committees ensures that this risk is minimal. Committees are also required to declare any conflicts of interest at the start of each committee meeting

Policy Considerations

There are no conflicts with existing Council policies.

Financial Implications

There are no financial implications arising from this report.

Legal/Statutory Implications

All of Council's Committees of Management responsible for halls, community centres and recreation reserves have been established under Section 86 of the *Local Government Act 1989* and have been issued with an Instrument of Delegation and Guidelines outlining their responsibilities.

The appointment and rescinding of memberships to Section 86 special committees by formal resolution of the Council ensures that the powers, functions and duties delegated to these committees are able to be exercised legally.

Environmental/Sustainability Impacts

There are no environmental or sustainability impacts arising from this report.

Social Implications

The appointment of community members to committees helps to build a sense of community by increasing stakeholder participation and giving community members a greater sense of pride and involvement in their local community.

Economic Impacts

There are no economic impacts arising from this report.

8. COMMUNITY DIRECTORATE

8.5 Section 86 Special Committees - Committees of Management Memberships (continued)

Consultation

Kialla District Hall Committee of Management informed Council of the resignation of a committee member. The office bearers have also been informed that Council has received an additional Application for Co-Opt Appointment to their committee.

Level of public participation	Promises to the public/stakeholders	Examples of techniques to use
Inform	Keep informed	<ul style="list-style-type: none"> • Newspaper advertisements. • Website announcement. • Letters to incoming and outgoing committee members. • Communication with committee officer bearers.
Consult	Informed, listen, acknowledge	Council will consult with its committees prior to making decisions that relate to the relevant facilities.
Involve	Work together. Feedback is an input into decision making.	Committees provide an important source of feedback for Council to manage the facilities.
Collaborate	Feedback will be incorporated into decisions to the maximum level possible.	Council collaborates with its committees prior to making decisions that relate to the relevant facilities.
Empower	We will implement what the public decide.	Committees of Management have delegated powers to make decisions in relation to the day to day management of the facilities that they are responsible for.

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

There are no direct links to the *Greater Shepparton 2030 Strategy*.

b) Other strategic links

Local Government Act 1989

Conclusion

It is recommended that Annette HUNT be appointed Kialla District Hall Committee of Management for the term specified and the resignation of Ann THOMPSON be accepted and her membership rescinded in accordance with her resignation.

Attachments

Nil

9. CORPORATE SERVICES DIRECTORATE

9.1 January 2018 Monthly Financial Report

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Acting Manager Finance & Rates

Proof Reader: Acting Manager Finance & Rates

Approved by: Director Corporate Services

Executive Summary

The report presents Council's actual financial performance compared to the budget for the seven months ended 31 January 2018.

Moved by Cr Patterson
Seconded by Cr Giovanetti

That the Council receive and note the January 2018 Monthly Financial Report.

CARRIED.

Background

The 2017/2018 Budget was adopted at the Ordinary Council Meeting held 20 June 2017. The 2017/2018 Budget provided for an operating surplus of \$7.2 million with revenue of \$127.92 million and expenditure of \$120.72 million. The 2017/2018 Budget also provided for capital works of \$39.38 million.

On 17 October 2017, Council adopted the 2017/2018 Q1 Adopted Forecast with an accounting surplus of \$6.14 million which is \$1.06 million less than the 2017/2018 Adopted Budget. The capital works program of \$40.33 million is forecast to be expended during the 2017/2018 financial year which is an increase of \$0.94 million from the Adopted Budget.

Council's actual financial performance compared to the budget is presented to Council on a monthly basis.

The January 2018 Monthly Financial Report incorporates the following sections which are presented for Council's consideration:

- Operating Performance
- Capital Works Performance
- Income Statement
- Balance Sheet
- Cash Flow Statement
- Capital Works Statement

Council Plan/Key Strategic Activity

The report is consistent with the leadership and governance goal "High Performing Organisation" as included in the *Council Plan 2017-2021*.

9. CORPORATE SERVICES DIRECTORATE

9.1 January 2018 Monthly Financial Report (continued)

Council Plan/Key Strategic Activity

The report is consistent with the leadership and governance goal “High Performing Organisation” as included in the *Council Plan 2017-2021*.

Risk Management

There are no risks identified in providing this financial report.

Policy Considerations

There are no conflicts with existing Council policies.

Financial Implications

There are no financial implications arising from this proposal.

Legal/Statutory Implications

Section 137 of the *Local Government Act 1989* provides that Council maintain a budgeting and reporting framework that is consistent with the principles of sound financial management. In addition Section 138 requires that at least every 3 months a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to the Council at a Council meeting which is open to the public. This report satisfies that requirement.

Environmental/Sustainability Impacts

There are no environmental or sustainability impacts associated with this report.

Social Implications

There are no social implications associated with this report.

Economic Impacts

There are no economic implications in providing this financial report.

Consultation

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Conclusion

The report presents Council’s actual financial performance compared to the budget for the seven months ended 31 January 2018.

Attachments

January 2018 - Monthly Financial Statements [↓](#) Page 459

9. CORPORATE SERVICES DIRECTORATE

9.2 2017/2018 Quarter Two Forecast Review

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Team Leader Management Accounting

Proof reader(s): Manager Finance and Rates

Approved by: Director Corporate Services

Executive Summary

The report presents the draft forecast financial performance for the 2017/2018 financial year compared to the Adopted Budget submitted by Responsible Managers.

Moved by Cr Adem

Seconded by Cr Sutton

That the Council adopt the revised forecasts identified by the 2017/2018 Quarter Two Forecast Review.

CARRIED.

Background

Under section 138 of the *Local Government Act 1989* the Chief Executive Officer at least every three months must ensure quarterly statements comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date are presented to the Council.

Council's actual financial performance compared to the budget is presented to Council on a monthly basis.

The 2017/2018 Budget was adopted at the Ordinary Council Meeting held 20 June 2017. The 2017/2018 Budget provided for an operating surplus of \$7.2 million with revenue of \$127.92 million and expenditure of \$120.72 million. The 2017/2018 Budget also provided for capital works of \$39.38 million.

On 17 October 2017, Council adopted the 2017/2018 Q1 Forecast Review with an accounting surplus of \$6.14 million which was \$1.06 million less than the 2017/2018 Adopted Budget. The capital works program of \$40.33 million was forecast to be expended during the 2017/2018 financial year which was an increase of \$0.94 million from the Adopted Budget.

The budget review process involves Managers reviewing the adopted budget for their departmental areas compared to actual income and expenditure. Managers are to update forecasts to reflect the expected year end result. The Executive then undertake a detailed review to understand and confirm forecast variations. The review is then submitted to Council for consideration.

9. CORPORATE SERVICES DIRECTORATE

9.2 2017/2018 Quarter Two Forecast Review (continued)

Council Plan/Key Strategic Activity

This proposal is consistent with the strategic objective Leadership and Governance.

Risk Management

Monitoring of performance against the 2017/2018 adopted budget as well as the forecast year end position provides for prudent financial management and ensures that Council is made aware of any known or potential financial risks.

Risks	Likelihood	Consequence	Rating	Mitigation Action
Inability to achieve current budget due to income not reaching budgeted levels or costs exceeding budget exposing the Council to a cash deficit.	Likely	Moderate	Moderate	Review detailed monthly financial reports and take corrective action where forecast varies against budget.
Breaching the local Government Act by expending funds against line items without endorsed budget.	Possible	Moderate	Moderate	Undertake quarterly budget reviews to formally consider and adjust for any known variances.

Policy Considerations

There are no identified conflicts with existing Council policies.

Financial Implications

Forecast variances to the 2017/2018 Adopted Budget are detailed throughout the attached report.

Legal/Statutory Implications

Section 138 of the Local Government Act 1989 requires that at least every three months the Chief Executive Officer must ensure a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date are presented to the Council. A detailed financial report is presented to the Council each month.

Environmental/Sustainability Impacts

There are no environmental or sustainable impacts that will arise from this proposal.

Social Implications

There are no social impacts that will arise from this proposal.

Economic Impacts

There are no identified economic impacts.

9. CORPORATE SERVICES DIRECTORATE

9.2 2017/2018 Quarter Two Forecast Review (continued)

Consultation

External consultation has not occurred regarding the contents of this report. Specific consultation, however, has and will take place on some specific items within the budget as and when appropriate.

Appropriate consultation has occurred with Council Officers and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

Nil

b) Other strategic links

The report is consistent with the governance principle of Strategic Objective one of the Council Plan 2017-2021 “Leadership and Governance”.

Conclusion

This report has been prepared and presented to identify and reflect known variances in the end of year financial forecast compared to budget.

Attachments

Q2 Forecast Review [↓](#) Page 470

9. CORPORATE SERVICES DIRECTORATE

9.3 Exercise of Delegations Policy

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Team Leader Governance

Proof reader(s): Manager Corporate Governance

Approved by: Director Corporate Services

Executive Summary

The Exercise of Delegations Policy is required to be reviewed every four years, within six months of a general election. The last review was undertaken in June 2017 following the general election in October 2016.

Due to a recent resolution of Council at the 17 October 2017 Ordinary Council Meeting, the Chief Executive Officers (CEO) delegation limit has been altered, resulting in some minor amendments being required to the Exercise of Delegations policy. These amendments have initiated a minor review of the Policy; however a major review will still be undertaken within six months of the 2020 general election, in accordance with the statutory requirement.

Moved by Cr Giovanetti
Seconded by Cr Summer

That the Council adopt the Exercise of Delegations Policy 37.POL2, version 2.1

CARRIED.

Background

Delegations are a critical Governance tool of the Council. Most Council decisions are not made at Council meetings and the effective functioning of the Council would not be possible if they were. Instead, most decision-making power is allocated by formal delegations.

It is important that the Council puts in place appropriate policies and guidelines under which delegation should be exercised. This will ensure individuals and committees are making decisions within the powers and functions delegated to them.

The policy has been amended to reflect a resolution passed by Council on 17 October 2017 in which the CEO's delegation to award contracts was increased from \$400, 000 to \$500 000. The amendment will require all contracts exceeding the value of \$500,000 to be referred to a Council Meeting for approval.

Council Plan/Key Strategic Activity

The exercise of delegations is a key facilitator in ensuring all objectives within the Council Plan can be achieved as timely and efficiently as possible.

9. CORPORATE SERVICES DIRECTORATE

9.3 Exercise of Delegations Policy (continued)

Risk Management

The review and adoption of this amended policy ensures that it accurately reflects the delegations to the CEO. If the policy is not adopted and it contradicts the Instrument of Delegation, it may cause confusion amongst staff and provide room for error.

Policy Considerations

This policy is consistent with the current Instrument of Delegation adopted by Council and the Procurement Policy will soon be amended to reflect this change.

Financial Implications

There are no financial implications associated with this Policy.

Legal/Statutory Implications

There are no legal/statutory implications associated with this Policy.

Environmental/Sustainability Impacts

There are no environmental / sustainability impacts associated with this Policy.

Social Implications

There are no social implications associated with this Policy.

Economic Impacts

There are no economic impacts associated with this Policy.

Consultation

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

No strategic links to the Greater Shepparton 2030 Strategy have been identified.

b) Other strategic links

This policy and the associated delegations facilitate achievement of all objectives outlined in the Council Plan.

Conclusion

It is recommended that the Policy be adopted as presented, as it accurately reflects the current Instrument of Delegation to the Chief Executive Officer, adopted by Council on 17 October 2017.

Attachments

Exercise of Delegations Policy 37.POL2 - version 2.1 [↓](#) Page 501

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Draft Nixon Street Bus Interchange Concept Plan January 2018 - Endorse and Release for Public Consultation

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Team Leader Investigation and Design, Team Leader Strategic Planning

Proof reader(s): Manager Building and Planning

Approved by: Director Sustainable Development

Other: Design Officer Investigation Design

Executive Summary

The upgrade of the Balaclava Road – Hawdon Street – New Dookie Road – Verney Road intersection (the intersection) was identified as part of the Shepparton Alternate Route Freight Enhancement Package (SAR Freight Enhancement Package).

The SAR Freight Enhancement Package identified three road upgrade projects that are required to improve the efficiency and operation of the Shepparton Alternate Route and the surrounding local road network for freight traffic. These projects are:

1. Old Dookie Road / Doyles Road and New Dookie Road / Doyles Road roundabouts;
2. Old Dookie Road reconstruction and pavement widening; and
3. Balaclava Road / Hawdon Street / New Dookie Road / Verney Road intersection.

The Commonwealth government provided \$2.25million towards realising the three projects identified in the SAR Freight Enhancement Package. The \$2.25million is a repurposing of funding allocated to the GV Link site along Toolamba Road, Mooroopna.

The Balaclava Road / Hawdon Street / New Dookie Road / Verney Road intersection will be upgraded shortly (two to three years) from a roundabout to a signalised intersection to reduce congestion and improve safety, particularly during peak demand periods.

The existing Balaclava Road Bus Interchange is located to the west of this intersection along the northern side of Balaclava Road. This Bus Interchange accommodates six bus bays and serves a number of public and private schools within the Shepparton and Mooroopna urban area. The upgrade of the existing intersection will make it difficult to accommodate a number of bus movements during the construction phase but also during the operational phase of the upgraded intersection. It is desirable to relocate the Bus Interchange before the construction works commence.

Council officers held two stakeholder consultation meetings in November and December 2017 regarding the need to relocate the existing Bus Interchange. The preferred location for the relocation of the Bus Interchange was Nixon Street.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Draft Nixon Street Bus Interchange Concept Plan January 2018 - Endorse and Release for Public Consultation (continued)

A preliminary investigation was conducted by Council officers in November and December 2017. The investigation examined the possibility of constructing a bus interchange along the northern side of Nixon Street between Harold and Skene Streets, abutting the southern side of Deakin Reserve. This investigation highlighted that this is a viable location for the relocation of the Bus Interchange and that seven bus interchange bays and one bus stop could be realised. Council officers have prepared a Draft Nixon Street Bus Interchange Concept Plan (Draft Concept Plan). Vehicles would be permitted to park in the interchange bays on weekdays, outside of school bus drop-off and pick-up times, and to park on weekends all day.

Council officers have also investigated the provision of additional car parking in the immediate area and 38 centre-of-the-road car parking spaces, including provision for street trees, could be created in Skene Street between Nixon Street and Fryers Street.

Council officers recommend that the Draft Concept Plan for the proposed bus interchange at Nixon Street be released for public comment. Land owners and occupiers of land along Nixon and Skene Streets will be directly notified to inform them of the Draft Concept Plan and provide them with the opportunity to attend one-on-one workshops with Council officers.

Following consultation, Council officers will review all feedback, comments and submissions received. The final Concept Plan is expected to be further considered by Council in mid-2018.

Subject to community consultation and budget allocation it is proposed that the relocation of the Bus Interchange and the provision of 38 centre-of-the-road car parking spaces in Skene Street will be undertaken early in the 2018/2019 financial year.

Moved by Cr Summer Seconded by Cr Hazelman

That the Council:

1. endorse the Draft Concept Plan for proposed bus interchange at Nixon Street, Shepparton;
2. release the Draft Concept Plan for public comment for a period of four weeks, commencing on 26 February 2018 and concluding on 26 March 2018; and
3. note that Council officers will report on any feedback, comments and submissions received during the public consultation period prior to the consideration of a final Concept Plan for adoption and implementation.

CARRIED.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Draft Nixon Street Bus Interchange Concept Plan January 2018 - Endorse and Release for Public Consultation (continued)

Background

The upgrade of the Balaclava Road / Hawdon Street / New Dookie Road / Verney Road intersection was identified as part of the Shepparton Alternate Route Freight Enhancement Package (SAR Freight Enhancement Package), see Figure One. The intersection must be upgraded from a roundabout to a signalised intersection to reduce congestion and improve safety, particularly during peak demand periods.



Figure One: Ultimate Balaclava Road – Hawdon Street – New Dookie Road – Verney Road Intersection. The existing Balaclava Road Bus Interchange is identified with red crosses.

The SAR Freight Enhancement Package identified three road upgrade projects that are required to improve the efficiency and operation of the Shepparton Alternate Route and the surrounding local road network for freight traffic.

The Shepparton Alternate Route is the main north-south freight route around Shepparton and is also a critical link for freight movements in and out of the Shepparton East and northern industrial areas. It currently carries an average of 8,400 freight movements per day between the Midland Highway and New Dookie Road. It is a vital piece of freight connectivity infrastructure for Shepparton and the Goulburn Valley; however, the current design is not suitable for the scale and types of vehicles using it.

These three projects in the SAR Freight Enhancement Package are:

1. Old Dookie Road reconstruction and pavement widening;
2. Old Dookie Road / SAR and New Dookie Road / SAR roundabouts; and
3. Balaclava Road / Hawdon Street / New Dookie Road / Verney Road intersection.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Draft Nixon Street Bus Interchange Concept Plan January 2018 - Endorse and Release for Public Consultation (continued)

The Commonwealth government provided \$2.25million towards realising the three projects identified in the SAR Freight Enhancement Package. The \$2.25million is a repurposing of funding allocated to the GV Link site along Toolamba Road, Mooroopna.

The upgrade of Old Dookie Road cost \$1.26million and was completed in late 2016. The Commonwealth and the Victorian governments have recently announced that they would fully fund the upgrade of the Old Dookie Road / SAR and New Dookie Road / SAR roundabouts. As a result of this recent announcement, the remaining funds allocated to the SAR Freight Enhancement Package, being \$990,000, must be allocated to the Balaclava Road / Hawdon Street / New Dookie Road / Verney Road intersection (the intersection).

The upgrade of the intersection will be realised over three stages. Stage 1 involves replacing the existing roundabout with a signalised intersection. The subsequent two stages will seek to connect the upgraded intersection to the recently upgraded Verney Road further to the north and provide extra lanes on the approaches to the intersection. The estimated cost of these works is \$2.33million. The \$990,000 in the SAR Freight Enhancement Package is now allocated to the upgrade of this intersection. Council will fund the additional cost.

There is now considerable urgency to realise the upgrade of this intersection in accordance with the timelines included in the Funding Agreement signed with the Commonwealth government. The Funding Agreement envisages that Stage 1 of the intersection upgrade would be 31 August 2018.

As part of the preparation of construction drawings for the upgrade of the intersection, it has become apparent that the operation of the existing Balaclava Road Bus Interchange to the west of the intersection (between Bouchier Street and Verney Road) would result in significant issues during both the construction and operation of the upgraded signalised intersection. This Bus Interchange accommodates six bus bays and serves a number of public and private schools within the Shepparton and Mooroopna urban area.

The upgrade of the existing intersection will require extra lanes on the intersection approaches on all four roads. This will make it more difficult to accommodate a number of bus movements both during the construction phase but also during the operational phase of the upgraded intersection. The following bus movements will be significantly impacted upon:

1. buses that need to re-enter Balaclava Road traffic and turn right at the intersection to travel south down along Hawdon Street; and
2. buses that undertake a U-turn at the existing roundabout to travel west along Balaclava Road.

Similar to other recent Council road projects, during the construction phase, half of the intersection will be closed at any one time to provide continuity of service to some traffic movements. There will also be some short periods when the entire intersection will need to be closed to traffic. It would be preferable that the existing Balaclava Road School Bus Interchange be relocated before upgrading works commenced for the intersection. The Commonwealth government has acknowledged this issue and has agreed in-principle to extending the timeline outlined in the Funding Agreement for the realisation of Stage 1 of the intersection upgrade to allow for the consideration, consultation and possible relocation of the Bus Interchange.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Draft Nixon Street Bus Interchange Concept Plan January 2018 - Endorse and Release for Public Consultation (continued)

This report outlines the stakeholder consultation meetings held in November and December 2017 regarding the need to relocate the existing Balaclava Road Bus Interchange and the preferred location for the relocation of the Bus Interchange, being Nixon Street, before releasing the draft concept plan for the proposed Nixon Street Bus Interchange for public comment.

Council officers held two stakeholder consultation meetings in late 2017, which were attended by local bus operators, schools and State government authorities, to inform the stakeholders of these issues and to explore the possibility of relocating the existing Bus Interchange to an alternative location.

The stakeholders were informed of Council officers' initial proposals to investigate the possibility of relocating the Bus Interchange further west along Balaclava Road between Blamey and Bouchier Streets within the former Goulburn-Murray Water irrigation channel reserve that is currently used as a linear park. However, during this meeting, it was agreed that given the predicted significant costs, it was preferred to investigate the relocation of the Bus Interchange to Nixon Street. Letters of support have been received from the stakeholders that attended these consultation meetings.

The stakeholders expressed concern about the recent announcement by the Victorian government that four Shepparton public schools will be merged into one new 'super school' and that this may have an impact on the relocation of the Bus Interchange. Council officers outlined that a site has not been identified and it may take several years before this project is realised.

Council officers undertook this investigation and examined the relocation of the Bus Interchange along the northern side of Nixon Street between Harold and Skene Streets, abutting the southern side of Deakin Reserve, adjacent to the existing interchange along the western side of Skene Street abutting the eastern side of Deakin Reserve. There are currently 24 all-day car parking spaces and one existing bus stop within the investigation area, see Figure Two.

Following a preliminary investigation conducted by Council officers in November and December 2017, a bus interchange at this location could cater for seven interchange bus bays and one bus stop. Council officers have prepared a Draft Nixon Street Bus Interchange Concept Plan (Draft Concept Plan), see Figure Three. Vehicles would be permitted to park in the interchange bays on weekdays, outside of school bus drop-off and pick-up times, and to park on weekends all day.

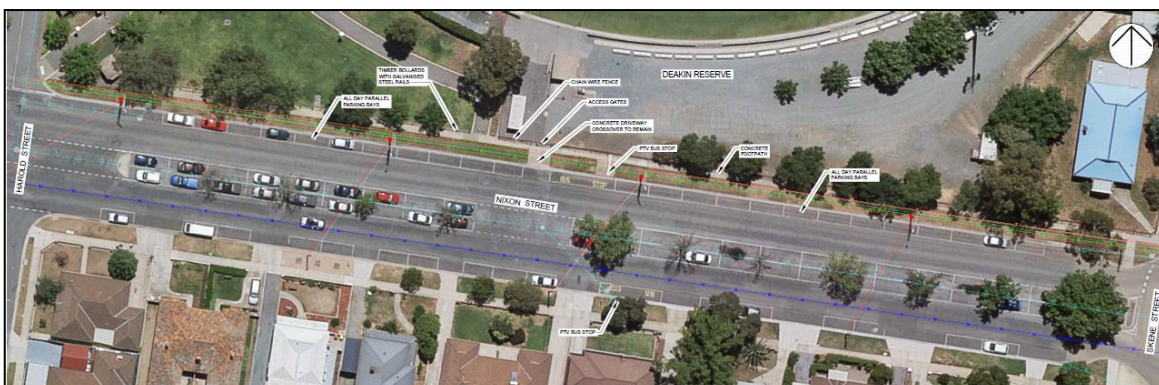


Figure Two: Aerial Photograph of Nixon Street between Harold and Skene Streets.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Draft Nixon Street Bus Interchange Concept Plan January 2018 - Endorse and Release for Public Consultation (continued)

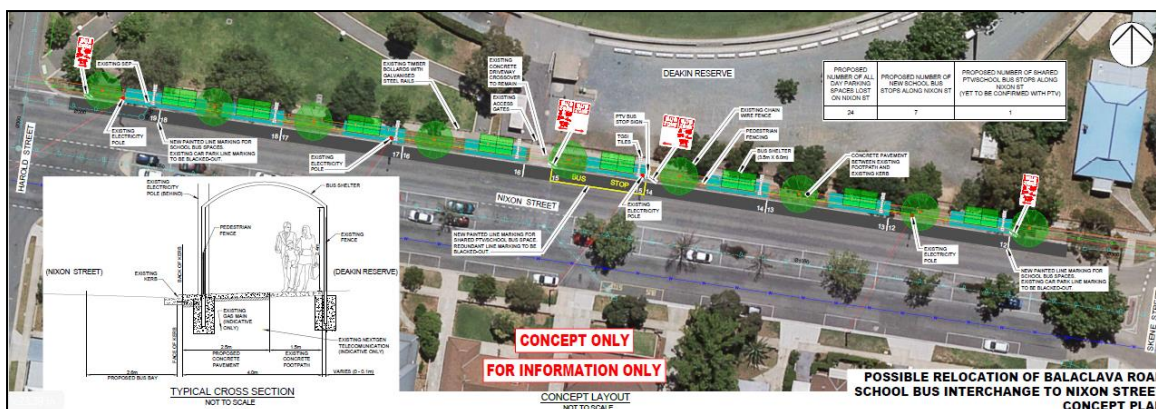


Figure Three: Draft Nixon Street Bus Interchange Concept Plan.

Council officers have also investigated the provision of additional car parking in the immediate area and 38 centre-of-the-road car parking spaces, including provision for street trees, could be created in Skene Street between Nixon Street and Fryers Street, see Figure Four.

Subject to community consultation and budget allocation, it is proposed that the relocation of the Bus Interchange and the provision of centre-of-the-road car parking spaces in Skene Street will be undertaken early in the 2018/2019 financial year.

The cost of the relocation of the Bus Interchange is estimated to be \$590,000 and the construction of the centre of the road car parking along Skene Street is estimated to be \$365,000.

It is proposed to release the Draft Concept Plan for the proposed bus interchange at Nixon Street for public comment. Land owners and occupiers of land along Nixon and Skene Streets will be directly notified to inform them of the Draft Concept Plan and provide them with the opportunity to attend one-on-one workshops with Council officers.

Following consultation, Council officers will review all feedback, comments and submissions received. The final Concept Plan is expected to be further considered by Council in mid-2018.

Council Plan/Key Strategic Activity

Theme 4: Built

Objective 4.1 Growth is well planned and managed for the future.

Objective 4.4 Quality infrastructure is provided and maintained to acceptable standards.

Objective 4.7 Reliable, safe, more frequent and connected local and broader transport system supporting the connection of people within, across and outside of Greater Shepparton.

Theme 5: Environment

Objective 5.1 Greening Greater Shepparton has created an attractive, vibrant and liveable place with well-connected green spaces that are valued by the community.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Draft Nixon Street Bus Interchange Concept Plan January 2018 - Endorse and Release for Public Consultation (continued)



Figure Four: Skene Street Centre of the Road Parking Concept Plan.

Risk Management

There are no adverse risks associated with releasing the Draft Concept Plan for public consultation.

The consultation associated with the Draft Concept Plan will be undertaken in accordance with Council's *Community Engagement Strategy 2009*.

Policy Considerations

All consultation associated with the Draft Concept Plan will be undertaken in accordance with Council's *Community Engagement Strategy 2009*.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Draft Nixon Street Bus Interchange Concept Plan January 2018 - Endorse and Release for Public Consultation (continued)

Financial Implications

The recommendation to release the Draft Concept Plan for consultation does not have any financial or budgetary implications for Council. However, the future implementation of the Draft Concept Plan will; however, this will be the subject of a future Council resolution. The cost of the relocation of the Bus Interchange is estimated to be \$590,000 and the construction of the centre of the road car parking along Skene Street is estimated to be \$365,000.

	Approved Budget Estimate for this proposal ¹ \$	This Proposal GST Exclusive \$	Variance to Approved Budget Estimate \$	This Proposal GST Inclusive ² \$
Expense	0	955,000	-955,000	1,050,500
Net Total	0	955,000	-955,000	1,050,500

¹ Budgets are GST exclusive

² For Contract Award reports the GST inclusive expense shall match the amount reported in the recommendation

Legal/Statutory Implications

All procedures associated with the Draft Concept Plan comply with relevant legislative requirements, including the Act and guidelines set out by the Heritage Victoria. The Draft Concept Plan has been prepared in accordance with the Planning Scheme and Council's *Community Engagement Strategy 2009*.

Environmental/Sustainability Impacts

The recommendation to release the Draft Concept Plan for public comment will not result in any adverse environmental or sustainability impacts.

Social Implications

The recommendation to release the Draft Concept Plan for public comment will not result in any adverse social impacts.

Economic Impacts

It is not expected that the recommendation to release the Draft Concept Plan for public comment will have any adverse economic impacts.

The financial impact to Council associated with implementing the final Concept Plan was discussed in the financial implications section of this report.

Consultation

Council officers recommend that Council endorse the Draft Concept Plan and release it for public consultation.

The consultation associated with the Draft Concept Plan will be undertaken in accordance with Council's *Community Engagement Strategy 2009*.

It is proposed to release the Draft Concept Plan for public comment for four weeks from 26 February 2018 and concluding on 26 March 2018. Land owners and occupiers of land along Nixon and Skene Streets will be directly notified to inform them of the Draft Concept Plan and provide them with the opportunity to attend a one-on-one workshop with Council officers.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Draft Nixon Street Bus Interchange Concept Plan January 2018 - Endorse and Release for Public Consultation (continued)

Following consultation, Council officers will review all feedback, comments and submissions during public consultation and make recommendations to Council. Council officers will provide a report to Council on the feedback received prior to adoption of a final Concept Plan and its implementation.

Strategic Links

a) Greater Shepparton 2030 Strategy 2006

Topic: Infrastructure

Direction: The provision and restructure of urban and rural infrastructure to enhance the performance of the municipality and facilitate growth.

Objective 5 To develop Walking/Bicycle and Public Transport networks that provide transport and accessibility options to segments of the community who have not or prefer not to use a motor car.

Objective 6 To ensure the safety and efficient functioning of the roads for a variety of users.

b) Other strategic links

Nil

Conclusion

The upgrade of the Balaclava Road / Hawdon Street / New Dookie Road / Verney Road intersection will make it difficult to accommodate a number of bus movements, both during the construction phase but also during the operational phase of the upgraded intersection. It is desirable to relocate the Bus Interchange before the construction works commence.

Stakeholder consultation meetings held in November and December 2017 identified the preferred location for the relocation of the Bus Interchange was Nixon Street. The preliminary investigation conducted by Council officers in November and December 2017 highlighted an area of the northern side of Nixon Street between Harold and Skene Streets, abutting the southern side of Deakin Reserve as a viable location.

The interchange will include seven bus interchange bays and one bus stop, with the provision of additional car parking in the immediate area and 38 centre-of-the-road car parking spaces, including provision for street trees, could be created in Skene Street between Nixon Street and Fryers Street.

Subject to community consultation and budget allocation, it is proposed that the relocation of the Bus Interchange and the provision of centre-of-the-road car parking spaces in Skene Street will be undertaken early in the 2018/2019 financial year.

Council officers recommend that the Draft Concept Plan for the proposed bus interchange at Nixon Street be released for public comment. Land owners and occupiers of land along Nixon and Skene Streets will be directly notified to inform them of the Draft Concept Plan and provide them with the opportunity to attend one-on-one workshops with Council officers.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.1 Draft Nixon Street Bus Interchange Concept Plan January 2018 - Endorse and Release for Public Consultation (continued)

Following consultation, Council officers will review all feedback, comments and submissions received. The final Concept Plan is expected to be further considered by Council in mid-2018.

Attachments

Nil

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018 - Endorse and Release for Public Consultation

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Team Leader Strategic Planning, Design Engineer Investigation Design

Proof reader(s): Manager Building and Planning

Approved by: Director Sustainable Development

Other: Team Leader Engineer Investigation Design

Executive Summary

Following the completion of Stage 1 of the Goulburn Valley Highway Shepparton Bypass (Shepparton Bypass), Ford Road will become a key strategic east-west link between the Shepparton Bypass and the Shepparton Alternate Route (Doyles and Grahamvale Roads) for traffic moving west-east and west-south. It will also aid in the realisation of a freight supply chain network around Shepparton and Mooroopna.

Ford Road was identified as the best option to realise an arterial east-west connection between the Goulburn Valley Highway and the Shepparton Alternate Route from at least 2006, with the adoption and implementation of the *Greater Shepparton 2030 Strategy 2006*. Recent strategies undertaken in coordination with VicRoads, including the *Greater Shepparton Freight and Land Use Strategy 2013*, also reflect this position.

The purpose of this report is to outline consultation held in mid-2017, including the content of the pre-draft submissions received, as well as the findings of the *Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018* (Draft Report) before releasing the Draft Report for public comment. The findings and concerns expressed during the consultation process, and contained in the submissions have informed the Draft Report.

GTA Consultants Pty Ltd was engaged by Council and VicRoads in early 2017 to undertake an investigation of the options and constraints into the future upgrade of Ford Road as part of the preparations for Stage 1 of the Shepparton Bypass, see Figure One. It is important to note this investigation is not a review of alignment options for an east-west route in Shepparton North. A critical output of this investigation is the preparation of concept drawings for the final upgrade design with an opinion of probable cost.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018 - Endorse and Release for Public Consultation (continued)

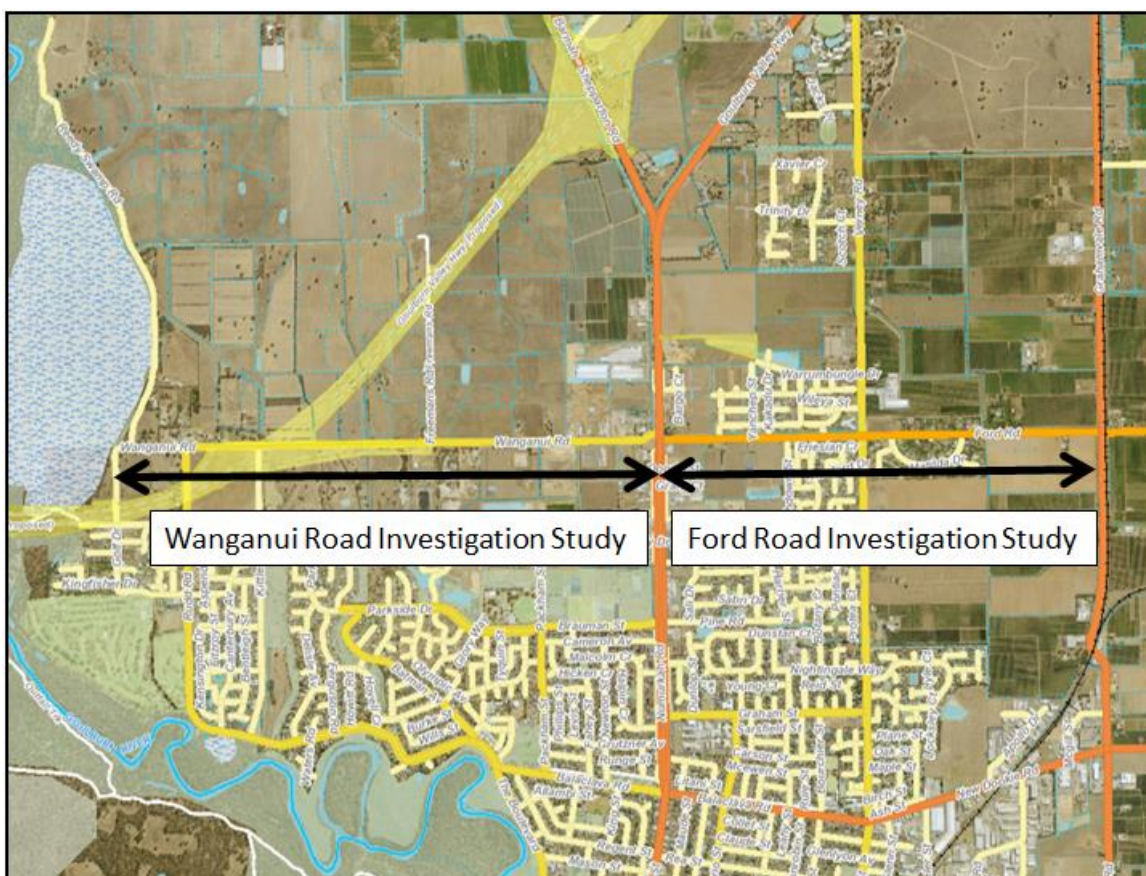


Figure One: Extent of the Ford and Wanganui Roads Investigation Study.

As part of this investigation, Council invited land owners and occupiers of land along Ford and Wanganui Roads to attend one-to-one workshops with Council officers and GTA Consultants Pty Ltd on 19 April and 7 June 2017. Freight operators were also invited to attend these workshops.

The purpose of these one-to-one workshops was to ensure that all issues associated with any future upgrade of Ford and Wanganui Roads were known, and that the scope of the investigation was thorough and robust.

Following this consultation, Council and VicRoads undertook the following additional assessments to further inform the investigation:

1. a safe systems assessment of the appropriate intersection treatments for Wanganui Road and the Goulburn Valley Highway, Ford and Verney Roads, and Ford and Grahamvale Roads;
2. a road safety audit;
3. a landscape master plan for the entire route;
4. a model of flood behaviour for works along Wanganui Road; and
5. an adverse amenity assessment (acoustic) of the entire route.

16 pre-draft submissions were received by Council up to December 2017 (see Attachment 1 – Submissions Recorder). The majority of these submissions were identical and objected to Ford Road serving as an arterial east-west link. One submission

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018 - Endorse and Release for Public Consultation (continued)

supported the realisation of an arterial east-west link along Ford Road given the critical need to connect Stage 1 of the Shepparton Bypass with the Shepparton Alternate Route.

GTA Consultants Pty Ltd has completed the Draft Report, taking into consideration the issues identified during the consultation phase, as well as the findings and recommendations included in the additional assessments (see Attachment 2 – *Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018*). The findings of the Draft Report can be summarised as follows, it:

1. highlights issues associated with the upgrade of Ford and Wanganui Roads to serve as a key strategic east-west link between Stage 1 of the Shepparton Bypass and the Shepparton Alternate Route;
2. provides concept designs, including road reserve cross sections and intersection upgrades, to address the issues identified above and an opinion of probable costs for all works required to allow Ford and Wanganui Roads to act as an arterial east-west link;
3. includes a landscape master plan for the ultimate design of the route; and
4. includes total cost of the upgrade works to be \$100.64 million.

The upgrade of Ford and Wanganui Roads will have significant local and regional benefits.

It is proposed to release the Draft Report for public comment. Affected land owners and occupiers of land along Ford and Wanganui Roads will be directly notified to inform them of the Draft Report and to provide them with the opportunity to again attend one-to-one workshops with Council officers.

Following consultation, Council officers will review all feedback, comments and submissions received. The final *Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report* is expected to be further considered by Council in mid-2018.

**Moved by Cr Patterson
Seconded by Cr Summer**

That the Council:

1. endorse the *Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018*;
2. release the Draft Report for public comment for a period of eight weeks, commencing on 26 February 2018 and concluding on 23 April 2018; and
3. note that Council officers will report on any feedback, comments and submissions received during the public consultation period prior to the consideration of the *Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report*.

CARRIED.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018 - Endorse and Release for Public Consultation (continued)

Cr Hazelman called for a division.

Those voting in favour of the motion: Cr Patterson, Cr Summer, Cr Hazelman, Cr Giovanetti and Cr O'Keeffe.

Those voting against the motion: Cr Adem and Cr Sutton.

Background

In 2006, Amendment C33 to the Greater Shepparton Planning Scheme applied a Public Acquisition Overlay (PAO) to all land required to realise the preferred alignment for the Goulburn Valley Highway Shepparton Bypass (Shepparton Bypass). The full 36km four lane Shepparton Bypass is estimated to cost just over \$1.3 billion.

In order to make the investment affordable, Council adopted a staged approach to delivering the Shepparton Bypass at the Ordinary Council Meeting held on 17 May 2016, see Figure Two. The current priority is Stage 1 (see Figure Two) comprising a single lane carriageway in each direction from the Midland Highway west of Mooroopna to the Goulburn Valley Highway in Shepparton North. This equates to a distance of 10.05kms.

The 2017/18 State Budget allocated \$10.2 million over three years to undertake preparatory works and land acquisition associated with Stage 1 of the Shepparton Bypass. The total projected cost of Stage 1 is estimated to be \$260 million. This includes all preparatory works, land acquisition and construction costs. It is hoped that a commitment to deliver Stage 1 in its entirety will be given in advance of the 2018 State Government elections.

Following the completion of Stage 1 of the Goulburn Valley Highway Shepparton Bypass, Ford Road will become a key strategic east-west link between Stage 1 of the Shepparton Bypass and the Shepparton Alternate Route (Doyles and Grahamvale Roads) for traffic moving west-east and west-south, see Figure Three. It will also aid in the realisation of a freight supply chain network around Shepparton and Mooroopna. Funding is also required to upgrade Ford Road for this purpose and to complete this link.

This key future strategic role for Ford Road providing a direct connection between the Goulburn Valley Highway and the Shepparton Alternate Route has been established as the adopted Council and VicRoads' policy route from at least 2006 with the adoption of the *Greater Shepparton 2030 Strategy 2006*. The role has also been assessed in a number of long-term strategic planning studies undertaken by Council, in association with VicRoads, see Figure Four. The most recent of these studies is the *Greater Shepparton Freight and Land Use Strategy 2013*, which examined the need for an arterial east-west route in Shepparton North to aid in the realisation of a freight supply chain network around Shepparton and Mooroopna, see Figure Five. These studies concluded that Ford Road is the best option to realise an arterial east-west route that will provide a direct connection between the Goulburn Valley Highway and the Shepparton Alternate Route.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018 - Endorse and Release for Public Consultation (continued)

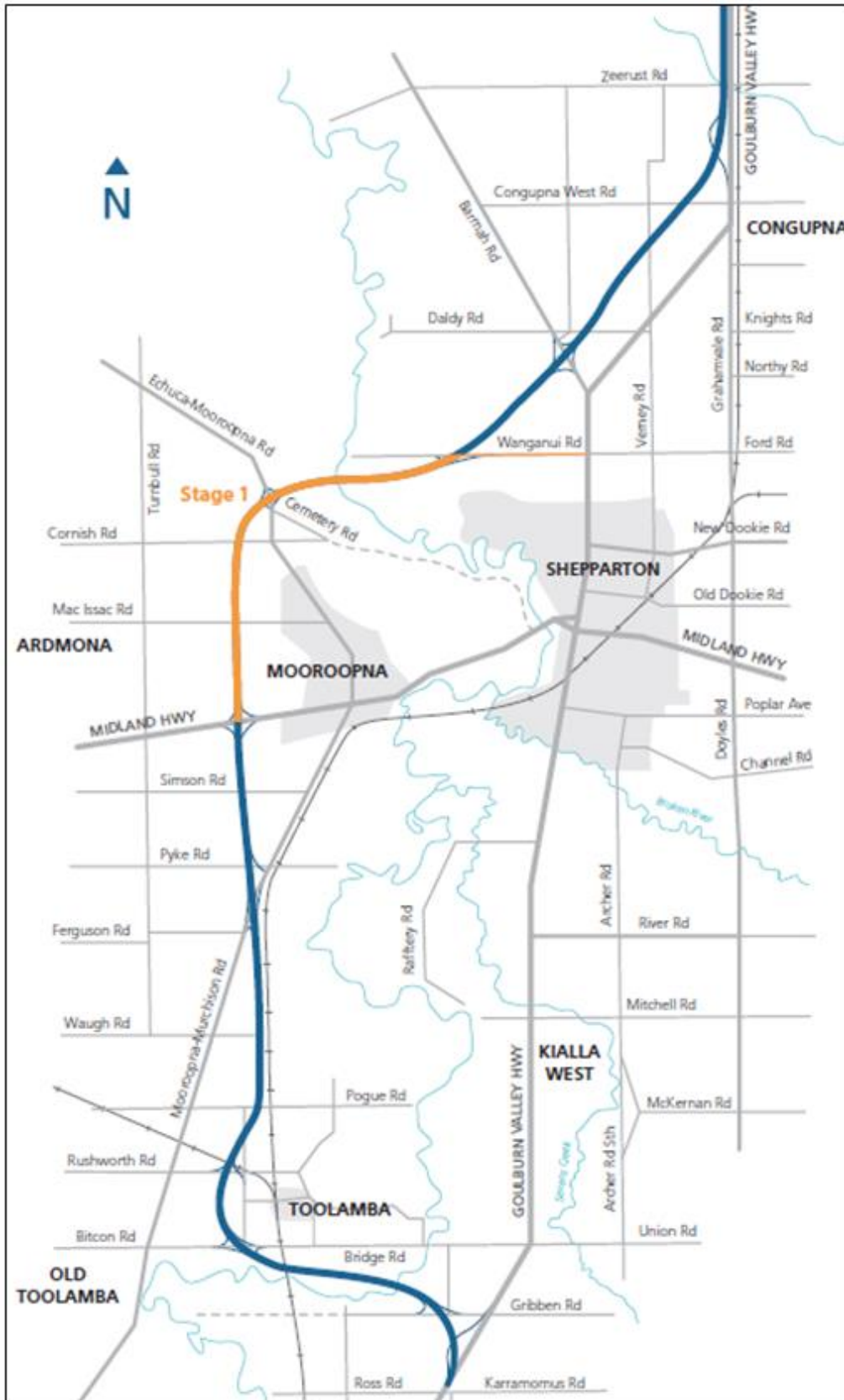


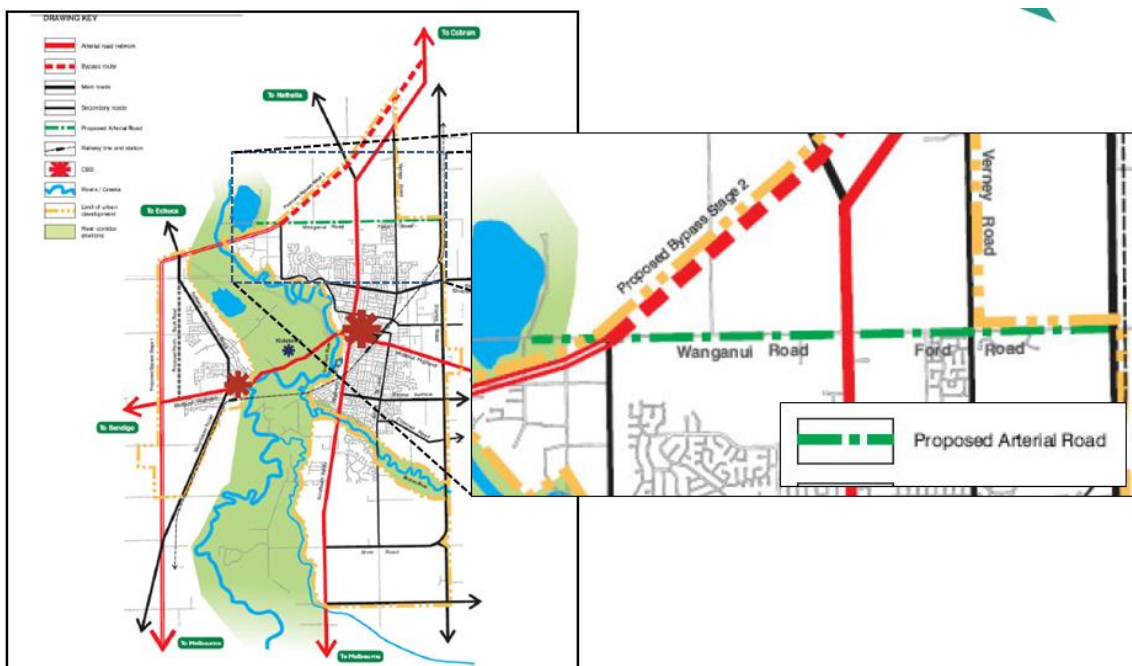
Figure Two: Goulburn Valley Highway Shepparton Bypass.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018 - Endorse and Release for Public Consultation (continued)



Figure Three: Ford Road as critical East West Link outlined in blue.



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018 - Endorse and Release for Public Consultation (continued)

Figure Four: Extract from the Greater Shepparton 2030 Strategy 2006: Wanganui and Ford Roads are identified as 'proposed arterial road'.

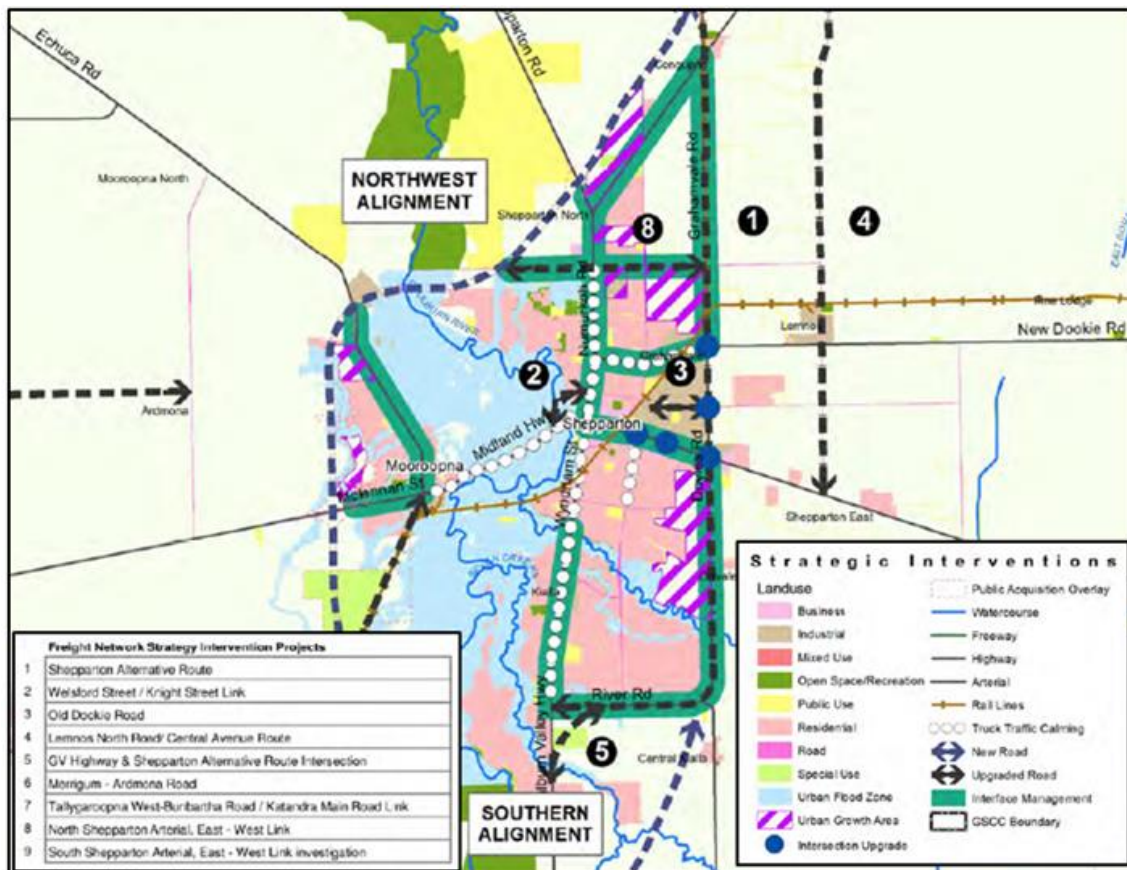


Figure Five: Extract from the Greater Shepparton Freight and Land Use Strategy 2013: Wanganui and Ford Roads are identified as 'Freight Network Strategy Intervention Project 8 – North Shepparton Arterial, East-West Link'.

The detail of how Ford and Wanganui Roads must be upgraded to cater for increases in car and heavy vehicle use is now required to inform future budget bids in association with Stage 1 of the Shepparton Bypass. It is also acknowledged that there are a number of residential properties along Ford and Wanganui Roads and that any plans to realise an arterial east-west route are likely to have some level of impact on residents.

To address these issues, GTA Consultants Pty Ltd was engaged by Council and VicRoads in early 2017 to undertake an investigation of the options and constraints into the future upgrade of Ford Road as part of the preparations for Stage 1 of the Shepparton Bypass. The investigation seeks to understand the design constraints and the issues the upgrade will raise for local residents and businesses, with the intention that any adverse impacts will be addressed through the detailed design stage.

As part of this investigation, Council notified land owners and occupiers of land along Ford Road inviting them to attend one-to-one workshops with Council officers and GTA Consultants Pty Ltd on 19 April 2017.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018 - Endorse and Release for Public Consultation (continued)

Council subsequently notified land owners and occupiers of land along Wanganui Road inviting them to attend one-to-one workshops with Council officers and GTA Consultants Pty Ltd on 7 June 2017. Freight operators were also invited to attend these workshops.

In excess of 700 letters were sent to land owners and occupiers of land. Approximately 40 people attended one-to-one workshops and provided comments from Linda Court, Rosina Court, Matilda Drive, Jersey Crescent, Ryeland Drive, Holstein Court, Ayrshire Way, Ann Wood Nook, Botany Crescent and Mootwingee Crescent, and along Wanganui Road.

The purpose of these one-to-one workshops was to ensure that all issues associated with any future upgrade of Ford and Wanganui Roads were known, and to ensure that the scope of the investigation was thorough and robust.

Following this pre-draft consultation phase, it became clear that additional studies were required to inform the investigation. Council and VicRoads undertook the following additional assessments:

- a safe systems assessment of the appropriate intersection treatments for Wanganui Road and the Goulburn Valley Highway, Ford and Verney Roads, and Ford and Grahamvale Roads. This included advice regarding the alignment of the existing and proposed intersection treatments with safe system principles, and solutions/recommendations to better achieve and implement these principles;
- a road safety audit of the proposed design for the entire route;
- a landscape master plan for the entire route. The Landscape Master Plan prioritises the integration of public spaces with private spaces, provides for water sensitive urban design and assists in achieving the vision outlined in the *Urban Forest Strategy 2017*. It also includes a preliminary opinion of probable cost for all works associated with the design.
- a model of flood behaviour for works along Wanganui Road given the heavily flood prone nature of the surrounding land; and
- an acoustic assessment of the entire route. This assessment has informed the final design treatments.

These documents have informed and complement the Draft Report.

16 pre-draft submissions were received by Council up to December 2017 (see Attachment 1 – Submissions Recorder).

The majority of these submissions, being 15 submissions, were identical and objected to Ford Road serving as an arterial east-west link for the following reasons:

1. Consultation process undertaken

A number of submissions expressed concern that not all land owners and occupiers of land along Ford and Wanganui Roads were notified in mid-2017.

Council officers' response

All consultation is undertaken in accordance with the *Community Engagement Strategy 2009*.

Council notified in excess of 700 land owners and occupiers of land along Ford and Wanganui Roads inviting them to attend one-to-one workshops with Council officers and

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018 - Endorse and Release for Public Consultation (continued)

GTA Consultants Pty Ltd in April and June 2017. The purpose of consultation was to ensure that all issues associated with any future upgrade of Ford and Wanganui Roads were known, and to ensure that the scope of the investigation was thorough and robust.

In accordance with Council's *Community Engagement Strategy 2009*, it is proposed to release the Draft Report for public comment for eight weeks from 26 February 2018 and concluding on 23 April 2018. Affected land owners and occupiers of land along Ford and Wanganui Roads will be directly notified to inform them of the Draft Report and to provide them with the opportunity to attend one-to-one workshops with Council officers in March and April 2018.

Following consultation, Council officers and GTA Consultants Pty Ltd will review all feedback, comments and submissions during this public consultation phase and produce the final *Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report*. Council officers will provide a report to Council on the feedback received prior to adoption of a final Report.

2. Re-alignment Options

A number of submissions expressed concern that alternative alignments for the Ford Road component of the east-west link should be explored as part of this investigation.

Council officers' response

The *Greater Shepparton 2030 Strategy 2006* identified Ford Road as the preferred route to provide a direct connection between the Goulburn Valley Highway and the Shepparton Alternate Route in 2006. This is Council's adopted policy.

The role has also been assessed in a number of long-term strategic planning studies undertaken by Council, in association with VicRoads. The most recent of these studies is the *Greater Shepparton Freight and Land Use Strategy 2013*, which examined the need for an arterial east-west route in Shepparton North to aid in the realisation of a freight supply chain network around Shepparton and Mooroopna. These studies concluded that Ford Road is the best option to realise an arterial east-west route that will provide a direct connection between the Goulburn Valley Highway and the Shepparton Alternate Route.

For this reason, the Ford and Wanganui Roads Investigation Study does not examine any further alignments for an east-west route. Ford Road provides a direct connection between the Goulburn Valley Highway and the Shepparton Alternate Route. Any other alignments would add significant additional length and construction costs to provide such a connection.

3. B-double Status of Ford Road

A number of submissions expressed concern that Ford Road has been approved as a B-double route and the route did not meet the appropriate standards.

Council officers' response

Ford Road was gazetted as an approved B-double route on 26 June 2015. It is also approved for HML, PBS Level 1 and Level 2A, 2 Axle Cranes, 40t SPVs and 4/5 Axle Cranes.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018 - Endorse and Release for Public Consultation (continued)

The Performance Based Standards Scheme issued by the National Transport Commission prescribes that vehicles under this scheme must be able to turn within specified distances. There is, however, no requirement that the turning path be kept within the traffic lane. At many locations, it is unavoidable that B-double vehicles cross the road centreline to make a turn.

It can be demonstrated using turning templates that it is physically possible to make the turn, which is also evidenced by the vehicles physically using the route.

Officers from Council and VicRoads are aware of the safety concerns raised regarding the intersection of Ford and Grahamvale Roads, and are currently working to identify and implement changes to improve safety.

4. Safety, Noise, Traffic Congestion and Pollution

A number of submissions expressed concern that any upgrade of Ford Road would result in safety, noise, traffic congestion and pollution issues.

Council officers' response

The additional assessments undertaken as part of the Investigation Study have informed the design included in the Draft Report, which addresses each of these concerns.

One submission supported the realisation of an arterial east-west link along Ford Road given the critical need to connect Stage 1 of the Shepparton Bypass with the Shepparton Alternate Route.

GTA Consultants Pty Ltd has completed the Draft Report, taking into consideration the issues identified during the consultation phase, as well as the findings and recommendations included in the additional assessments (see Attachment 2 – *Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018*). The findings of the Draft Report can be summarised as follows, it:

- highlights issues associated with the upgrade of Ford and Wanganui Roads to serve as a key strategic east-west link between Stage 1 of the Shepparton Bypass and the Shepparton Alternate Route;
- provides a concept design to increase the road reserve cross section width from the existing 20 metre reserve to 33.6 metres for Wanganui Road, see Figure Six;
- provides two concept designs to increase the road reserve cross section width from the existing 20 metre reserve to 25.4 metres and 27.4 metres for Ford Road, see Figures Seven and Eight;
- the following key intersection upgrades along the study area:
 - Ford Road, Goulburn Valley Highway and Wanganui Road as a roundabout, see Figure Nine;
 - Ford and Verney Roads as a signalised intersection; and
 - Ford and Grahamvale Roads as a roundabout.
- includes a landscape master plan for the ultimate design of the entire route; and
- provides an opinion of probable costs for all works required to allow Ford and Wanganui Roads to act as an arterial east-west link. The total cost is estimated to be \$100.64 million.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018 - Endorse and Release for Public Consultation (continued)

There are significant regional benefits in realising the upgrade of the route:

- along with Stage 1, it will realise a freight supply chain network surrounding Mooroopna and Shepparton;
- remove freight movements from the Mooroopna and Shepparton CBDs, and have significant associated safety benefits; and
- improve freight efficiencies for operators to strengthen their sustainability and provide opportunities for future economic prosperity.

There are significant regional and local benefits in realising the upgrade of the route:

- realise a landscaped boulevard along the entire route;
- provide for the segregation of various modes of transport and thereby improving users' safety;
- provide sheltered left and right-hand turn lanes for safe turning movements;
- lead to improved drainage infrastructure along the entire route; and
- upgrade Ford Road to support its ongoing role and function as a key east-west connection.



Figure Six: Proposed Wanganui Road Cross Section.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018 - Endorse and Release for Public Consultation (continued)



Figure Seven: Proposed Ford Road Cross Section – 25.4 metres (mid-block between Grahamvale and Verney Roads).



Figure Eight: Proposed Ford Road Cross Section – 27.4 metres (mid-block between Goulburn Valley Highway and Verney Roads).

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018 - Endorse and Release for Public Consultation (continued)



Figure Nine: Concept Plan for the upgrading of the Ford Road, Goulburn Valley Highway and Wanganui Road intersection.

It is proposed to release the Draft Report for public comment. Affected land owners and occupiers of land along Ford and Wanganui Roads will be directly notified to inform them of the Draft Report and to provide them with the opportunity to attend one-to-one workshops with Council officers.

Following consultation, Council officers will review all feedback, comments and submissions received. The final *Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report* is expected to be further considered by Council in mid-2018.

Council Plan/Key Strategic Activity

Theme 3: Economic

Objective 3.1: The Greater Shepparton economy is prosperous, high value and a focus of choice for business, investment and employment.

Objective 3.5 Shepparton is the regional city centre supported by well-planned and designed existing and emerging commercial activity centres.

Theme 4: Built

Objective 4.1 Growth is well planned and managed for the future.

Objective 4.4 Quality infrastructure is provided and maintained to acceptable standards.

Objective 4.7 Reliable, safe, more frequent and connected local and broader transport system supporting the connection of people within, across and outside of Greater Shepparton.

Objective 4.8 Active transport (cycling, walking) is encouraged through safe, connected and improved linkages.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018 - Endorse and Release for Public Consultation (continued)

Objective 4.8 Freight and logistics infrastructure is developed to accommodate future growth.

Objective 4.9 Transport routes are efficient and local roads are protected from unnecessary freight, through opportunities involving the intermodal hub and Goulburn Valley Highway Shepparton Bypass.

Theme 5: Environment

Objective 5.1 Greening Greater Shepparton has created an attractive, vibrant and liveable place with well-connected green spaces that are valued by the community.

Risk Management

There are no adverse risks associated with releasing the Draft Report for public consultation.

The consultation associated with the Draft Report will be undertaken in accordance with Council's *Community Engagement Strategy 2009*.

Policy Considerations

The Draft Report supports existing Council policy including the:

- *Greater Shepparton 2030 Strategy 2006*; and
- *Freight and Land Use Strategy 2013*.

The consultation associated with the Draft Report will be undertaken in accordance with Council's *Community Engagement Strategy 2009*.

Financial Implications

In accordance with Council's procurement policy, GTA Consultants Pty Ltd was initially engaged by Council and VicRoads to undertake an investigation of Ford Road. The cost of this contract was \$80,325 (excluding GST), which was shared equally between Council and VicRoads.

VicRoads subsequently engaged GTA Consultants Pty Ltd to undertake a similar investigation for Wanganui Road at a similar cost. This investigation is wholly funded by VicRoads.

Both investigations are being undertaken simultaneously by GTA Consultants Pty Ltd and the results have been included in the Draft Report.

Planisphere Pty Ltd was subsequently engaged by Council to prepare a landscape plan for the intersection of Ford Road, Goulburn Valley Highway and Wanganui Road. This work was abandoned early in the investigation and replaced by a larger landscape study for the entire route.

Following the pre-draft consultation phase in mid-2017, it became clear that the scope of the landscape study must be extended along the entire route and two additional studies were also required to inform the investigations. Council and VicRoads undertook the following three additional assessments:

- McGregor Coxall Pty Ltd was engaged to prepare a landscape master plan for the entire route at a cost of \$42,053 (excluding GST). This proposal also provides for an opinion of probable costs for this Landscape Master Plan.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018 - Endorse and Release for Public Consultation (continued)

The Landscape Master Plan prioritises the integration of public spaces with private spaces, provides for water sensitive urban design and assists in achieving the vision outlined in the *Urban Forest Strategy 2017*.

The cost of this contract was shared equally between Council and VicRoads.

Water Technology Pty Ltd was engaged to prepare a model of flood behaviour to ensure that any works along Wanganui Road did not have a detrimental impact on surrounding properties given the heavily flood prone nature of the surrounding land. The total cost of this work was \$9,910 (excluding GST).

The cost of this contract was fully funded by VicRoads.

- Watson Moss Growcott Pty Ltd was engaged to prepare an adverse amenity assessment (acoustic) of Ford and Wanganui Roads to ensure that the amenity of surrounding residential properties would not be detrimentally impacted upon. The total cost of this work was \$10,900 (excluding GST).

The cost of this contract was shared equally between Council and VicRoads.

- Safe System Solutions Pty Ltd was engaged to undertake a safe systems assessment of all three intersections along the proposed upgraded route. The cost of this work was \$12,500 (excluding GST).

The cost of this contract was fully funded by VicRoads.

GTA Consultants Pty Ltd was awarded an additional \$16,000 (excluding GST) to provide input into the preparation of the landscape master plan and safe systems assessment. The cost of this contract was shared equally between Council and VicRoads.

The total cost of preparing the Draft Report and complementary investigations was \$171,688. Council's total contribution was \$74,639.

The recommendation to endorse and release the Draft Report for consultation does not have any financial or budgetary implications for Council. However, the future implementation of the Draft Report through the upgrading of Ford and Wanganui Roads to serve as a key strategic east-west link between Stage 1 of the Shepparton Bypass and the Shepparton Alternate Route may; however, this will be the subject of a future Council resolution.

Legal/Statutory Implications

All procedures associated with the preparation of the Draft Report comply with relevant legislative requirements. The Draft Report has been prepared in accordance with the Planning Scheme and Council's *Community Engagement Strategy 2009*.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018 - Endorse and Release for Public Consultation (continued)

Environmental/Sustainability Impacts

The recommendation to endorse and release the Draft Report for public comment will not result in any adverse environmental or sustainability impacts.

The future implementation of the Draft Report through the upgrading of Ford and Wanganui Roads to serve as a key strategic east-west link between Stage 1 of the Shepparton Bypass and the Shepparton Alternate Route will have positive environmental/sustainability impacts for the municipality. The upgrading works seek to ensure that this future key strategic east-west link includes is of a high environmental quality.

The Draft Report is cognisant of the *Draft Greater Shepparton Urban Forest Strategy 2017*, the *Greater Shepparton Street Tree Master Plan 2003*, and the *Landscape Plan Guide 2017 for Development Proposals in City of Greater Shepparton, the Shire of Campaspe and the Shire of Moira 2017* and is complementary to these important documents.

Social Implications

The recommendation to endorse and release the Draft Report for public comment will have positive social impacts.

The Draft Report will result in positive social outcomes for the municipality. It seeks to upgrade Ford and Wanganui Roads to serve as a key strategic east-west link between Stage 1 of the Shepparton Bypass and the Shepparton Alternate Route. The Draft Report outlines the quantum of infrastructure required to ensure the route can serve this function whilst ensuring that residential amenity is maintained. The Draft Report also includes a landscape master plan to assist in providing quality landscaping along this critical east-west link.

Economic Impacts

It is not expected that the recommendation to endorse and release the Draft Report for public comment will have any adverse economic impacts. The realisation of the upgrade of Ford and Wanganui Roads to serve as a key strategic east-west link between Stage 1 of the Shepparton Bypass and the Shepparton Alternate Route will lead to positive economic impacts. It will increase the efficiency of freight movements and aid in the realisation of a freight supply chain network around Shepparton and Mooroopna.

The financial impact to Council associated with implementing the final *Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report* was discussed in the financial implications section of this report.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018 - Endorse and Release for Public Consultation (continued)

Consultation

Council officers recommend that Council endorse the Draft Report and release it for public consultation.

The pre-draft consultation associated with the Draft Report was undertaken in accordance with Council's *Community Engagement Strategy 2009*. The consultation associated with the Draft Report will also be undertaken in accordance with Council's *Community Engagement Strategy 2009*.

It is proposed to release the Draft Report for public comment for eight weeks from 26 February 2018 and concluding on 23 April 2018. Affected land owners and occupiers of land along Ford and Wanganui Roads will be directly notified to inform them of the Draft Report and to provide them with the opportunity to attend one-to-one workshops with Council officers in March and April 2018.

Following consultation, Council officers and GTA Consultants Pty Ltd will review all feedback, comments and submissions during this public consultation phase and produce the final *Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report*. Council officers will provide a report to Council on the feedback received prior to adoption of a final Report.

Strategic Links

a) Greater Shepparton 2030 Strategy 2006

The Draft Report implements a number of objectives and strategies contained within the *Greater Shepparton 2030 Strategy 2006*. These include:

Topic: Infrastructure

Direction: The provision and restructure of urban and rural infrastructure to enhance the performance of the municipality and facilitate growth.

Objective 1 To promote linkages with other regional cities to cater for traffic movements which include various users.

Strategy 1.1 Encourage and promote the early development of the Shepparton Bypass in particular the northern river crossing as a first stage

Strategy 1.2 Promote integrated road network connections with the Shepparton Bypass to reduce intrusion of traffic to the central Shepparton and Mooroopna areas.

Objective 2 To improve the efficiency and safety of regional based freight handling and traffic

Strategy 2.1 Promote the development of the freight logistics centre to provide for the efficient handling and distribution of local produce via the main rail and arterial road network.

Strategy 2.2 Encourage the development of freight networks that reduce the intrusion of freight transport on the local traffic network

Objective 5 To develop Walking/Bicycle and Public Transport networks that provide transport and accessibility options to segments of the community who have not or prefer not to use a motor car.

Strategy 5.4 Provide road reservation widths to accommodate bicycle lanes on appropriate routes.

Objective 6 To ensure the safety and efficient functioning of the roads for a variety of users.

Strategy 6.1 Provide a hierarchy of roads to encourage the use of suitable roads and to reduce intrusion of through and freight traffic from entering local urban areas.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.2 Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018 - Endorse and Release for Public Consultation (continued)

Strategy 6.2 Provide for efficient and safe pedestrian and cycle movements within existing and new developments.

Strategy 6.5 Encourage the development of a ring road around the Shepparton-Mooroopna area to reduce traffic intrusion linking the Shepparton Alternate Route, the Midland Highway and the Goulburn Valley.

b) Other strategic links

Greater Shepparton Freight and Land Use Study 2013

Short Term Network Strategy Response 8: In conjunction with Shepparton Freeway Bypass (Stage 1) establish the North Shepparton Arterial – East-West Link by: Reclassification and reconstruction of Wanganui and Ford Road to the Shepparton Alternative Route to arterial road standard, with connections at Goulburn Valley Highway.

Conclusion

The *Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018* (Draft Report) was prepared by GTA Consultants Pty Ltd. This document undertook an investigation of the options and constraints into the future upgrade of Ford Road as part of the preparations for Stage 1 of the Goulburn Valley Highway Shepparton Bypass. One of the critical outputs of this investigation was the preparation of concept drawings of the final upgrade design and an opinion of probable cost for any such upgrade.

The findings of the Draft Report can be summarised as follows, it:

1. highlights issues associated with the upgrade of Ford and Wanganui Roads to serve as a key strategic east-west link between Stage 1 of the Shepparton Bypass and the Shepparton Alternate Route;
2. provides concept designs, including road reserve cross sections and intersection upgrades, to address the issues identified above and an opinion of probable costs for all works required to allow Ford and Wanganui Roads to act as an arterial east-west link;
3. includes a landscape master plan for the ultimate design of the route; and
4. includes total cost of the upgrade works to be \$100.64 million.

The upgrade of Ford and Wanganui Roads will have significant local and regional benefits.

Council officers intend to release the Draft Report formally for public comment. Any feedback received during this consultation phase will be considered prior to consideration of a final document. It is recommended that Council endorse the Draft Report and release it for public comment.

Attachments

- | | |
|--|----------|
| 1. Submissions Recorder ↓ | Page 510 |
| 2. Draft Wanganui Road and Ford Road, Shepparton: Feasibility Study Design Report 2018 ↓ | Page 512 |

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Statutory Planner

Proof reader(s): Team Leader Statutory Planning, Manager Building and Planning

Approved by: Director Sustainable Development

Executive Summary

The application seeks planning approval to use and develop land at 610 Ferguson Road, Tatura East for a 45MW renewable energy facility (solar farm). The application represents a \$40 million investment in the region.

The land is within the Farming Zone (FZ). The land is not within an area of cultural heritage significance, therefore the proposal does not trigger the need for a Cultural Heritage Management Plan.

Officers have advertised the application and 28 objections to the proposal have been lodged with Council. The objections largely relate to the following issues:

- Setback from property boundaries;
- Glare from solar panels;
- Light spill from the land;
- Creation of a micro climate as a result of the solar farm;
- Noise disturbance; and
- Loss of productive agricultural land.

The main assessment concern associated with the application is whether the loss of productive agricultural land in a food bowl of national significance for a solar farm is acceptable.

The Greater Shepparton Planning Scheme (the scheme) places a strong emphasis on the retention of agricultural land and the discouragement of non-agricultural uses in farming areas. This application proposes to remove about 90 hectares from agriculture for at least 25 years.

The Rural Regional Land Use Strategy (Rural Strategy) identifies that agriculture within the study region (Campaspe, Moira and Greater Shepparton) consists of about 500,000ha of which 317,000ha is irrigated with about 1.5 million megalitres of water used. Agriculture is without question the main economic driver of the region.

The FZ does not prohibit renewable energy facilities such as solar farms.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

The state planning policy seeks to promote and facilitate renewable energy facilities. Clause 19.01-1 (provision of renewable energy) objective is:

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

Clause 52.42 (renewable energy facility) of the scheme seeks to '*facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area*'.

In this instance officers are required to consider conflicting policies between agriculture and state policy support for renewable energy facilities and decide in the favour of the net community benefit and sustainable development for the benefit of present and future generations.

Officers note that it is a difficult task in determining this matter, both food and energy production is of fundamental importance to all Victorians.

Officers recommended that a notice of decision to grant a permit issue for the proposed solar farm for the following reasons:

- Officers acknowledge that this proposal will result in the loss of productive agricultural land. Officers also acknowledge that the land is identified as being strategic agricultural land and that agriculture is the driver of the region's economy. Despite this, a solar farm is not a prohibited use and the generation of electricity like food production is essential to the lives of Victorians. Officers note there are other non-agricultural uses in FZ such as mines, quarries and schools. Whilst reducing valuable agricultural land is not an ideal outcome, the proposed solar farm is an acceptable outcome, the loss of 100ha in a food bowl of 317,000ha does not warrant refusal of the application. The solar farm will produce power to assist in the meeting of future electricity demands;
- Generation of solar energy will assist in achieving the Victorian Governments renewable energy target being 25% of generation by 2020 and 40% generation by 2025;

Officers engaged Sustainable Energy Transformation to undertake an expert review of the grounds of objection. The conclusion of this expert review is:

The technical aspects raised in the objections have been reviewed. Some aspects have been found to be without a technical basis and others can be adequately addressed with appropriate requirements in management plans for the site development.

Based on this expert assessment officers are satisfied that there is no technical energy basis to refuse the application.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

Wangaratta

A state government advisory committee considered an expansion of the Countrywide Energy Solar Farm at Wangaratta North. Whilst the issues were different in the Wangaratta case, the advisory committee did support the solar farm application and made the following comments:

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.

Officers recommend that notice of decision to grant a permit be issued by Council.

RECOMMENDATION

In relation to Planning Application 2017-162, on the basis of the information before Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council resolves to issue a notice of decision to grant a planning permit subject to the following conditions:

Amended Plans Required

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions be provided. Such plan must be generally in accordance with the plan submitted with the application but modified to show:

- a) Setbacks as required by Goulburn Murray Water; and
- b) A setback of the solar farm arrays of not less than 50 metres to property boundaries; and
- c) Detailed planning drawings of the development including floor and elevation plans of all proposed buildings

Before the use of the solar farm commences all buildings and works as shown on the endorsed plans must be completed to the satisfaction of the responsible authority.

Layout Not Altered

The use and development of the land for a solar farm as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Section 173 Agreement

Prior to the use commencing, the owner must enter into an agreement with the Responsible Authority, pursuant to Section 173 of the *Planning and Environment Act 1987* (the Act). This agreement must be registered on the title to the land pursuant to Section 181 of the *Planning and Environment Act 1987*. The owner must pay the

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

reasonable costs of the preparation, execution and registration of the section 173 agreement.

The agreement must provide for:

- a) Within three months of the solar farm use ending a decommissioning and rehabilitation management plan prepared by a suitably qualified person must be submitted to the responsible authority for approval. The plan must include but is not limited to:
 1. identification of structures, including but not limited to all solar panels, substation, buildings and electrical infrastructure, including underground infrastructure to be removed and how they will be removed;
 2. details of how the land will be rehabilitated back to its pre-development condition, including irrigation layout and soil profile

Within 12 months of the endorsement of the decommissioning and rehabilitation management plan all the decommissioning and rehabilitation must be completed to satisfaction of the responsible authority.

- b) The photovoltaic arrays must be orientated so that the panels are perpendicular to the ground within 30 minutes of sunset until within 30 minutes of sunrise to facilitate night radiant cooling.
- c) The operator of the solar farm accepts and acknowledges that the use and development may be subject to disturbance from agricultural activities including but not limited to spray drift, dust emissions and heavy machinery use.

The said agreement is to be prepared by Council. Council will undertake to have the agreement prepared upon written notification from the applicant. All costs associated with the preparation and registration of the agreement shall be borne by the applicant including Council's administration fee. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

Civil Construction Requirements

Before any of the development starts, detailed plans with computations to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The information submitted must show the details listed in the council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual, including;

- a) details (and computations) of how the works on the land are to be drained including drains conveying stormwater to the legal point of discharge;
- b) details of how the drainage design allows for the continuation of existing overland flow paths across the land;
- c) documentation demonstrating approval from the relevant authority for the legal point of discharge;
- d) maximum discharge rate shall not be more than 1.2 l/sec/ha;
- e) details of the sealing of Turnbull Road frontage of the site to prevent dust generation during the construction phase;
- f) carparking areas, circulation lanes and access shall be designed and

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

constructed in accordance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking,' 'Australian Standard AS2890.1-2004 (Off Street Parking)' & 'AS2890.6 (Off Street Parking for People with Disabilities);'

- g) the site shall be properly illuminated with lighting designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land;
- h) details of the boundary fencing of the land

to the satisfaction of the responsible authority.

All parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

The access and parking areas must be constructed and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the responsible authority.

Parking spaces, access lanes and driveways must be kept available for these purposes at all times.

Before the operation of the solar farm commences all buildings and works as shown on the endorsed plans must be constructed in accordance with the endorsed plans to the satisfaction of the responsible authority.

Landscape Plan

Before the development starts a landscape plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided;

- a) a survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed;
- b) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- c) how the land under the solar arrays maintains ground cover at a reasonable level and the management of the ground cover in the fire season;
- d) details of permanent screening trees and shrubs with a minimum of six rows using a mixture of local trees and understorey species

All species selected must be to the satisfaction of the responsible authority.

Before the commencement of the use or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

Once the landscaping planting is carried out the landscaping must be maintained including the replacement of any dead or diseased plants to the satisfaction of the responsible authority.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

Construction Management Plan

Prior to commencement of works, a Construction Site Management Plan in accordance with Council's Infrastructure Design Manual must be prepared, approved and implemented to the satisfaction of the responsible authority. The plan must show:

- a) measures to control erosion and sediment and sediment laden water runoff, including the design details of structures;
- b) measures to retain dust, silt and debris onsite, both during and after the construction phase;
- c) locations of any construction wastes and the method of disposal, equipment, machinery and/or earth storage/stockpiling during construction;
- d) where access to the site for construction vehicle traffic will occur;
- e) tree protection zones;
- f) the location of trenching works, boring, and pits associated with the provision of services; and
- g) the location of any temporary buildings or yards.

During the construction phase all measures identified in the endorsed construction management plan must be implemented to the satisfaction of the responsible authority.

General Amenity

The use and development permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

Prior to the use commencing any security alarm installed on the premises must be 'silently wired' to a security firm or the Victoria Police.

Prior to the use commencing any lighting within the site must be designed, baffled and located in such positions so as to effectively illuminate all pertinent public areas, without spilling onto the road reserve or adjoining land, and must be connected to a time clock switch or other approved system to the satisfaction of the responsible authority.

Fire Plan

Before the development starts, plans to the satisfaction of the responsible authority and CFA must be submitted and approved by the responsible authority. When approved, the plans will be endorsed and then form a part of the permit. The plans mentioned above must include the following:

- a) Fire Management Plan;
- b) Bushfire Risk Assessment, incorporating water supply requirements;
- c) Fuel Reduction and Maintenance Plan;
- d) Emergency Management Plan; and
- e) Any other risk management information for the site.

Once endorsed the plans must be implemented to the satisfaction of the responsible authority.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

Goulburn Broken Catchment Management Authority Requirements

The finished floor levels of the proposed Operations & Maintenance, Guard and Inverter buildings must be constructed at least 300 millimetres above general ground surface level, or higher level deemed necessary by the responsible authority.

Goulburn Murray Water Requirements

- a) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- b) All solar panels must be setback five metres from Goulburn Murray Water's easement, freehold, or reserve boundary.
- c) The renewable energy facility must not impact the lease benefiting GMW on title (Titles Office Reference AF522022P).
- d) If applicable, all wastewater from the office must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the EPA Code of Practice – Onsite Wastewater Management, Publication 891.4, and to the satisfaction of council's Environmental Health Department.
- e) If applicable, the wastewater disposal area must be located in accordance with Table 5 of the EPA Code of Practice – Onsite Wastewater Management, Publication 891.4, July 2016, from any waterways, drainage lines, dams or bores.

Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- a) the development and use has not started within **two (2) years** of the date of this permit;
- b) the development is not completed within **four (4) years** of the date of this permit.

Moved by Cr Giovanetti

Seconded by Cr Adem

That the Council resolve to:

1. Note that by letter dated 13 February 2018 the Minister for Planning gave notice that the Minister:
 - a) has agreed to the Council's request under section 97C of the *Planning and Environment Act 1987* that the Minister for Planning decide the following solar farm planning permit applications: 2017-162; 2017-274; 2017-301; 2017-344;
 - b) intends to establish a combined panel to consider those planning permit applications.
2. Note that as a result the Council is no longer the decision maker for the planning permit applications that were referred to the Minister and the Council must not proceed further with the applications.
3. Through its representatives, appear and make submissions at the hearing(s) by a combined Panel appointed by the Minister for Planning for planning permit application

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10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

- 2017-162 and make available Council Planning Officer's reports.
4. Note the complexities of planning permit application 2017-162 and that there are community concerns in relation to that application.
 5. Write to the Panel and request that the hearing(s) be held in Shepparton
 6. Authorise the Chief Executive Officer (who may in turn delegate these authorisations to any of his or her delegates) to:
 - a) take whatever steps as they see fit so as to implement this resolution, including but not limited to engaging legal representatives and appointing expert witnesses;
 - b) comply with any directions of the Minister for Planning given to the Council as the referring responsible authority; and
 - c) instruct the Council's legal representatives regardless of Council's position to provide the following draft conditions to the Panel:

Amended Plans Required

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions be provided. Such plan must be generally in accordance with the plan submitted with the application but modified to show:

- a) Setbacks as required by Goulburn Murray Water; and
- b) A setback of the solar farm arrays of not less than 50 metres to property boundaries; and
- c) Detailed planning drawings of the development including floor and elevation plans of all proposed buildings

Before the use of the solar farm commences all buildings and works as shown on the endorsed plans must be completed to the satisfaction of the responsible authority.

Layout Not Altered

The use and development of the land for a solar farm as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Section 173 Agreement

Prior to the use commencing, the owner must enter into an agreement with the Responsible Authority, pursuant to Section 173 of the *Planning and Environment Act 1987* (the Act). This agreement must be registered on the title to the land pursuant to Section 181 of the *Planning and Environment Act 1987*. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

The agreement must provide for:

- a) Within three months of the solar farm use ending a decommissioning and rehabilitation management plan prepared by a suitably qualified person must be submitted to the responsible authority for approval. The plan must include but is not limited to:
 1. identification of structures, including but not limited to all solar panels, substation, buildings and electrical infrastructure, including underground infrastructure to be removed and how they will be removed;

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10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

2. details of how the land will be rehabilitated back to its pre-development condition, including irrigation layout and soil profile

Within 12 months of the endorsement of the decommissioning and rehabilitation management plan all the decommissioning and rehabilitation must be completed to satisfaction of the responsible authority.

- b) The photovoltaic arrays must be orientated so that the panels are perpendicular to the ground within 30 minutes of sunset until within 30 minutes of sunrise to facilitate night radiant cooling.
- c) The operator of the solar farm accepts and acknowledges that the use and development may be subject to disturbance from agricultural activities including but not limited to spray drift, dust emissions and heavy machinery use.

The said agreement is to be prepared by Council. Council will undertake to have the agreement prepared upon written notification from the applicant. All costs associated with the preparation and registration of the agreement shall be borne by the applicant including Council's administration fee. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

Civil Construction Requirements

Before any of the development starts, detailed plans with computations to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The information submitted must show the details listed in the council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual, including;

- a) details (and computations) of how the works on the land are to be drained including drains conveying stormwater to the legal point of discharge;
- b) details of how the drainage design allows for the continuation of existing overland flow paths across the land;
- c) documentation demonstrating approval from the relevant authority for the legal point of discharge;
- d) maximum discharge rate shall not be more than 1.2 l/sec/ha;
- e) details of the sealing of Turnbull Road frontage of the site to prevent dust generation during the construction phase;
- f) carparking areas, circulation lanes and access shall be designed and constructed in accordance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking,' 'Australian Standard AS2890.1-2004 (Off Street Parking)' & 'AS2890.6 (Off Street Parking for People with Disabilities);'
- g) the site shall be properly illuminated with lighting designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land;
- h) details of the boundary fencing of the land

to the satisfaction of the responsible authority.

All parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

The access and parking areas must be constructed and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the responsible authority.

Parking spaces, access lanes and driveways must be kept available for these purposes at all times.

Before the operation of the solar farm commences all buildings and works as shown on the endorsed plans must be constructed in accordance with the endorsed plans to the satisfaction of the responsible authority.

Landscape Plan

Before the development starts a landscape plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided;

1. a survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed;
2. a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
3. how the land under the solar arrays maintains ground cover at a reasonable level and the management of the ground cover in the fire season;
4. details of permanent screening trees and shrubs with a minimum of six rows using a mixture of local trees and understorey species

All species selected must be to the satisfaction of the responsible authority.

Before the commencement of the use or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

Once the landscaping planting is carried out the landscaping must be maintained including the replacement of any dead or diseased plants to the satisfaction of the responsible authority.

Construction Management Plan

Prior to commencement of works, a Construction Site Management Plan in accordance with Council's Infrastructure Design Manual must be prepared, approved and implemented to the satisfaction of the responsible authority. The plan must show:

- a) measures to control erosion and sediment and sediment laden water runoff, including the design details of structures;
- b) measures to retain dust, silt and debris onsite, both during and after the construction phase;
- c) locations of any construction wastes and the method of disposal, equipment, machinery and/or earth storage/stockpiling during construction;
- d) where access to the site for construction vehicle traffic will occur;
- e) tree protection zones;
- f) the location of trenching works, boring, and pits associated with the provision of

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

- services; and
g) the location of any temporary buildings or yards.

During the construction phase all measures identified in the endorsed construction management plan must be implemented to the satisfaction of the responsible authority.

General Amenity

The use and development permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

Prior to the use commencing any security alarm installed on the premises must be 'silently wired' to a security firm or the Victoria Police.

Prior to the use commencing any lighting within the site must be designed, baffled and located in such positions so as to effectively illuminate all pertinent public areas, without spilling onto the road reserve or adjoining land, and must be connected to a time clock switch or other approved system to the satisfaction of the responsible authority.

Fire Plan

Before the development starts, plans to the satisfaction of the responsible authority and CFA must be submitted and approved by the responsible authority. When approved, the plans will be endorsed and then form a part of the permit. The plans mentioned above must include the following:

- a) Fire Management Plan;
- b) Bushfire Risk Assessment, incorporating water supply requirements;
- c) Fuel Reduction and Maintenance Plan;
- d) Emergency Management Plan; and
- e) Any other risk management information for the site.

Once endorsed the plans must be implemented to the satisfaction of the responsible authority.

Goulburn Broken Catchment Management Authority Requirements

The finished floor levels of the proposed Operations & Maintenance, Guard and Inverter buildings must be constructed at least 300 millimetres above general ground surface level, or higher level deemed necessary by the responsible authority.

Goulburn Murray Water Requirements

- a) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- b) All solar panels must be setback five metres from Goulburn Murray Water's easement, freehold, or reserve boundary.
- c) The renewable energy facility must not impact the lease benefiting GMW on

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

- title (Titles Office Reference AF522022P).
- d) If applicable, all wastewater from the office must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the EPA Code of Practice – Onsite Wastewater Management, Publication 891.4, and to the satisfaction of council’s Environmental Health Department.
 - e) If applicable, the wastewater disposal area must be located in accordance with Table 5 of the EPA Code of Practice – Onsite Wastewater Management, Publication 891.4, July 2016, from any waterways, drainage lines, dams or bores.

Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- a) the development and use has not started within **two (2) years** of the date of this permit;
- b) the development is not completed within **four (4) years** of the date of this permit.

CARRIED.

Property Details

Land/Address	610 Ferguson Road, Tatura East. The land is 125ha in size and the majority of the land is under irrigation for fodder. Of the 125ha it is proposed to use 90.6ha as part of the solar farm.
Application Number	2017-162
Zones and Overlays	Farming Zone 1 Land Subject to Inundation Overlay
Why is a permit required	Use of land for a renewable energy facility under 35.07-1 Buildings and works in the FZ under 35.07-4 Buildings and works in the LSIO under 44.04-1.
Covenants	No
Area of cultural heritage sensitivity	No

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

Locality Plan



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

Proposal in Detail

The planning application form describes the proposal as '*construction of a solar farm up to 45MW (AC) and associated infrastructure using solar PV and trackers connecting to either Mooroopna substation or a local one to be constructed*'. The application was lodged on 5 June 2017.

The application consists of:

- Planning Report prepared by Clean Gen
- Planning drawings
- Visual images of the proposed solar farm
- EPBC Act protected matters report

The application explains the proposal as follows:

- the solar farm 'will use solar photovoltaic (PV) technology with trackers
- a total of 162,900 solar panels are proposed
- the solar farm will produce enough energy to power 20,308 homes

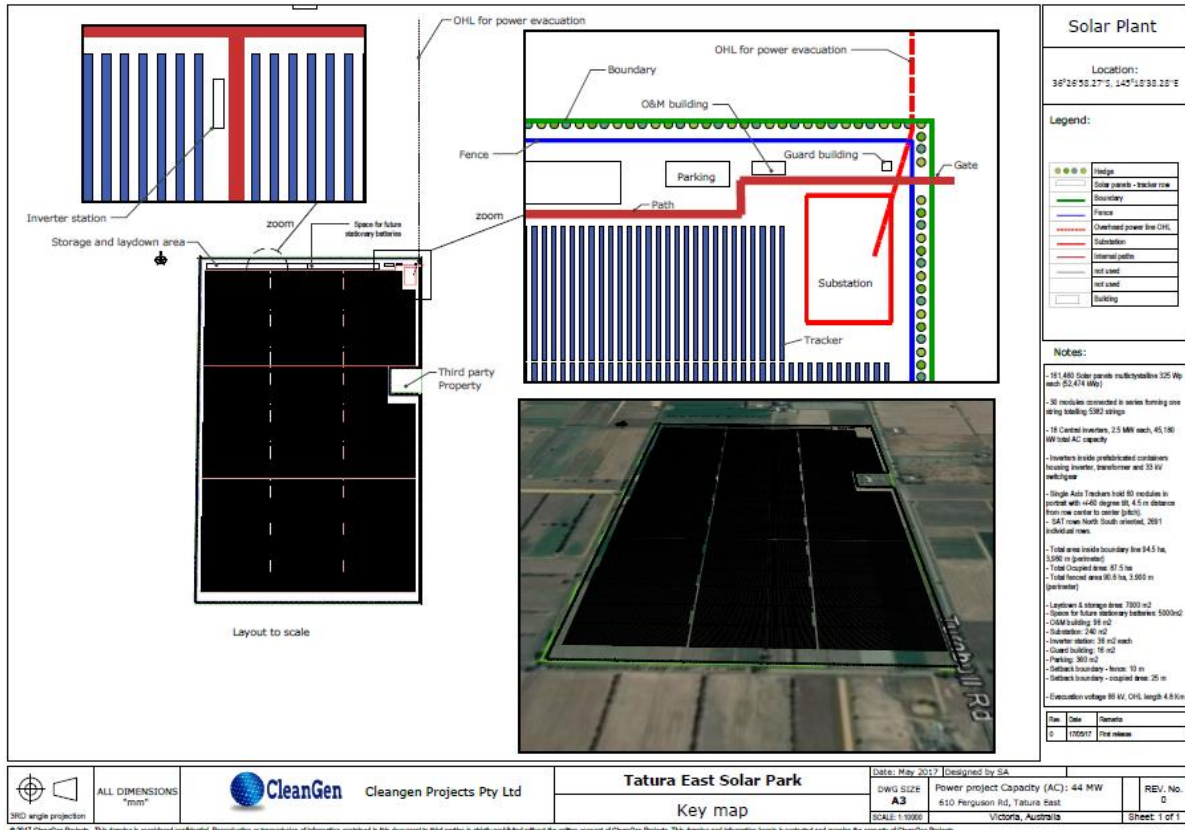
The proposed development includes:

- Solar photovoltaic (PV) with trackers
- Inverters and medium voltage step up transformers;
- Underground electrical conduits and cabling to connect the arrays to the inverters and transformers;
- Transformer station and switchgear;
- Overhead or underground lines to connect into existing electrical network;
- A supervisory control and data acquisition control system;
- A site office and maintenance building with car park;
- Security cameras;
- Internal access tracks;
- Laydown area;
- Perimeter security fencing; and
- Native vegetation screening.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

A plan of the proposed development is below.



Below are photos from the Parkes solar farm, to provide a visual example of a constructed solar farm.



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10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

Summary of Key Issues

The application has been advertised and 28 objections received. Grounds of objection relates to setback from property boundaries, glare from solar panels, light spill from land, creation of a micro climate as a result of the solar farm, noise disturbance and loss of agricultural land.

- Officers engaged Sustainable Energy Transformation an expert solar consultant to review technical matters raised in the grounds of objection. The expert review concluded the following:
The technical aspects raised in the objections have been reviewed. Some aspects have been found to be without a technical basis and others can be adequately addressed with appropriate requirements in management plans for the site development.
- The main assessment concern associated with the application and raised by objectors is the loss of productive agricultural land. Officers acknowledge the importance of agriculture to the region, despite this it is considered the loss of 90.6ha of agricultural land in a food bowl of 317,000ha is an acceptable outcome. Officers also note that the solar farm has a limited life of 25 to 30 years and that rehabilitation of the site can allow future farming of the land.
- Officers are concerned about the possibility that the solar farm could increase temperatures in the locality which could detrimentally impact on horticulture. Scientific research on this issue is not yet conclusive.
- Despite this given the importance of horticulture to the region officers require that night time cooling be provided for by turning the panels perpendicular to the ground.

Background

Economic Development officers met with the applicant prior to the application being lodged.

At the November 2017 Ordinary Council Meeting Council resolved the following:

That the Council direct the Chief Executive Officer to write to the Minister of Planning:

- *requesting under section 97C of the Planning and Environment Act 1987 that the Minister for Planning decide the solar farm planning applications referred to the Minister in the Greater Shepparton City Council local government area*
- *inviting the Minister for Planning to establish a process that provides a fair and proper opportunity for all affected stakeholders to be heard.*

Subsequently officers formally requested that the Minister for Planning call in the solar applications to a Panel Hearing. In addition to this written request a meeting was held between the Minister for Planning, the Mayor, Chief Executive Officer and Manager of Planning to discuss the referral of the solar applications.

Despite these efforts the Minister for Planning has decided not to accept Council's invitation to refer the solar applications to an independent planning panel. Consequently Council is required to decide on this application.

Assessment under the Planning and Environment Act

Planning permission is required to use and develop the land for a solar farm in the FZ and LSIO.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

The scheme has two themes which form the basis of this assessment being support for agriculture and renewable energy production.

Examples of this policy direction are below:

11.12-5 Hume Regional Growth Plan

This growth plan identifies the subject site as 'strategic agricultural land'.

A strategy for the Hume region is:

- *Support agricultural production through the protection and enhancement of infrastructure and strategic resources such as water and agricultural land, including areas of strategic agricultural land.*

The Hume strategy also includes:

- *Create renewable energy hubs that support co-location of industries to maximise resource use efficiency and minimise waste generation.*

14.01-1 Protection of agricultural land

- *To protect productive farmland which is of strategic significance in the local or regional context.*

19.01-1 Provision of renewable energy

Provision of renewable energy

Objective

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

Strategies

- *Facilitate renewable energy development in appropriate locations.*
- *Protect energy infrastructure against competing and incompatible uses.*
- *Develop appropriate infrastructure to meet community demand for energy services and setting aside suitable land for future energy infrastructure.*
- *In considering proposals for renewable energy, consideration should be given to the economic and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.*
- *In planning for wind energy facilities, recognise that economically viable wind energy facilities are dependent on locations with consistently strong winds over the year.*

21.06-1 Agriculture

Irrigated primary production and the processing of that product underpin the municipality and the Region's economy. The level of production is nationally important and the region is responsible for significant parts of the nation's milk production, deciduous canned fruit production, stone fruit crop and tomato processing production.

The land is within a consolidation area.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

Consolidation areas being areas that support existing farm businesses to operate and expand. Consolidation areas typically include land with good soils and include many of the former closer settlement areas, but their lot sizes are no longer reflective of current farm sizes. Consolidation areas are considered to provide opportunities for development of growing agricultural enterprises that can, over time, expand and consolidate through a process of property restructure. In this regard 'consolidation' includes the consolidation of land or the consolidation of farming enterprises through acquisition of non-contiguous land to increase farm size.

The development of additional dwellings threatens expanding agricultural enterprises and accordingly, new dwellings within these areas are discouraged. The use of re-subdivision and excisions within consolidation areas will be considered in recognition that the excision of a dwelling from a farm can provide businesses an opportunity to consolidate property holdings based on the value of land for agriculture. The minimum subdivision size in these areas has been set at 40ha and a dwelling needs a planning permit on all land less than 60ha in area.

Rural Regional Land Use Strategy

The key objective of this rural strategy is to secure and promote the future of agriculture across the region through the respective Council planning schemes. This strategy will ensure that the planning schemes of the three municipalities are responsive to rural issues, and in particular support agricultural growth and change.

Irrigated primary production and the processing of that product underpin the Region's economy. The level of production is nationally important; for instance the region is responsible for

- *25% of the nation's milk production*
- *90% of the national deciduous canned fruit production*
- *45% of Australia's stone fruit crop*
- *90% of the national tomato processing production.*

Clause 10.04 Integrated decision making

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Officers Assessment

In principle, a proposal for the generation of renewable energy that reduces fossil fuel dependency is worthwhile. The assessment difficulty with this application is considering if agricultural land of strategic importance should be made unproductive for at least 25 years for a solar farm.

The subject site is irrigated land that is adjacent to an orchard.

A renewable energy facility is a section 2 use in the FZ subject to the following condition which the application complies with:

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

Must meet the requirements of clause 52.42

Officers acknowledge that the scheme provides strategic direction to protect strategic agricultural land from non-agricultural uses.

Throughout the FZ there are non-agricultural uses such as quarries, mines, dwellings and jails. Whilst these uses do not contribute to primary production they are allowable uses in the FZ. Likewise the scheme provides discretion to allow renewable energy facilities like solar farms in the FZ.

Clause 21.06-4 provides the following policy guidelines which provide an assessment guide for this application.

It is policy to:

Discourage industrial use and development (other than rural industry) in rural areas, except where:

Decision Guideline	Officers Response
It is unable to be accommodated in existing industrial zoned areas;	The substantial land size required for solar farms means that insufficient land is available in zones other than the FZ.
It does not compromise the surrounding existing and future agricultural practices;	Council's expert review by Sustainable Energy Transformation has considered impacts on surrounding agricultural land in relation to heat islands and decline of insects. To protect existing and future fruit trees a permit condition will require mitigation of the heat island effect by turning the PV arrays at night to a vertical position to allow night radiant cooling.
It adds value to the agricultural base of the municipality	The proposed solar farm removes land from production for at least 25 years; as a result the solar farm does not add value to the agricultural base.
It is a rural-based enterprise	A solar farm is a rural based enterprise as the only practical location that large scale solar farms can be located is within a non-urban area.
It provides for the reuse of existing large scale packing sheds and cool stores.	The proposal does not reuse a vacant cool store type building.

The FZ contains various decision guidelines. Officers consider compliance with these decision guidelines is achieved as:

- The solar farm subject to appropriate conditions such as landscape screening and measures to mitigate potential heat islanding is compatible with adjoining and nearby land uses;
- The proposal is located to connect to existing electricity transmission infrastructure;

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

- Unlike occupants of a dwelling, the solar farm does not limit intensive agricultural uses that could impact on the amenity of the locality such as spray drift, scare guns and heavy vehicle movements; and
- Conditions will require the sealing of Turnbull Road to mitigate dust complaints during the construction phase.

52.42-3 (renewable energy facility) includes the following decision guidelines:

Decision Guideline	Officers Response
The effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference	Council's expert technical advisor has advised that the proposed solar farm will not result in unacceptable amenity impacts to neighbouring properties.
The impact of the proposal on significant views, including visual corridors and sightlines.	The Tatura East locality is a flat irrigated landscape that is largely cleared of significant remnant vegetation. The solar panels are about three metres above natural surface level which ensures the panels will not be dominant in the landscape.
The impact of the proposal on the natural environment and natural systems.	The land has no significant environmental or natural systems given that the land has been cleared to accommodate irrigated agriculture.
Whether the proposal will require traffic management measures.	Turnbull Road is an unsealed road for most of the sites frontage, given that during the construction phase substantial vehicle movements will be generated, a permit condition will require sealing of Turnbull Road to the site frontage to avoid the dust creation.

Based on this assessment officers are satisfied that the proposal complies with the decision guidelines under 52.42-3.

2017-2021 Council Plan/Key Strategic Activity

Council Vision

Greater Shepparton, Greater Future.

A thriving economy in the foodbowl of Victoria with excellent lifestyles, innovative agriculture, a diverse community and abundant opportunities.

Environment

An objective under this section of the report is:

Alternative energy sources with both environmental and economic gains are promoted and encouraged.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Incorrect notification	5	1	Low	The application has been properly advertised which allowed objections to be lodged with the Council. These objectors will be informed of Council's decision on the application.

Policy Considerations

The application has been considered against the policies contained within the Greater Shepparton Planning Scheme and found to achieve acceptable planning outcomes.

Financial Implications

This planning application has no significant financial implications on Council.

Legal/Statutory Implications

Should either the applicant or objector be dis-satisfied with Council's decision an application for review can be lodged at VCAT.

Cultural Heritage

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The land is not within an area of cultural heritage sensitivity therefore the application does not trigger the need for a cultural heritage management plan.

Environmental/Sustainability Impacts

The use has no detrimental impact on the environment subject to the inclusion of appropriate drainage conditions should it be decided to grant a permit.

Social Implications

Section 60(1)(f) of the Act states the following:

Before deciding on an application, the responsible authority, if the circumstances appear to so require, must consider—

- *Any significant social effects and the economic effects which the responsible authority considers the use or development may have.*

This application does not raise social issues that warrant the refusal of the application.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

Economic Impacts

Approval of the use and development will see new investment within the municipality and associated job creation, and provide renewable energy for the municipality to negate rising energy costs.

Referrals/Public Notice

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Response
GBCMA	44.04-5	Recommending	The GBCMA consented to the application subject to one condition which requires buildings to be constructed 300mm above general ground surface level.

External Notice to Authorities:

Section 52 - Notice Authority	Response
AusNet Services	AusNet consented to the application without requiring any conditions.
GMW	GMW consents to the application subject to their standard siting and drainage conditions.

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land
- Placing a sign on site
- Notice in the Tatura Guardian on 13 June 2017

Council received 28 objections to the application.

All objectors were issued with an acknowledgment letter.

The key issues that were raised in the objections are as follows:

Ground of Objection	Response to Objection
Setback from property boundaries	<p>In Australia, there are no standard setback distances for solar farms from adjoining property boundaries. They are determined according to local planning guideline requirements, and any restrictions, if required, are typically established as part of assessments for the project's environmental management plan.</p> <p>Internationally, there is no consistent standard. A similar approach to Australia is used in the United Kingdom. In America, codified distances from residential dwellings range from 6 to 30.5 metres. In Ireland, a number of cases have</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE
10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

Ground of Objection	Response to Objection
	<p>upheld 22 metres as a setback distance from adjacent residential boundaries.</p> <p>It appears that these codified setbacks are related to a subjective offsite amenity appraisal as opposed to any technical concern regarding PV technology.</p> <p>The proposed setback of 50 metres from the site boundary including a screen of native vegetation is deemed sufficient to mitigate any likely effects on the neighbouring residential properties. This increased setback will also reduce any potential heating of nearby land as a result of the solar farm.</p>
Glare from solar panels	<p>In general, modern PV panels are designed to absorb as much sunlight as possible to convert it into electricity. The panels are single axis tracking aligned North/South. Consequently, they rotate from facing toward the East in the morning across the sky to facing West at sunset. Under the proposal, the maximum tilt of the panels is 60°. This would not allow reflection onto neighbouring properties under normal operating conditions, as when the sun is at the lowest point any light reflected would be upwards.</p> <p>If there were to be any glare, surrounding and screening vegetation would disrupt any light rays parallel to the ground from the collector or supporting infrastructure. The materials and colour of onsite infrastructure (other than the solar panels) will be non-reflective and in keeping with the materials and colouring of the landscape. This infrastructure will be similar to common infrastructure on farm properties, such as sheds.</p>
Lightspill from the land	<p>The application indicates night time lighting will be installed around the operation and maintenance facilities, carpark and substation. The lighting used will be low-level and directional to minimise potential for light spill. Possible management strategies would ensure that any otherwise obtrusive light would be shaded by the vegetation around the boundary.</p> <p>In addition to mitigation measures, if the substation and support facilities are well shielded and not visible from potential sensitive receivers, visual impacts would be low.</p>
Creation of a micro climate as a result of the solar farm	<p>Council's expert advisor Sustainable Energy Transformation examined two published studies which considered the likelihood of a heat island effect and the possibility of increased temperatures in the surrounding farmland.</p> <p>It is not possible to definitively rule out the possibility of a heat island effect. Impacts on fruit set depend largely on the extent to which any heat island effect would spill over to surrounding properties. At present this is unanswerable with the information</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

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Ground of Objection	Response to Objection
	<p>available.</p> <p>Assessing heat island impacts on pest insect populations is challenging. Once again the extent to the heat island effect spill into surrounding regions may be critical because the physical environment of a solar farm itself is unlikely to be conducive to harbouring insect populations due to its limited vegetation.</p> <p>Further, while it is the case that temperature is an important factor influencing insect behaviour, distribution, development, survival, and reproduction, the drivers on insect populations dynamics are complex and other factors are relevant.</p> <p>Rainfall is also often an important variable, as is population size. As the population increases so does its vulnerability to disease and predation and the impact of competition within the population and with other species.</p> <p>In the event that a heat island effect did occur, two potential mitigation options are apparent: The first relates to reducing the heat island effect. Barron-Gafford et al. noted that the warming may be due to heat trapping of re-radiated heat from the ground under the stationary PV arrays at night. If this is the case, a simple mitigation option would be to turn the PV arrays (which will be on a tracker) toward the vertical position thereby opening up the 'view' to the sky to facilitate night radiant cooling.</p> <p>The second relates to biological control of insect populations. In an agricultural setting planting of trees and or shrubs for visual screening purposes will create the opportunity to both boost local biodiversity and increase the populations of insectivorous birds and other species which could assist in reducing insect pest numbers on nearby surrounding properties.</p>
Noise disturbance	<p>Based on similar proposals, the noise levels from typical solar farm operations are expected to be minimal and compliant with noise standards.</p> <p>Tracking solar PV moves at an unobtrusive and slow rate, producing minimal noise. Solar PV farms are generally very silent during the operational phase. The only noise emitted from an operational solar farm would be from the substation and inverters, which can be inaudible if appropriate buffer distances to sensitive receivers or equipment housing are used. There is no noise from inverters at night due to daytime operation of solar panels.</p> <p>Noise impacts would largely be restricted to the construction</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

Ground of Objection	Response to Objection
	<p>phase and these could be managed through mitigation measures. During plant operations, other minor sources of noise would be from a small number of vehicles accessing the site per day, aeolian and/or corona noise from transmission lines and any intermittent noise from maintenance activities.</p> <p>Overall, at operational stage, solar farms generate low levels of noise. Any infrastructure with the potential to generate noise could be setback from any sensitive areas in the surrounding area or placed within an enclosed building to minimise noise impacts.</p>
Loss of productive agricultural land	<p>Officers acknowledge that this proposal will result in the loss of productive agricultural land. Officers also acknowledge that the land is identified as being strategic agricultural land and that agriculture is the driver of the regions economy. Despite this, a solar farm is not a prohibited use and the generation of electricity like food production is essential to the lives of Victorians. Officers note there are other non-agricultural uses in FZ such as mines, quarries and schools. Whilst reducing valuable agricultural land is not an ideal outcome, the proposed solar farm is an acceptable outcome, the loss of 100ha in a food bowl of 317,000ha does not warrant refusal of the application.</p>

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy (GS2030)

Environment

At 6.4 of GS2030 the below two strategic objectives are identified:

- *To manage irrigated and non irrigated land for long-term sustainable production purposes.*
- *To reduce greenhouse gas emissions by local actions, in the interests of current and future generations*

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.3 Use and Development of Land for a Solar Farm at 610 Ferguson Road, Tatura East (continued)

Conclusion

Officers in this report are in no way underplaying the significance of agriculture to the region; the Goulburn Valley is a food bowl of national importance. So much so that Governments have invested more than two billion dollars to modernise the irrigation network.

Despite this, it is recommended that permission be granted to use and develop the land for a solar farm on the basis that the development will assist in providing clean power generation.

Attachments

Nil

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Statutory Planner

Proof reader(s): Manager Building and Planning

Approved by: Director Sustainable Development

Executive Summary

The application seeks planning approval to use and develop land at 235 Victoria Road, Tallygaroopna for a 30MW renewable energy facility (solar farm). The proposed development includes the removal of three scattered paddock trees and business identification signage. The application represents a development of \$34 million in the municipality.

The land is within the Farming Zone (FZ). The land is not within an area of cultural heritage significance, therefore the proposal does not trigger the need for a Cultural Heritage Management Plan.

Officers have advertised the application and five objections to the proposal have been lodged with Council. The objections largely relate to the following issues:

- Incomplete / insufficient application information;
- Proximity of the land to the township of Tallygaroopna;
- Creation of an eyesore in a rural environment;
- Creation of a micro climate as a result of the solar farm (the heat island effect); and
- Loss of productive agricultural land.

The key issue for consideration is whether the loss of productive agricultural land in a food bowl of national significance for a solar farm is acceptable.

The Greater Shepparton Planning Scheme (the scheme) places a strong emphasis on the retention of agricultural land and the discouragement of non-agricultural uses in farming areas. This application proposes to remove about 96 hectares from agriculture for at least 25 years.

The Rural Regional Land Use Strategy (Rural Strategy) identifies that agriculture within the study region (Campaspe, Moira and Greater Shepparton) consists of about 500,000ha of which 317,000ha is irrigated with about 1.5 million megalitres of water used. Agriculture is without question the main economic driver of the region.

The FZ does not prohibit renewable energy facilities such as solar farms.

The state planning policy seeks to promote and facilitate renewable energy facilities. Clause 19.01-1 (provision of renewable energy) objective is:

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

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

Clause 52.42 (renewable energy facility) of the scheme seeks to *'facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area'*.

In this instance officers are required to consider conflicting policies between agriculture and state policy support for renewable energy facilities and decide in the favour of the net community benefit and sustainable development for the benefit of present and future generations.

Officers note that it is a difficult task in determining this matter, both food and energy production is of fundamental importance to all Victorians.

Officers recommended that a notice of decision to grant a permit issue for the proposed solar farm for the following reasons:

- Officers acknowledge that this proposal will result in the loss of productive agricultural land. Officers also acknowledge that the land is identified as being strategic agricultural land and that agriculture is the driver of the region's economy. Despite this, a solar farm is not a prohibited use and the generation of electricity like food production is essential to the lives of Victorians. Officers note there are other non-agricultural uses in FZ such as mines, quarries and schools. Whilst reducing valuable agricultural land is not an ideal outcome, the proposed solar farm is an acceptable outcome, the loss of 96ha in a food bowl of 317,000ha does not warrant refusal of the application. The solar farm will produce power to assist in the meeting of future electricity demands;
- Generation of solar energy will assist in achieving the Victorian Governments renewable energy target being 25% of generation by 2020 and 40% generation by 2025;

Officers engaged Sustainable Energy Transformation to undertake an expert review of the grounds of objection. The conclusion of this expert review is:

The technical aspects raised in the objections have been reviewed. Some aspects have been found to be without a technical basis and others can be adequately addressed with appropriate requirements in management plans for the site development.

Based on this expert assessment officers are satisfied that there is no technical energy basis to refuse the application.

Wangaratta

A state government advisory committee considered an expansion of the Countrywide Energy Solar Farm at Wangaratta North. Whilst the issues were different in the Wangaratta case, the advisory committee did support the solar farm application and made the following comments:

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

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

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.

Officers having undertaken an assessment of the application recommend that notice of decision to grant a permit be issued by Council.

RECOMMENDATION

In relation to Planning Application 2017-274, on the basis of the information before Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council resolves to issue a notice of decision to grant a planning permit subject to the following conditions:

Amended Plans Required

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies (or as specified) must be provided. Such plan must be generally in accordance with the plan submitted with the application but modified to show:

- a) A setback of the solar farm of not less than 50 metres to property boundaries
- b) Detailed planning drawings of the development including floor and elevation plans of all proposed buildings
- c) Location and details of the business identification signage

Before the use of the solar farm commences all buildings and works as shown on the endorsed plans must be completed to the satisfaction of the responsible authority.

Layout Not Altered

The use and development of the land for a solar farm as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

The business identification signage to be erected must be in accordance with the endorsed plan and must not be altered or modified without the prior written approval of the responsible authority.

Section 173 Agreement

Prior to the use commencing, the owner must enter into an agreement with the Responsible Authority, pursuant to Section 173 of the *Planning and Environment Act 1987* (the Act). This agreement must be registered on the title to the land pursuant to Section 181 of the *Planning and Environment Act 1987*. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement. The agreement must provide for:

- a) Within three months of the solar farm use ending a decommissioning and rehabilitation management plan prepared by a suitably qualified person must be submitted to the responsible authority for approval. The plan must include but is not limited to:

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

1. identification of structures, including but not limited to all solar panels, substation, buildings and electrical infrastructure, including underground infrastructure to be removed and how they will be removed;
2. details of how the land will be rehabilitated back to its pre-development condition, including irrigation layout and soil profile

Within 12 months of the endorsement of the decommissioning and rehabilitation management plan all the decommissioning and rehabilitation must be completed to satisfaction of the responsible authority.

- b) The photovoltaic arrays (solar panels) must be orientated so that the panels are perpendicular to the ground within 30 minutes of sunset until within 30 minutes of sunrise to facilitate night radiant cooling.
- c) The operator of the solar farm accepts and acknowledges that the solar farm operations may be subject to disturbance from agricultural activities including but not limited to spray drift, dust emissions and heavy machinery use.

The said agreement is to be prepared by Council. Council will undertake to have the agreement prepared upon written notification from the applicant. All costs associated with the preparation and registration of the agreement shall be borne by the applicant including Council's administration fee. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

Civil Construction Requirements

Before any of the development starts, detailed plans with computations to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The information submitted must show the details listed in the council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual.

- a) details (and computations) of how the works on the land are to be drained including drains conveying stormwater to the legal point of discharge;
- b) details of how the drainage design allows for the continuation of existing overland flow paths across the land;
- c) documentation demonstrating approval from the relevant authority for the legal point of discharge;
- d) maximum discharge rate shall not be more than 1.2 l/sec/ha;
- e) carparking areas, circulation lanes and access shall be designed and constructed in accordance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking,' 'Australian Standard AS2890.1-2004 (Off Street Parking)' & 'AS2890.6 (Off Street Parking for People with Disabilities);'
- f) the site shall be properly illuminated with lighting designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land;
- g) details of the perimeter fencing of the land

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

to the satisfaction of the responsible authority.

All parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

The access and parking areas must be constructed and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the responsible authority.

Parking spaces, access lanes and driveways must be kept available for these purposes at all times.

Before the operation of the solar farm commences all buildings and works as shown on the endorsed plans must be constructed in accordance with the endorsed plans to the satisfaction of the responsible authority.

Landscape Plan

Before the development starts a landscape plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided;

- a) a survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed;
- b) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- c) how the land under the solar arrays maintains good ground cover at a reasonable level and the management of the ground cover in the fire season
- d) details of permanent screening trees and shrubs with a minimum of six rows using a mixture of local trees and understorey species

All species selected must be to the satisfaction of the responsible authority.

Before the commencement of the use or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

Once the landscaping planting is carried out the landscaping must be maintained including the replacement of any dead or diseased plants to the satisfaction of the responsible authority.

Construction Management Plan

Prior to commencement of works, a Construction Site Management Plan in accordance with Council's Infrastructure Design Manual must be prepared, approved and implemented to the satisfaction of the responsible authority. The plan must show:

- a) measures to control erosion and sediment and sediment laden water runoff, including the design details of structures;
- b) measures to retain dust, silt and debris onsite, both during and after the construction phase;
- c) locations of any construction wastes and the method of disposal, equipment,

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

- d) machinery and/or earth storage/stockpiling during construction;
- d) where access to the site for construction vehicle traffic will occur;
- e) tree protection zones;
- f) the location of trenching works, boring, and pits associated with the provision of services; and
- g) the location of any temporary buildings or yards.

General Amenity

The use and development permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

Prior to the use commencing any security alarm installed on the premises must be 'silently wired' to a security firm or the Victoria Police.

Prior to the use commencing any lighting within the site must be designed, baffled and located in such positions so as to effectively illuminate all pertinent public areas, without spilling onto the road reserve or adjoining land, and must be connected to a time clock switch or other approved system to the satisfaction of the responsible authority.

Native Vegetation Offsets

Native vegetation offsets are required to offset the removal of three native scattered trees approved as part of this permit. The applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual (Department of Environment and Primary Industries)*:

The offset must:

- a) contribute gain of at least 0.018 biodiversity equivalence units
- b) be located within the Goulburn Broken Catchment Management Authority boundary or Greater Shepparton City Council Municipal district
- c) have a strategic biodiversity score of at least 0.278

Native Vegetation Offset Evidence

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of and approved by the Responsible Authority. This 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 (Department of Environment and Primary Industries)*.

Offset evidence can be either:

- a) An allocated native vegetation credit register extract from the Native Vegetation Credit Register; or
- b) A security agreement to the required standard for the offset site or sites, including a 10-year Offset Management Plan to the satisfaction and approval of the Responsible Authority.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

Every year, for ten years from the date of approval of the Offset Management Plan, the applicant must provide to the Responsible Authority, notification of actions undertaken towards implementation of the Offset Management Plan, an offset site condition statement and site monitoring photographs.

The Offset Management Plan must be in accordance with Permitted clearing of native vegetation; First party general offset kit (Department of Environment and Primary Industries) and include:

- i. The gain in biodiversity equivalence units and strategic biodiversity score to be achieved by the offset actions
- ii. Location of where offsets are to be provided and size of area (to be drawn to scale)
- iii. Type of offsets to be provided
- iv. If applicable, revegetation details including the method(s), number of trees, shrubs and other plants, species, mix and density
- v. Activities that will be forgone within the offset area, such as grazing, removal of fallen timber and standing trees and other development/uses
- vi. Management actions that will be undertaken to ensure long term sustainability of offset(s) such as permanent fencing, weed control, revegetation maintenance, retention of timber/branches and other habitat management actions
- vii. Method of permanent protection for offset(s) such as a formal agreement
- viii. Person(s) responsible for implementing and monitoring the Offset Management Plan
- ix. Time frame for implementing the Offset Management Plan

No alteration to Offset requirements

The requirements noted in an approved and endorsed Offset Plan must not be altered without the written consent of the responsible authority.

Goulburn Murray Water Requirements

- a) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- b) All solar panels must be setback at least ten metres from Goulburn Murray Water's East Goulburn 4/18 Channel.
- c) If applicable, all wastewater from the office must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the EPA Code of Practice – Onsite Wastewater Management, Publication 891.4, and to the satisfaction of Council's Environmental Health Department.
- d) If applicable, the wastewater disposal area must be located in accordance with Table 5 of the EPA Code of Practice – Onsite Wastewater Management, Publication 891.4, July 2016, from any waterways (including Goulburn Murray Water open channels), drainage lines, dams or bores.

Powercor Requirements

The applicant shall:

- a) Negotiate with Powercor for the connection of the development, to the existing power distribution network.
- b) Any buildings must comply with the clearances required by the Electricity Safety

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

- (Installations) Regulations.
- c) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
 - d) Set aside for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required.
 - e) Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.
 - f) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
 - g) Obtain for the use of Powercor Australia Ltd any other easement external to the development.

Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- a) the development and use has not started within **two (2) years** of the date of this permit;
- b) the development is not completed within **four (4) years** of the date of this permit.

Moved by Cr Summer Seconded by Cr Patterson

That the Council resolve to:

1. Note that by letter dated 13 February 2018 the Minister for Planning gave notice that the Minister:
 - a) has agreed to the Council's request under section 97C of the *Planning and Environment Act 1987* that the Minister for Planning decide the following solar farm planning permit applications: 2017-162; 2017-274; 2017-301; 2017-344;
 - b) intends to establish a combined Panel to consider those planning permit applications.
2. Note that as a result the Council is no longer the decision maker for the planning permit applications that were referred to the Minister and the Council must not proceed further with the applications.
3. Through its representatives, appear and make submissions at the hearing(s) by a combined Panel appointed by the Minister for Planning for planning permit application 2017-274 and make available Council Planning Officer's reports.
4. Note the complexities of planning permit application 2017-274 and that there are community concerns in relation to that application.
5. Write to the Panel and request that the hearing(s) be held in Shepparton

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

6. Authorise the Chief Executive Officer (who may in turn delegate these authorisations to any of his or her delegates) to:
- a) take whatever steps as they see fit so as to implement this resolution, including but not limited to engaging legal representatives and appointing expert witnesses;
 - b) comply with any directions of the Minister for Planning given to the Council as the referring responsible authority; and
 - c) instruct the Council's legal representatives regardless of Council's position to provide the following draft conditions to the Panel:

Amended Plans Required

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies (or as specified) must be provided. Such plan must be generally in accordance with the plan submitted with the application but modified to show:

- a) A setback of the solar farm of not less than 50 metres to property boundaries
- b) Detailed planning drawings of the development including floor and elevation plans of all proposed buildings
- c) Location and details of the business identification signage

Before the use of the solar farm commences all buildings and works as shown on the endorsed plans must be completed to the satisfaction of the responsible authority.

Layout Not Altered

The use and development of the land for a solar farm as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

The business identification signage to be erected must be in accordance with the endorsed plan and must not be altered or modified without the prior written approval of the responsible authority.

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- a) Within three months of the solar farm use ending a decommissioning and rehabilitation management plan prepared by a suitably qualified person must be submitted to the responsible authority for approval. The plan must include but is not limited to:
 1. identification of structures, including but not limited to all solar panels, substation, buildings and electrical infrastructure, including underground infrastructure to be removed and how they will be removed;
 2. details of how the land will be rehabilitated back to its pre-development condition, including irrigation layout and soil profile

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

Within 12 months of the endorsement of the decommissioning and rehabilitation management plan all the decommissioning and rehabilitation must be completed to satisfaction of the responsible authority.

- b) The photovoltaic arrays (solar panels) must be orientated so that the panels are perpendicular to the ground within 30 minutes of sunset until within 30 minutes of sunrise to facilitate night radiant cooling.
- c) The operator of the solar farm accepts and acknowledges that the solar farm operations may be subject to disturbance from agricultural activities including but not limited to spray drift, dust emissions and heavy machinery use.

The said agreement is to be prepared by Council. Council will undertake to have the agreement prepared upon written notification from the applicant. All costs associated with the preparation and registration of the agreement shall be borne by the applicant including Council's administration fee. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

Civil Construction Requirements

Before any of the development starts, detailed plans with computations to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The information submitted must show the details listed in the council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual.

- a) details (and computations) of how the works on the land are to be drained including drains conveying stormwater to the legal point of discharge;
- b) details of how the drainage design allows for the continuation of existing overland flow paths across the land;
- c) documentation demonstrating approval from the relevant authority for the legal point of discharge;
- d) maximum discharge rate shall not be more than 1.2 l/sec/ha;
- e) carparking areas, circulation lanes and access shall be designed and constructed in accordance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking,' 'Australian Standard AS2890.1-2004 (Off Street Parking)' & 'AS2890.6 (Off Street Parking for People with Disabilities);'
- f) the site shall be properly illuminated with lighting designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land;
- g) details of the perimeter fencing of the land to the satisfaction of the responsible authority.

All parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

The access and parking areas must be constructed and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the responsible authority.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

Parking spaces, access lanes and driveways must be kept available for these purposes at all times.

Before the operation of the solar farm commences all buildings and works as shown on the endorsed plans must be constructed in accordance with the endorsed plans to the satisfaction of the responsible authority.

Landscape Plan

Before the development starts a landscape plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided;

- a) a survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed;
- b) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- c) how the land under the solar arrays maintains good ground cover at a reasonable level and the management of the ground cover in the fire season
- d) details of permanent screening trees and shrubs with a minimum of six rows using a mixture of local trees and understorey species

All species selected must be to the satisfaction of the responsible authority.

Before the commencement of the use or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

Once the landscaping planting is carried out the landscaping must be maintained including the replacement of any dead or diseased plants to the satisfaction of the responsible authority.

Construction Management Plan

Prior to commencement of works, a Construction Site Management Plan in accordance with Council's Infrastructure Design Manual must be prepared, approved and implemented to the satisfaction of the responsible authority. The plan must show:

- a) measures to control erosion and sediment and sediment laden water runoff, including the design details of structures;
- b) measures to retain dust, silt and debris onsite, both during and after the construction phase;
- c) locations of any construction wastes and the method of disposal, equipment, machinery and/or earth storage/stockpiling during construction;
- d) where access to the site for construction vehicle traffic will occur;
- e) tree protection zones;
- f) the location of trenching works, boring, and pits associated with the provision of services; and
- g) the location of any temporary buildings or yards.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

General Amenity

The use and development permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

Prior to the use commencing any security alarm installed on the premises must be 'silently wired' to a security firm or the Victoria Police.

Prior to the use commencing any lighting within the site must be designed, baffled and located in such positions so as to effectively illuminate all pertinent public areas, without spilling onto the road reserve or adjoining land, and must be connected to a time clock switch or other approved system to the satisfaction of the responsible authority.

Native Vegetation Offsets

Native vegetation offsets are required to offset the removal of three native scattered trees approved as part of this permit. The applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual (Department of Environment and Primary Industries)*:

The offset must:

- a) contribute gain of at least 0.018 biodiversity equivalence units
- b) be located within the Goulburn Broken Catchment Management Authority boundary or Greater Shepparton City Council Municipal district
- c) have a strategic biodiversity score of at least 0.278

Native Vegetation Offset Evidence

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of and approved by the Responsible Authority. This 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 (Department of Environment and Primary Industries)*.

Offset evidence can be either:

- a) An allocated native vegetation credit register extract from the Native Vegetation Credit Register; or
- b) A security agreement to the required standard for the offset site or sites, including a 10-year Offset Management Plan to the satisfaction and approval of the Responsible Authority.

Every year, for ten years from the date of approval of the Offset Management Plan, the applicant must provide to the Responsible Authority, notification of actions undertaken towards implementation of the Offset Management Plan, an offset site condition statement and site monitoring photographs.

The Offset Management Plan must be in accordance with *Permitted clearing of native vegetation; First party general offset kit (Department of Environment and*

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

Primary Industries) and include:

- i. The gain in biodiversity equivalence units and strategic biodiversity score to be achieved by the offset actions
- ii. Location of where offsets are to be provided and size of area (to be drawn to scale)
- iii. Type of offsets to be provided
- iv. If applicable, revegetation details including the method(s), number of trees, shrubs and other plants, species, mix and density
- v. Activities that will be forgone within the offset area, such as grazing, removal of fallen timber and standing trees and other development/uses
- vi. Management actions that will be undertaken to ensure long term sustainability of offset(s) such as permanent fencing, weed control, revegetation maintenance, retention of timber/branches and other habitat management actions
- vii. Method of permanent protection for offset(s) such as a formal agreement
- viii. Person(s) responsible for implementing and monitoring the Offset Management Plan
- ix. Time frame for implementing the Offset Management Plan

No alteration to Offset requirements

The requirements noted in an approved and endorsed Offset Plan must not be altered without the written consent of the responsible authority.

Goulburn Murray Water Requirements

- a) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- b) All solar panels must be setback at least ten metres from Goulburn Murray Water's East Goulburn 4/18 Channel.
- c) If applicable, all wastewater from the office must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the EPA Code of Practice – Onsite Wastewater Management, Publication 891.4, and to the satisfaction of Council's Environmental Health Department.
- d) If applicable, the wastewater disposal area must be located in accordance with Table 5 of the EPA Code of Practice – Onsite Wastewater Management, Publication 891.4, July 2016, from any waterways (including Goulburn Murray Water open channels), drainage lines, dams or bores.

Powercor Requirements

The applicant shall:

Negotiate with Powercor for the connection of the development, to the existing power distribution network.

- a) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- b) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- c) Set aside for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required.
- d) Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- e) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
- f) Obtain for the use of Powercor Australia Ltd any other easement external to the development.

Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- a) the development and use has not started within **two (2) years** of the date of this permit;
- b) the development is not completed within **four (4) years** of the date of this permit.

CARRIED

Property Details

Land/Address	235 Victoria Road, Tallygaroopna. The land is about 96ha in size and is used for cropping and grazing. The land contains an 8ha patch of native vegetation which is retained as part of this application.
Application Number	2017-274
Zones and Overlays	Farming Zone 1 Land Subject to Inundation Overlay Floodway Overlay
Why is a permit required	Use of land for a renewable energy facility under 35.07-1 Buildings and works in the FZ under 35.07-4 Buildings and works in the LSIO under 44.04-1 Erection and display business identification signage (not more than 3sqm) under 52.05-10 Removal of three native trees under 52.17-2
Covenants	No
Area of cultural heritage sensitivity	No

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

Proposal in Detail

The planning application describes the proposal as ‘*use and development for land for a renewable energy facility (30MW solar farm), installation of a business identification sign and removal of native vegetation*’. The application was lodged on 15 September 2017.

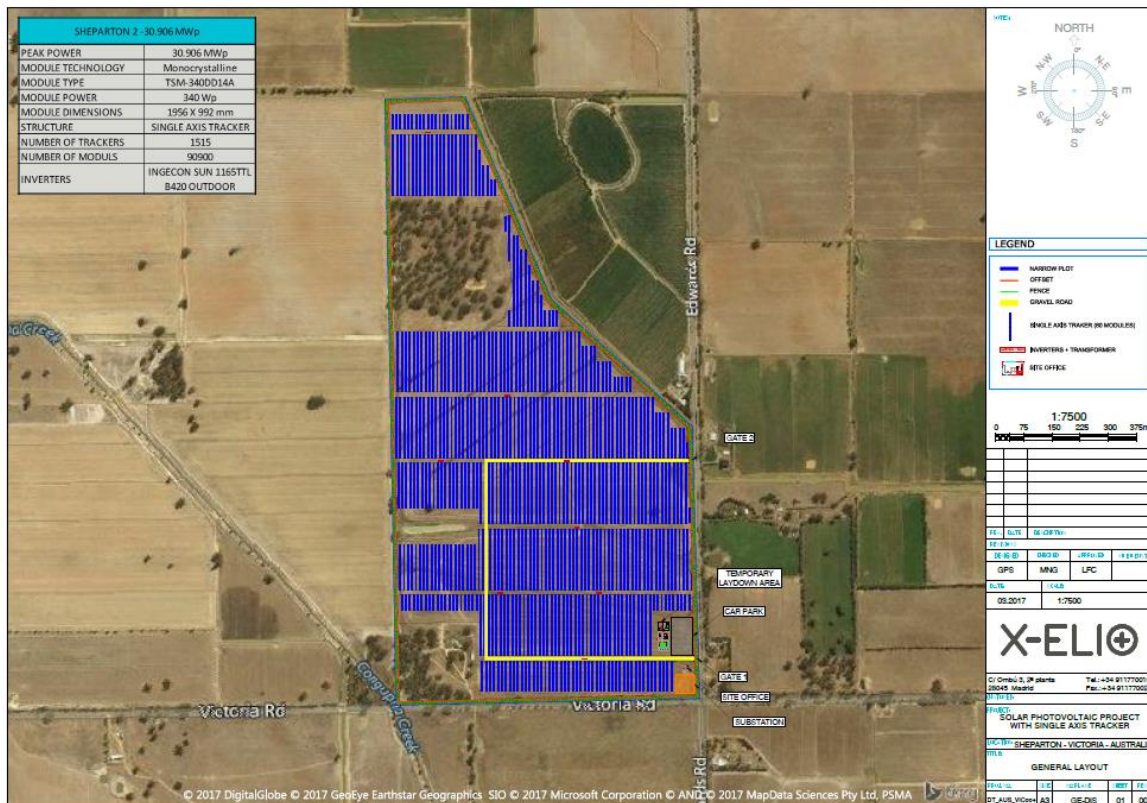
The application consists of:

- Planning Report prepared by Spiire
- General Layout of the proposed solar farm
- Biodiversity report associated with the tree removal
- Concept drainage plan prepared by Spiire
- Technical drawings prepared by X-Elio

The application explains the proposal as follows:

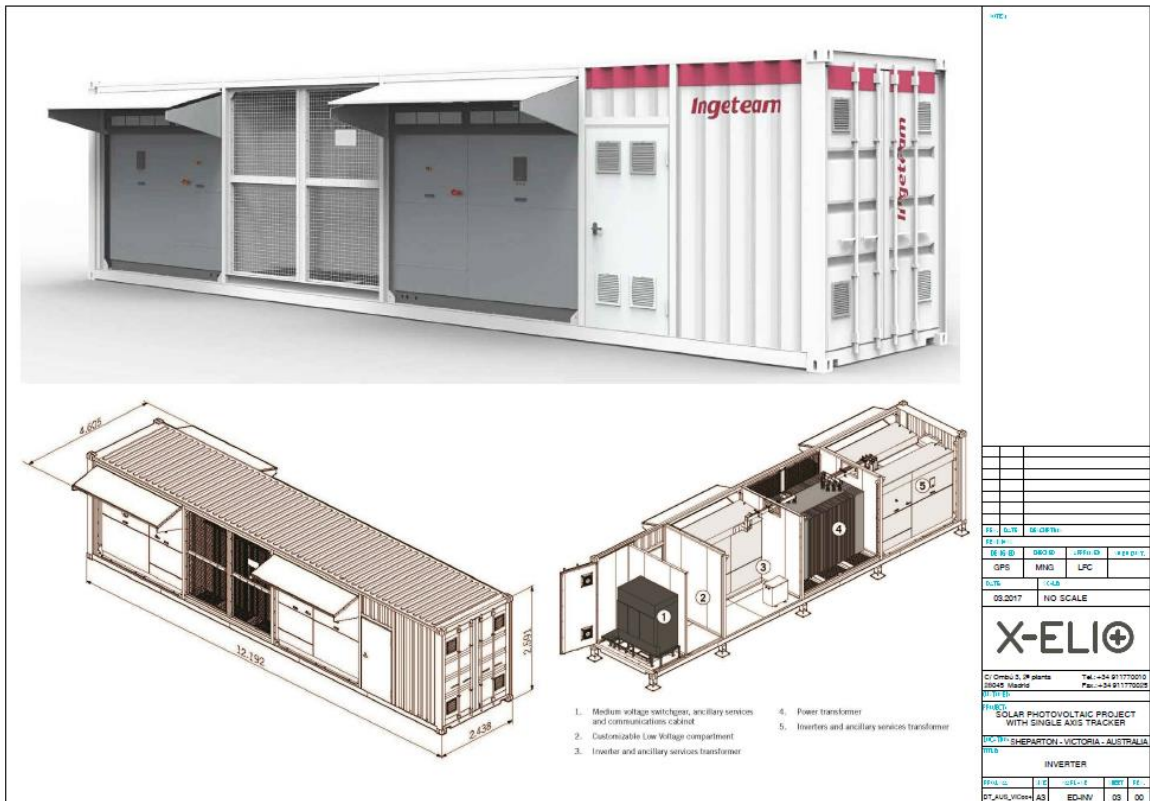
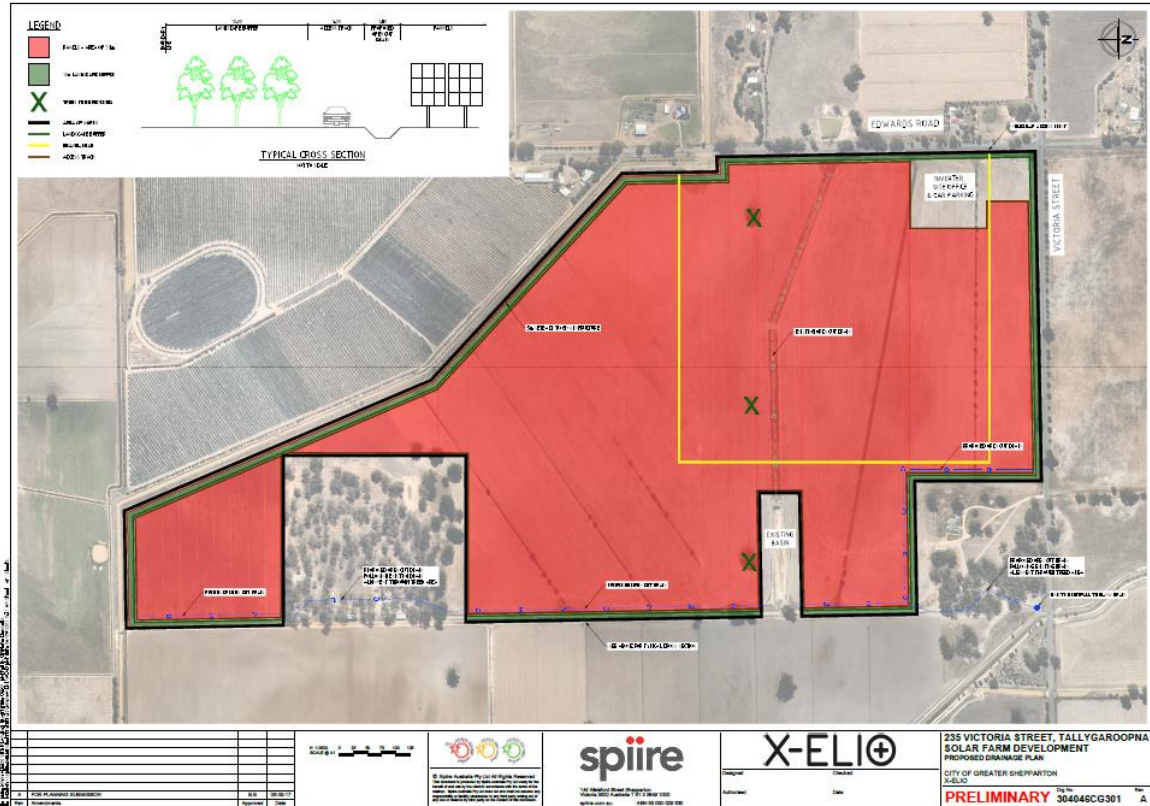
- the panels will track the path of the sun over the period of the day
- a total of 90,900 solar panels are proposed
- at their highest point the panels will be 3.03 metres in height and each panel is about 2sqm in size
- ten inverters will be constructed on the land and each inverter will be housed within a shipping container
- a small office will be constructed on the land
- the applicant anticipates that the solar farm will generate 10 – 15 ongoing jobs

A plan of the proposed development is below.



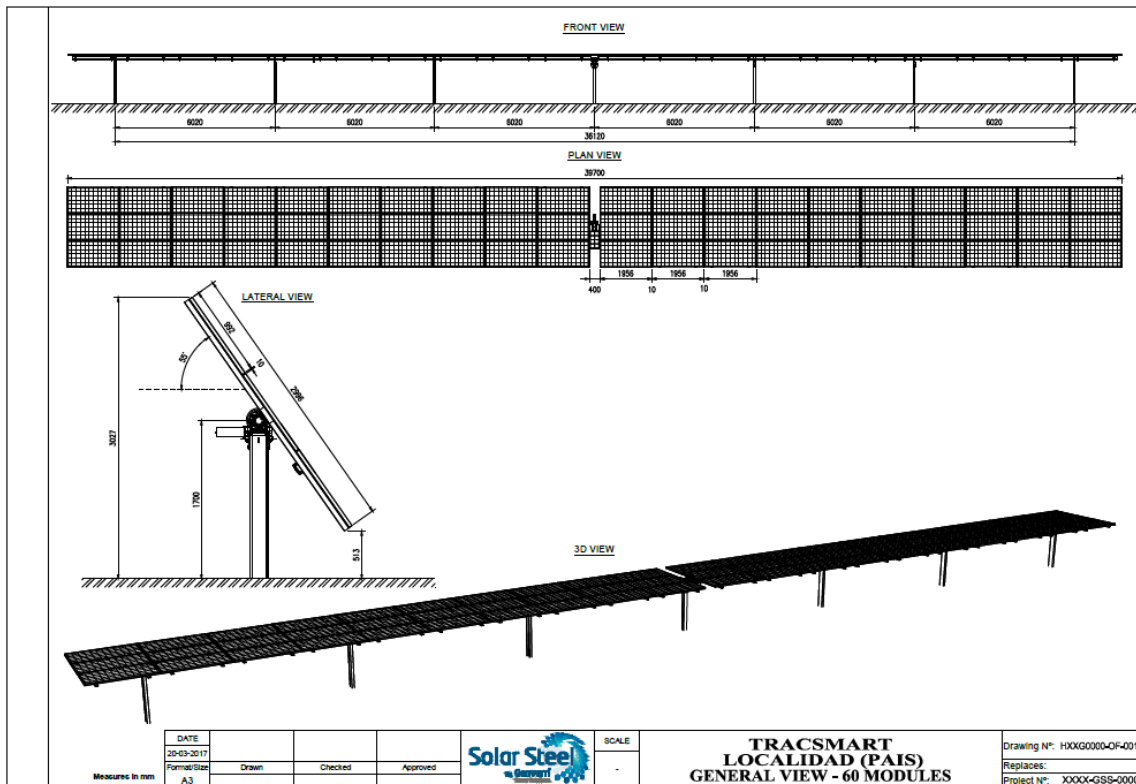
10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)



Below are photos from the Parkes solar farm, to provide a visual example of a constructed solar farm.



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

Summary of Key Issues

- The application has been advertised and five objections received. Grounds of objection relate to incomplete / insufficient information, proximity of land to the township of Tallygaroopna, creation of an eyesore in the rural environment, the heat island effect and loss of productive agricultural land.
- Officers engaged Sustainable Energy Transformation an expert solar consultant to review technical matters raised in the grounds of objection. The expert review concluded the following:
The technical aspects raised in the objections have been reviewed. Some aspects have been found to be without a technical basis and others can be adequately addressed with appropriate requirements in management plans for the site development.
- The main assessment concern associated with the application and raised by objectors is the loss of productive agricultural land. Officers acknowledge the importance of agriculture to the region, despite this it is considered the loss of 96ha of agricultural land in a food bowl of 317,000ha is an acceptable outcome. Officers also note that the solar farm has a limited life of 25 to 30 years and that rehabilitation of the site can allow future farming of the land.
- Officers are concerned about the possibility that the solar farm could increase temperatures in the locality which could detrimentally impact on horticulture. Scientific research on this issue is not yet conclusive.
- Despite this given the importance of horticulture to the region officers require that night time cooling be provided for by turning the panels perpendicular to the ground.

Background

Planning officers met with the applicant prior to the application being lodged and informed of the application requirements.

At the November 2017 Ordinary Council Meeting Council resolved the following:

That the Council direct the Chief Executive Officer to write to the Minister of Planning:

- *requesting under section 97C of the Planning and Environment Act 1987 that the Minister for Planning decide the solar farm planning applications referred to the Minister in the Greater Shepparton City Council local government area*
- *inviting the Minister for Planning to establish a process that provides a fair and proper opportunity for all affected stakeholders to be heard.*

Subsequently officers formally requested that the Minister for Planning call in the solar applications to a Panel Hearing. In addition to this written request a meeting was held between the Minister for Planning, the Mayor, Chief Executive Officer and Manager of Planning to discuss the referral of the solar applications.

Despite these efforts the Minister for Planning has decided not to accept Council's invitation to refer the solar applications to an independent planning panel. Consequently Council is required to decide on this application.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

Assessment under the Planning and Environment Act

Planning permission is required to use and develop the land for a solar farm in the FZ and LSIO.

The scheme has two themes which form the basis of this assessment being support for agriculture and renewable energy production.

Examples of this policy direction are below:

11.12-5 Hume Regional Growth Plan

This growth plan identifies the subject site as 'strategic agricultural land'.

A strategy for the Hume region is:

- *Support agricultural production through the protection and enhancement of infrastructure and strategic resources such as water and agricultural land, including areas of strategic agricultural land.*

The Hume strategy also includes:

- *Create renewable energy hubs that support co-location of industries to maximise resource use efficiency and minimise waste generation.*

14.01-1 Protection of agricultural land

- *To protect productive farmland which is of strategic significance in the local or regional context.*

19.01-1 Provision of renewable energy

Provision of renewable energy Objective

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

Strategies

- *Facilitate renewable energy development in appropriate locations.*
- *Protect energy infrastructure against competing and incompatible uses.*
- *Develop appropriate infrastructure to meet community demand for energy services and setting aside suitable land for future energy infrastructure.*
- *In considering proposals for renewable energy, consideration should be given to the economic and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.*
- *In planning for wind energy facilities, recognise that economically viable wind energy facilities are dependent on locations with consistently strong winds over the year.*

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

21.06-1 Agriculture

Irrigated primary production and the processing of that product underpin the municipality and the Region's economy. The level of production is nationally important and the region is responsible for significant parts of the nation's milk production, deciduous canned fruit production, stone fruit crop and tomato processing production.

The land is within a consolidation area.

Consolidation areas being areas that support existing farm businesses to operate and expand. Consolidation areas typically include land with good soils and include many of the former closer settlement areas, but their lot sizes are no longer reflective of current farm sizes. Consolidation areas are considered to provide opportunities for development of growing agricultural enterprises that can, over time, expand and consolidate through a process of property restructure. In this regard 'consolidation' includes the consolidation of land or the consolidation of farming enterprises through acquisition of non-contiguous land to increase farm size.

The development of additional dwellings threatens expanding agricultural enterprises and accordingly, new dwellings within these areas are discouraged. The use of re-subdivision and excisions within consolidation areas will be considered in recognition that the excision of a dwelling from a farm can provide businesses an opportunity to consolidate property holdings based on the value of land for agriculture. The minimum subdivision size in these areas has been set at 40ha and a dwelling needs a planning permit on all land less than 60ha in area.

Rural Regional Land Use Strategy

The key objective of this rural strategy is to secure and promote the future of agriculture across the region through the respective Council planning schemes. This strategy will ensure that the planning schemes of the three municipalities are responsive to rural issues, and in particular support agricultural growth and change.

Irrigated primary production and the processing of that product underpin the Region's economy. The level of production is nationally important; for instance the region is responsible for

- *25% of the nation's milk production*
- *90% of the national deciduous canned fruit production*
- *45% of Australia's stone fruit crop*
- *90% of the national tomato processing production.*

Clause 10.04 Integrated decision making

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

Officers Assessment

In principle, a proposal for the generation of renewable energy that reduces fossil fuel dependency is worthwhile. The assessment difficulty with this application is considering if agricultural land of strategic importance should be made unproductive for at least 25 years for a solar farm.

The subject site is irrigated land that is adjacent to an orchard.

A renewable energy facility is a section 2 use in the FZ subject to the following condition which the application complies with:

Must meet the requirements of clause 52.42

Officers acknowledge that the scheme provides strategic direction to protect strategic agricultural land from non-agricultural uses.

Throughout the FZ there are non-agricultural uses such as quarries, mines, dwellings and jails. Whilst these uses do not contribute to primary production they are allowable uses in the FZ. Likewise the scheme provides discretion to allow renewable energy facilities like solar farms in the FZ.

Clause 21.06-4 provides the following policy guidelines which provide an assessment guide for this application.

It is policy to:

Discourage industrial use and development (other than rural industry) in rural areas, except where:

Decision Guideline	Officers Response
It is unable to be accommodated in existing industrial zoned areas;	The substantial land size required for solar farms means that insufficient land is available in zones other than the FZ.
It does not compromise the surrounding existing and future agricultural practices;	Council's expert review by Sustainable Energy Transformation has considered impacts on surrounding agricultural land in relation to heat islands and decline of insects. To protect existing and future fruit trees a permit condition will require mitigation of the heat island effect by turning the PV arrays at night to a vertical position to allow night radiant cooling. It is also recommended that a permit condition require the solar arrays be setback not less than 50m from property boundaries to reduce heating of nearby properties to limit impacts on orchard activities.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

It adds value to the agricultural base of the municipality	The proposed solar farm removes land from production for at least 25 years; as a result the solar farm does not add value to the agricultural base.
It is a rural-based enterprise	A solar farm is a rural based enterprise as the only practical location that large scale solar farms can be located is within a non-urban area.
It provides for the reuse of existing large scale packing sheds and cool stores.	The proposal does not reuse a vacant cool store type building.

The FZ contains various decision guidelines. Officers consider compliance with these decision guidelines is achieved as:

- The solar farm subject to appropriate conditions such as landscape screening and measures to mitigate potential heat islanding is compatible with adjoining and nearby land uses;
- The proposal is located to connect to existing electricity transmission infrastructure;
- Unlike occupants of a dwelling, the solar farm does not limit intensive agricultural uses that could impact on the amenity of the locality such as spray drift, scare guns and heavy vehicle movements.

Permission is sought to remove three scattered paddock trees under 52.17-2 (the old provisions as the application was lodged before the commencement of VC138).

The removal of the three trees is assessed under the low risk based pathway. As offsets can be secured for the loss of native vegetation officers are satisfied that the removal of three trees is acceptable.

52.42-3 (renewable energy facility) includes the following decision guidelines:

Decision Guideline	Officers Response
The effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference	Council's expert technical advisor has advised that the proposed solar farm will not result in unacceptable amenity impacts to neighbouring properties.
The impact of the proposal on significant views, including visual corridors and sightlines.	The Tallygaroopna locality is a flat irrigated landscape that is largely cleared of significant remnant vegetation. The solar panels are about three metres above nature surface level which ensures the panels will not be dominate in the landscape.
The impact of the proposal on the natural environment and natural systems.	The land has a significant patch of native vegetation which has been retained as part of this application.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

Whether the proposal will require traffic management measures.	The development site is accessed by sealed roads which removes dust emissions as an issue. Officers do not consider specific traffic management conditions are necessary as part of a planning permission.
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Based on this assessment officers are satisfied that the proposal complies with the decision guidelines under 52.42-3.

2017-2021 Council Plan/Key Strategic Activity

Council Vision

Greater Shepparton, Greater Future.

A thriving economy in the foodbowl of Victoria with excellent lifestyles, innovative agriculture, a diverse community and abundant opportunities.

Environment

An objective under this section of the report is:

Alternative energy sources with both environmental and economic gains are promoted and encouraged.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Incorrect notification	5	1	Low	The application has been properly advertised which allowed objections to be lodged with the Council. These objectors will be informed of Council's decision on the application.

Policy Considerations

The application has been considered against the policies contained within the Greater Shepparton Planning Scheme and found to achieve acceptable planning outcomes.

Financial Implications

This planning application has no significant financial implications on Council.

Legal/Statutory Implications

Should either the applicant or objector be dis-satisfied with Council's decision an application for review can be lodged at VCAT.

Cultural Heritage

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The land is not within an area of cultural heritage sensitivity therefore the application does not trigger the need for a cultural heritage management plan.

Environmental/Sustainability Impacts

The use has no detrimental impact on the environment subject to the inclusion of appropriate drainage conditions should it be decided to grant a permit.

Social Implications

Section 60(1)(f) of the Act states the following:

Before deciding on an application, the responsible authority, if the circumstances appear to so require, must consider—

- *Any significant social effects and the economic effects which the responsible authority considers the use or development may have.*

This application does not raise social issues that warrant the refusal of the application.

Economic Impacts

Approval of the use and development will see new investment within the municipality and associated job creation.

Referrals/Public Notice

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Response
GBCMA	44.04-5	Recommending	The GBCMA consented to the application without requiring any conditions.

External Notice to Authorities:

Section 52 - Notice Authority	Response
GMW	GMW consents to the application subject to their standard siting and drainage conditions.
Powercor	Powercor have consented to the application subject to six conditions all of which are recommended to be included in a notice of decision to grant a permit.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land
- Placing a sign on site
- Notice in the Shepparton News on 29 September 2017

Council received five objections to the application. As the application has not received six or more objections the file could be considered by the Development Hearing Panel.

Despite this, officers have referred the application to Council for the following reasons:

- The three other solar farm applications are being decided by Council, therefore for consistency purposes this file should also be judged by Council;
- The application raises important policy considerations relating to the siting of large scale solar farms on productive agricultural land;
- The substantial level of investment being \$34 million.

All objectors were issued with an acknowledgment letter.

Objector Location Plan



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

The key issues that were raised in the objections are as follows:

Ground of Objection	Response to Objection
<p>Creation of a micro climate as a result of the solar farm</p>	<p>Council's expert advisor Sustainable Energy Transformation examined two published studies which considered the likelihood of a heat island effect and the possibility of increased temperatures in the surrounding farmland.</p> <p>It is not possible to definitively rule out the possibility of a heat island effect. Impacts on fruit set depend largely on the extent to which any heat island effect would spill over to surrounding properties. At present this is unanswerable with the information available.</p> <p>Assessing heat island impacts on pest insect populations is challenging. Once again the extent to the heat island effect spill into surrounding regions may be critical because the physical environment of a solar farm itself is unlikely to be conducive to harbouring insect populations due to its limited vegetation.</p> <p>Further, while it is the case that temperature is an important factor influencing insect behaviour, distribution, development, survival, and reproduction, the drivers on insect populations dynamics are complex and other factors are relevant.</p> <p>Rainfall is also often an important variable, as is population size. As the population increases so does its vulnerability to disease and predation and the impact of competition within the population and with other species.</p> <p>In the event that a heat island effect did occur, two potential mitigation options are apparent:</p> <p>The first relates to reducing the heat island effect. A study (Barron-Gafford et al.) noted that the warming may be due to heat trapping of re-radiated heat from the ground under the stationary PV arrays at night. If this is the case, a simple mitigation option would be to turn the PV arrays (which will be on a tracker) toward the vertical position thereby opening up the 'view' to the sky to facilitate night radiant cooling.</p> <p>The second relates to biological control of insect populations. In an agricultural setting planting of trees and or shrubs for visual screening purposes will create the opportunity to both boost local biodiversity and increase the populations of insectivorous birds and other species which could assist in reducing insect pest numbers on nearby surrounding properties.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

Loss of productive agricultural land	Officers acknowledge that this proposal will result in the loss of productive agricultural land. Officers also acknowledge that the land is identified as being strategic agricultural land and that agriculture is the driver of the region's economy. Despite this, a solar farm is not a prohibited use and the generation of electricity like food production is essential to the lives of Victorians. Officers note there are other non-agricultural uses in FZ such as mines, quarries and schools. Whilst reducing valuable agricultural land is not an ideal outcome, the proposed solar farm is an acceptable outcome, the loss of 96ha in a food bowl of 317,000ha does not warrant refusal of the application.
Incomplete / insufficient application information	Officers are satisfied that sufficient information was available to planning officers, Councillors and the community to understand the proposal and make an informed decision.
Proximity of the land to the township of Tallygaroopna	<p>The subject land is about 1.5km to the east of the town of Tallygaroopna. Tallygaroopna is growing on the north eastern edge of the town. The Tallygaroopna framework plan identifies potential growth of the town to Slaughterhouse Road which is setback about 1.1km from the solar farm site.</p> <p>Officers do not dispute that the solar farm is close to Tallygaroopna. Officers consider that sufficient separation is provided between the future town boundary and the proposed solar farm.</p>
Creation of an eyesore in a rural environment	Officers do not consider that solar farms produce an unacceptable visual impact on the landscape. Solar farms are low to the ground (three metres in height) and over time are well screened from public view by landscaping.

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy (GS2030)

Environment

At 6.4 of GS2030 the below two strategic objectives are identified:

- *To manage irrigated and non-irrigated land for long-term sustainable production purposes.*
- *To reduce greenhouse gas emissions by local actions, in the interests of current and future generations*

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.4 Use and Develop 235 Victoria Road, Tallygaroopna for a Solar Farm (continued)

Conclusion

Officers in this report are in no way underplaying the significance of agriculture to the region; the Goulburn Valley is a food bowl of national importance. So much so that Governments have invested more than 2 billion dollars to modernise the irrigation network.

Despite this, it is recommended that permission be granted to use and develop the land for a solar farm on the basis that the development will assist in providing clean power generation.

Attachments

Nil

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Statutory Planner

Proof reader(s): Team Leader Statutory Planning, Manager Building Planning

Approved by: Director Sustainable Development

Executive Summary

The application seeks planning approval to use and develop land at 1190 Cosgrove Lemnos Road, 1220 Cosgrove Lemnos Road, 260 Tank Corner East Road, 875 Boundary Road and 85 Crooked Lane (the land) for a 100MW renewable energy facility (solar farm). The application represents a \$175 million investment in the region.

The land is within the Farming Zone (FZ). The land is within an area of cultural heritage significance. Despite this a cultural heritage management plan is not required as the land contains no areas of cultural heritage sensitivity.

Officers have advertised the application and 19 objections to the proposal have been lodged with Council. The objections largely relate to the following issues:

- Loss of native vegetation (22 trees);
- Creation of a micro climate as a result of the solar farm;
- Loss of productive agricultural land;
- Creation of an eyesore in the rural environment;
- Noise disturbance;
- Fire concerns during the operational phase of the solar farm;
- Impacts on the locality during construction of the solar farm including dust emissions and vehicle movements;
- Impact on flood flows in the area;
- Impact on bicycle safety;
- Potential contamination of water;
- Impact on shedding of sheep;
- Impact on drone use in agriculture;
- Devaluation of land;
- Lack of scientific research in relation to issues such as impact on local climate and electromagnetic radiation;
- Impact on native birds i.e. 'birds be scorched, injured or killed when flying over the proposed development'
- Lack of community consultation;
- Setback from property boundaries;
- Impact on community and culture of the area; and
- Glare from solar panels.

The key issue for consideration is whether the loss of productive agricultural land in a food bowl of national significance for a solar farm is acceptable.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

The Greater Shepparton Planning Scheme (the scheme) places a strong emphasis on the retention of agricultural land and the discouragement of non-agricultural uses in farming areas. This application proposes to remove about 482 hectares from agriculture for at least 25 years.

The Rural Regional Land Use Strategy (Rural Strategy) identifies that agriculture within the study region (Campaspe, Moira and Shepparton) consists of about 500,000ha of which 317,000ha is irrigated with about 1.5 million megalitres of water used. Agriculture is without question the main economic driver of the region.

The FZ does not prohibit renewable energy facilities such as solar farms.

The state planning policy seeks to promote and facilitate renewable energy facilities. Clause 19.01-1 (provision of renewable energy) objective is:

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

Clause 52.42 (renewable energy facility) of the scheme seeks to '*facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area*'.

In this instance officers are required to consider conflicting policies between agriculture and state policy support for renewable energy facilities and decide in the favour of the net community benefit and sustainable development for the benefit of present and future generations.

Officers note that it is a difficult task in determining this matter, both food and energy production is of fundamental importance to all Victorians.

Officers recommended that a notice of decision to grant a permit be issued for the proposed solar farm for the following reasons:

- Officers acknowledge that this proposal will result in the loss of productive agricultural land. Officers also acknowledge that the land is identified as being strategic agricultural land and that agriculture is the driver of the region's economy. Despite this, a solar farm is not a prohibited use and the generation of electricity like food production is essential to the lives of Victorians. Officers note there are other non-agricultural uses in FZ such as mines, quarries and schools. Whilst reducing valuable agricultural land is not an ideal outcome, the proposed solar farm is an acceptable outcome, the loss of 482ha in a food bowl of 317,000ha does not warrant refusal of the application. The solar farm will produce power to assist in the meeting of future electricity demands;
- Generation of solar energy will assist in achieving the Victorian Government's renewable energy target being 25% of generation by 2020 and 40% generation by 2025;

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

Officers engaged Sustainable Energy Transformation to undertake an expert review of the grounds of objection. The conclusion of this expert review is:

The technical aspects raised in the objections have been reviewed. Some aspects have been found to be without a technical basis and others can be adequately addressed with appropriate requirements in management plans for the site development.

Based on this expert assessment officers are satisfied that there is no technical energy basis to refuse the application.

Wangaratta

A state government advisory committee considered an expansion of the Countrywide Energy Solar Farm at Wangaratta North. Whilst the issues were different in the Wangaratta case, the advisory committee did support the solar farm application and made the following comments:

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.

Officers recommend that a notice of decision to grant a permit be issued by Council.

RECOMMENDATION

In relation to Planning Application 2017-301, on the basis of the information before Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council resolves to issue a notice of decision to grant a planning permit subject to the following conditions:

Plans Required

Before the development starts, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies (or as specified) must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to include any necessary information listed in Council's Infrastructure Design Manual.

- a) Plans to show the solar arrays are setback at least 50 metres from the lands boundary
- b) A detailed fencing plan that achieves compliance with the GBCMA conditions
- c) Floor and elevation plans of all proposed buildings
- d) Setbacks of buildings and solar panel to comply with GMW conditions

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

- e) Details of the water tanks and associated screening (Tank Corner East Road)

Before the operation of the solar farm all buildings and works shown on the endorsed plans must be completed to the satisfaction of the responsible authority.

Layout Not Altered

The use and development of the land for a solar farm as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Section 173 Agreement

Prior to the use commencing, the owner must enter into an agreement with the Responsible Authority, pursuant to Section 173 of the *Planning and Environment Act 1987* (the Act). This agreement must be registered on the title to the land pursuant to Section 181 of the *Planning and Environment Act 1987*. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement. The agreement must provide for:

- a) Within three months of the solar farm use ending a decommissioning and rehabilitation management plan prepared by a suitably qualified person must be submitted to the responsible authority for approval. The plan must include but is not limited to:
1. identification of structures, including but not limited to all solar panels, substation, buildings and electrical infrastructure, including underground infrastructure to be removed and how they will be removed;
 2. details of how the land will be rehabilitated back to its pre-development condition, including irrigation layout and soil profile

Within 12 months of the endorsement of the decommissioning and rehabilitation management plan all the decommissioning and rehabilitation must be completed to satisfaction of the responsible authority.

- b) The photovoltaic arrays (solar panels) must be orientated so that the panels are perpendicular to the ground within 30 minutes of sunset until within 30 minutes of sunrise to facilitate night radiant cooling.
- c) The operator of the solar farm accepts and acknowledges that the solar farm operations may be subject to disturbance from agricultural activities including but not limited to spray drift, dust emissions and heavy vehicle use.

The said agreement is to be prepared by Council. Council will undertake to have the agreement prepared upon written notification from the applicant. All costs associated with the preparation and registration of the agreement shall be borne by the applicant including Council's administration fee. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

Civil Construction Requirements

Before any of the development starts, detailed plans with computations to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The information submitted must show the details listed in the Council's Infrastructure Design Manual (IDM) and be designed in accordance with the

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

requirements of that manual.

- a) details (and computations) of how the works on the land are to be drained including drains conveying stormwater to the legal point of discharge;
- b) details of how the drainage design allows for the continuation of existing overland flow paths across the land;
- c) documentation demonstrating approval from the relevant authority for the legal point of discharge;
- d) maximum discharge rate shall not be more than 1.2 l/sec/ha;
- e) detailed plans of the proposed vehicle crossing from Cosgrove Lemnos Road (labelled main entrance on the plans);
- f) carparking areas, circulation lanes and access shall be designed and constructed in accordance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking,' 'Australian Standard AS2890.1-2004 (Off Street Parking)' & 'AS2890.6 (Off Street Parking for People with Disabilities);'
- g) the site shall be properly illuminated with lighting designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land;
- h) details of the perimeter fencing of the land

to the satisfaction of the responsible authority.

All parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

The access and parking areas must be constructed and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the responsible authority.

Parking spaces, access lanes and driveways must be kept available for these purposes at all times.

Before the operation of the solar farm commences all buildings and works as shown on the endorsed plans must be constructed in accordance with the endorsed plans to the satisfaction of the responsible authority.

Landscape Plan

Before the development starts a landscape plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided;

- a) a survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed;
- b) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

- c) how the land under the solar arrays maintains ground cover at a reasonable level and the management of fire risk
- d) details of permanent screening trees and shrubs with a minimum of six rows using a mixture of local trees and understorey species

All species selected must be to the satisfaction of the responsible authority.

Before the commencement of the use or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

Once the landscaping planting is carried out the landscaping must be maintained including the replacement of any dead or diseased plants to the satisfaction of the responsible authority.

Construction Management Plan

Prior to commencement of works, a Construction Site Management Plan in accordance with Council's Infrastructure Design Manual must be prepared, approved and implemented to the satisfaction of the responsible authority. The plan must show:

- a) measures to control erosion and sediment and sediment laden water runoff, including the design details of structures;
- b) measures to retain dust, silt and debris onsite, both during and after the construction phase;
- c) locations of any construction wastes and the method of disposal, equipment, machinery and/or earth storage/stockpiling during construction;
- d) where access to the site for construction vehicle traffic will occur;
- e) tree protection zones;
- f) the location of trenching works, boring, and pits associated with the provision of services;
- g) the location of any temporary buildings or yards;
- h) measures to ensure conflicts between cyclists and construction activities are managed;
- i) submission of written approval from AusNet Services to use vehicles and equipment exceeding 3 metres in height on the AusNet easement

General Amenity

The use and development permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

Prior to the use commencing any security alarm installed on the premises must be 'silently wired' to a security firm or the Victoria Police.

Prior to the use commencing any lighting within the site must be designed, baffled and located in such positions so as to effectively illuminate all pertinent public areas, without spilling onto the road reserve or adjoining land, and must be connected to a time clock switch or other approved system to the satisfaction of the responsible authority.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

Native Vegetation Offsets

Native vegetation offsets are required to offset the removal of 22 native scattered trees approved as part of this permit. The applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual (Department of Environment and Primary Industries)*:

The offset must:

- a) contribute gain of at least 0.059 biodiversity equivalence units
- b) be located within the Goulburn Broken Catchment Management Authority boundary or Greater Shepparton City Council Municipal district
- c) have a strategic biodiversity score of at least 0.101

Native Vegetation Offset Evidence

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of and approved by the Responsible Authority. This 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 (Department of Environment and Primary Industries)*.

Offset evidence can be either:

- a) An allocated native vegetation credit register extract from the Native Vegetation Credit Register; or
- b) A security agreement to the required standard for the offset site or sites, including a 10-year Offset Management Plan to the satisfaction and approval of the Responsible Authority.

Every year, for ten years from the date of approval of the Offset Management Plan, the applicant must provide to the Responsible Authority, notification of actions undertaken towards implementation of the Offset Management Plan, an offset site condition statement and site monitoring photographs.

The Offset Management Plan must be in accordance with *Permitted clearing of native vegetation; First party general offset kit (Department of Environment and Primary Industries)* and include:

- i. The gain in biodiversity equivalence units and strategic biodiversity score to be achieved by the offset actions
- ii. Location of where offsets are to be provided and size of area (to be drawn to scale)
- iii. Type of offsets to be provided
- iv. If applicable, revegetation details including the method(s), number of trees, shrubs and other plants, species, mix and density
- v. Activities that will be forgone within the offset area, such as grazing, removal of fallen timber and standing trees and other development/uses
- vi. Management actions that will be undertaken to ensure long term sustainability of offset(s) such as permanent fencing, weed control, revegetation maintenance, retention of timber/branches and other habitat management actions
- vii. Method of permanent protection for offset(s) such as a formal agreement

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

- viii. Person(s) responsible for implementing and monitoring the Offset Management Plan
- ix. Time frame for implementing the Offset Management Plan

No alteration to Offset requirements

The requirements noted in an approved and endorsed Offset Plan must not be altered without the written consent of the responsible authority.

Country Fire Authority Requirements

Before the development starts, plans to the satisfaction of CFA must be submitted and approved by CFA and the responsible authority. When approved, the plans will be endorsed and then form a part of the permit. The plans mentioned above must include the following:

- Fire Management Plan;
- Bushfire Risk Assessment, incorporating water supply requirements;
- Fuel Reduction and Maintenance Plan;
- Emergency Management Plan; and
- Any other risk management information for the site.

Goulburn Murray Water Requirements

- a) No buildings are to be constructed within 30 metres of O'Keefe Creek and Goulburn-Murray Water's open channels and drains, or within the Floodway Overlay (FO).
- b) No solar panels (or associated works) are to be constructed within 30 metres of Goulburn-Murray Water's drains no. 6/11 and 8/4. All other solar panels must be setback at least five metres from Goulburn-Murray Water's easements, freehold or reserves containing Goulburn-Murray Water infrastructure.
- c) Prior to commencement of works, the applicant must obtain a 'Construction and Use of Private Works Licence' from Goulburn-Murray Water for any works carried out on GMW freehold land, easement or reserves.
- d) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

AusNet Services

- a) The plan must show the AusNet Transmission Group easement fully dimensioned.
- b) No part of the proposed development is permitted on AusNet Transmission Group's easement unless otherwise agreed to in writing by AusNet Transmission Group.
- c) Access to and along the easement must be maintained at all times for AusNet Transmission Group's vehicles, staff and contractors.
- d) Natural ground surface levels on the easement must not be altered by the stockpiling of excavated material or by landscaping without prior written approval from AusNet Transmission Group.
- e) The use of vehicles and equipment exceeding 3 metres in height are not permitted to operate on the easement without prior written approval from AusNet Transmission Group.
- f) Approval must be obtained from AusNet Transmission Group as to the position and/or suitability of any roads that are proposed within the easement.
- g) Details of any proposed services within the easement must be submitted to

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

AusNet Transmission Group and approved in writing prior to the commencement of work on site.

Goulburn Broken Catchment Management Authority Requirements

- a) The finished floor levels of the proposed substation, control room and O & M building must be constructed at least 300 millimetres above the applicable 100-year ARI flood level of 115.2 metres AHD, i.e. 115.5 metres AHD, or higher level deemed necessary by the responsible authority.
- b) A 200 metres length of fencing along the Cosgrove-Lemnos Road and within the Rural Floodway Overlay must be constructed as post and wire or post and rail farm type fencing. Alternatively, pool type fencing with vertical bars spaced at least 150 millimetres apart.
- c) A 200 metres length of fencing along the western boundary of the property, and immediately north of the Goulburn Murray Channel 7A/14, within the Rural Floodway Overlay, must be constructed as post and wire or post and rail farm type fencing. Alternatively, pool type fencing with vertical bars spaced at least 150 millimetres apart.

Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- a) the development and use has not started within **two (2) years** of the date of this permit;
- b) the development is not completed within **four (4) years** of the date of this permit.

Moved by Cr Giovanetti Seconded by Cr Adem

That the Council resolve to:

1. Note that by letter dated 13 February 2018 the Minister for Planning gave notice that the Minister:
 - a) has agreed to the Council's request under section 97C of the *Planning and Environment Act 1987* that the Minister for Planning decide the following solar farm planning permit applications: 2017-162; 2017-274; 2017-301; 2017-344;
 - b) intends to establish a combined Panel to consider those planning permit applications.
2. Note that as a result the Council is no longer the decision maker for the planning permit applications that were referred to the Minister and the Council must not proceed further with the applications.
3. Through its representatives, appear and make submissions at the hearing(s) by a combined Panel appointed by the Minister for Planning for planning permit application 2017-301 and make available Council Planning Officer's reports.
4. Note the complexities of planning permit application 2017-301 and that there are community concerns in relation to that application.
5. Write to the Panel and request that the hearing(s) be held in Shepparton
6. Authorise the Chief Executive Officer (who may in turn delegate these authorisations to any of his or her delegates) to:
 - a) take whatever steps as they see fit so as to implement this resolution, including but not limited to engaging legal representatives and appointing expert witnesses;

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

- b) comply with any directions of the Minister for Planning given to the Council as the referring responsible authority; and
- c) instruct the Council's legal representatives regardless of Council's position to provide the following draft conditions to the Panel:

Plans Required

Before the development starts, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies (or as specified) must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to include any necessary information listed in Council's Infrastructure Design Manual.

- a) Plans to show the solar arrays are setback at least 50 metres from the lands boundary
- b) A detailed fencing plan that achieves compliance with the GBCMA conditions
- c) Floor and elevation plans of all proposed buildings
- d) Setbacks of buildings and solar panel to comply with GMW conditions
- e) Details of the water tanks and associated screening (Tank Corner East Road)

Before the operation of the solar farm all buildings and works shown on the endorsed plans must be completed to the satisfaction of the responsible authority.

Layout Not Altered

The use and development of the land for a solar farm as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Section 173 Agreement

Prior to the use commencing, the owner must enter into an agreement with the Responsible Authority, pursuant to Section 173 of the *Planning and Environment Act 1987* (the Act). This agreement must be registered on the title to the land pursuant to Section 181 of the *Planning and Environment Act 1987*. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement. The agreement must provide for:

- a) Within three months of the solar farm use ending a decommissioning and rehabilitation management plan prepared by a suitably qualified person must be submitted to the responsible authority for approval. The plan must include but is not limited to:
 1. identification of structures, including but not limited to all solar panels, substation, buildings and electrical infrastructure, including underground infrastructure to be removed and how they will be removed;
 2. details of how the land will be rehabilitated back to its pre-development condition, including irrigation layout and soil profile

Within 12 months of the endorsement of the decommissioning and rehabilitation management plan all the decommissioning and rehabilitation must be completed to satisfaction of the responsible authority.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

- b) The photovoltaic arrays (solar panels) must be orientated so that the panels are perpendicular to the ground within 30 minutes of sunset until within 30 minutes of sunrise to facilitate night radiant cooling.
- c) The operator of the solar farm accepts and acknowledges that the solar farm operations may be subject to disturbance from agricultural activities including but not limited to spray drift, dust emissions and heavy vehicle use.

The said agreement is to be prepared by Council. Council will undertake to have the agreement prepared upon written notification from the applicant. All costs associated with the preparation and registration of the agreement shall be borne by the applicant including Council's administration fee. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

Civil Construction Requirements

Before any of the development starts, detailed plans with computations to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The information submitted must show the details listed in the Council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual.

- a) details (and computations) of how the works on the land are to be drained including drains conveying stormwater to the legal point of discharge;
 - b) details of how the drainage design allows for the continuation of existing overland flow paths across the land;
 - c) documentation demonstrating approval from the relevant authority for the legal point of discharge;
 - d) maximum discharge rate shall not be more than 1.2 l/sec/ha;
 - e) detailed plans of the proposed vehicle crossing from Cosgrove Lemnos Road (labelled main entrance on the plans);
 - f) carparking areas, circulation lanes and access shall be designed and constructed in accordance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking,' 'Australian Standard AS2890.1-2004 (Off Street Parking)' & 'AS2890.6 (Off Street Parking for People with Disabilities);'
 - g) the site shall be properly illuminated with lighting designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land;
 - h) details of the perimeter fencing of the land
- to the satisfaction of the responsible authority.

All parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

The access and parking areas must be constructed and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the responsible authority.

Parking spaces, access lanes and driveways must be kept available for these

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

purposes at all times.

Before the operation of the solar farm commences all buildings and works as shown on the endorsed plans must be constructed in accordance with the endorsed plans to the satisfaction of the responsible authority.

Landscape Plan

Before the development starts a landscape plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided;

- a) a survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed;
- b) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- c) how the land under the solar arrays maintains ground cover at a reasonable level and the management of fire risk
- d) details of permanent screening trees and shrubs with a minimum of six rows using a mixture of local trees and understorey species

All species selected must be to the satisfaction of the responsible authority.

Before the commencement of the use or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

Once the landscaping planting is carried out the landscaping must be maintained including the replacement of any dead or diseased plants to the satisfaction of the responsible authority.

Construction Management Plan

Prior to commencement of works, a Construction Site Management Plan in accordance with Council's Infrastructure Design Manual must be prepared, approved and implemented to the satisfaction of the responsible authority. The plan must show:

- a) measures to control erosion and sediment and sediment laden water runoff, including the design details of structures;
- b) measures to retain dust, silt and debris onsite, both during and after the construction phase;
- c) locations of any construction wastes and the method of disposal, equipment, machinery and/or earth storage/stockpiling during construction;
- d) where access to the site for construction vehicle traffic will occur;
- e) tree protection zones;
- f) the location of trenching works, boring, and pits associated with the provision of services;
- g) the location of any temporary buildings or yards;
- h) measures to ensure conflicts between cyclists and construction activities are managed;
- i) submission of written approval from AusNet Services to use vehicles and equipment exceeding 3 metres in height on the AusNet easement

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

General Amenity

The use and development permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

Prior to the use commencing any security alarm installed on the premises must be 'silently wired' to a security firm or the Victoria Police.

Prior to the use commencing any lighting within the site must be designed, baffled and located in such positions so as to effectively illuminate all pertinent public areas, without spilling onto the road reserve or adjoining land, and must be connected to a time clock switch or other approved system to the satisfaction of the responsible authority.

Department of Environment, Land, Water and Planning

- a) Prior to works commencing, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
- b) The total area of native vegetation proposed to be removed must not exceed 22 large scattered trees, as stated in GHD report supplied November 2017.
- c) To offset the permitted clearing in accordance with Permitted clearing of Native Vegetation-Biodiversity assessment guidelines 2013 the permit holder must secure general offset of 0.059 general habitat units:
 - a. located within the Goulburn Broken Catchment Management boundary or Greater Shepparton municipal area; and
 - b. with a minimum strategic biodiversity score of at least 0.101.
- d) Prior to any native vegetation removal, evidence that the required offset has been secured must be provided to the responsible authority.
Offset evidence can be either:
 - a. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site; or
 - b. credit extract allocated to the permit from the Native Vegetation Credit Register.

Country Fire Authority Requirements

Before the development starts, plans to the satisfaction of CFA must be submitted and approved by CFA and the responsible authority. When approved, the plans will be endorsed and then form a part of the permit. The plans mentioned above must include the following:

- a) Fire Management Plan;
- b) Bushfire Risk Assessment, incorporating water supply requirements;
- c) Fuel Reduction and Maintenance Plan;
- d) Emergency Management Plan; and
- e) Any other risk management information for the site.

Goulburn Murray Water Requirements

- a) No buildings are to be constructed within 30 metres of O'Keefe Creek and Goulburn-Murray Water's open channels and drains, or within the Floodway Overlay (FO).

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

- b) No solar panels (or associated works) are to be constructed within 30 metres of Goulburn-Murray Water's drains no. 6/11 and 8/4. All other solar panels must be setback at least five metres from Goulburn-Murray Water's easements, freehold or reserves containing Goulburn-Murray Water infrastructure.
- c) Prior to commencement of works, the applicant must obtain a 'Construction and Use of Private Works Licence' from Goulburn-Murray Water for any works carried out on GMW freehold land, easement or reserves.
- d) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

AusNet Services

- a) The plan must show the AusNet Transmission Group easement fully dimensioned.
- b) No part of the proposed development is permitted on AusNet Transmission Group's easement unless otherwise agreed to in writing by AusNet Transmission Group.
- c) Access to and along the easement must be maintained at all times for AusNet Transmission Group's vehicles, staff and contractors.
- d) Natural ground surface levels on the easement must not be altered by the stockpiling of excavated material or by landscaping without prior written approval from AusNet Transmission Group.
- e) The use of vehicles and equipment exceeding 3 metres in height are not permitted to operate on the easement without prior written approval from AusNet Transmission Group.
- f) Approval must be obtained from AusNet Transmission Group as to the position and/or suitability of any roads that are proposed within the easement.
- g) Details of any proposed services within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.

Goulburn Broken Catchment Management Authority Requirements

- a) The finished floor levels of the proposed substation, control room and O & M building must be constructed at least 300 millimetres above the applicable 100-year ARI flood level of 115.2 metres AHD, i.e. 115.5 metres AHD, or higher level deemed necessary by the responsible authority.
- b) A 200 metres length of fencing along the Cosgrove-Lemnos Road and within the Rural Floodway Overlay must be constructed as post and wire or post and rail farm type fencing. Alternatively, pool type fencing with vertical bars spaced at least 150 millimetres apart.
- c) A 200 metres length of fencing along the western boundary of the property, and immediately north of the Goulburn Murray Channel 7A/14, within the Rural Floodway Overlay, must be constructed as post and wire or post and rail farm type fencing. Alternatively, pool type fencing with vertical bars spaced at least 150 millimetres apart.

Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- a) the development and use has not started within **two (2) years** of the date of this permit;

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

- b) the development is not completed within **four (4) years** of the date of this permit.

.CARRIED.

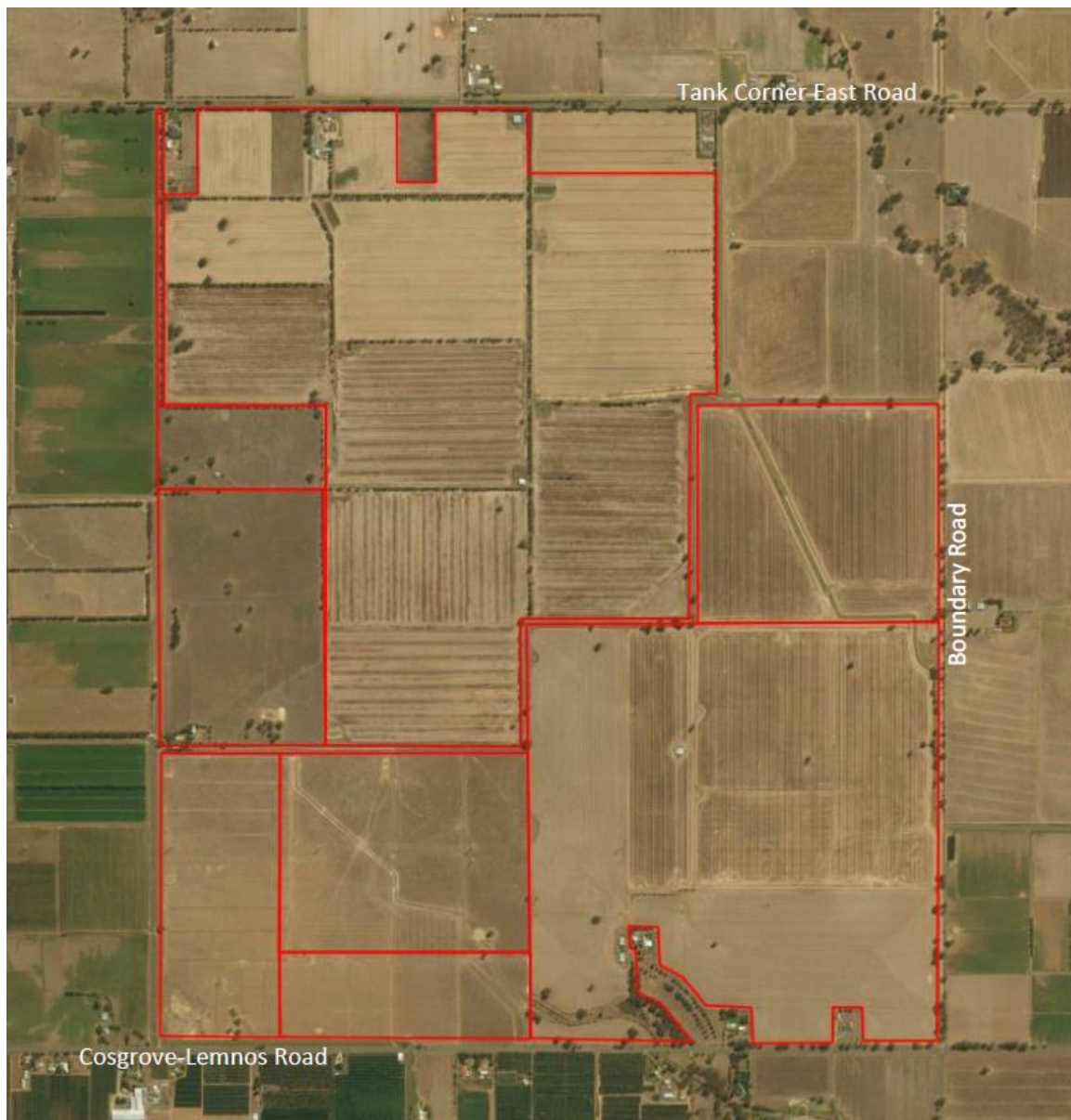
Property Details

Land/Address	1190 Cosgrove Lemnos Road 1220 Cosgrove Lemnos Road 260 Tank Corner East Road 875 Boundary Road 85 Crooked Lane All the land is within Lemnos. The total land size is 482ha. O'Keefe Creek crosses the land.
Zones and Overlays	Farming Zone Floodway Overlay Land Subject to Inundation Overlay
Why is a permit required	a) 35.07-1 Use of the land for a solar farm in the Farming Zone b) 35.07-4 Buildings and works in the Farming Zone c) 44.03-1 Buildings and works in the Floodway Overlay d) 44.04-1 Buildings and works in the Land Subject to Inundation Overlay 52.17-2 Removal of native vegetation (22 trees)
Covenants	No
Area of cultural heritage sensitivity	Yes, however no CHMP is triggered.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

Locality Plan



Proposal in Detail

The planning application form describes the proposal as *'use of land for a renewable energy facility (solar farm) buildings and works and native vegetation removal'*. The application was lodged on 13 October 2017.

The application seeks permission for the following:

- A 100MW solar farm comprising of 400,000 solar panels;
- 40,000 piles (screwed or hammered into the ground)
- 4,500 tracker units;
- 56 photovoltaic boxes or skids (raised platforms unroofed) containing inverters and a transformer in each
- Batteries to store electricity
- On site cabling;

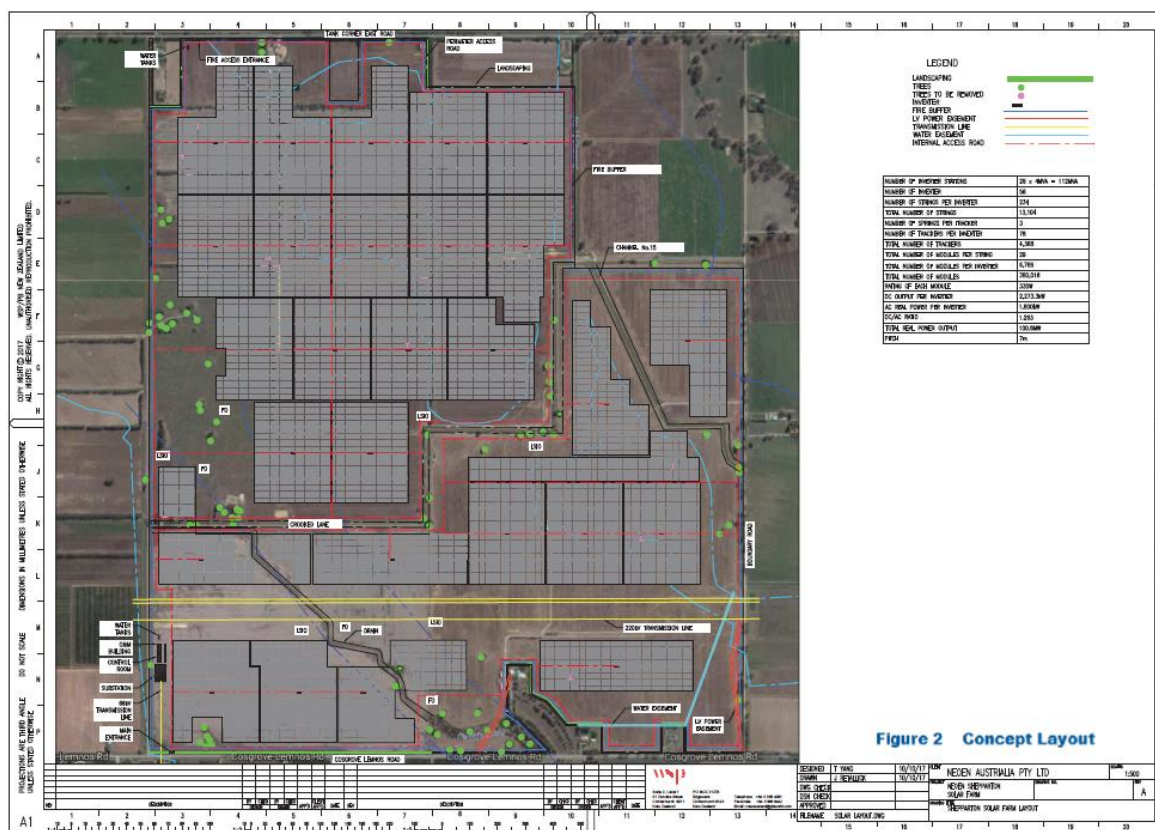
10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

- 66kv substation;
- Internal tracks;
- Operational and maintenance office including staff amenities office;
- Security fencing;
- Landscaping around the site (where required)
- New access point from Cosgrove- Lemnos Road

The proposal includes the removal of 22 native trees.

A plan of the proposed development is below.



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)



Figure 7 Example of a containerised photovoltaic box



Figure 8 Example of a photovoltaic skid platform

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

Below are photos from the Parkes solar farm, to provide a visual example of a constructed solar farm.



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)



Summary of Key Issues

- The application has been advertised and 19 objections received. Grounds of objection are varied and include themes of impact to agricultural land uses, impact on amenity and impact on the environment including loss of native vegetation.
- Officers engaged Sustainable Energy Transformation an expert solar consultant to review technical matters raised in the grounds of objection. The expert review concluded the following:
The technical aspects raised in the objections have been reviewed. Some aspects have been found to be without a technical basis and others can be adequately addressed with appropriate requirements in management plans for the site development.
- The main assessment concern associated with the application and raised by objectors is the loss of productive agricultural land. Officers acknowledge the importance of agriculture to the region, despite this it is considered the loss of 482ha of agricultural land in a food bowl of 317,000ha is an acceptable outcome. Officers also note that the solar farm has a limited life of 25 to 30 years and that rehabilitation of the site can allow future farming of the land.
- Officers are concerned about the possibility that the solar farm could increase temperatures in the locality which could detrimentally impact on horticulture. Scientific research on this issue is not yet conclusive.

Despite this, given the importance of horticulture to the region officers require that night time cooling be provided for by turning the panels perpendicular to the ground. Additionally a 50 metre setback of the solar arrays to property boundaries will be required to reduce heat spill from the solar farm to neighbouring land.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

Background

Economic Development officers met with the applicant prior to the application being lodged.

At the November 2017 Ordinary Council Meeting Council resolved the following:

That the Council direct the Chief Executive Officer to write to the Minister of Planning:

- *requesting under section 97C of the Planning and Environment Act 1987 that the Minister for Planning decide the solar farm planning applications referred to the Minister in the Greater Shepparton City Council local government area*
- *inviting the Minister for Planning to establish a process that provides a fair and proper opportunity for all affected stakeholders to be heard.*

Subsequently officers formally requested that the Minister for Planning call in the solar applications to a Panel Hearing. In addition to this written request a meeting was held between the Minister for Planning, the Mayor, Chief Executive Officer and Manager of Planning to discuss the referral of the solar applications.

Despite these efforts the Minister for Planning has decided not to accept Council's invitation to refer the solar applications to an independent planning panel. Consequently Council is required to decide on this application.

Request for Information

On 19 October 2017, officers requested the following additional information.

1. *Confirmation that the "activity area" in terms of the AH Act coincides with the land to which the planning permit application applies and mapping of the activity area in accordance with any relevant Department of Premier and Cabinet guidelines.*
2. *An extract from the relevant 1:100,000 scale mapping of areas of cultural heritage sensitivity published on the Department of Premier and Cabinet website that clearly shows the land that is the subject of the permit application.*
3. *An extract from the Planning Maps Online website that clearly shows the subject land and cultural heritage sensitivity information.*
4. *Confirmation as to whether or not all or part of the activity area is within an area of cultural heritage sensitivity.*
5. *Confirmation as to whether or not the whole of the part of the activity area that is within an area of cultural heritage sensitivity has been subject to significant ground disturbance in terms of the AH Act, and if so:*
 - a) *the nature of the significant ground disturbance;*
 - b) *the means by which the significant ground disturbance was carried out;*
 - c) *who carried out the significant ground disturbance;*
 - d) *the dates or periods that the significant ground disturbance was undertaken;*
 - e) *the parts of the subject land that were subject to the significant ground disturbance; and*
 - f) *evidence, on the balance of probabilities, as to the occurrence of the relevant facts relating to the significant ground disturbance.*
 - g) *Whether the activities for which a planning permit is sought are high impact activities in terms of the AH Act and the basis for and evidence supporting any such finding*
 - *A plan to show the location of all easements on the land and all affected properties.*
 - *Description to show how the proposal would not impact on the easements.*
 - *A Biodiversity Assessment Report including a photograph and description of each tree proposed to be removed.*

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

The request for information contained a lapse date of 20 November 2017. On 16 November 2017 the lapse date was extended until 19 December 2017. On 18 December 2017 the lapse date was further extended to 22 December 2017.

On 22 December 2017 officers received a satisfactory response to the request for information.

Assessment under the Planning and Environment Act

Planning permission is required to use and develop the land for a solar farm in the FZ and LSIO.

The scheme has two themes which form the basis of this assessment being support for agriculture and renewable energy production.

Examples of this policy direction are below:

11.12-5 Hume Regional Growth Plan

This growth plan identifies the subject site as 'strategic agricultural land'.

A strategy for the Hume region is:

- *Support agricultural production through the protection and enhancement of infrastructure and strategic resources such as water and agricultural land, including areas of strategic agricultural land.*

The Hume strategy also includes:

- *Create renewable energy hubs that support co-location of industries to maximise resource use efficiency and minimise waste generation.*

14.01-1 Protection of agricultural land

- *To protect productive farmland which is of strategic significance in the local or regional context.*

19.01-1 Provision of renewable energy

Provision of renewable energy

Objective

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

Strategies

- *Facilitate renewable energy development in appropriate locations.*
- *Protect energy infrastructure against competing and incompatible uses.*
- *Develop appropriate infrastructure to meet community demand for energy services and setting aside suitable land for future energy infrastructure.*
- *In considering proposals for renewable energy, consideration should be given to the economic and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.*

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

- *In planning for wind energy facilities, recognise that economically viable wind energy facilities are dependent on locations with consistently strong winds over the year.*

21.06-1 Agriculture

Irrigated primary production and the processing of that product underpin the municipality and the Region's economy. The level of production is nationally important and the region is responsible for significant parts of the nation's milk production, deciduous canned fruit production, stone fruit crop and tomato processing production.

The land is within a consolidation area.

Consolidation areas being areas that support existing farm businesses to operate and expand. Consolidation areas typically include land with good soils and include many of the former closer settlement areas, but their lot sizes are no longer reflective of current farm sizes. Consolidation areas are considered to provide opportunities for development of growing agricultural enterprises that can, over time, expand and consolidate through a process of property restructure. In this regard 'consolidation' includes the consolidation of land or the consolidation of farming enterprises through acquisition of non-contiguous land to increase farm size.

The development of additional dwellings threatens expanding agricultural enterprises and accordingly, new dwellings within these areas are discouraged. The use of re-subdivision and excisions within consolidation areas will be considered in recognition that the excision of a dwelling from a farm can provide businesses an opportunity to consolidate property holdings based on the value of land for agriculture. The minimum subdivision size in these areas has been set at 40ha and a dwelling needs a planning permit on all land less than 60ha in area.

Rural Regional Land Use Strategy

The key objective of this rural strategy is to secure and promote the future of agriculture across the region through the respective Council planning schemes. This strategy will ensure that the planning schemes of the three municipalities are responsive to rural issues, and in particular support agricultural growth and change.

Irrigated primary production and the processing of that product underpin the Region's economy. The level of production is nationally important; for instance the region is responsible for

- *25% of the nation's milk production*
- *90% of the national deciduous canned fruit production*
- *45% of Australia's stone fruit crop*
- *90% of the national tomato processing production.*

Clause 10.04 Integrated decision making

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

Officers Assessment

In principle, a proposal for the generation of renewable energy that reduces fossil fuel dependency is worthwhile. The assessment difficulty with this application is considering if agricultural land of strategic importance should be made unproductive for at least 25 years for a solar farm.

The subject site is irrigated land that is adjacent to an orchard.

A renewable energy facility is a section 2 use in the FZ subject to the following condition which the application complies with:

Must meet the requirements of clause 52.42

Officers acknowledge that the scheme provides strategic direction to protect strategic agricultural land from non-agricultural uses.

Throughout the FZ there are non-agricultural uses such as quarries, mines, dwellings and jails. Whilst these uses do not contribute to primary production they are allowable uses in the FZ. Likewise the scheme provides discretion to allow renewable energy facilities like solar farms in the FZ.

Clause 21.06-4 provides the following policy guidelines which provide an assessment guide for this application.

It is policy to:

Discourage industrial use and development (other than rural industry) in rural areas, except where:

Decision Guideline	Officers Response
It is unable to be accommodated in existing industrial zoned areas;	The substantial land size required for solar farms means that insufficient land is available in zones other than the FZ.
It does not compromise the surrounding existing and future agricultural practices;	Council's expert review by Sustainable Energy Transformation has considered impacts on surrounding agricultural land in relation to heat islands and decline of insects. To protect existing and future fruit trees a permit condition will require mitigation of the heat island effect by turning the PV arrays at night to a vertical position to allow night radiant cooling.
It adds value to the agricultural base of the municipality	The proposed solar farm removes land from production for at least 25 years; as a result the solar farm does not add value to the agricultural base.
It is a rural-based enterprise	A solar farm is a rural based enterprise as the only practical location that large scale solar farms can be located is within a non-urban area.
It provides for the reuse of existing large scale packing sheds and cool stores.	The proposal does not reuse a vacant cool store type building.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

The FZ contains various decision guidelines. Officers consider compliance with these decision guidelines is achieved as:

- The solar farm subject to appropriate conditions such as landscape screening and measures to mitigate potential heat islanding is compatible with adjoining and nearby land uses;
- The proposal is located to connect to existing electricity transmission infrastructure;
- Unlike occupants of a dwelling, the solar farm does not limit intensive agricultural uses that could impact on the amenity of the locality such as spray drift, scare guns and heavy vehicle movements.

52.42-3 (renewable energy facility) includes the following decision guidelines:

Decision Guideline	Officers Response
The effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference	Council's expert technical advisor has advised that the proposed solar farm will not result in unacceptable amenity impacts to neighbouring properties.
The impact of the proposal on significant views, including visual corridors and sightlines.	The Lemnos locality is a flat irrigated landscape that is largely cleared of significant remnant vegetation. The solar panels are about three metres above nature surface level which ensures the panels will not be dominate in the landscape.
The impact of the proposal on the natural environment and natural systems.	The land has no significant environmental or natural systems given that the land has been cleared to accommodate irrigated agriculture.
Whether the proposal will require traffic management measures.	A permit condition requires the submission of a construction management plan that in part addresses traffic measures during the construction phase.

Based on this assessment officers are satisfied that the proposal complies with the decision guidelines under 52.42-3.

Native vegetation

Permission is sought to remove native vegetation (22 trees) under the moderate risk based pathway.

The GHD Flora and Fauna report states that 132 scattered trees were counted on the land of which 113 were Grey box trees.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

52.17-5 includes decision guidelines for applications to remove native vegetation.

Officers are satisfied that the application achieves acceptable native vegetation outcomes for the following reasons:

- The applicant as part of pre-application discussions agreed to reduce the extent of the solar farm to avoid the removal of 22 trees i.e. the proposed tree removal was reduced from 44 trees to 22 trees
- Permit conditions will require that the native vegetation loss be appropriately offset

2017-2021 Council Plan/Key Strategic Activity

Council Vision

Greater Shepparton, Greater Future.

A thriving economy in the foodbowl of Victoria with excellent lifestyles, innovative agriculture, a diverse community and abundant opportunities.

Environment

An objective under this section of the report is:

Alternative energy sources with both environmental and economic gains are promoted and encouraged.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Incorrect notification	A	5	Low	The application has been properly advertised which allowed objections to be lodged with the Council. These objectors will be informed of Council's decision on the application.

Policy Considerations

The application has been considered against the policies contained within the Greater Shepparton Planning Scheme and found to achieve acceptable planning outcomes.

Financial Implications

This planning application has no significant financial implications on Council.

Legal/Statutory Implications

Should either the applicant or objector be dis-satisfied with Council's decision an application for review can be lodged at VCAT.

Cultural Heritage

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The land is within an area of cultural heritage sensitivity. Despite this, a cultural heritage management plan is not required as the land contains no areas of cultural heritage sensitivity.

Environmental/Sustainability Impacts

The use has no detrimental impact on the environment subject to the inclusion of appropriate drainage conditions should it be decided to grant a permit.

Social Implications

Section 60(1)(f) of the Act states the following:

Before deciding on an application, the responsible authority, if the circumstances appear to so require, must consider—

- *Any significant social effects and the economic effects which the responsible authority considers the use or development may have.*

This application does not raise social issues that warrant the refusal of the application.

Economic Impacts

Approval of the use and development will see new investment within the municipality and associated job creation.

Referrals/Public Notice

External Referrals Required by the Planning Scheme:

c)

Section 55 -Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Response
GBCMA	44.03-5 and 44.04-5	Recommending	The GBCMA consented to the application subject to one condition which requires buildings to be constructed 300mm above general ground surface level.
Ausnet Services	66.02-4	Determining	Aus Net consented to the application subject to seven conditions all of which are included in the proposed notice of decision to grant a permit.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

External Notice to Authorities:

Section 52 - Notice Authority	Response
AusNet Services	AusNet consented to the application without requiring any conditions.
GMW	GMW consents to the application subject to their standard siting and drainage conditions.
CFA	The fire authority has consented to the application subject to a number of conditions.
Powercor	Powercor have consented to the proposed solar farm subject to conditions.

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

Sending notices to the owners and occupiers of adjoining land

Placing a sign on site

Notice in the Shepparton News on 17 November 2017

Council received 19 objections to the application.

All objectors were issued with an acknowledgment letter.

The key issues that were raised in the objections are as follows:

Ground of Objection	Response to Objection
Creation of a micro climate as a result of the solar farm (the heat island effect)	<p>Council's expert advisor Sustainable Energy Transformation examined two published studies which considered the likelihood of a heat island effect and the possibility of increased temperatures in the surrounding farmland.</p> <p>It is not possible to definitively rule out the possibility of a heat island effect. Impacts on fruit set and shedding of sheep depend largely on the extent to which any heat island effect would spill over to surrounding properties. At present this is unanswerable with the information available.</p> <p>Assessing heat island impacts on pest insect populations is challenging. Once again the extent to the heat island effect spill into surrounding regions may be critical because the physical environment of a solar farm itself is unlikely to be conducive to harbouring insect populations due to its limited vegetation.</p> <p>Further, while it is the case that temperature is an important factor influencing insect behaviour, distribution, development, survival, and reproduction, the drivers on insect populations dynamics are complex and other factors are relevant.</p> <p>Rainfall is also often an important variable, as is population size. As the population increases so does its vulnerability to disease and predation and the impact of competition within the population and with other</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

Ground of Objection	Response to Objection
	<p>species.</p> <p>In the event that a heat island effect did occur, two potential mitigation options are apparent:</p> <p>The first relates to reducing the heat island effect. Barron-Gafford et al. noted that the warming may be due to heat trapping of re-radiated heat from the ground under the stationary PV arrays at night. If this is the case, a simple mitigation option would be to turn the PV arrays (which will be on a tracker) toward the vertical position thereby opening up the 'view' to the sky to facilitate night radiant cooling.</p> <p>The second relates to biological control of insect populations. In an agricultural setting planting of trees and or shrubs for visual screening purposes will create the opportunity to both boost local biodiversity and increase the populations of insectivorous birds and other species which could assist in reducing insect pest numbers on nearby surrounding properties.</p>
Noise disturbance	<p>Based on similar proposals, the noise levels from typical solar farm operations are expected to be minimal and compliant with noise standards.</p> <p>Tracking solar PV moves at an unobtrusive and slow rate, producing minimal noise. Solar PV farms are generally very silent during the operational phase. The only noise emitted from an operational solar farm would be from the substation and inverters, which can be inaudible if appropriate buffer distances to sensitive receivers or equipment housing are used. There is no noise from inverters at night due to daytime operation of solar panels.</p> <p>Noise impacts would largely be restricted to the construction phase and these could be managed through mitigation measures. During plant operations, other minor sources of noise would be from a small number of vehicles accessing the site per day, aeolian and/or corona noise from transmission lines and any intermittent noise from maintenance activities.</p> <p>Overall, at operational stage, solar farms generate low levels of noise. Any infrastructure with the potential to generate noise could be setback from any sensitive areas in the surrounding area or placed within an enclosed building to minimise noise impacts.</p>
Loss of productive agricultural land	<p>Officers acknowledge that this proposal will result in the loss of productive agricultural land. Officers also acknowledge that the land is identified as being strategic agricultural land and that agriculture is the driver of the regions economy. Despite this, a solar farm is not a prohibited use and the generation of electricity like food production is essential to the lives of Victorians. Officers note there are other non-agricultural uses in FZ such as mines, quarries and schools. Whilst reducing</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

Ground of Objection	Response to Objection
	valuable agricultural land is not an ideal outcome, the proposed solar farm is an acceptable outcome, the loss of 482ha in a food bowl of 317,000ha does not warrant refusal of the application.
Loss of native vegetation	The loss of native vegetation is not an ideal outcome. Officers are satisfied that the loss of native vegetation has been minimised. During pre-application discussions officers required that the number of trees to be lost be reduced by about 22 trees.
Creation of an eyesore in the rural environment	Rural environments are not pristine in view; it is for example not uncommon to observe large buildings, horticultural trellising, frost fans, high transmission power lines and silos. A solar farm whilst new in the landscape is at a low level (3 metres in height) and overtime will be screened by plantings.
Fire concerns during the operational phase of the solar farm	The application has been reviewed by the CFA. The CFA have required that before the development starts a number of fire plans be submitted and approved by the CFA. Based on the CFA consent to the proposal officers are satisfied that fire issues can be managed.
Impacts on the locality during construction of the solar farm including dust emissions and vehicle movements	Officers accept that during the construction phase there is potential for disturbance to the area. It is recommended that these construction works be managed through the approval of a site and construction management plan.
Impact on flood flows in the area	GMW have reviewed the application and required that development on both sides of O'Keefe Creek for a distance of 30 metres not be allowed. The purpose of this 60m exclusion area is to allow the flow of flood waters through the land.
Impact on bicycle safety	A requirement of the site and construction management plan will include measures to ensure safe bicycle travel can continue within the locality and that gravel debris being dragged onto sealed roads is minimised.
Potential contamination of water	Officers understand this concern relates to battery storage on the land. The submitted application does not propose battery storage and any on site battery will be subject to further planning permission. Officers note that battery storage is dealt with in 3.4.2 of the GHD report, the report includes the following sentence: <i>'Neoen would consult with Council prior to submitting revised drawings for the battery storage building'</i> .

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

Impact on drone use in agriculture	The land where drone flights are undertaken are separated by Tank Corner East Road, this setback should minimise conflict between drone flights and the proposed solar farm.
Devaluation of land	Property devaluation is not a relevant planning consideration.
Lack of scientific research in relation to issues such as impact on local climate and electromagnetic radiation	Officers do not disagree that there is gaps in the scientific research in regards to solar farms. Officers have engaged a solar expert to advise on the best scientific data available to date. Officers have relied on the expert views of Sustainable Energy Transformation in this report.
Lack of community consultation	<p>Officers have undertaken public notice of the application which has resulted in 19 objections being lodged to the application. Objectors have briefed Council on their concerns associated with the applications.</p> <p>Officers understand that some objectors are disappointed about the applicant's lack of consultation. This is not something that planning officers can control.</p>
Setback from property boundaries	<p>In Australia, there are no standard setback distances for solar farms from adjoining property boundaries. They are determined according to local planning guideline requirements, and any restrictions, if required, are typically established as part of assessments for the project's environmental management plan.</p> <p>Internationally, there is no consistent standard. A similar approach to Australia is used in the United Kingdom. In America, codified distances from residential dwellings range from 6 to 30.5 metres. In Ireland, a number of cases have upheld 22 metres as a setback distance from adjacent residential boundaries.</p> <p>It appears that these codified setbacks are related to a subjective offsite amenity appraisal as opposed to any technical concern regarding PV technology.</p> <p>The proposed setback of 50 metres from the site boundary including a screen of native vegetation is deemed sufficient to mitigate any likely effects on the neighbouring residential properties.</p>
Glare from solar panels and impact on bird life	In general, modern PV panels are designed to absorb as much sunlight as possible to convert it into electricity. The panels are single axis tracking aligned North/South. Consequently, they rotate from facing toward the East in the morning across the sky to facing West at sunset. Under the proposal, the maximum tilt of the panels is 60°. This would not allow reflection onto neighbouring properties under normal operating

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.5 To Use and Develop Land for a Solar Farm in Lemnos (continued)

	<p>conditions, as when the sun is at the lowest point any light reflected would be upwards.</p> <p>If there were to be any glare, surrounding and screening vegetation would disrupt any light rays parallel to the ground from the collector or supporting infrastructure. The materials and colour of onsite infrastructure (other than the solar panels) will be non-reflective and in keeping with the materials and colouring of the landscape. This infrastructure will be similar to common infrastructure on farm properties, such as sheds.</p>
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Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy (GS2030)

Environment

At 6.4 of GS2030 the below two strategic objectives are identified:

- *To manage irrigated and non-irrigated land for long-term sustainable production purposes.*
- *To reduce greenhouse gas emissions by local actions, in the interests of current and future generations*

Conclusion

Officers in this report are in no way underplaying the significance of agriculture to the region; the Goulburn Valley is a food bowl of national importance. So much so that Governments have invested more than 2 billion dollars to modernise the irrigation network.

Despite this, it is recommended that permission be granted to use and develop the land for a solar farm on the basis that the development will assist in providing clean power generation.

Attachments

Nil

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna

Disclosures of conflicts of interest in relation to advice provided in this report
Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Statutory Planner

Proof reader(s): Manager Planning

Approved by: Director Sustainable Development

Executive Summary

The application seeks planning approval to use and develop land at 1090 Lemnos North Road, Congupna for a 68MW renewable energy facility (solar farm). The proposed development includes the removal of six scattered paddock trees and business identification signage. The application represents a development of \$48 million in the municipality.

- The land is within the Farming Zone (FZ). The land is within an area of cultural heritage significance and as a result the proposed development triggers the need for a cultural heritage management plan (CHMP). An approved CHMP was provided to officers on 22 January 2018.

Officers have advertised the application and three objections to the proposal have been lodged with Council. The objections largely relate to the following issues:

- Loss of productive agricultural land
- Conflict between agricultural activities and the operation of the solar farm i.e. dust caused by farming and then settling on the solar panels
- Devaluation of land
- Impact on flood flows
- Fire risk

The key issue for consideration is whether the loss of productive agricultural land in a food bowl of national significance for a solar farm is acceptable.

The Greater Shepparton Planning Scheme (the scheme) places a strong emphasis on the retention of agricultural land and the discouragement of non-agricultural uses in farming areas. This application proposes to remove about 160 hectares from agriculture for at least 25 years.

The Rural Regional Land Use Strategy (Rural Strategy) identifies that agriculture within the study region (Campaspe, Moira and Shepparton) consists of about 500,000ha of which 317,000ha is irrigated with about 1.5 million megalitres of water used. Agriculture is without question the main economic driver of the region.

The FZ does not prohibit renewable energy facilities such as solar farms.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

The state planning policy seeks to promote and facilitate renewable energy facilities. Clause 19.01-1 (provision of renewable energy) objective is:

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

e) Clause 52.42 (renewable energy facility) of the scheme seeks to *'facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area'*.

In this instance officers are required to consider conflicting policies between agriculture and state policy support for renewable energy facilities and decide in the favour of the net community benefit and sustainable development for the benefit of present and future generations.

Officers note that it is a difficult task in determining this matter, both food and energy production is of fundamental importance to all Victorians.

Officers recommended that a notice of decision to grant a permit be issued for the proposed solar farm for the following reasons:

- Officers acknowledge that this proposal will result in the loss of productive agricultural land. Officers also acknowledge that the land is identified as being strategic agricultural land and that agriculture is the driver of the region's economy. Despite this, a solar farm is not a prohibited use and the generation of electricity like food production is essential to the lives of Victorians. Officers note there are other non-agricultural uses in FZ such as mines, quarries and schools. Whilst reducing valuable agricultural land is not an ideal outcome, the proposed solar farm is an acceptable outcome, the loss of 160ha in a food bowl of 317,000ha does not warrant refusal of the application. The solar farm will produce power to assist in the meeting of future electricity demands;
- Generation of solar energy will assist in achieving the Victorian Governments renewable energy target being 25% of generation by 2020 and 40% generation by 2025;

Officers engaged Sustainable Energy Transformation to undertake an expert review of the grounds of objection. The conclusion of this expert review is:

The technical aspects raised in the objections have been reviewed. Some aspects have been found to be without a technical basis and others can be adequately addressed with appropriate requirements in management plans for the site development.

Based on this expert assessment officers are satisfied that there is no technical energy basis to refuse the application.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Wangaratta

A state government advisory committee considered an expansion of the Countrywide Energy Solar Farm at Wangaratta North. Whilst the issues were different in the Wangaratta case, the advisory committee did support the solar farm application and made the following comments:

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.

Officers having undertaken an assessment of the application and recommend that notice of decision to grant a permit be issued by Council.

RECOMMENDATION

In relation to Planning Application 2017-344, on the basis of the information before Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council resolves to issue a notice of decision to grant a planning permit subject to the following conditions:

Plans Required

Before the development starts, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies (or as specified) must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to include any necessary information listed in Council's Infrastructure Design Manual.

- a) Plans to show the solar arrays are setback at least 50 metres from the lands boundary
- b) A detailed fencing plan that achieves compliance with the GBCMA conditions
- c) Floor and elevation plans of all proposed buildings
- d) Setbacks of buildings and solar panel to comply with GMW conditions
- e) Details of the business identification signage

Section 173 Agreement

Prior to the use commencing, the owner must enter into an agreement with the Responsible Authority, pursuant to Section 173 of the *Planning and Environment Act 1987* (the Act). This agreement must be registered on the title to the land pursuant to Section 181 of the *Planning and Environment Act 1987*. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement. The agreement must provide for:

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

- a) Within three months of the solar farm use ending a decommissioning and rehabilitation management plan prepared by a suitably qualified person must be submitted to the responsible authority for approval. The plan must include but is not limited to:
1. identification of structures, including but not limited to all solar panels, substation, buildings and electrical infrastructure, including underground infrastructure to be removed and how they will be removed;
 2. details of how the land will be rehabilitated back to its pre-development condition, including irrigation layout and soil profile

Within 12 months of the endorsement of the decommissioning and rehabilitation management plan all the decommissioning and rehabilitation must be completed to satisfaction of the responsible authority.

- b) The photovoltaic arrays (solar panels) must be orientated so that the panels are perpendicular to the ground within 30 minutes of sunset until within 30 minutes of sunrise to facilitate night radiant cooling.
- c) The operator of the solar farm accepts and acknowledges that the use and development may be subject to disturbance from agricultural activities including but not limited to spray drift, dust emissions and heavy machinery use

The said agreement is to be prepared by Council. Council will undertake to have the agreement prepared upon written notification from the applicant. All costs associated with the preparation and registration of the agreement shall be borne by the applicant including Council's administration fee. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

Civil Construction Requirements

Before any of the development starts, detailed plans with computations to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The information submitted must show the details listed in the Council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual.

- a) details (and computations) of how the works on the land are to be drained including drains conveying stormwater to the legal point of discharge;
- b) details of how the drainage design allows for the continuation of existing overland flow paths across the land;
- c) documentation demonstrating approval from the relevant authority for the legal point of discharge;
- d) maximum discharge rate shall not be more than 1.2 l/sec/ha;
- e) detailed plans of the vehicle crossing from Lemnos North Road to the site office area;
- f) carparking areas, circulation lanes and access shall be designed and constructed in accordance with AustRoads Publication 'Guide to Traffic

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Engineering Practice : Part 11 Parking,' 'Australian Standard AS2890.1-2004 (Off Street Parking)' & 'AS2890.6 (Off Street Parking for People with Disabilities);'

- g) the site shall be properly illuminated with lighting designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land;

- h) details of the perimeter fencing of the land

to the satisfaction of the responsible authority.

All parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

The access and parking areas must be constructed and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the responsible authority.

Parking spaces, access lanes and driveways must be kept available for these purposes at all times.

Before the operation of the solar farm commences all buildings and works as shown on the endorsed plans must be constructed in accordance with the endorsed plans to the satisfaction of the responsible authority.

Landscape Plan

Before the development starts a landscape plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided;

- a) a survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed;
- b) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- c) how the land under the solar arrays maintains ground cover at a reasonable level and the management of fire risk
- d) details of permanent screening trees and shrubs with a minimum of six rows using a mixture of local trees and understorey species

All species selected must be to the satisfaction of the responsible authority.

Before the commencement of the use or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

Once the landscaping planting is carried out the landscaping must be maintained including the replacement of any dead or diseased plants to the satisfaction of the responsible authority.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Construction Management Plan

Prior to commencement of works, a Construction Site Management Plan in accordance with Council's Infrastructure Design Manual must be prepared, approved and implemented to the satisfaction of the responsible authority. The plan must show:

- a) measures to control erosion and sediment and sediment laden water runoff, including the design details of structures;
- b) measures to retain dust, silt and debris onsite, both during and after the construction phase;
- c) locations of any construction wastes and the method of disposal, equipment, machinery and/or earth storage/stockpiling during construction;
- d) where access to the site for construction vehicle traffic will occur;
- e) tree protection zones;
- f) the location of trenching works, boring, and pits associated with the provision of services;
- g) the location of any temporary buildings or yards.

General Amenity

The use and development permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

Prior to the use commencing any security alarm installed on the premises must be 'silently wired' to a security firm or the Victoria Police.

Prior to the use commencing any lighting within the site must be designed, baffled and located in such positions so as to effectively illuminate all pertinent public areas, without spilling onto the road reserve or adjoining land, and must be connected to a time clock switch or other approved system to the satisfaction of the responsible authority.

Native Vegetation Offsets

Native vegetation offsets are required to offset the removal of six native scattered trees approved as part of this permit. The applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual (Department of Environment and Primary Industries)*:

The offset must:

- a) contribute gain of at least 0.101 biodiversity equivalence units
- b) be located within the Goulburn Broken Catchment Management Authority boundary or Greater Shepparton City Council Municipal district
- c) have a strategic biodiversity score of at least 0.406

Native Vegetation Offset Evidence

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of and approved by the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

accordance with the requirements of the Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual (Department of Environment and Primary Industries).

Offset evidence can be either:

- a) An allocated native vegetation credit register extract from the Native Vegetation Credit Register; or
- b) A security agreement to the required standard for the offset site or sites, including a 10-year Offset Management Plan to the satisfaction and approval of the Responsible Authority.

Every year, for ten years from the date of approval of the Offset Management Plan, the applicant must provide to the Responsible Authority, notification of actions undertaken towards implementation of the Offset Management Plan, an offset site condition statement and site monitoring photographs.

The Offset Management Plan must be in accordance with Permitted clearing of native vegetation; First party general offset kit (Department of Environment and Primary Industries) and include:

- i. The gain in biodiversity equivalence units and strategic biodiversity score to be achieved by the offset actions
- ii. Location of where offsets are to be provided and size of area (to be drawn to scale)
- iii. Type of offsets to be provided
- iv. If applicable, revegetation details including the method(s), number of trees, shrubs and other plants, species, mix and density
- v. Activities that will be forgone within the offset area, such as grazing, removal of fallen timber and standing trees and other development/uses
- vi. Management actions that will be undertaken to ensure long term sustainability of offset(s) such as permanent fencing, weed control, revegetation maintenance, retention of timber/branches and other habitat management actions
- vii. Method of permanent protection for offset(s) such as a formal agreement
- viii. Person(s) responsible for implementing and monitoring the Offset Management Plan
- ix. Time frame for implementing the Offset Management Plan

No alteration to Offset requirements

The requirements noted in an approved and endorsed Offset Plan must not be altered without the written consent of the responsible authority.

Country Fire Authority Requirements

Before the development starts, plans to the satisfaction of CFA must be submitted and approved by CFA and the responsible authority. When approved, the plans will be endorsed and then form a part of the permit. The plans mentioned above must include the following:

- a) Fire Management Plan;
- b) Bushfire Risk Assessment, incorporating water supply requirements;
- c) Fuel Reduction and Maintenance Plan;
- d) Emergency Management Plan; and
- e) Any other risk management information for the site.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Goulburn Murray Water Requirements

- a) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- b) No buildings and solar panels (including works associated with solar panels) are to be constructed within 30 metres of the Congupna Creek or within the Floodway Overlay.

Goulburn Broken Catchment Management Authority Requirements

- a) The finished floor levels of the proposed substation and site office must be constructed at least 300 millimetres above the adjacent centreline road levels of the Katamatite-Shepparton Main Road, or higher level deemed necessary by the responsible authority.
- b) The Floodway Overlay at the north-east corner of the property may be fenced on the Overlay's western boundary only.

Powercor Requirements

The applicant shall:

- a) Negotiate with Powercor for the connection of the development, to the existing power distribution network.
- b) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- c) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- d) Set aside for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required.

Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- e) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
- f) Obtain for the use of Powercor Australia Ltd any other easement external to the development.

Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- a) the development and use has not started within **two (2) years** of the date of this permit;
- b) the development is not completed within **four (4) years** of the date of this permit.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Moved by Cr Adem
Seconded by Cr Patterson

That the Council resolve to:

1. Note that by letter dated 13 February 2018 the Minister for Planning gave notice that the Minister:
 - a. has agreed to the Council's request under section 97C of the Planning and Environment Act 1987 that the Minister for Planning decide the following solar farm planning permit applications: 2017-162; 2017-274; 2017-301; 2017-344;
 - b. intends to establish a combined Panel to consider those planning permit applications.
2. Note that as a result the Council is no longer the decision maker for the planning permit applications that were referred to the Minister and the Council must not proceed further with the applications.
3. Through its representatives, appear and make submissions at the hearing(s) by a combined Panel appointed by the Minister for Planning for planning permit application 2017-344 and make available Council Planning Officer's reports.
4. Note the complexities of planning permit application 2017-344 and that there are community concerns in relation to that application.
5. Write to the Panel and request that the hearing(s) be held in Shepparton
6. Authorise the Chief Executive Officer (who may in turn delegate these authorisations to any of his or her delegates) to:
 - a. take whatever steps as they see fit so as to implement this resolution, including but not limited to engaging legal representatives and appointing expert witnesses;
 - b. comply with any directions of the Minister for Planning given to the Council as the referring responsible authority; and
 - c. instruct the Council's legal representatives regardless of Council's position to provide the following draft conditions to the Panel:

Plans Required

Before the development starts, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies (or as specified) must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to include any necessary information listed in Council's Infrastructure Design Manual.

- a) Plans to show the solar arrays are setback at least 50 metres from the lands boundary
- b) A detailed fencing plan that achieves compliance with the GBCMA conditions
- c) Floor and elevation plans of all proposed buildings
- d) Setbacks of buildings and solar panel to comply with GMW conditions
- e) Details of the business identification signage

Section 173 Agreement

Prior to the use commencing, the owner must enter into an agreement with the

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Responsible Authority, pursuant to Section 173 of the *Planning and Environment Act 1987* (the Act). This agreement must be registered on the title to the land pursuant to Section 181 of the *Planning and Environment Act 1987*. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement. The agreement must provide for:

- a) Within three months of the solar farm use ending a decommissioning and rehabilitation management plan prepared by a suitably qualified person must be submitted to the responsible authority for approval. The plan must include but is not limited to:
 1. identification of structures, including but not limited to all solar panels, substation, buildings and electrical infrastructure, including underground infrastructure to be removed and how they will be removed;
 2. details of how the land will be rehabilitated back to its pre-development condition, including irrigation layout and soil profile

Within 12 months of the endorsement of the decommissioning and rehabilitation management plan all the decommissioning and rehabilitation must be completed to satisfaction of the responsible authority.

- b) The photovoltaic arrays (solar panels) must be orientated so that the panels are perpendicular to the ground within 30 minutes of sunset until within 30 minutes of sunrise to facilitate night radiant cooling.
- c) The operator of the solar farm accepts and acknowledges that the use and development may be subject to disturbance from agricultural activities including but not limited to spray drift, dust emissions and heavy machinery use

The said agreement is to be prepared by Council. Council will undertake to have the agreement prepared upon written notification from the applicant. All costs associated with the preparation and registration of the agreement shall be borne by the applicant including Council's administration fee. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

Civil Construction Requirements

Before any of the development starts, detailed plans with computations to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The information submitted must show the details listed in the Council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual.

- a) details (and computations) of how the works on the land are to be drained including drains conveying stormwater to the legal point of discharge;
- b) details of how the drainage design allows for the continuation of existing overland flow paths across the land;
- c) documentation demonstrating approval from the relevant authority for the legal point of discharge;

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

- d) maximum discharge rate shall not be more than 1.2 l/sec/ha;
- e) detailed plans of the vehicle crossing from Lemnos North Road to the site office area;
- f) carparking areas, circulation lanes and access shall be designed and constructed in accordance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking,' 'Australian Standard AS2890.1-2004 (Off Street Parking)' & 'AS2890.6 (Off Street Parking for People with Disabilities);'
- g) the site shall be properly illuminated with lighting designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land;
- h) details of the perimeter fencing of the land to the satisfaction of the responsible authority.

All parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

The access and parking areas must be constructed and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the responsible authority.

Parking spaces, access lanes and driveways must be kept available for these purposes at all times.

Before the operation of the solar farm commences all buildings and works as shown on the endorsed plans must be constructed in accordance with the endorsed plans to the satisfaction of the responsible authority.

Landscape Plan

Before the development starts a landscape plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided;

- a) a survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed;
- b) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- c) how the land under the solar arrays maintains ground cover at a reasonable level and the management of fire risk
- d) details of permanent screening trees and shrubs with a minimum of six rows using a mixture of local trees and understorey species

All species selected must be to the satisfaction of the responsible authority.

Before the commencement of the use or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Once the landscaping planting is carried out the landscaping must be maintained including the replacement of any dead or diseased plants to the satisfaction of the responsible authority.

Construction Management Plan

Prior to commencement of works, a Construction Site Management Plan in accordance with Council's Infrastructure Design Manual must be prepared, approved and implemented to the satisfaction of the responsible authority. The plan must show:

- a) measures to control erosion and sediment and sediment laden water runoff, including the design details of structures;
- b) measures to retain dust, silt and debris onsite, both during and after the construction phase;
- c) locations of any construction wastes and the method of disposal, equipment, machinery and/or earth storage/stockpiling during construction;
- d) where access to the site for construction vehicle traffic will occur;
- e) tree protection zones;
- f) the location of trenching works, boring, and pits associated with the provision of services;
- g) the location of any temporary buildings or yards.

General Amenity

The use and development permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

Prior to the use commencing any security alarm installed on the premises must be 'silently wired' to a security firm or the Victoria Police.

Prior to the use commencing any lighting within the site must be designed, baffled and located in such positions so as to effectively illuminate all pertinent public areas, without spilling onto the road reserve or adjoining land, and must be connected to a time clock switch or other approved system to the satisfaction of the responsible authority.

Native Vegetation Offsets

Native vegetation offsets are required to offset the removal of six native scattered trees approved as part of this permit. The applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual (Department of Environment and Primary Industries)*:

The offset must:

- a) contribute gain of at least 0.101 biodiversity equivalence units
- b) be located within the Goulburn Broken Catchment Management Authority boundary or Greater Shepparton City Council Municipal district
- c) have a strategic biodiversity score of at least 0.406

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Native Vegetation Offset Evidence

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of and approved by the Responsible Authority. This 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 (Department of Environment and Primary Industries).

Offset evidence can be either:

- c) An allocated native vegetation credit register extract from the Native Vegetation Credit Register; or
- d) A security agreement to the required standard for the offset site or sites, including a 10-year Offset Management Plan to the satisfaction and approval of the Responsible Authority.

Every year, for ten years from the date of approval of the Offset Management Plan, the applicant must provide to the Responsible Authority, notification of actions undertaken towards implementation of the Offset Management Plan, an offset site condition statement and site monitoring photographs.

The Offset Management Plan must be in accordance with Permitted clearing of native vegetation; First party general offset kit (Department of Environment and Primary Industries) and include:

- x. The gain in biodiversity equivalence units and strategic biodiversity score to be achieved by the offset actions
- xi. Location of where offsets are to be provided and size of area (to be drawn to scale)
- xii. Type of offsets to be provided
- xiii. If applicable, revegetation details including the method(s), number of trees, shrubs and other plants, species, mix and density
- xiv. Activities that will be forgone within the offset area, such as grazing, removal of fallen timber and standing trees and other development/uses
- xv. Management actions that will be undertaken to ensure long term sustainability of offset(s) such as permanent fencing, weed control, revegetation maintenance, retention of timber/branches and other habitat management actions
- xvi. Method of permanent protection for offset(s) such as a formal agreement
- xvii. Person(s) responsible for implementing and monitoring the Offset Management Plan
- xviii. Time frame for implementing the Offset Management Plan

No alteration to Offset requirements

The requirements noted in an approved and endorsed Offset Plan must not be altered without the written consent of the responsible authority.

Country Fire Authority Requirements

Before the development starts, plans to the satisfaction of CFA must be submitted and approved by CFA and the responsible authority. When approved, the plans will be endorsed and then form a part of the permit. The plans mentioned above must include the following:

- a) Fire Management Plan;
- b) Bushfire Risk Assessment, incorporating water supply requirements;

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

- c) Fuel Reduction and Maintenance Plan;
- d) Emergency Management Plan; and
- e) Any other risk management information for the site.

Goulburn Murray Water Requirements

- a) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- b) No buildings and solar panels (including works associated with solar panels) are to be constructed within 30 metres of the Congupna Creek or within the Floodway Overlay.

Goulburn Broken Catchment Management Authority Requirements

- a) The finished floor levels of the proposed substation and site office must be constructed at least 300 millimetres above the adjacent centreline road levels of the Katamatite-Shepparton Main Road, or higher level deemed necessary by the responsible authority.
- b) The Floodway Overlay at the north-east corner of the property may be fenced on the Overlay's western boundary only.

Powercor Requirements

The applicant shall:

- a) Negotiate with Powercor for the connection of the development, to the existing power distribution network.
- b) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- c) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- d) Set aside for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required.

Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- e) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
- f) Obtain for the use of Powercor Australia Ltd any other easement external to the development.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- d) the development and use has not started within **two (2) years** of the date of this permit;
- e) the development is not completed within **four (4) years** of the date of this permit.

CARRIED.

Property Details

Land/Address	1090 Lemnos North Road, Congupna. The land is 160ha in size. The proposed solar farm develops about 102ha of the land. The land contains a large stand of native vegetation which is about 5ha in size. The layout of the solar farm avoids this vegetation. Congupna Creek crosses the edge of the land.
Zones and Overlays	Farming Zone Abuts Road Zone Category 1 and 2 Floodway Overlay Land Subject to Inundation Overlay
Why is a permit required	Use of land for a renewable energy facility under 35.07-1 Buildings and works in the FZ under 35.07-4 Buildings and works in the FO under 44.03-1 Buildings and works in the LSIO under 44.04-1 Erection and display business identification signage (not more than 3sqm) under 52.05-10 Removal of six native trees under 52.17-2
Covenants	No. Crown Grants do apply to the land and relate to mining; therefore the grants do not impact on the solar farm proposal.
Area of cultural heritage sensitivity	Yes. A CHMP has been approved.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

The subject site



Proposal in Detail

The planning application describes the proposal as *'use and development for land for a renewable energy facility (solar farm), installation of a business identification sign and removal of native vegetation'*. The application was lodged on 3 November 2017.

The application consists of:

- Planning Report prepared by Spiire
- General Layout of the proposed solar farm
- Biodiversity report associated with the tree removal (six trees)
- Concept drainage plan prepared by Spiire
- Technical drawings prepared by X-Elio

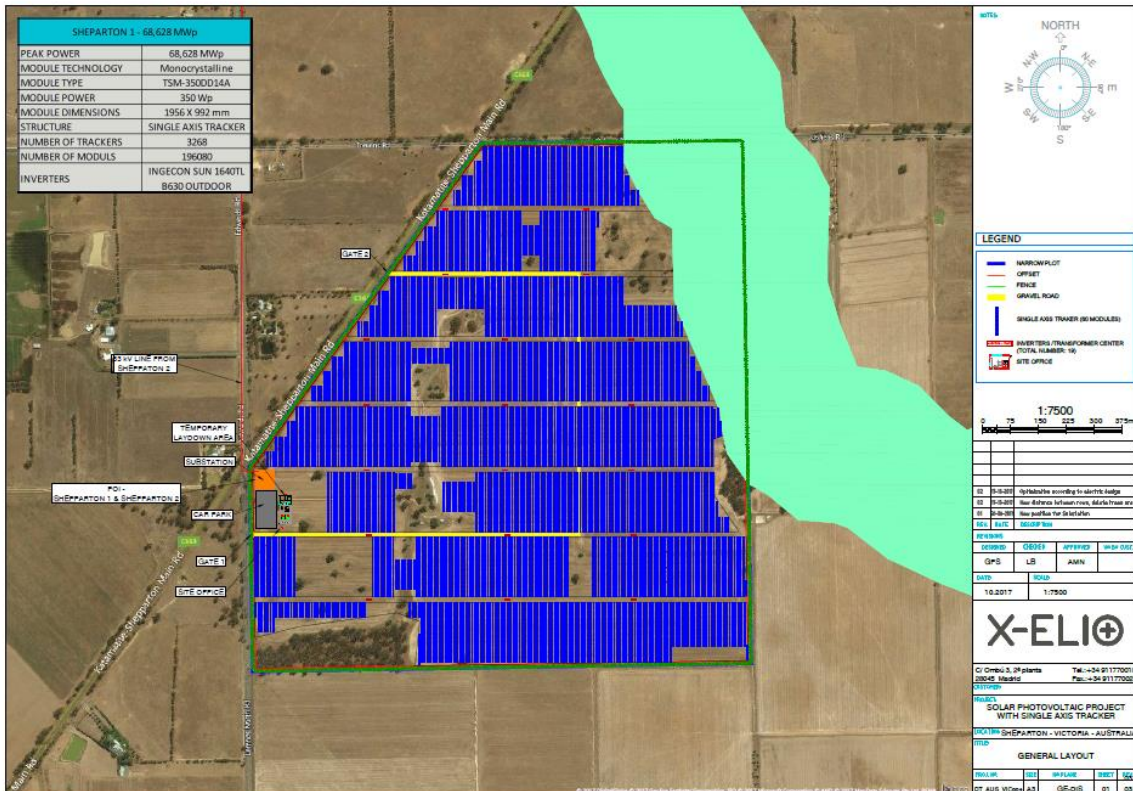
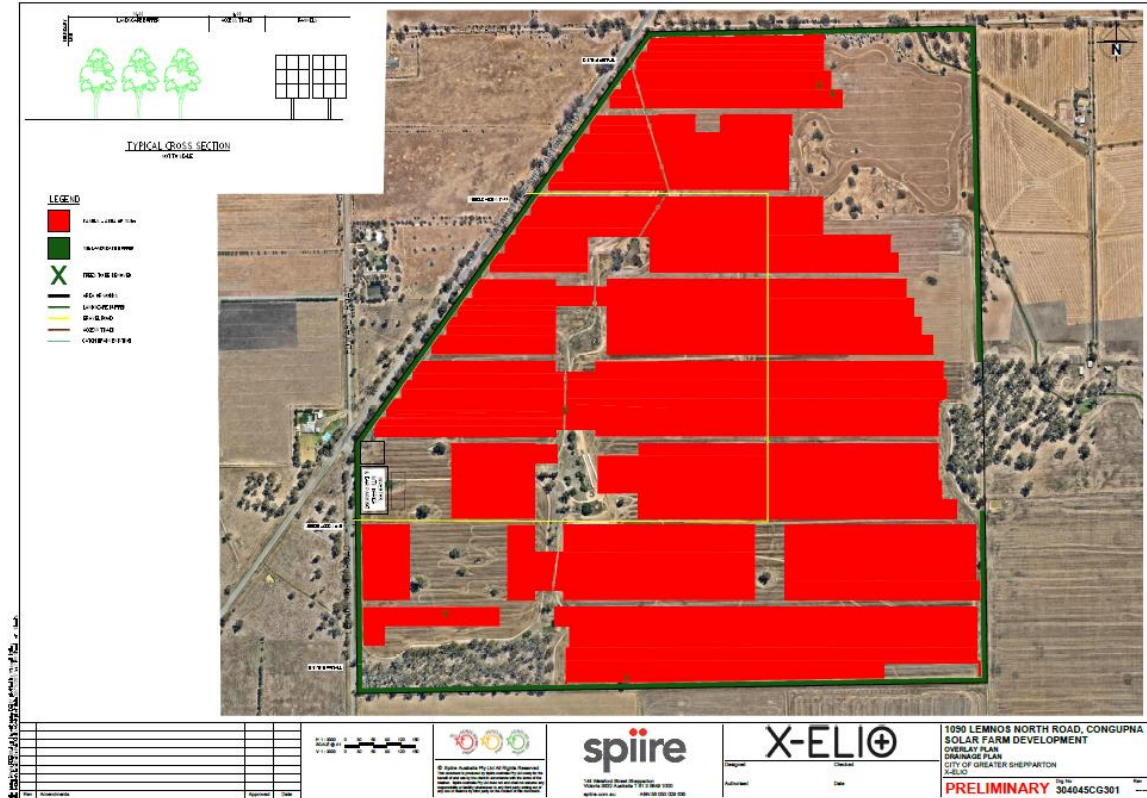
The application explains the proposal as follows:

- the panels will track the path of the sun over the period of the day
- a total of 196,080 solar panels are proposed
- at their highest point the panels will be 3.03 metres in height
- 19 inverters will be constructed on the land and each inverter will be housed within a shipping container
- a small office will be constructed on the land
- the applicant anticipates that the solar farm will generate 10 – 15 jobs

A plan of the proposed development is below.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Summary of Key Issues

- The application has been advertised and three objections received. Grounds of objection relate to loss of productive agricultural land, conflict between the solar farm and agricultural activities, devaluation of land, impact on flood flows and fire risk.
- Officers engaged Sustainable Energy Transformation an expert solar consultant to review technical matters raised in the grounds of objection. The expert review concluded the following:
The technical aspects raised in the objections have been reviewed. Some aspects have been found to be without a technical basis and others can be adequately addressed with appropriate requirements in management plans for the site development.
- The main assessment concern associated with the application and raised by objectors is the loss of productive agricultural land. Officers acknowledge the importance of agriculture to the region, despite this it is considered the loss of 160ha of agricultural land in a food bowl of 317,000ha is an acceptable outcome. Officers also note that the solar farm has a limited life of 25 to 30 years and that rehabilitation of the site can allow future farming of the land.
- Officers are concerned about the possibility that the solar farm could increase temperatures in the locality which could detrimentally impact on agriculture. Scientific research on this issue is not yet conclusive.
- Despite this given the importance of agriculture to the region, officers require that night time cooling be provided for by turning the panels perpendicular to the ground. Additionally a condition will require that the solar arrays be setback not less than 50 metres from property boundaries to minimise heat spill to neighbouring land.

Background

Planning officers met with the applicant prior to the application being lodged and informed of the application requirements.

At the November 2017 Ordinary Council Meeting Council resolved the following:

That the Council direct the Chief Executive Officer to write to the Minister of Planning:

- *requesting under section 97C of the Planning and Environment Act 1987 that the Minister for Planning decide the solar farm planning applications referred to the Minister in the Greater Shepparton City Council local government area*
- *inviting the Minister for Planning to establish a process that provides a fair and proper opportunity for all affected stakeholders to be heard.*

Subsequently officers formally requested that the Minister for Planning call in the solar applications to a Panel Hearing. In addition to this written request a meeting was held between the Minister for Planning, the Mayor, Chief Executive Officer and Manager of Planning to discuss the referral of the solar applications.

Despite these efforts the Minister for Planning has decided not to accept Council's invitation to refer the solar applications to an independent planning panel. Consequently Council is required to decide on this application.

Assessment under the Planning and Environment Act

Planning permission is required to use and develop the land for a solar farm in the FZ and LSIO.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

The scheme has two themes which form the basis of this assessment being support for agriculture and renewable energy production.

Examples of this policy direction are below:

11.12-5 Hume Regional Growth Plan

This growth plan identifies the subject site as 'strategic agricultural land'.

A strategy for the Hume region is:

- *Support agricultural production through the protection and enhancement of infrastructure and strategic resources such as water and agricultural land, including areas of strategic agricultural land.*

The Hume strategy also includes:

- *Create renewable energy hubs that support co-location of industries to maximise resource use efficiency and minimise waste generation.*

14.01-1 Protection of agricultural land

- *To protect productive farmland which is of strategic significance in the local or regional context.*

19.01-1 Provision of renewable energy

Provision of renewable energy

Objective

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

Strategies

- *Facilitate renewable energy development in appropriate locations.*
- *Protect energy infrastructure against competing and incompatible uses.*
- *Develop appropriate infrastructure to meet community demand for energy services and setting aside suitable land for future energy infrastructure.*
- *In considering proposals for renewable energy, consideration should be given to the economic and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.*
- *In planning for wind energy facilities, recognise that economically viable wind energy facilities are dependent on locations with consistently strong winds over the year.*

21.06-1 Agriculture

Irrigated primary production and the processing of that product underpin the municipality and the Region's economy. The level of production is nationally important and the region is responsible for significant parts of the nation's milk production, deciduous canned fruit production, stone fruit crop and tomato processing production.

The land is within a consolidation area.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Consolidation areas being areas that support existing farm businesses to operate and expand. Consolidation areas typically include land with good soils and include many of the former closer settlement areas, but their lot sizes are no longer reflective of current farm sizes. Consolidation areas are considered to provide opportunities for development of growing agricultural enterprises that can, over time, expand and consolidate through a process of property restructure. In this regard 'consolidation' includes the consolidation of land or the consolidation of farming enterprises through acquisition of non-contiguous land to increase farm size.

The development of additional dwellings threatens expanding agricultural enterprises and accordingly, new dwellings within these areas are discouraged. The use of re-subdivision and excisions within consolidation areas will be considered in recognition that the excision of a dwelling from a farm can provide businesses an opportunity to consolidate property holdings based on the value of land for agriculture. The minimum subdivision size in these areas has been set at 40ha and a dwelling needs a planning permit on all land less than 60ha in area.

Rural Regional Land Use Strategy

The key objective of this rural strategy is to secure and promote the future of agriculture across the region through the respective Council planning schemes. This strategy will ensure that the planning schemes of the three municipalities are responsive to rural issues, and in particular support agricultural growth and change.

Irrigated primary production and the processing of that product underpin the Region's economy. The level of production is nationally important; for instance the region is responsible for

- *25% of the nation's milk production*
- *90% of the national deciduous canned fruit production*
- *45% of Australia's stone fruit crop*
- *90% of the national tomato processing production.*

Clause 10.04 Integrated decision making

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Officers Assessment

In principle, a proposal for the generation of renewable energy that reduces fossil fuel dependency is worthwhile. The assessment difficulty with this application is considering if agricultural land of strategic importance should be made unproductive for at least 25 years for a solar farm.

A renewable energy facility is a section 2 use in the FZ subject to the following condition which the application complies with:

Must meet the requirements of clause 52.42

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Officers acknowledge that the scheme provides strategic direction to protect strategic agricultural land from non-agricultural uses.

Throughout the FZ there are non-agricultural uses such as quarries, mines, dwellings and jails. Whilst these uses do not contribute to primary production they are allowable uses in the FZ. Likewise the scheme provides discretion to allow renewable energy facilities like solar farms in the FZ.

Clause 21.06-4 provides the following policy guidelines which provide an assessment guide for this application.

It is policy to:

Discourage industrial use and development (other than rural industry) in rural areas, except where:

Decision Guideline	Officers Response
It is unable to be accommodated in existing industrial zoned areas;	The substantial land size required for solar farms means that insufficient land is available in zones other than the FZ.
It does not compromise the surrounding existing and future agricultural practices;	Council's expert review by Sustainable Energy Transformation has considered impacts on surrounding agricultural land in relation to heat islands and decline of insects. To protect existing and future fruit trees a permit condition will require mitigation of the heat island effect by turning the PV arrays at night to a vertical position to allow night radiant cooling.
It adds value to the agricultural base of the municipality	The proposed solar farm removes land from production for at least 25 years; as a result the solar farm does not add value to the agricultural base.
It is a rural-based enterprise	A solar farm is a rural based enterprise as the only practical location that large scale solar farms can be located is within a non-urban area.
It provides for the reuse of existing large scale packing sheds and cool stores.	The proposal does not reuse a vacant cool store type building.

The FZ contains various decision guidelines. Officers consider compliance with these decision guidelines is achieved as:

- The solar farm subject to appropriate conditions such as landscape screening and measures to mitigate potential heat islanding is compatible with adjoining and nearby land uses;
- The proposal is located to connect to existing electricity transmission infrastructure;
- Unlike occupants of a dwelling, the solar farm does not limit intensive agricultural uses that could impact on the amenity of the locality such as spray drift, scare guns and heavy vehicle movements.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Permission is sought to remove six scattered paddock trees under 52.17-2 (the old provisions as the application was lodged before the commencement of VC138).

The removal of the six trees is assessed under the low risk based pathway. As offsets can be secured for the loss of native vegetation officers are satisfied that the removal of six trees is acceptable. Officers also acknowledge that the applicant has proposed a solar layout that allows most of native vegetation on the land be retained which is a positive landscape outcome.

52.42-3 (renewable energy facility) includes the following decision guidelines:

Decision Guideline	Officers Response
The effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference	Council's expert technical advisor has advised that the proposed solar farm will not result in unacceptable amenity impacts to neighbouring properties.
The impact of the proposal on significant views, including visual corridors and sightlines.	The locality is a flat agricultural landscape. The solar panels are about three metres above nature surface level which ensures the panels will not overwhelm the landscape.
The impact of the proposal on the natural environment and natural systems.	The land has a significant patch of native vegetation which has been retained as part of this application.
Whether the proposal will require traffic management measures.	The development site is accessed by sealed roads which removes dust emissions as an issue. Officers do not consider specific traffic management conditions are necessary as part of a planning permission.

Based on this assessment officers are satisfied that the proposal complies with the decision guidelines under 52.42-3.

2017-2021 Council Plan/Key Strategic Activity

Council Vision

Greater Shepparton, Greater Future.

A thriving economy in the foodbowl of Victoria with excellent lifestyles, innovative agriculture, a diverse community and abundant opportunities.

Environment

An objective under this section of the report is:

Alternative energy sources with both environmental and economic gains are promoted and encouraged.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Incorrect notification	A	5	Low	The application has been properly advertised which allowed objections to be lodged with the Council. These objectors will be informed of Council's decision on the application.

Policy Considerations

The application has been considered against the policies contained within the Greater Shepparton Planning Scheme and found to achieve acceptable planning outcomes.

Financial Implications

This planning application has no significant financial implications on Council.

Legal/Statutory Implications

Should either the applicant or objector be dis-satisfied with Council's decision an application for review can be lodged at VCAT.

Cultural Heritage

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The land is within an area of cultural heritage sensitivity and the use is a high impact activity therefore a CHMP is triggered. An endorsed CHMP was provided to officers on 22 January 2018.

Environmental/Sustainability Impacts

The use has no detrimental impact on the environment subject to the inclusion of appropriate drainage conditions should it be decided to grant a permit.

Social Implications

Section 60(1)(f) of the Act states the following:

Before deciding on an application, the responsible authority, if the circumstances appear to so require, must consider—

- *Any significant social effects and the economic effects which the responsible authority considers the use or development may have.*

This application does not raise social issues that warrant the refusal of the application.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Economic Impacts

Approval of the use and development will see new investment within the municipality and associated job creation.

Referrals/Public Notice

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Response
GBCMA	44.04-5	Recommending	The GBCMA consented to the application subject to two conditions.

External Notice to Authorities:

Section 52 - Notice Authority	Response
GMW	GMW consents to the application subject to siting and drainage conditions.
Powercor	Powercor have consented to the application subject to six conditions all of which are recommended to be included in a notice of decision to grant a permit.
CFA	CFA have consented to the proposal subject to conditions relating to fire management plans.

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land
- Placing a sign on site
- Notice in the Shepparton News on 17 November 2017

Council received three objections to the application. As the application has not received six or more objections the file could be considered by the Development Hearing Panel. Despite this, officers have referred the application to Council for the following reasons:

- The three other solar farm applications are being decided by Council, therefore for consistency purposes this file should also be decided by Council;
- The application raises important policy considerations relating to the siting of large scale solar farms on productive agricultural land;
- The substantial level of investment being \$48 million.

All objectors were issued with an acknowledgment letter.

The key issues that were raised in the objections are as follows:

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Ground of Objection	Response to Objection
Loss of productive agricultural land	Officers acknowledge that this proposal will result in the loss of productive agricultural land. Officers also acknowledge that the land is identified as being strategic agricultural land and that agriculture is the driver of the region's economy. Despite this, a solar farm is not a prohibited use and the generation of electricity like food production is essential to the lives of Victorians. Officers note there are other non-agricultural uses in FZ such as mines, quarries and schools. Whilst reducing valuable agricultural land is not an ideal outcome, the proposed solar farm is an acceptable outcome, the loss of 160ha in a food bowl of 317,000ha does not warrant refusal of the application.
Conflict between agricultural activities and the operation of the solar farm i.e. dust caused by farming and then settling on the solar panels	Officers consider this is a relevant issue that needs to be managed. Officers recommend that a Section 173 be used to require the solar farm operator to acknowledge and accept that impacts from agricultural operations such as dust from laser grading.
Devaluation of land	Property devaluation is not a relevant planning consideration.
Impact on flood flows	Permit conditions require that buildings and solar panels be setback at least 30 metres from Congupna Creek or the Floodway Overlay. This setback provides an unobstructed area for flood flows in times of flood.
Fire risk	The application has been reviewed by the CFA. The CFA have required that before the development starts a number of fire plans be submitted and approved by the CFA. Based on consent from the CFA officers are satisfied that fire risk can be managed through permit conditions.

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy (GS2030)

Environment

At 6.4 of GS2030 the below two strategic objectives are identified:

- *To manage irrigated and non-irrigated land for long-term sustainable production purposes.*
- *To reduce greenhouse gas emissions by local actions, in the interests of current and future generations*

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Conclusion

Officers in making this recommendation are in no way underplaying the significance of agriculture to the region; the Goulburn Valley is a food bowl of national importance, so much so that Governments have invested more than 2 billion dollars to modernise the irrigation network.

Despite this, it is recommended that permission be granted to use and develop the land for a solar farm on the basis that the development will assist in providing clean power generation.

Attachments

Nil

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Use and Development of Land for a Medical Centre at 104 - 120 Graham Street, Shepparton

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Statutory Planner

Proof reader(s): Team Leader Statutory Planning and Manager Planning

Approved by: Director Sustainable Development

Executive Summary

The application seeks planning approval to use and develop 104 – 120 Graham Street, Shepparton (the land) for a medical centre and associated business identification signage.

The proposed medical centre includes:

- a two storey building with a floor area of approximately 1900sqm
- the building's maximum height is about 9.5m
- a capacity for 16 medical practitioners
- 50 properly constructed on site car parking spaces and a further 21 overflow car parking spaces at the rear of the land
- vehicle access to the land from Graham Street

The land is within the General Residential Zone (GRZ) and is not affected by any overlays. The land is not within an area of cultural heritage significance, therefore the proposal does not trigger the need for a Cultural Heritage Management Plan.

Planning permission is required for the following:

- Use of land for a medical centre
- Buildings and works associated with the proposed medical centre
- Erection and display of business identification signage

Officers have advertised the application and six objections to the proposal have been lodged with Council. The objections largely relate to the inadequacy of onsite car parking, traffic impacts to the surrounding street network, design of the building, the impact on the existing stormwater drainage system and property devaluation.

There is no doubt that this development is of significant scale. This application proposes to accommodate up to 16 doctors. Subsequent stages (if constructed) including the day procedure centre could result in this site being further developed into a substantial medical complex.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Use and Development of Land for a Medical Centre at 104 - 120 Graham Street, Shepparton (continued)

Officers acknowledge that the proposed medical centre is a non-residential use in a residential zone. Despite this, it is considered that the land is appropriately located for a medical centre for the following reasons:

- Graham Street is an east west connector road linking Verney Road and Goulburn Valley Highway
- The land is within an area that includes two child care centres and an approved place of worship development
- The site is a large development parcel within close proximity to GV Health and the Private Hospital and would provide for additional medical facilities to serve the Goulburn Valley

The provision of car parking has been assessed. The proposed development requires the provision of 50 on site car parking spaces. Submitted plans provide for 71 on site spaces which exceeds the statutory parking rate.

Officers do accept objectors concerns that it is likely that car parking will occur on street. To assist in the management of on street parking it is recommended that on street line marked car spaces be provided on the south side of Graham Street abutting the land, to ensure parked vehicles maximise the space.

It is also acknowledged that these measures may not entirely address overflow on street parking in residential streets however the combination of the 71 on site spaces and formal on street parking on the south side of Graham Street results in the achievement of an acceptable parking outcome.

Officers having considered the proposed use and development and are satisfied that the application produces acceptable planning outcomes. It is therefore recommended that a notice of decision to grant a permit be issued.

Moved by Cr Giovanetti Seconded by Cr Patterson

In relation to Planning Application 2017-367, on the basis of the information before Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council resolves to issue a notice of decision to grant a planning permit as outline below:

Amended Plans Required

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies (or as specified) must be provided. Such plan must be generally in accordance with the plan submitted with the application but modified to show:

- a) provision of a two metre high acoustic fence along the southern boundary of the land
- b) details of business identification signage
- c) screening of roof plant

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Use and Development of Land for a Medical Centre at 104 - 120 Graham Street, Shepparton (continued)

- d) revised elevation legend to include colour details for all materials

Before the development is occupied all buildings and works as shown on the endorsed plans must be completed to the satisfaction of the responsible authority.

Layout Not Altered

The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

Civil Construction Requirements

Before any of the development starts, detailed plans with computations to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The information submitted must show the details listed in the Council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual, to show the following:

- a) details (and computations) of how the works on the land are to be drained including underground pipe drains conveying stormwater to the legal point of discharge;
- b) maximum discharge rate shall not be more than 64l/sec/ha;
- c) details of how water sensitive urban design has been incorporated into the development and submission of a MUSIC model demonstrating compliance with the performance provisions nominated in Table 2.1 of "Urban Stormwater Best Practice Environmental Management Guidelines" 1999;
- d) maintenance schedules for the stormwater treatment features;
- e) plans of the entry and exit from the land to Graham Street with a minimum cross over width of eight metres and associated road works including street lighting;
- f) provision of no standing signage on the northern side of Graham Street between Thorn Court and Reid Street;
- g) line marking of on street parking spaces on the southern side of Graham Street abutting the ultimate site;
- h) electricity connection to the site must be undergrounded and the onsite electrical substation screened to the satisfaction of the responsible authority;
- i) carparking areas, circulation lanes and access shall be designed and constructed in accordance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking,' 'Australian Standard AS2890.1-2004 (Off Street Parking)' & 'AS2890.6 (Off Street Parking for People with Disabilities);'
- j) all areas associated with carparking with at least 50 on site spaces, and accessways shall be surfaced with an all-weather seal coat, linemarked to indicate each parking space and access lane and traffic control signage installed including signage directing drivers to the area set aside for carparking and an additional area of overflow parking to provide 21 parking spaces;
- k) the site shall be properly illuminated with lighting designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Use and Development of Land for a Medical Centre at 104 - 120 Graham Street, Shepparton (continued)

adjoining land;

- l) the design of the carparking areas, access and circulation lanes shall prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;
- m) adjacent to the exit, landscaping/fencing within two and a half (2.5) metres of the front boundary must not exceed one (1) metre in height;
- n) provision of not less than six on site bicycle spaces and end of trip facilities being showers and change rooms;
- o) provision of a two metre high acoustic fence along the southern boundary of the land unless otherwise agreed to in writing by the responsible authority

to the satisfaction of the responsible authority.

All parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

The loading and unloading of goods from vehicles must only be carried out on the land subject to this permit within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.

The access and parking areas must be constructed and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the responsible authority.

Parking spaces, access lanes and driveways must be kept available for these purposes at all times.

Before the development is occupied all buildings and works as shown on the endorsed plans must be constructed in accordance with the endorsed plans to the satisfaction of the responsible authority.

Waste Management

Before the development is occupied a waste management plan must be prepared to the satisfaction of the responsible authority. Once satisfactory, such plan will be endorsed and must be implemented to the satisfaction of the responsible authority. The plan must provide the following details of a regular private waste (including recyclables) collection service for the subject land including:

- a) the type/s and number of waste bins;
- b) screening of bins;
- c) type/size of waste collection vehicles;
- d) frequency of waste collection; and
- e) collection from within the basement.

All to the satisfaction of the responsible authority.

Hours for waste collection

If collected by a private contractor, collection of waste must be conducted so as not

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Use and Development of Land for a Medical Centre at 104 - 120 Graham Street, Shepparton (continued)

to cause any unreasonable disturbance to nearby residential properties and may only take place during the following times:

- Monday to Friday: 7:00am to 6:00pm
- Saturday: 9:00am to 12.00 noon
- Sunday & Public Holidays No collection allowed

to the satisfaction of the responsible authority.

The permit holder must ensure that all medical waste is disposed of by an authorised collection/disposal agency to the satisfaction of the responsible authority.

Landscape Plan

Before the development starts a landscape plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided to show:

- a) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- b) the method of preparing, draining, watering and maintaining the landscaped area;
- c) a weed management program;
- d) provision of street trees in the lands nature strip in Graham Street

All species selected must be to the satisfaction of the responsible authority.

The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

All trees planted as part of the landscape works must be a minimum height of 1.2 metres at the time of planting.

Before the occupation of the developments starts or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

Noise Control

Not more than six months after the occupation of the development noise measurements of actual in operation noise levels must be undertaken at the permit holders expense to determine if the use is achieving compliance with the relevant noise limits. If the monitoring finds compliance is not be achieved additional noise mitigation measures must be implemented without delay to the satisfaction of the responsible authority.

Control of Lightspill

Before the occupation of the development any lighting within the site both under roof areas and in open areas of the site must be designed, baffled and located in such positions so as to effectively illuminate all pertinent public areas, without spilling onto

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Use and Development of Land for a Medical Centre at 104 - 120 Graham Street, Shepparton (continued)

the road reserve or adjoining land, and must be connected to a time clock switch or other approved system to the satisfaction of the responsible authority.

Only lighting essential for the security of the site may operate when the facility is not operating, to the satisfaction of the responsible authority.

Number of Medical Practitioners and Hours of Operation

No more than 16 persons providing health services are permitted to practice or conduct consultations from the premises at any one time.

The use allowed under this permit must operate only during the following hours (except in the case of an emergency) unless otherwise agreed in writing by the responsible authority:

- a) Monday to Friday: 8.00am - 6:00pm

Powercor Requirements

- a) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- b) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

Goulburn Valley Region Water Corporation Requirements

- a) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.
All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section.
- b) Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement

The Owner and or occupier is required to submit a completed Trade Waste Application, and install the required pre-treatment facility to the satisfaction of Goulburn Valley Water's Trade Waste Section, before approval to discharge trade waste from the development into the Corporation's sewer is granted.

Time for Starting and Completion

This permit will expire if one of the following circumstances applies:

- a) the development and use has not started within **two (2) years** of the date of this permit;
- b) the development is not completed within **four (4) years** of the date of this permit.

CARRIED.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Use and Development of Land for a Medical Centre at 104 - 120 Graham Street, Shepparton (continued)

Property Details

Land/Address	104-120 Graham Street, Shepparton. The development site is about 4000sqm in size. The land is undeveloped and was previously used for a government school.
Zones and Overlays	General Residential Zone.
Why is a permit required	32.08-2 Use of the land for a medical centre 32.08-8 Buildings and works associated with a Section 2 Use (medical centre) 52.05-9 Erect and display business identification signage
Covenants	No
Section 173 Agreement	Yes AJ537440B. The agreement deferred construction of onsite drainage infrastructure until the development of the land. The submitted application is accompanied by a drainage plan to ensure compliance with the agreement can be achieved.

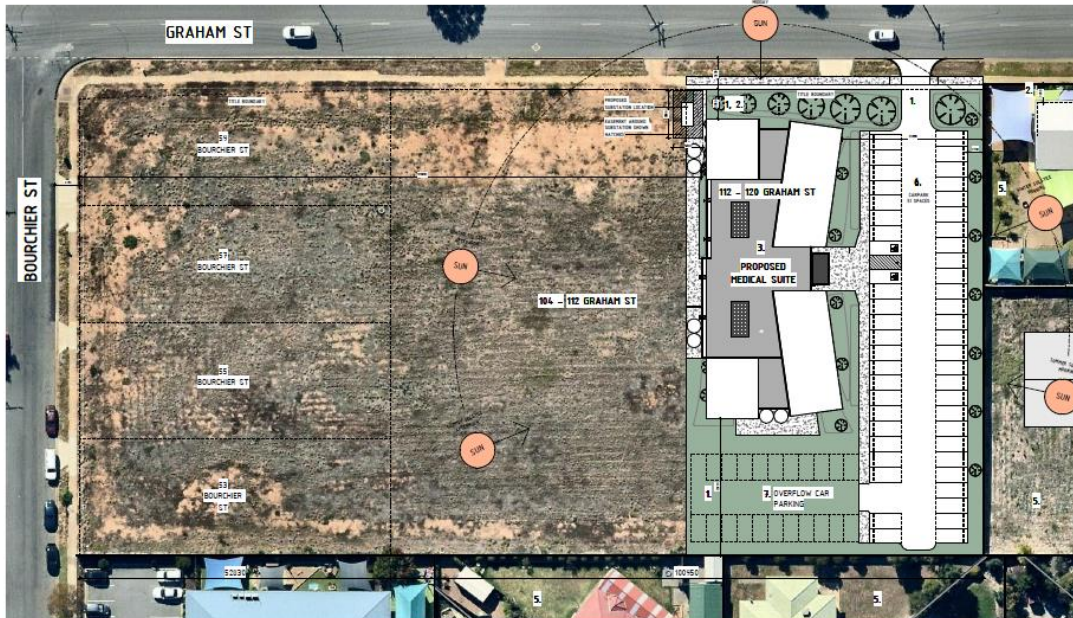
Locality Plan



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Use and Development of Land for a Medical Centre at 104 - 120 Graham Street, Shepparton (continued)

Plans of Proposed Development



- DESIGN NOTES**
1. PROPOSED MEDICAL SUITE SETBACKS ARE 5M FRONT, 2.0M AT THE REAR & 2.0M TO THE EAST AND COMPLIED WITH ZONING (D-10) SETBACK REQUIREMENTS
 2. THE FRONT SETBACK OF 5M IS SLIGHTLY MORE REDUCED THAN THE PROPERTY ADJACENT (AT 3.0M)
 3. PROPOSED MEDICAL SUITE IS A MODERN TWO STOREY ALUMINIUM AND PAINTED FIBRE CEMENT CLAD FORM
 4. ALL MATERIALS TO BE FINISHED IN TRENDS & MATCHING TO ADJAC
 5. PRIVATE OPEN SPACE IS DESIGNATED & THERE IS NO SHADOW IMPACT TO ANY NEIGHBOUR
 6. CAR PARKING PROVIDED IS 5 SPACES FOR 10 PRACTITIONERS WITH 7 SPACES FOR ADDITIONAL PRACTITIONERS
 7. CROSSOVER AND UNDEVELOPED OVERFLOW CAR PARKING PROVIDED, PROVISION FOR 21 SPACES

GRAHAM ST MEDICAL CENTRE
PROPOSED SITE PLAN / DESIGN RESPONSE



GRAHAM ST MEDICAL CENTRE
Graham St (Front View)



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Use and Development of Land for a Medical Centre at 104 - 120 Graham Street, Shepparton (continued)



Proposal in Detail

The planning application form describes the proposal as 'proposed 2 storey medical centre with onsite parking'. The application was lodged on 24 November 2017.

The application consists of:

- Planning drawings by Vincent Chrisp
- Landscape Plan by Vincent Chrisp
- Drainage layout plan by Lauri McGoldrick Consulting Engineers
- Traffic Impact Assessment Report by Traffic Works P/L (the traffic report)

Summary of Key Issues

The application seeks planning permission to use and develop the land for a medical centre and business identification signage. The medical centre provides for 16 medical practitioners and 71 onsite parking spaces.

- The application has been advertised and six objections to the proposal have been lodged with Council. Grounds of objection relate to inadequate provision of car parking, design of the building not fitting in with the neighbourhood's residential character, drainage of the land and property devaluation.
- Officers have considered the grounds of objection and found that the objections do not warrant refusal of the application. Conditions relating to parking, roof plant, waste disposal and hours of operation are recommended to manage the uses' off site impacts on neighbours.
- The medical centre is a non-residential use in a residential zone. The proposed scale of the medical centre is larger than what is normally expected for a medical centre in a residential zone in Shepparton. Despite this officers consider the site is well suited for the medical centre due to its proximity to existing hospitals and the context of the area which includes two child care centres and Graham Street which is a connector road.
- An assessment concern relates to car parking. Based on a 16 practitioner medical centre 50 onsite parking spaces are required. Submitted plans provide for 71 on site spaces and therefore the parking requirements are met. Officers through conditions will encourage patients to use the onsite car parking and on street car parking abutting the site on the south side of Graham Street.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Use and Development of Land for a Medical Centre at 104 - 120 Graham Street, Shepparton (continued)

- Officers have formed the view that the proposed medical centre produces acceptable planning outcomes and achieves a net community benefit by providing improved lifesaving medical services to Greater Shepparton.

Background

Pre-application discussions in relating to the proposed development commenced with planning officers in December 2015, which led to this application being made in November 2017.

Assessment under the Planning and Environment Act

Officers note that The Hume Regional Plan identifies Shepparton as a 'major growth location' and policy seeks to 'facilitate growth and development specifically in the regional cities of Shepparton...'.

State Policy (19.02-1) provides direction in regards to health facilities.

Health facilities

Objective

To assist the integration of health facilities with local and regional communities.

Strategies

- *Facilitate the location of health-related facilities (including acute health, aged care, disability services and community care facilities) with consideration given to demographic trends, the existing and future demand requirements and the integration of services into communities.*
- *Plan public and private developments together, where possible, including some degree of flexibility in use.*
- *Locate hospitals and other large health service facilities in designated health precincts and areas highly accessible to public and private transport.*
- *Adequate car parking facilities should be provided for staff and visitors.*

Council local planning policies also provides direction of non-residential uses in a residential zone particularly in relation to medical centres.

Non Residential Uses

Council acknowledges that there is a need to protect the amenity of existing and future residential areas. While a range of non-residential uses in residential areas provide services to the local community, (including places of worship, schools, medical centres, display homes, child care centres, cafes, restaurants, and the like), it is important to ensure that these uses do not have a negative impact on residential amenity through inappropriate location, unsympathetic design, and traffic impacts. Petrol stations and car washes in particular are discouraged in residential zones.

Objectives – Non-Residential Uses

- *To ensure that non residential uses are appropriately located.*
- *To allow complementary non-residential uses to be integrated into residential areas.*
- *To ensure that non residential uses are appropriately located having regard to:*
 - *The intensity and hours of operation of the proposed activity.*
 - *The siting and design of proposed buildings and works, including car parking areas and advertising signs and telecommunications facilities.*

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Use and Development of Land for a Medical Centre at 104 - 120 Graham Street, Shepparton (continued)

- *The location of access points.*
- *To ensure that the appearance and scale of non residential development in residential zones is consistent with nearby housing.*

Strategies – Non-Residential Uses

- *Ensure non residential uses are located in areas that are appropriate to the intensity and scale of the proposed use and that will have minimal impact on the amenity of nearby residential properties.*
- *Ensure major facilities serving catchments beyond the local level are located in commercial areas or sited on roads which avoid the generation of additional through traffic on residential streets.*
- *Discourage service stations and car washes in residential areas.*
- *Ensure the siting and design of buildings and works (including car parking areas) responds to the surrounding housing and streetscape and includes features to reduce the noise, loss of privacy and to enhance the appearance of the development, including landscaping, screening, acoustic fencing.*

Policy Guidelines – Non-Residential Uses

When considering an application for any of the uses listed below, Council will be guided by the following provisions:

Medical Centres/Veterinary Clinics

- *The location of the centre should be on a through road and adjacent to other community based uses.*
- *Car parking should be provided at the rate of five spaces per practitioner operating from the premises at any one time.*
- *The hours of operation should be 8.00am to 9.00pm Monday to Saturday and 9.00am to 1.00pm Sunday.*
- *A 2m wide landscape strip along the street frontage should be provided.*

21.06 of the scheme includes the Shepparton Business Framework Plan which includes a symbol showing a 'hospital / medical precinct'.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Use and Development of Land for a Medical Centre at 104 - 120 Graham Street, Shepparton (continued)

DRAWING KEY

-  CBD
-  Highway business - corridor and redevelopment
-  Major activity centre
-  Future / expanded neighbourhood centres
-  Potential local centre (subject to rezoning or support)
-  Hospital / medical precinct
-  Rivers / Creeks
-  Arterial road network
-  Limit of urban development
-  River corridor environs



Shepparton Business Framework Plan

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Use and Development of Land for a Medical Centre at 104 - 120 Graham Street, Shepparton (continued)

The land is within the GRZ, purposes of this zone include:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Under the GRZ (32.08-12) decision guidelines are provided, which include:

General

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.

Non-residential use and development

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated access ways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal

Officer Assessment

Location

The land is a large undeveloped site on Graham Street which was formally used as a government school site. The land abuts to the east a child care centre and planned place of worship, to the south on Bouchier Street is another child care centre and residential neighbours.

Graham Street is an east west road connecting Verney Road to the Goulburn Valley Highway. Graham Street carries about 3600 vehicles per day.

At western end of Graham Street is GV Health which the region's main public hospital. GV Health has recently announced a \$168.5 million redevelopment which includes:

- A four storey building
- Three new operating theatres
- Two new wards
- An extended emergency department
- A refurbished maternity unit and new special care nursery
- Expansion of dialysis
- Medical imaging service expansion

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Use and Development of Land for a Medical Centre at 104 - 120 Graham Street, Shepparton (continued)

To the north of the subject site in Fitzgerald Street is Shepparton's private hospital which is within the GRZ. In recent times the private hospital has expanded and modernised their facilities.

Policy encourages major medical developments within designated health precincts. Council has identified a 'hospital / medical precinct' at and around GV Health.

Officers acknowledge that the subject site is not within the hospital / medical precinct (neither is the existing private hospital). Whilst the business framework plan includes a 'hospital / medical precinct' there is no policy direction within the scheme to implement this 'hospital / medical precinct'.

Officers consider the site is an appropriate location for the proposed medical centre for the following reasons:

- The proposed medical centre is located on Graham Street which is Shepparton's main medical precinct which is home to GV Health, Melbourne University and a number of smaller medical centres. Additionally the private hospital is in Fitzgerald Street which is to the north of Graham Street. The co-location allows for efficient movements of doctors between consulting, bed visits and surgery.
- The subject site abuts non-residential uses including two child care centres and a planned place of worship
- Graham Street is a main east west road that accommodates about 3600 vehicle trips per day.

Design

The proposed building design is a modern type office which is about 9.5m in height. 32.08-9 of the GRZ allows a dwelling or residential building to be constructed to 11m in height. The proposed medical centre does not exceed this height limit.

The design of the medical centre is not in keeping with the existing character of the area. Despite this, given the size of the land and opportunity for landscaping, officers do not consider that a 9.5m high building would sit unacceptably in Graham Street.

Officers acknowledge that the design does not have the appearance of a dwelling. Officers note that what is proposed is a modern office type building not a dwelling.

Normal permit conditions will be recommended to limit views to services on the roof and screening of the waste disposal area and electrical substation.

Residential Amenity

Officers are concerned about the vehicle noise impacts from the car park to residential neighbours to the south. To manage noise emissions to these residential neighbours a permit condition will require the construction of a 2m high acoustic fence along the development sites southern boundary.

Council's local policy indicates that the following hours of operation are acceptable:

- *The hours of operation should be 8.00am to 9.00pm Monday to Saturday and 9.00am to 1.00pm Sunday.*

The applicant has applied for opening hours of 8.00am to 6.00pm on weekdays only.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Use and Development of Land for a Medical Centre at 104 - 120 Graham Street, Shepparton (continued)

Officers recommend that a permit condition limit operating hours to those requested by the applicant.

It is recommended that a permit condition require noise testing of actual operations to ensure the use is achieving compliance with the noise emission standards. If compliance is not achieved, the applicant must implement changes to achieve compliance.

Car Parking and Traffic

Clause 52.06 of the Planning Scheme (the scheme) sets a parking rate for medical centres. The required parking rate is five spaces for the first practitioner and three spaces for each subsequent practitioner.

In conflict with this requirement is Council's Local Planning Policy for medical centres in residential areas. Clause 21.04-6 states the following:

Car parking should be provided at the rate of five spaces per practitioner operating from the premises at any one time.

Based on a maximum usage of 16 practitioners at one time the statutory parking requirement for the site is 71 spaces. Under the local policy 80 on site spaces are required.

Officers are required to decide which of these conflicting scheme requirements need to be met.

Officers note that Council's Local Policy states that 'Council will be guided by the following provisions' whereas 52.06-5 'sets out the car parking requirement that applies to a use'. Additionally 52.06 is the clause that determines if permissions are triggered in relation to parking. Officers determine that clause 52.06 sets the parking requirement that must be met by the applicant.

The proposed development provides 71 spaces; as a result no planning permission is sought in relation to parking.

Whilst officers acknowledge the parking rate set in local policy and objectors concerns about parking spilling into residential streets, officers have limited discretion in terms of parking as the design complies with the statutory parking rates under 52.06.

The Victorian Civil and Administrative Tribunal considered a large medical centre in Chen v Boroondara CC 2017 VCAT 1520 (Senior Member Hewet and Member Davies). In this application land within the Neighbourhood Residential Zone was proposed to be used and developed for a nine practitioner medical centre. Of interest in this decision are the Members remarks regarding car parking.

122. *The submissions on this point raises the separate issue of whether the proposal will lead to overspill parking in residential streets, notwithstanding the provision of the full complement of car parking spaces required by clause 52.06.*
123. *Relevantly, the purpose of clause 52.06 includes 'To ensure that car parking does not adversely affect the amenity of the locality' and 'To ensure that the...location of car parking...enables easy and efficient use'. Ms Forsyth submitted that the*

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Use and Development of Land for a Medical Centre at 104 - 120 Graham Street, Shepparton (continued)

purposes of clause 52.06 are deemed to have been met by the provision of the required car spaces. We agree with that submission but we do acknowledge that compliance with the requirements of clause 52.06 is not of itself a guarantee that the proposal will never generate overspill car parking.

124. *There may be circumstances in which overspill car parking from a use could contribute to a significant amenity impact notwithstanding that compliance with Clause 52.06 is achieved. In such a circumstance consideration may need to be given to imposing further restrictions on the proposed use to manage that impact.*
127. *We acknowledge that patients may choose to park on the streets beyond the frontages of the review site. That cannot be prohibited, without a resident parking scheme. It should also be recognised that on-street parking spaces are a public resource and their availability cannot be excluded from the assessment of a proposal's acceptability.*

Like Chen, this application complies with its parking requirements under 52.06. Despite this officers consider it likely that some patients will park on the street rather than using the onsite parking. Officers propose to include conditions to manage overspill parking by:

- Managing the perception that the onsite parking is set aside for doctors and staff by installing signage that informs the onsite parking is available to patients;
- Require line marking of on street car parking spaces on the northern side of Graham Street abutting the site to encourage use of on street car parking near the site

Given that the application complies with its statutory parking obligations officers are satisfied that acceptable car parking is provided.

The traffic report contains the following recommendation:

No physical works are required in Graham Street to cater for entry movements into the site. However, it is recommended that parking be prohibited during clinic operating hours along the north side of Graham Street between Thorn Court and Reid Street to provide the equivalent of an urban Type BAR basic passing lane for eastbound through traffic to pass to the left of vehicles turning right into the site.

If this recommendation is adopted on street parking for 91 to 95 Graham Street will be lost for a substantial part of the day. As the three neighbours were likely unaware of this recommendation, officers informed the three land owners of this part of the proposal by letter dated 3 January 2018. No response was received by the neighbours to the officer's letter.

Council's Senior Traffic Engineer reviewed the application and made the following recommendations:

- Agree with Traffic Works that parking should be banned on the north side of Graham Street between Thorn Court and Reid Street to provide a right turn lane
- Widening of the driveway to eight metres to allow for improved entry and exit to the land

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Use and Development of Land for a Medical Centre at 104 - 120 Graham Street, Shepparton (continued)

Based on the expert traffic report and Council's traffic engineering review of the traffic recommendations officers are satisfied that the proposed development achieves acceptable parking and road safety outcomes.

2017-2021 Council Plan/Key Strategic Activity

Council Vision

Greater Shepparton, Greater Future.

A thriving economy in the foodbowl of Victoria with excellent lifestyles, innovative agriculture, a diverse community and abundant opportunities.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Incorrect notification	A	5	Low	The application has been properly advertised which allowed objections to be lodged with the Council. These objectors will be informed of Council's decision on the application.

Policy Considerations

The application has been considered against the policies contained within the Greater Shepparton Planning Scheme and found to achieve unacceptable planning outcomes.

Financial Implications

This planning application has no significant financial implications on Council.

Legal/Statutory Implications

Should either the applicant or objector be dis-satisfied with Council's decision an application for review can be lodged at VCAT.

Cultural Heritage

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The land is not within an area of cultural heritage sensitivity therefore the application does not trigger the need for a cultural heritage management plan.

Environmental/Sustainability Impacts

The use has no detrimental impact on the environment subject to the inclusion of appropriate drainage conditions should it be decided to grant a permit.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Use and Development of Land for a Medical Centre at 104 - 120 Graham Street, Shepparton (continued)

Social Implications

Section 60(1)(f) of the Act states the following:

Before deciding on an application, the responsible authority, if the circumstances appear to so require, must consider—

- *Any significant social effects and the economic effects which the responsible authority considers the use or development may have.*

This application does not raise social issues that warrant the refusal of the application.

Economic Impacts

Approval of the use and development will see new investment within the municipality and associated job creation.

Referrals/Public Notice

External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List Planning clause triggering referral	Determining or Recommending	Response
Clause 66 of the scheme did not require any referrals.			

External Notice to Authorities:

Section 52 - Notice Authority	Response
Powercor	Powercor have required that standard connection conditions be included on the permit.
GVW	GVW consents to the application without requiring any conditions.
APA	APA have consented to the application.

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land
- Placing a sign on site

The applicant provided a signed declaration stating the sign on site was erected between

Council received six objections to the application.

All objectors were issued with an acknowledgment letter.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Use and Development of Land for a Medical Centre at 104 - 120 Graham Street, Shepparton (continued)

Objector Location Plan



The key issues that were raised in the objections are as follows:

Ground of Objection	Officer's Response
De-valuation of land	It is well established that property de-valuation as a result of planning applications is not a relevant planning consideration.
Design of the building	Officers acknowledge that the building departs from the residential character of the area. Despite this it is considered that the modern office design is acceptable for the following reasons: <ul style="list-style-type: none"> • The building is setback five metres to Graham Street to allow for landscaping including canopy trees • The building does not result in overshadowing of neighbouring residential properties • The building does not exceed high limits set in the GRZ
Inadequate provision of parking spaces and spilling of parking into residential streets	Officer's assessments have found that the proposed development complies with its onsite parking requirements. Despite this, officers acknowledge that the development will lead to additional demand for on street parking. Permit conditions will be included to manage this by encouraging

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Use and Development of Land for a Medical Centre at 104 - 120 Graham Street, Shepparton (continued)

Ground of Objection	Officer's Response
	patients to use the onsite parking or to park on the south side of Graham Street abutting the land.
Congestion of Graham Street and Verney Road	Verney Road and Graham Street are both substantial roads in the Shepparton context. At peak periods the roads particularly intersections are congested. Traffic reviews have found that there are no traffic reasons to prevent the proposed development.
Impacts on pedestrian safety particularly for students	The car park layout allows for vehicles to enter and exit the site in a forwards direction which assists in drivers seeing and respecting pedestrians.
Light spill to residential neighbours	Permit conditions will require that lighting be baffled to reduce light spill to neighbouring properties.
Provision of onsite waste disposal bins and smoking areas	Permit conditions will require the submission of a waste management plan and the installation of cigarette disposal bins on the land.
Inability of the site to provide adequate drainage infrastructure	Officers recommend that permit conditions require the submission of a drainage plan that provides for a restricted discharge to ensure the existing underground drainage system is not overwhelmed by the new development.

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

5 – Health and Social Services

Key Issues

By way of providing background and context to the key issues relevant to health and community services within the municipality, an employment profile of this sector is provided.

Greater Shepparton is currently provided with a range of health facilities, including public hospitals, general practitioners and specialists. In addition, there are other related health services including aged care, family day care, early childhood services and senior citizen's centres.

According to the 2001 ABS Census of Population and Housing, over 10% of the resident labour force (or 2,525 persons) is employed in Health and Community Services.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.7 Use and Development of Land for a Medical Centre at 104 - 120 Graham Street, Shepparton (continued)

The majority of specialist health care facilities are concentrated in Shepparton, and it is an important health care centre for residents of central and northern Victoria. It is often considered more convenient than travelling to Melbourne for high order medical needs.

In Shepparton there are two hospitals; Shepparton Private Hospital and Goulburn Valley Health. Goulburn Valley Health is the largest referral hospital in north-eastern Victoria.

Issues associated with the provision of community services in part relate to the residential growth that is occurring within the municipality. Population forecasts and the ageing of the population indicate that there is likely to be a significant increase in demand for health and community services over the coming twenty years. There is a need to ensure that the infrastructure and systems are in place to support the additional demand.

GS2030 anticipated an ongoing need for new medical infrastructure to support the growing population of Greater Shepparton. Officers consider that GS2030 provides strategic direction for new medical facilities within Greater Shepparton.

Conclusion

Officers having undertaken an assessment of the application have decided that the proposal achieves acceptable planning outcomes when assessed against policy by appropriately locating medical services to service the community. It is therefore recommended that a notice of decision to grant a planning permit should issue.

Attachments

Nil

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Planning Permit Application 2017-310 for the Use of Land for Dog Breeding/Boarding

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Council Officers involved in producing this report

Author: Statutory Planner

Proof reader(s): Manger Building and Planning

Approved by: Director Sustainable Development

Executive Summary

The application seeks planning permission for the use and development of 115 Stewart Road, Tatura (the land) for a dog breeding/boarding facility, with up to 100 dogs.

The proposal includes the construction of a 13 x 65 metre long shed divided into individual enclosures, with a fenced area connecting each enclosure to an outdoor area.

The land is within the Farming Zone 1 (FZ) and not affected by any planning overlays.

The application was advertised and 62 objections have been received to date.

The key concerns raised in the objections are noise from barking dogs, devaluation of land, the treatment and smell of effluent, the number of dogs, stress on surrounding livestock, failure to comply with the Code of Practice for the Operation of Boarding Establishments and animal cruelty.

The area of the proposed use and development is not within an area of cultural heritage significance, therefore the proposal does not trigger the need for a Cultural Heritage Management Plan.

The uses, Animal Breeding/Boarding under the Greater Shepparton Planning Scheme are nested under the Agriculture definition. As such, land within the Farming Zone 1 (FZ1) is the most appropriate location for the proposed use.

The purpose of the Farming Zone is to provide for land for agriculture and although amenity is considered it must be remembered that the area is rural, therefore impacts on amenity must be considered in terms of the purpose of the zone for agriculture.

To assist in the assessment of this application, Council Officers have used the recently prepared State Government Incorporated Document to the Greater Shepparton Planning Scheme - *Planning requirements for racing dog keeping and training, August 2017* (the incorporated document) introduced through Amendment VC139 on 29 August 2017. The incorporated document provides a number of objectives/measures, including dog numbers, setbacks and noise attenuation.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Planning Permit Application 2017-310 for the Use of Land for Dog Breeding/Boarding (continued)

A key objective of the incorporated document is to ensure that a facility does not adversely impact the amenity of the surrounding locality by way of scale. The incorporated document recommends the number of dogs on the land must not exceed 50 and 10 dogs per hectare in the Farming Zone unless the responsible authority can be satisfied that the scale of a facility does not adversely impact the amenity of the surrounding area.

Officers acknowledge that the purpose of the Farming Zone is to provide for land for agriculture which includes dog breeding and animal boarding and whilst residential amenity needs consideration, residents cannot expect to have the same level of residential amenity as residents in a pristine residential area.

Officers have considered the proposal and matters raised in the objections and cannot be satisfied that the use of the land for the breeding/boarding of 100 dogs would produce an acceptable amenity outcome, particularly noise.

Despite a request for additional information in relation to noise management, the application does not provide sufficient detail on acoustic attenuation measures.

Therefore in absence of detailed acoustic attenuation measures officers cannot be satisfied that the proposed use will achieve acceptable amenity outcomes. Additionally, officers are concerned that noise from up to 100 dogs could cause unacceptable' disturbance to the residents of the immediate area

Officers also note the pending changes to the Domestic Animals Act 1994 under *Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017* that entered into law on 20 December 2017, which was a key matter raised in a number of the objections.

Section 54E, located within Section 29 of the Amending Act, is a new provision that comes into effect on 10 April 2018. In essence, this section gives existing dog breeding businesses until April 2020 to reduce their fertile female numbers to 10, by not replacing retiring dogs from 10 April 2018 onwards. The 10 fertile female limit will be imposed on any new businesses from 10 April 2018. Though these changes have little bearing on a planning decision, an orderly planning outcome given the timeframes would be to not approve a planning permit that will result in a possible conflict with other future legislation.

Officers recommend that no permit issue.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Planning Permit Application 2017-310 for the Use of Land for Dog Breeding/Boarding (continued)

RECOMMENDATION

That the Council:

1. having caused notice of Planning Application No. 2017-310 to be given under section 52 of the Planning and Environment Act 1987 and having considered all the matters required under section 60 of the Planning and Environment Act 1987 decides to refuse to grant a permit under the provisions of Clause 35.07 of the Greater Shepparton Planning Scheme in respect of the land known and described as 115 Stewart Road, Tatura, Victoria 3616, for the use and development of the land for an animal keeping (dog boarding) and animal breeding facility (100 dogs) in the Farming Zone on the following grounds:
 - a. The proposal is not compatible with adjoining and nearby land uses.
 - b. The proposal will result in unreasonable amenity impacts on neighbouring owners and occupiers by way of noise emissions.
 - c. The scale of the operation including the maximum number of animals is excessive and inappropriate for the location.
 - d. The proposed siting of the buildings housing the animals is inappropriate given the proximity to neighbouring dwellings.
 - e. The level of detail provided in the application plans is insufficient to properly assess the impacts of the proposal.
 - f. The proposal lacks sufficient detail in relation to the management of environmental impacts and environmental risks associated with the proposal.
 - g. The proposed use and development will result in a detrimental social impact upon the local community.
 - h. The proposal will result in unreasonable traffic safety impacts to Stewart Road.
 - i. The proposed use and development represents an inappropriate (non-soil based) use of productive agricultural land.

Moved by Cr Summer
Seconded by Cr Sutton

That the Council resolve to:

1. In respect of Planning Application 2017-310 (**Application**), on the basis of the information presently before the Council and having considered all relevant matters, Council decides, in accordance with s84(1) of the *Planning and Environment Act 1987*, that Council would have refused the Application, on the following grounds:
 - a) The proposal is not compatible with adjoining and nearby land uses.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Planning Permit Application 2017-310 for the Use of Land for Dog Breeding/Boarding (continued)

- b) The proposal will result in unreasonable amenity impacts on neighbouring owners and occupiers by way of noise emissions.
 - c) The scale of the operation including the maximum number of animals is excessive and inappropriate for the location.
 - d) The proposed siting of the buildings housing the animals is inappropriate given the proximity to neighbouring dwellings.
 - e) The level of detail provided in the application plans is insufficient to properly assess the impacts of the proposal.
 - f) The proposal lacks sufficient detail in relation to the management of environmental impacts and environmental risks associated with the proposal.
 - g) The proposed use and development will result in a detrimental social impact upon the local community.
 - h) The proposal will result in unreasonable traffic safety impacts to Stewart Road.
 - i) The proposed use and development represents an inappropriate (non-soil based) use of productive agricultural land.
2. Council instructs its officers to engage its lawyers to represent Council in the proceeding in respect of the Application in the Victorian Civil and Administrative Tribunal.

CARRIED.

Property Details

Land/Address	115 Stewart Road, Tatura
Zones and Overlays	Farming Zone (Schedule 1)
Why is a permit required	35.07-1 – use of land for animal boarding and dog breeding in the Farming Zone. 35.07-4 – Buildings and works associated with a section 2 use for the construction of a shed and pens

Proposal in Detail

The application for a planning permit proposes the use and development of the land for an 'Animal Boarding' (boarding Kennels) and 'Dog Breeding' in the Farming Zone.

The application proposes to construct a 65 x 13 metre shed with individual animal enclosures, including adjacent outdoor areas to allow for the boarding and breeding of up to 100 dogs. The operation of the facility will be that when the enclosures are not being used for breeding purposes, they will be used for the boarding of dogs.

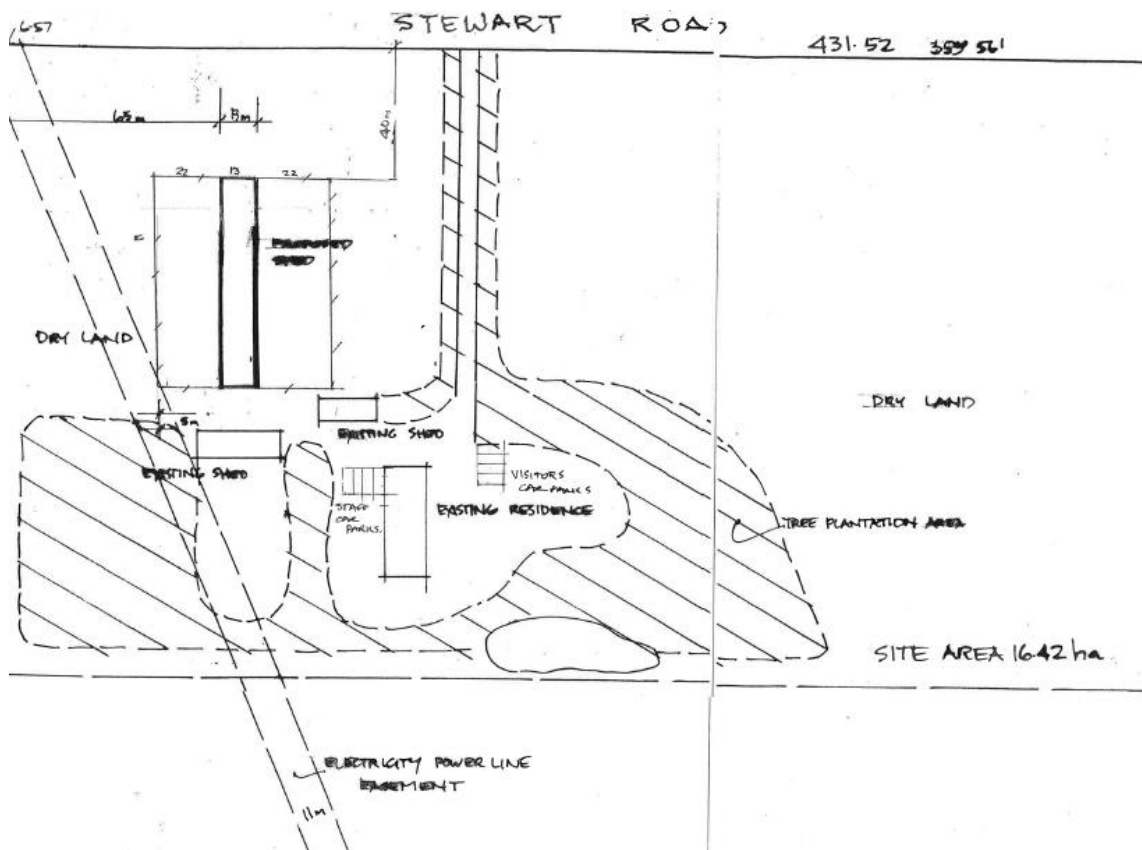
The applicant has informed:

- That the number of staff onsite will be one staff member for every 25 dogs kept on the land.
- Faeces will be collected manually and disposed of on a regular basis by a private waste contractor.
- Trees will be planted around the perimeter of the facility at a distance of 2 metres apart to reduce noise and provide shade.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Planning Permit Application 2017-310 for the Use of Land for Dog Breeding/Boarding (continued)

- Solid panelling will be used on the bottom of each cage and play area to reduce stress among animals and as a result lead to a reduction in barking.
- Insulation will be utilised in the shed construction to reduce noise and assist in the control of temperature for the animals.
- There are five car park spaces for visitors at the eastern end of the private driveway together with four staff car parks to the south of the existing residence.



Plan submitted by applicant showing the proposed shed and existing buildings on the land.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Planning Permit Application 2017-310 for the Use of Land for Dog Breeding/Boarding (continued)



Plan of proposed shed to be used for animal boarding and dog breeding, including the adjacent outdoor areas.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Planning Permit Application 2017-310 for the Use of Land for Dog Breeding/Boarding (continued)



10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Planning Permit Application 2017-310 for the Use of Land for Dog Breeding/Boarding (continued)

Summary of Key Issues

The application seeks planning permission to use and develop the land for Animal Boarding and Dog Breeding (100 dogs).

- The application has been advertised and 62 objections have been lodged to date.
- The key concerns raised in the objections are noise from barking dogs, devaluation of land, the treatment and smell of effluent, the number of dogs, stress on surrounding livestock, failure to comply with the Code of Practice for the Operation of Boarding Establishments and animal cruelty grounds.
- Officers are therefore of the view that given the concerns of the surrounding neighbours relating to the potential amenity impacts and the uncertainty of noise related issues in the absence of any detailed assessment, that the application does not achieve an acceptable planning outcome and should be refused.

Background

Planning permit 2004-614 was issued to allow “the land to be used and developed for animal keeping – more than five animals in the Rural Zone (dog breeding and rearing – 25 dogs) and associated buildings and works (dog Kennels)”.

Assessment under the Planning and Environment Act

Planning Policy/Zone

Clause 31.02 provides because a use is in a Section 2 does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the State Planning Policy Framework, the Local Planning policy Framework, the purpose and decision guidelines of the zone and any of the other decision guidelines in Clause 65.

The uses of animal boarding and dog breeding are nested in the Greater Shepparton Planning Scheme under the definition of agriculture.

A permit is required to use land to breed more than five dogs in the Farming Zone and operate an animal boarding facility irrespective of the number of animals.

The State and Local Planning Policy identifies that agriculture remains the major economic driver in the region and that new agricultural investment be facilitated.

The proposed use allows for a rural allotment zoned for farming purposes to be used for a new agricultural operation. The Local Planning Policy strongly supports the intensification of agricultural uses, so that maximum agricultural benefit is reaped from the municipality's Farming Zoned land.

Concerns are raised by objectors regarding the safety/unsettling of stock from escaping and barking dogs. The application does not provide an adequate level of information to satisfy officers that this matter can be addressed.

Officers acknowledge the Farming Zone is considered the most appropriate location for the proposed use, with significant policy support from both the State and Local Planning policies, despite this, officers cannot be satisfied that the use will not result in unacceptable amenity impacts on the surrounding dwellings.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Planning Permit Application 2017-310 for the Use of Land for Dog Breeding/Boarding (continued)

Noise and Animal Management

Noise management is a key assessment concern for officers.

The EPA publication 1254 - Noise Control Guidelines as referred to by the objectors does provide certain parameters for setbacks from kennels. The guidelines identify that kennels should be located at least 500 metres from residential areas. The closest dwelling to the proposed kennels (where dogs are kept) is approximately 156 metres to the west (see image below).

Despite the surrounding dwellings being used for residential purposes, the land is not zoned residential, and therefore limited weight can be given to the 500 metre setback as provided for in the EPA Guidelines.

As identified in this report, the use of the *Planning requirements for racing dog keeping and training, August 2017* incorporated document (the incorporated document) is the most appropriate assessment tool for the keeping and breeding of dogs available to the responsible authority.

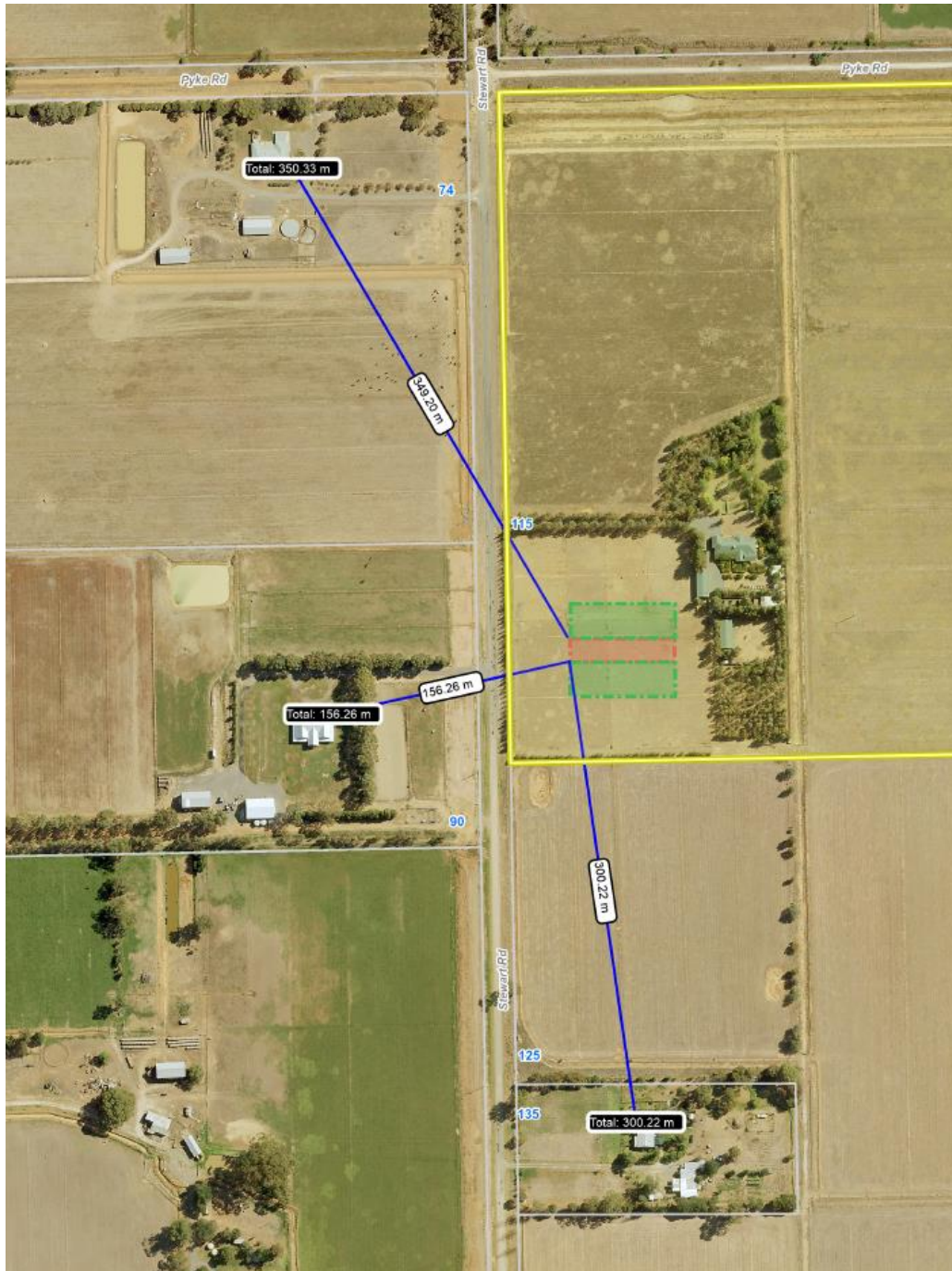
The incorporated document recommends a separation distance of 100 metres for 50 dogs. This application proposes 100 dogs and is located 156 metres from the nearest dwelling, although the proposal potentially meets the setback distance if the number of dogs is reduced to 50. The submitted application does not satisfy officer that noise emissions can be mitigated to an acceptable level.

No detailed evidence or acoustic report has been provided to justify the setback. Furthermore, the incorporated document only provides for a reduction in setback requirements where alternative measures have been put in place.

This application provides limited details on what these measures would be for the use. The absence of such details makes it difficult to be satisfied that noise for the use has been adequately addressed either for 100 dogs or even a reduction to 50.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Planning Permit Application 2017-310 for the Use of Land for Dog Breeding/Boarding (continued)



Plan showing distance of proposed use from closest dwellings.

Waste disposal and smell

The disposal of animal waste is proposed to be undertaken through private contractors collecting any animal waste from a large bin to be located on the land. Goulburn Murray Water and the Council's Health Department have not raised any concerns with this method.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Planning Permit Application 2017-310 for the Use of Land for Dog Breeding/Boarding (continued)

The waste collection and disposal methods proposed by the application are not seen as detrimental to the proposal.

Animal Cruelty

The majority of objections received by Council related to animal cruelty.

Whilst consideration to animal cruelty grounds has been given, the officer considers that little weight should be placed on the matter in a planning decision by the responsible authority with other legislation able to more appropriately deal with the issue.

Despite this officers note the impending changes to the Domestic Animals Act 1994 under Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017 that entered into law on 20 December, which was a key matter raised in a number of the objections.

Oscars Law

Section 54E, located within Section 29 of the Amending Act, is a new provision that comes into effect on 10 April 2018. In essence, this section gives existing dog breeding businesses until April 2020 to reduce their fertile female numbers to 10, by not replacing retiring dogs from 10 April 2018 onwards. The 10 fertile female limit will be imposed on any new businesses from 10 April 2018. Though these changes have little bearing on a planning decision, an orderly planning outcome given the timeframes would be to not approve a planning permit that will result in a possible conflict with other future legislation.

Council Plan/Key Strategic Activity

Objectives under 'Built' include ensuring growth is well planned and managed for the future and that urban and rural development is sustainable and prosperous.

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Incorrect notification	A	5	Low	The application has been properly advertised which allowed objections to be lodged with the Council. Those objections have been considered as part of the assessment process and objectors will be informed of Council's decision on the application.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Planning Permit Application 2017-310 for the Use of Land for Dog Breeding/Boarding (continued)

Policy Considerations

The application has been considered against the policies contained within the Greater Shepparton Planning Scheme and found to achieve unacceptable planning outcomes.

Financial Implications

This planning application has no significant financial implications on Council.

Legal/Statutory Implications

Should either the applicant or objectors be dis-satisfied with Council's decision an application for review can be lodged at VCAT.

Cultural Heritage

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

The 'Area of Cultural Heritage Sensitivity in Victoria' does not include the land within an area of cultural heritage sensitivity; therefore the proposed use does not trigger the need for a CHMP.

Environmental/Sustainability Impacts

The use has no detrimental impact on the environment, with no native vegetation proposed to be removed and the use and development proposed for open agricultural land.

Social Implications

As a result of amendments made to the *Planning and Environment Act 1987*, the responsible authority may now consider the number of objections when having regard to whether there is a significant social effect from the use or development.

It is acknowledged that many of the objections focus upon animal welfare concerns, and whilst a significant issue for the objectors and perhaps the broader community, these grounds of objection have been taken into consideration but are not fatal to the application as other legislation (and proposed) deals more appropriately with these issues.

Economic Impacts

This application has no substantial economic impacts in terms of job creation or investment into Greater Shepparton.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Planning Permit Application 2017-310 for the Use of Land for Dog Breeding/Boarding (continued)

Referrals/Public Notice

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.

The Council has received 62 objections to date.

All objectors were issued with an acknowledgment letter.

The key issues that were raised in the objections are as follows:

Ground of Objection	Officer's Response
Noise from barking dogs	<p>Officers understand that the noise concerns are significant in the assessment of the application given the proximity of dwellings not in the same ownership and acknowledge that there are methods to resolve these.</p> <p>Despite this, the application provides limited information on noise attenuation measures and the operation of the use and therefore officers cannot be satisfied that an acceptable amenity outcome will be achieved.</p>
De-valuation of land	Property de-valuation as a result of planning applications is not a relevant planning consideration.
The treatment and smell of effluent	The disposal of animal waste is proposed to be undertaken through private contractors collecting any animal waste from a large bin to be located on the land.
The number of dogs	Council officers cannot be satisfied that the scale of the proposed facility at this time would not result in unreasonable cause noise related impacts on the surrounding dwelling.
Stress on surrounding livestock	Noise attenuation and security measures have not been addressed to a level of detail to allow officers to be satisfied that they can be managed.
Traffic and dust on roads	<p>Direct access to the site is provided from Stewart Road, with most visitors to the land envisaged to access the site from the Midland Highway to the north. A sacrificial seal to prevent dust is provided at the front of the site and further along Stewart Road to the north where it intersects the Midland Highway. A section of gravel road is provided between these two sections.</p> <p>The sacrificial seal is provided at the front of each of the dwellings to prevent the dwellings from dust generated from passing traffic. These sealed areas are considered acceptable in reducing dust generated from traffic visiting the proposal.</p>

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.8 Planning Permit Application 2017-310 for the Use of Land for Dog Breeding/Boarding (continued)

<p>Failure to comply with the Code of Practice for the Operation of Boarding Establishments and the <i>Domestic Animals Act 1994</i></p>	<p>The requirements of the Code of Practice for the Operation of Boarding Establishments should be addressed in much the same way as a responsible authority addresses the requirements of, for example, the Building Act 1993 or the Liquor Control Reform Act 1988. It is simply a separate set of requirements that a dog boarding facility operator must meet.</p> <p>Officers also note the impending changes to the Domestic Animals Act 1994 under Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017 that entered into law on 20 December, which was a key matter raised in a number of the objections.</p> <p>Section 54E, located within Section 29 of the Amending Act, is a new provision that comes into effect on 10 April 2018. In essence, this section gives existing dog breeding businesses until April 2020 to reduce their fertile female numbers to 10, by not replacing retiring dogs from 10 April 2018 onwards. The 10 fertile female limit will be imposed on any new businesses from 10 April 2018. Though these changes have little bearing on a planning decision, an orderly planning outcome given the timeframes would be to not approve a planning permit that will result in a possible conflict with other future legislation.</p>
<p>Animal cruelty</p>	<p>Whilst consideration to animal cruelty grounds has been given, the officer considers that little weight should be placed on the matter in a planning decision by the responsible authority with other legislation able to more appropriately deal with the issue.</p>

The key concerns raised in the objections are noise from barking dogs, devaluation of land, the treatment and smell of effluent, the number of dogs, stress on surrounding livestock, failure to comply with the Code of Practice for the Operation of Boarding Establishments and animal cruelty grounds.

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Strategic Links

a) Greater Shepparton 2030 Strategy

Economic development encourages the protection of productive agricultural land base and the valuable regional resource of irrigated land.

Conclusion

In absence of detailed acoustic attenuation measures officers cannot be satisfied that the proposed use will achieve acceptable amenity outcomes. Additionally officers are concerned that noise from up to 100 dogs could cause unacceptable disturbance to the locality. It is therefore recommend that the application be refused.

Attachments

Nil

11. TABLED MOTIONS

Nil Received

12. REPORTS FROM COUNCIL DELEGATES TO OTHER BODIES

Nil Received

13. REPORTS FROM SPECIAL COMMITTEES AND ADVISORY COMMITTEES

Nil Received

14. NOTICE OF MOTION, AMENDMENT OR RESCISSION

Nil Received

15. DOCUMENTS FOR SIGNING AND SEALING

15.1 Documents for Signing & Sealing

Disclosures of conflicts of interest in relation to advice provided in this report

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

The following document has been presented for signing and sealing:

- Transfer of Lease – Hangar 9, Shepparton Aerodrome, 7810 Goulburn Valley Highway, Kialla from Yankee Echo Zulu Pty Ltd to MJ Muller & RD Vibert.

Moved by Cr Adem

Seconded by Cr Sutton

That the Council authorise the Chief Executive Officer to sign and seal the following document:

- Transfer of Lease – Hangar 9, Shepparton Aerodrome, 7810 Goulburn Valley Highway, Kialla from Yankee Echo Zulu Pty Ltd to MJ Muller & RD Vibert.

CARRIED.

16. COUNCILLOR ACTIVITIES

16.1 Councillors Community Interaction and Briefing Program

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Councillors' Community Interaction and Briefing Program

From 1 December 2017 to 31 January 2018, some or all of the Councillors have been involved in the following activities:

- Annual International Day of People with Disability Celebration Breakfast
- Greater Shepparton Basketball Association Annual Tournament Presentations
- Presentation | 2017 Joseph Furphy Commemorative Literary Prize
- International Day of Disability 2017
- La Porchetta Shepparton VIP Night
- Leader's Night | Dinner
- Australia China Entrepreneurs Dialogue 2017
- Riverlinks Season Launch
- SAM Advisory Committee Meeting
- Deakin Reserve Committee Meeting
- Shepparton Chamber of Commerce Industry Christmas Refreshments
- Aerodrome Advisory Committee
- Opening | The Furphy Park Shade Sales
- Greater Shepparton City Council - 'Christmas Thank You' Function for Key Stakeholders
- Arthur Dickmann Children's Centre - Family Christmas Party
- Fairley Leadership Program | Graduation Dinner 2017
- RiverConnect Implementation Advisory Committee Meeting
- Development Hearings Panel
- Local Law Review with Consultant | Councillors & Executive
- Shepparton Christian School | School Presentation Night
- Launch of BBQ | Ganaway Reserve - Kialla Lakes
- Presentation Night 2017 | Goulburn Valley Grammar School
- Best Start Early Years Partnership Meeting
- Launch | Fairley Leadership Project - Tatura's Cussen Park Innovative Audio
- Goulburn Valley Highway Shepparton Bypass Action Group Meeting
- Disability Advisory Committee Meeting
- PGA presentation – Mooroopna Golf Club
- Orrvale Primary School | Grade 5 & 6 - Story Writing Competition Winner
- Berry Street | School Presentation Night
- GV Pride | Annual Christmas BBQ
- Carols By Candlelight
- Christmas Refreshments - Suzanna Sheed
- Shepparton High School | 2017 Official Awards Ceremony
- Lecture - Dr Sarah Birrell Ivory - Business Sustainability and Climate Change - Understanding the Balance in Regional Communities"
- Australian Botanic Gardens Special Committee Meeting
- "Wanganui on Show" | School Presentation Night
- Dhurringile Primary School | Centenary Book Launch

16. COUNCILLOR ACTIVITIES

16.1 Councillors Community Interaction and Briefing Program (continued)

- Mooroopna Rotary Club | New Year's Eve
- GV Congolese Association - Welcome for New arrivals
- 4th Anniversary of Shepparton Parkrun
- Shepparton Harness Racing Club | Shepparton Gold Cup
- Shepparton Aerodrome Advisory Committee Meeting
- Australian Senior Solo Championship | Undera
- Meeting | Shadow Minister for Public Transport - The Hon David Davis & Wendy Lovell
- Meeting | PortConnex (Qld) | Agri-Freight Express (Vic/NSW)
- Commissioner for Victoria to South East Asia - Business Roundtable
- China Delegation | Visit to Greater Shepparton
- Bus Shelter Opening | Pine Lodge
- International Dairy Week | Breakfast
- International Dairy Week | Site Visit for Councillors
- Official Opening | Air Conditioner - Tatura Park 'Big Shed'
- Priorities for Shepparton - Meeting with the Hon Ben Carroll MP
- Victoria Swimming Championships | Welcome
- Australia Day Eve | Meet & Greet
- Australia Day Celebration – Dookie
- Australia Day Celebration – Murchison
- Australia Day Celebration – Arcadia
- Australia Day Celebration – Tatura
- Australia Day Celebration – Mooroopna
- Australia Day Celebration – Toolamba
- Australia Day Celebration & Citizenship Ceremony – Shepparton
- Victoria Swimming Championships | Official Opening & Presentation
- Victoria Swimming Championships | Presentations [Day 2]
- Victoria Swimming Championships | Presentations [Day 3]
- Rural Clinical School - 2018 Incoming Year 2 Medical Student Cohort

Moved by Cr Giovanetti
Seconded by Cr Hazelman

That the summary of the Councillors' community interaction and briefing program be received.

CARRIED.

Attachments

Nil

17. ASSEMBLIES OF COUNCILLORS

17.1 Assemblies of Councillors

Shepparton Art Museum Advisory Committee Meeting Wednesday 2 August 2017		
Councillors:	Councillor Chris Hazelman (Chair) present	
Officers:	Shane Fitzgerald – SAM Business Manager, Anna Briers – SAM Senior Curator, Jessica Solty, SAM Administration	
Matter No.	Matters discussed	Councillors Present for Discussion
1	Welcome / Apologies	Cr Hazelman
2	Conflict of interest items on agenda	Cr Hazelman
3	Confirmation of previous Meeting Minutes	Cr Hazelman
4	Acquisitions	Cr Hazelman
5	SAM Business Manager's report (in lieu of SAM Director's report)	Cr Hazelman
6	Friends of Shepparton Art Museum Inc. President's Report	Cr Hazelman
7	Other Matters	Cr Hazelman
8	Meeting Closed	Cr Hazelman
9	Next scheduled meeting	Cr Hazelman
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	

17. ASSEMBLIES OF COUNCILLORS
17.1 Assemblies of Councillors (continued)

Shepparton Aerodrome Advisory Committee Meeting 7 December 2017		
Councillors:	Cr Dennis Patterson	
Officers:	Phil Hoare, John Lloyd, Russell Hardie, Sue Whitcombe	
Matter No.	Matters discussed	Councillors Present for Discussion
	Aerodrome Maintenance	Dennis Patterson
	Aerodrome Landing Fees – trial	Dennis Patterson
	Aerodrome Relocation Sub-Committee	Dennis Patterson
	Inwards and Outwards Correspondence	Dennis Patterson
	Aerodrome Managers Report including CASA audit items	Dennis Patterson
Conflict of Interest Disclosures		
Matter No.	Nil	

Development Hearings Panel – 8 December 2017		
Councillors:	Councillor Hazelman	
Officers:	Tim Watson, Sarah van Meurs, Robert Duncan, Braydon Aitken, Simone Wood and Steve Bugoss	
Matter No.	Matters discussed	Councillors Present for Discussion
1	Planning application 2016-300/A – 127-137 Numurkah Road, Shepparton. Seeking permission to amend the location of a permitted advertising sign.	Cr Hazelman
2	Planning application 2017-61 – 84 St Georges Road, Shepparton. Seeking permission for a shop, dwelling and waiver of car parking.	Cr Hazelman

17. ASSEMBLIES OF COUNCILLORS

17.1 Assemblies of Councillors (continued)

Matter No.	Matters discussed	Councillors Present for Discussion
3	Planning application 2017-236 – 7900 Goulburn Valley Highway, Kialla. Seeking permission for a sky sign.	Cr Hazelman
4	Planning application 2017-232 – 50 Taylor Road, Kialla. Seeking permission for a market garden.	Cr Hazelman
5	Planning Application 2017-221 – 907 Goulburn Valley Highway, Congupna. Seeking permission for a fuel cell.	Cr Hazelman
6	Planning Application 2017-328 – 103-109 Numurkah Road, Shepparton. Seeking permission to use the land to hire motor vehicles.	Cr Hazelman
7	Planning Application 2017-272 – 138-140 O'Reilly Road, Tatura. Seeking permission for a colourbond fence in the Urban Floodway Zone.	Cr Hazelman
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	No

RiverConnect Implementation Advisory Committee – 8 December 0217		
Councillors	Cr Patterson	
Officers:	Melinda Weston, Greg McKenzie	
Matter No.	Matters discussed	Councillors Present for Discussion
1	Update from previous meeting, correspondence, budget	Cr Patterson
2	RiverConnect working group reports	Cr Patterson

17. ASSEMBLIES OF COUNCILLORS

17.1 Assemblies of Councillors (continued)

Matter No.	Matters discussed	Councillors Present for Discussion
3	General business: Vicroads bypass project partnerships; capital project 2018/19; RiverConnect Strategic Plan launch; River masterplan; Eastbank Lake update; Litter and illegal dumping; Yarna Gurtji shared paths update; 2018 meeting schedule	Cr Patterson
4	Agency update: Parks Victoria; Goulburn Broken Catchment Management Authority; community members; Greater Shepparton City Council	Cr Patterson
Conflict of Interest Disclosures		
	Nil	

Councillor Briefing Session – 12 December 2017		
Councillors	Cr O’Keeffe (Chair), Cr Giovanetti, Cr Hazelman, Cr Oroszvary (partial) and Cr Patterson and Cr Sutton,	
Officers:	Phillip Hoare, Greg McKenzie, Kaye Thomson and Chris Teitzel, Rebecca Coates, Shane Fitzgerald, Maree Martin (not all officers were present for all items).	
Matter No.	Matters discussed	Councillors Present for Discussion
1.	The SAM Foundation	Cr Sutton(Chair) Cr Giovanetti Cr Hazelman Cr Patterson
2.	The New SAM Transition of Business – Project Mapping/Workshop Overview	Cr Sutton(Chair) Cr Giovanetti Cr Hazelman Cr Patterson

17. ASSEMBLIES OF COUNCILLORS
17.1 Assemblies of Councillors (continued)

Matter No.	Matters discussed	Councillors Present for Discussion
3.	The New SAM Cost Briefing	Cr Sutton(Chair) Cr Giovanetti Cr Hazelman Cr Patterson
4.	Solar Farm – Lemnos Objectors and Applicant	Cr Sutton(Chair) Cr Giovanetti Cr Hazelman Cr Patterson
5.	Maude Street Mall, Shepparton Consultation Update	Cr Sutton(Chair) Cr Giovanetti Cr Hazelman Cr Patterson
6.	Contract 1785 – Cosgrove 3 – Cell 1 Construction Panel Award Recommendation	Cr Sutton(Chair) Cr Giovanetti Cr Hazelman Cr Patterson
7.	Monthly Financial Report November 2017	Cr Sutton(Chair) Cr Giovanetti Cr Hazelman Cr Patterson
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
5	Cr O’Keeffe	Yes

17. ASSEMBLIES OF COUNCILLORS
17.1 Assemblies of Councillors (continued)

CEO and Councillor Catch up – 12 December 2017		
Councillors	Cr O’Keeffe, Cr Adem, Cr Giovanetti, Cr Hazelman, Cr Patterson and Cr Sutton	
Officers:	Peter Harriott	
Matter No.	Matters discussed	Councillors Present for Discussion
1.	Councillor Query Land Development	Cr O’Keeffe (Chair) Cr Adem Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
2.	SAM	Cr O’Keeffe (Chair) Cr Adem Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
3.	Parking	Cr O’Keeffe (Chair) Cr Adem Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
4.	Munara	Cr O’Keeffe (Chair) Cr Adem Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	

17. ASSEMBLIES OF COUNCILLORS

17.1 Assemblies of Councillors (continued)

Councillor Briefing Session – 19 December 2017		
Councillors	Cr O’Keeffe (Chair), Cr Adem, Cr Giovanetti, Cr Hazelman, and Cr Patterson and Cr Sutton,	
Officers:	Carl Hainsworth, Andrew Metcalf, Geoff Adams, John Anderson, Wendy Crow, Heath Nicholson, Matt Kington, Steve Ayton, Josie Spencer, Sharlene Still, Amanda Tingay, Jason Watts, Brigid Herring-Neumann, Anthony Nicolaci, Sharlene Still, Maree Glasson, Amy Russell and Maree Martin (not all officers were present for all items).	
Matter No.	Matters discussed	Councillors Present for Discussion
1.	Shepparton Chamber of Commerce MOU	Cr O’Keeffe (Chair) Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
2.	Briefing Local Government Act	Cr O’Keeffe (Chair) Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
3.	Aged & Disability Services - Update on Commonwealth & State government reforms	Cr O’Keeffe (Chair) Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
4.	RACV Tourism Award Recognition and Summary of Achievements in Tourism and Events 2016/17	Cr O’Keeffe (Chair) Cr Giovanetti Cr Hazelman Cr Patterson Cr Sutton
Conflict of Interest Disclosures		
Matter No.	Names of Councillors who disclosed conflicts of interest	Did the Councillor leave the meeting?
	Nil	

17. ASSEMBLIES OF COUNCILLORS
17.1 Assemblies of Councillors (continued)

Shepparton Aerodrome Advisory Committee Meeting 18 January 2018		
Councillors:	Cr Dennis Patterson	
Officers:	John Lloyd, Russell Hardie, Sue Whitcombe, Phil Hoare	
Matter No.	Matters discussed	Councillors Present for Discussion
1	Previous minutes and actions	Cr Patterson
2	Landing Fees	Cr Patterson
3	Runway Resealing	Cr Patterson
4	Aerodrome Relocation	Cr Patterson
5	Aerodrome Managers report including routine maintenance, CASA audit requirements	Cr Patterson
6	NOTAMS	Cr Patterson
7	Signage	Cr Patterson
8	Telstra Tower	Cr Patterson
9	Kialla Park Recreation Reserve lighting	Cr Patterson
Conflict of Interest Disclosures		
Matter No.	Nil	

17. ASSEMBLIES OF COUNCILLORS

17.1 Assemblies of Councillors (continued)

Greater Shepparton Women's Charter Alliance Advisory Committee 22 September 2017		
Councillors:	Cr Seema Abdullah	
Officers:	Rachael Duncombe, Kristie Welch	
Matter No.	Matters discussed	Councillors Present at Discussion
5	Correspondence in/out	Cr Abdullah
6	Media	Cr Abdullah
8	Committee memberships	Cr Abdullah
9	Meeting dates and times	Cr Abdullah
10	Budget	Cr Abdullah
11	Training and Capacity Building	Cr Abdullah
12	Budget Working Group	Cr Abdullah
13	International Women's Day Working Group	Cr Abdullah
14	Women's Charter Award 2018	Cr Abdullah
16	GSWCAAC logo/banner/name badges	Cr Abdullah
17	Engagement	Cr Abdullah
Conflict of Interest Disclosures		
Matter No.	Nil	

Moved by Cr Adem
Seconded by Cr Patterson

That the Council note the record of Assemblies of Councillors.

CARRIED.

18. URGENT AND OTHER BUSINESS NOT INCLUDED ON THE AGENDA

19. CONFIDENTIAL MANAGEMENT REPORTS

19.1 Designation of Confidentiality of Information – Report Attachments

Moved by Cr Giovanetti
Seconded by Cr Hazelman

In accordance with section 77(2)(b) of the *Local Government Act 1989* (the Act) the Council designates as confidential all documents used to prepare the following agenda item:

1. Report 7.1: Contract 1785 - Cosgrove 3 Cell 1 Construction Panel Award Recommendation.

designated by the Chief Executive Officer in writing as confidential under section 77(2)(c) of the Act. This document relates to contractual matters, which are relevant grounds applying under sections 89(2)(d) of the Act.

CARRIED.

19.2 Designation of Confidentiality of Information

Moved by Cr Adem
Seconded by Cr Giovanetti

That pursuant to sections 89(2)(b)(a) of the *Local Government Act 1989* the Council meeting be closed to members of the public for consideration of 2 confidential items.

CARRIED.

19.3 Recovery of Unpaid Rates (Section 181 Local Government Act)

19.4 Audit and Risk Management Committee - Remuneration

19.5 Reopening of the Council Meeting to Members of the Public

THE MEETING CLOSED AT 7.02PM