

**IN THE MATTER OF GREATER SHEPPARTON PERMIT APPLICATION NOS 2017-162, 2017-274, 2017-301
AND 2017-344
AT SHEPPARTON**

ADDRESS 610 Ferguson Road, Tatura East (2017-162)
APPLICANT CleanGen
RESPONSIBLE AUTHORITY The Minister for Planning
LOCAL COUNCIL Greater Shepparton City Council
OTHER SUBMITTERS

ADDRESS 1090 Lemnos North Road, Congupna (2017-344) and
235 Victoria Road, Tallygaroopna (2017-274)
APPLICANT X-Elio Australia Pty Ltd
RESPONSIBLE AUTHORITY The Minister for Planning
LOCAL COUNCIL Greater Shepparton City Council
OTHER SUBMITTERS

ADDRESS 1190 and 1220 Cosgrove Lemnos Road, 260 Tank Corner
East Road, 875 Boundary Road and 85 Crooked Lane,
Lemnos (2017-301)
APPLICANT Neoen Australia Pty Ltd
RESPONSIBLE AUTHORITY The Minister for Planning
LOCAL COUNCIL Greater Shepparton City Council
OTHER SUBMITTERS

PART A SUBMISSION BY GREATER SHEPPARTON CITY COUNCIL

Date of document:	7 May 2018	Solicitors	432
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1. INTRODUCTION

- (a) Pursuant to the Panel's directions¹ dated 12 April 2018, on behalf of Greater Shepparton City Council (**Council**), these submissions:
- (i) provide a chronology of events

¹ [24]

- (ii) include background to the permit applications
 - (iii) identify issues raised in submissions
 - (iv) append a 'without prejudice' version of draft conditions.
- (b) These submissions provide a chronology of events across all four permit applications.
 - (c) The submissions then address background issues and planning scheme provisions common to each application.
 - (d) The submissions then address background issues and conditions unique to each application separately.

2. CHRONOLOGY OF EVENTS

- (a) In 2001, the Renewable Energy Target (RET) (known then as the Mandatory Renewable Energy Target) came into operation. The RET is an Australian Government scheme designed to encourage the additional generation of electricity from sustainable and renewable sources by allowing large and small scale power stations to earn certificates for every megawatt hour of power they generate. These certificates can then be sold to electricity regulators, creating a renewable energy market.
- (b) In 2006, the Council released the '[Greater Shepparton 2030 Strategy Plan](#)'. Council anticipated new industries emerging in the face of technological developments.
- (c) In 2009, the RET was increased to 41,000GWh (20% of Australia's electricity generation).
- (d) In 2010, Council published its Large-Scale Solar Power Plant Investor Prospectus (**Prospectus**), which identifies that Council strongly supports the location of a large scale solar power plan in Shepparton. The Prospectus identifies that research has determined that Shepparton is an ideal site for a large-scale solar power plant, having regard to locational advantages such as the positioning on the Victorian Gas and Electricity Transmission Network with a 220 kV transmission line, annual average solar exposure between 14 and 20 MJ per square metre, considerable transmission savings of around 10% due to Shepparton's close proximity to Melbourne and certainty of supply during times of high demand.
- (e) In June 2015, the RET was decreased to 33,000GWh in 2020.
- (f) On 5 June 2017 application for planning permit 2017-162 (Clean Gen) was lodged. 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*'.
- (g) On 15 September 2017 application for planning permit 2017-274 (X-Elio) was lodged. The planning application describes the proposal as '*use and development of land for a renewable energy facility (solar farm), installation of a business identification sign and removal of native vegetation*'.
- (h) On 13 October 2017 application for planning permit 2017-301 (Neoen) was lodged. 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*'.
- (i) On 19 October 2017, officers requested additional information in relation to the application for planning permit by Neoen Australia Pty Ltd. The request was in relation to aboriginal

cultural heritage matters. On 22 December 2017 officers received a satisfactory response to the request for information.

- (j) On 1 November 2017, the *Climate Change Act 2017* (Vic) commenced operation. The Act seeks to manage climate change risks, maximise the opportunities that arise from decisive action, and drive Victoria's transition to a net zero emissions climate resilient community and economy. The Act provides a clear policy framework and a pathway to 2050 to keep global temperature rise below 2 degrees Celsius above pre-industrial levels. It provides a platform for subsequent action by government, community and business.
- (k) On 3 November 2017 application for planning permit 2017-344 (X-Elio) was lodged. 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*'.
- (a) At the 21 November 2017 Ordinary Council Meeting Council resolved the following:
That the Council direct the Chief Executive Officer to write to the Minister of Planning:
 - 1. *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*
 - 2. *inviting the Minister for Planning to establish a process that provides a fair and proper opportunity for all affected stakeholders to be heard.*
- (b) By [letter dated 22 November 2017](#) Greater Shepparton City Council wrote to the Minister for Planning.
- (c) On 22 January 2018, an endorsed Cultural Heritage Management Plan (CHMP) was provided to Council officers for the application for 1090 Lemnos North Road, Congupna (2017-344).
- (d) The following officer reports were prepared in response to the aforementioned planning permit applications:
 - (i) Draft officer report for 2017-162
 - (ii) Draft officer report for 2017-274
 - (iii) Draft officer report for 2017-301
 - (iv) Draft officer report for 2017-344
- (e) On 13 February 2018 the Minister for Planning [gave notice](#) that he agreed to the Council's request under section 97C of the *Planning and Environment Act 1987* (Vic) (**P&E Act**) that the Minister for Planning decide the solar farm planning applications recently referred by Council to the Minister in the Greater Shepparton City Council local government area.
- (f) On [20 February 2018](#), Council resolved to pass a resolution as to the position it would adopt at this Panel hearing in respect of each of the four permit applications. This resolution was preceded by four recommendations for approval to the applications for solar farm permits being included in the agenda for the 20 February 2018 Ordinary Council Meeting. After the agenda was uploaded, the Minister for Planning advised that he had become the decision maker, therefore Council resolved an alternate recommendation for all 4 applications:

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[s] [2017-162; 2017-274; 2017-301; and 2017-344] and make available Council Planning Officer's reports.

4. Note the complexities of planning permit application[s] [2017-162; 2017-274; 2017-301; and 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:...

- (g) The Council resolution went on to list a number of permit conditions for each Planning Permit Application. We refer you to the relevant Panel Books and their opening pages for this information.
- (h) On 16 March 2018, [Planning Panels Victoria gave notice to submitters](#) that a panel had been appointed to make recommendations to the Minister for Planning in relation to the permit applications

3. COMMON BACKGROUND TO THE APPLICATIONS

(a) Renewable Energy Context

- (i) The Preamble to the *Climate Change Act 2017* (Vic) provides:

The Parliament of Victoria recognises on behalf of the people of Victoria that the international community has reached agreement to hold the global average temperature increase to well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5 degrees Celsius above pre-

industrial levels. There is overwhelming scientific consensus that human activity is causing climate change and that global emissions will need to decline to net zero levels by the second half of the century if this global goal is to be met.

The Parliament of Victoria recognises that some changes in the earth's climate are inevitable, despite all mitigation efforts. Victoria is particularly vulnerable to the adverse effects of climate change. Natural disasters are increasing in frequency and severity as a result of the changing climate. Impacts are felt differently and to different extents across individual regions and communities.

Although responding to climate change is a responsibility shared by all levels of government, industry, communities and the people of Victoria, the role of subnational governments in driving this transition cannot be understated. Through decisive, long-term action to reduce greenhouse gas emissions, the Victorian government can help Victoria achieve an orderly and just transition to a net zero greenhouse gas emissions economy and remain prosperous and liveable. It will also enable Victoria to benefit from the global trend towards decarbonisation.

Victoria must also take strong action to build resilience to, and reduce the risks posed by, climate change and protect those most vulnerable.

The Parliament of Victoria recognises that the community wants and expects Victoria to play its part in global mitigation efforts and in preparing the community for unavoidable climatic impacts. This Act will help ensure Victoria remains prosperous and liveable as we transition to meet these challenges.

- (ii) The *Climate Change Act 2017* (Vic) provides that its purposes include to set a long-term greenhouse gas emissions reduction target. Section 6 of the *Climate Change Act 2017* (Vic) defines the long-term greenhouse gas emissions target:

For the purposes of this Act, the long-term emissions reduction target for the State is an amount of net zero greenhouse gas emissions by the year 2050.

(2) *In this section—*

"net zero greenhouse gas emissions" means zero greenhouse gas emissions after—

(a) determining the amount of total greenhouse gas emissions attributable to the State, including any removals of greenhouse gas emissions from the atmosphere due to activities within the State; and

(b) deducting from the amount described in paragraph (a) any eligible offsets from outside of the State.

- (iii) Generation of solar energy will assist in achieving the Victorian Government's Renewable Energy Target of 25% generation by 2020 and 40% generation by 2025.
- (iv) The Victorian Renewable Energy Target is defined in the *Renewable Energy (Jobs and Investment) Act 2017* (Vic). The target is currently specified so as to include solar to supply electricity to the Victorian electricity grid. The Act defines renewable energy so as to include solar.
- (v) The Victorian Government has a number of schemes and strategies in place to achieve its targets, which are designed to deliver up to 1500 MW of renewable

energy generation via new large-scale renewable energy facilities by 2020 and up to 5400 MW of renewable energy generation by 2025.

- (vi) The Renewable Energy Target scheme (RET) was introduced by the Federal Government to reduce emissions of greenhouse gases by the electricity sector and encourage the additional generation of electricity from sustainable and renewable sources.
- (vii) The target for large-scale generation of 33,000 GWh hours by 2020 will double the amount of large scale renewable energy being delivered by the RET scheme compared to current levels, resulting in approximately 23.5% of Australia's electricity generation in 2020 being generated from renewable sources.
- (viii) The distribution system in and around Shepparton is owned by Powercor. Powercor provides generation capacity on their 66 kV sub-transmission lines. Many of the lines around Shepparton have capacity, which is not necessarily the case in other parts of the State.
- (ix) The Shepparton region has a good solar resource similar to other regions of Victoria north-west of the Great Dividing Range.
- (x) The proposals under application for planning permit 2017-162 (CleanGen), planning permit 2017-301 (Neoen), planning permit 2017-344 (X-Elio) and planning permit 2017-274 (X-Elio) (together, the **Planning Permit Applications**) are located so as to be connected to existing electricity transmission infrastructure.
- (xi) With respect to X-Elio's application for 235 Victoria Road, Tallygaroopna (2017-274):
 - (A) The applicant proposes the use of inverters to convert the energy generated by the solar panels into Alternating Current (AC) for input into the electrical grid. That project is proposed to interconnect directly into new infrastructure along Edwards Road which connects directly to existing electrical infrastructure. Powercor is the electrical distributor for this area.
 - (B) According to application material submitted for that application, the site has access to the grid via the adjacent SHTS-NKA No 1 66 kV sub transmission line located in Edwards Road. The anticipated point of connection is likely to remain into infrastructure north of the intersection of Victoria Road and Edwards Road. SHTS-NKA No 1 66 kV is one of two lines between Shepparton terminal station and Numurkah zone substation. Given generation output is proposed to exceed 10 MW, the farm on the subject land will need to be ultimately connected to the grid at 66 kV.
- (xii) With respect to X-Elio's application for 1090 Lemnos North Road, Congupna (2017-344):
 - (A) The application material provides that the nearest substation is located north of Shepparton and approximately 9 km south-west of the subject site.
 - (B) The solar farm will interconnect directly into new infrastructure along Shepparton-Katamatite Road, which connects directly to existing electrical infrastructure.
 - (C) Powercor is the electrical distributor for the area.

- (D) The site has access to the grid via the adjacent SHTS-NKA No 1 66 kV sub transmission line located on the road reserve of Shepparton-Katamatite Road. SHTS-NKA No 1 66 kV is one of two lines between the Shepparton terminal station and the Numurkah zone substation. Given generation output is to exceed 10 MW, the farm on the subject land will need to be connected to the grid at 66 kV.
- (xiii) With respect to CleanGen's application for 610 Ferguson Road, Tatura East (2017-162):
- (A) The planning application report for that proposal provides that the project will connect to the Stanhope to Shepparton 66kV Line 4.9 km away on Midland Highway (intersection of Turnbull Road and Midland Highway). The project will include a 22/66 kV on-site substation and use a 66 kV line to run onto Turnbull Road, which is owned by Greater Shepparton City Council. Council approval will be sought to use the Turnbull Road connection path. The path will follow existing easements on Turnbull Road that has a 22 kV powerline to the Midland Highway to connect to the 66 kV powerline.
- (B) The report provides that Tatura East is a good solar resource with long-term average radiation of 17.95 MJ per square metre.
- (xiv) With respect to Neoen's application for 1190 and 1220 Cosgrove Lemnos Road, 260 Tank Corner East Road, 875 Boundary Road and 85 Crooked Lane, Lemnos (2017-301):
- (A) The application land is comprised of nine parcels in Lemnos, totalling 482ha. A 220kV transmission line traverses east-west through the southern portion of the site.
- (B) The permit applicant proposes to construct a 100MW photovoltaic solar farm with a yield of approximately 250MWh per year.
- (C) The solar farm would consist of around 400,000 solar panels, including a 66 kilovolt substation. About 56 photovoltaic boxes or skids would be installed across the site, which each contain a centralised inverter and transformer (either 11kV, 22kV or 33kV) that converts the variable direction current output of the solar panels to an alternating current that can then be fed in to the electrical grid.
- (D) The operation and maintenance buildings are positioned closest to Cosgrove-Lemnos Road for ease of access and in a location that minimises the extent of constructing new power line infrastructure to connect to the Shepparton Terminal Substation.
- (xv) Photos of the Shepparton Terminal Substation are [provided](#).
- (xvi) Photos of the [Parkes solar farm](#) are provided and provide a visual example of a constructed solar farm.
- (b) **Agriculture context to Shepparton region**
- (i) Agriculture is the main economic driver of the Shepparton region. Each solar farm proposed by the Planning Permit Applications would remove land from agriculture for at least 25 years. Therefore the primary policy issue that this Panel needs to

resolve with respect to these Planning Permit Applications is whether the loss of productive agricultural land within a food bowl of national significance for the purpose of solar farms produces an acceptable planning outcome. This Panel must decide that issue in favour of net community benefit and sustainable development for the benefit of present and future generations.²

- (ii) For the region, horticultural enterprises are the most critical activities that determine regional income. Irrigated summer cropping maize/lucerne is also important, often as an adjunct to dairying. Dryland agriculture contribution is much less important on a land area utilisation basis.
- (iii) The 2008 Rural Regional Land Use Strategy (Rural Strategy) provides that protection and retention of this land for agriculture is of primary strategic importance to the Shire economy.
- (iv) The Rural Strategy was implemented into the Scheme by Amendment C121. Amendment C121 amended the Scheme Municipal Strategic Statement so as to better recognise and provide better local strategic direction for agriculture in the planning scheme:

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.

- (v) Clause 21.06-1 goes on to reference the Rural Strategy and provide policy direction with respect to different areas, including 'consolidation areas,' of which the subject lands form part:

A Regional Rural Land Use Strategy 2008 (RRLUS) has been adopted by Moira Shire Council, the City of Greater Shepparton and the Shire of Campaspe. This strategy identifies new categories of farming areas in the municipalities and recommends different subdivision and minimum lot size provisions for dwellings for each category. The categories are as follows....

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

² Clause 10.01 of the SPPF

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.

...

Strategies - Agriculture

- *Identify 'growth', 'consolidation' and 'niche' areas in the Farming Zone.*
- *Encourage growth and expansion of existing farm businesses and new investment in 'growth' and 'consolidation' areas.*
- *Encourage opportunities for smaller scale, specialized agriculture in 'niche' areas.*
- *Discourage land uses and development in the Farming Zone, Schedule 1 that would compromise the future agricultural use of the land, including farm related tourism.*
- *Encourage tourism in the Farming Zone, Schedule 2 that is carefully managed to prevent conflict and impact on agricultural operations.*
- *Encourage value adding and new enterprises for agricultural production.*
- *Encourage the preparation of Whole Farm Plans for on farm earthworks.*
- *Discourage non-agricultural uses on rural land other than rural based industry.*
- *Discourage non-agricultural development in rural areas except where development is dependent on a rural location, and cannot be accommodated within existing industrial or business zoned land.*
- *Discourage non-agricultural development along major roads in rural areas especially at the fringe of existing urban areas when it may contribute to ribbon development.*
- *Buildings for non-agricultural purposes in rural areas should be set back a minimum of 100 metres from any road, be constructed in muted coloured 'colorbond' materials or similar and screened from any road by dense tree and shrub planting.*
- *Signs for industrial and commercial development in rural areas will be strictly limited in size and number.*

- (vi) The Rural Strategy states that its key objective is to secure and promote the future of agriculture across the region through the respective Council planning schemes (Campaspe, Moira and Greater Shepparton). The strategy identifies that in recent years some rural land has been placed under pressure. The Rural Strategy identifies that irrigated primary production and processing of that product underpins the region's economy. The Rural Strategy identifies that the region is responsible for 25% of the nation's milk production, 90% of the national deciduous canned fruit production, 45% of the stone fruit crop and 90% of the national tomato processing production.³ The annual total value of agricultural production at the farm gate is \$2 billion and the region's workforce is heavily dependent on the whole agricultural sector, with about 8500 people directly involved.⁴ The strategy identifies that it is 'decision time for the region' and that this '*means being much more decisive when options for development are advocated. Choices are about long-term region wide gains against short-term individual concerns of individual financial outcomes.*'⁵

³ p 2.

⁴ p 3.

⁵ p 5.

- (vii) The 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 using about 1.5 million megalitres of water.⁶
 - (viii) The [Rural Strategy](#) states that rural areas of Greater Shepparton are productive agricultural land based on the soil types, subdivision patterns and climate and the significant level of irrigation infrastructure.
 - (ix) The four sites that are the subject of the Planning Permit Applications are currently used for low value agriculture, i.e. irrigated beef cattle grazing, irrigated winter cropping and dry land cropping and grazing.
 - (x) The sites all lie within the modernised Goulburn-Murray Water (**GMW**) irrigation supply and drainage system, which is a gravity supply scheme.
 - (xi) The Goulburn-Murray Irrigation District (**GMID**) is the largest irrigation system in Victoria and is within the southern connected Murray Darling Basin. It covers 9,950 square kilometres and accounts for more than 70% of water stored in Victoria. Shepparton and the Central Goulburn Districts use about one third of the GMID total water use. A [map of the GMID](#) is provided.
 - (xii) The GMID is an irrigation and drainage channel network providing irrigation supply and drainage services through a supply system throughout the Shepparton and Central Goulburn irrigation areas, using mostly earthen channels to transport water. The \$2 billion *Connections Program* has progressively upgraded the supply system.
 - (xiii) Three of the properties the subject of the Planning Permit Applications can access good quality irrigation water supply and drainage services from GMW. The existing irrigation infrastructure can be described as follows:
 - (A) Irrigation infrastructure for 610 Ferguson Road, Tatura East (2017-162) (CleanGen) and 235 Victoria Road, Tallygaroopna (2017-274) (X-Elio), suitable for mixed grazing/cropping.
 - (B) Irrigation infrastructure for exists for for one half of 1190 and 1220 Cosgrove Lemnos Road, 260 Tank Corner East Road, 875 Boundary Road and 85 Crooked Lane, Lemnos (2017-301) (Neoen)
 - (xiv) 1090 Lemnos North Road, Congupna (2017-344) (X-Elio) and the remainder of 1190 and 1220 Cosgrove Lemnos Road, 260 Tank Corner East Road, 875 Boundary Road and 85 Crooked Lane, Lemnos (2017-301) (Neoen) have no irrigation infrastructure.
 - (xv) With respect to broader submissions in relation to loss of agricultural land and the importance or otherwise of the subject sites as agricultural land, the Council will address that issue in further detail in its Part B submission having regard to the expert evidence filed and served.
- (c) **Planning policy context common to each application**
- (i) Attached to Annexure A of these submissions are relevant extracts from the Scheme and planning policy setting.

⁶ P 18.

- (ii) The State Planning Policy Framework (SPPF) seeks to promote and facilitate renewable energy facilities. The objective of clause 19.01-1 ('Provision of Renewable Energy') is:

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

- (iii) The SPPF also seeks to protect agricultural land. Clause 14.01 provides policy direction for:

Protection of agricultural land

Objective

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

- (iv) Clause 14.01 goes on to outline a series of strategies to achieve this objective which generally seek to ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use
- (v) The planning scheme (including the SPPF) provides limited policy direction on the vexed issue of balancing policy in favour of the development of renewal energy against policy in favour of the protection of productive agricultural land. Whereas clause 19.01-1 makes specific provision for wind energy facilities, no specific policy direction is given in relation to solar farm applications.
- (vi) Clause 11.12 makes provision for the Hume region.

Relevant strategies for the Hume region include:

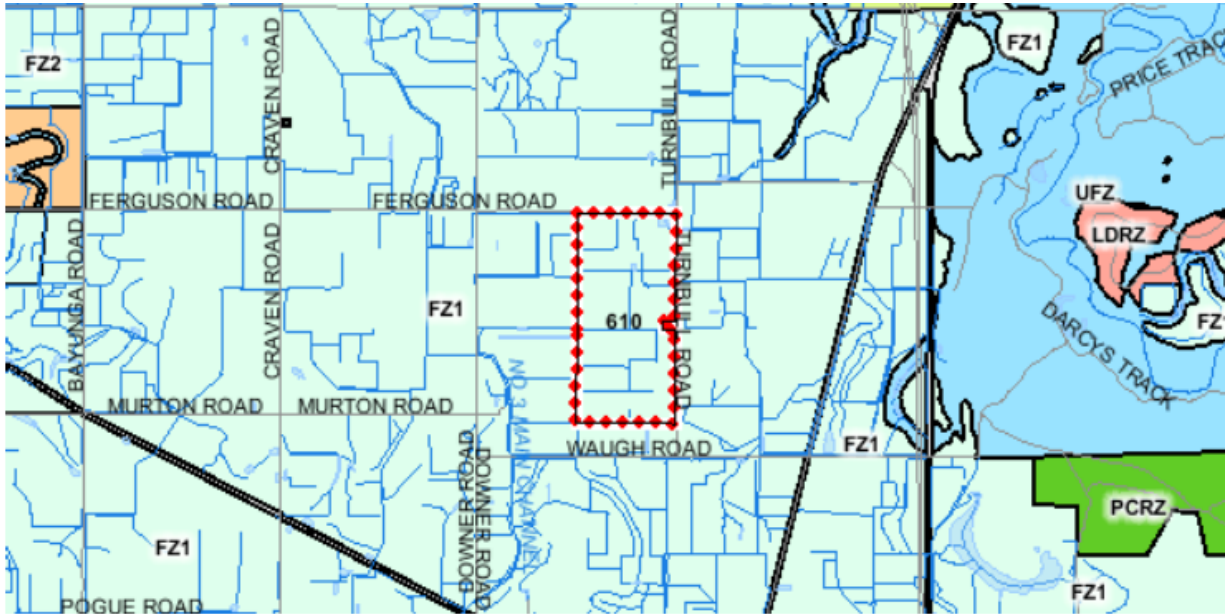
Plan for a more diverse and sustainable regional economy by supporting existing economic activity and encouraging appropriate new and developing forms of industry, agriculture, tourism and alternative energy production.

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.

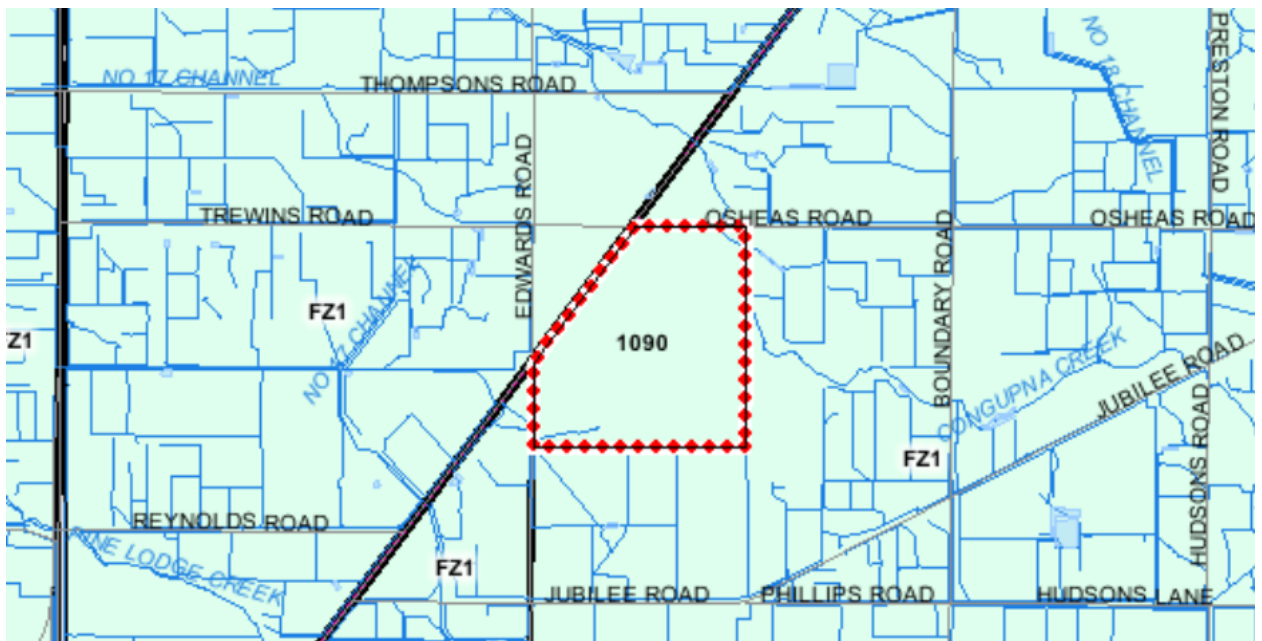
- (vii) The Hume strategy also includes:

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

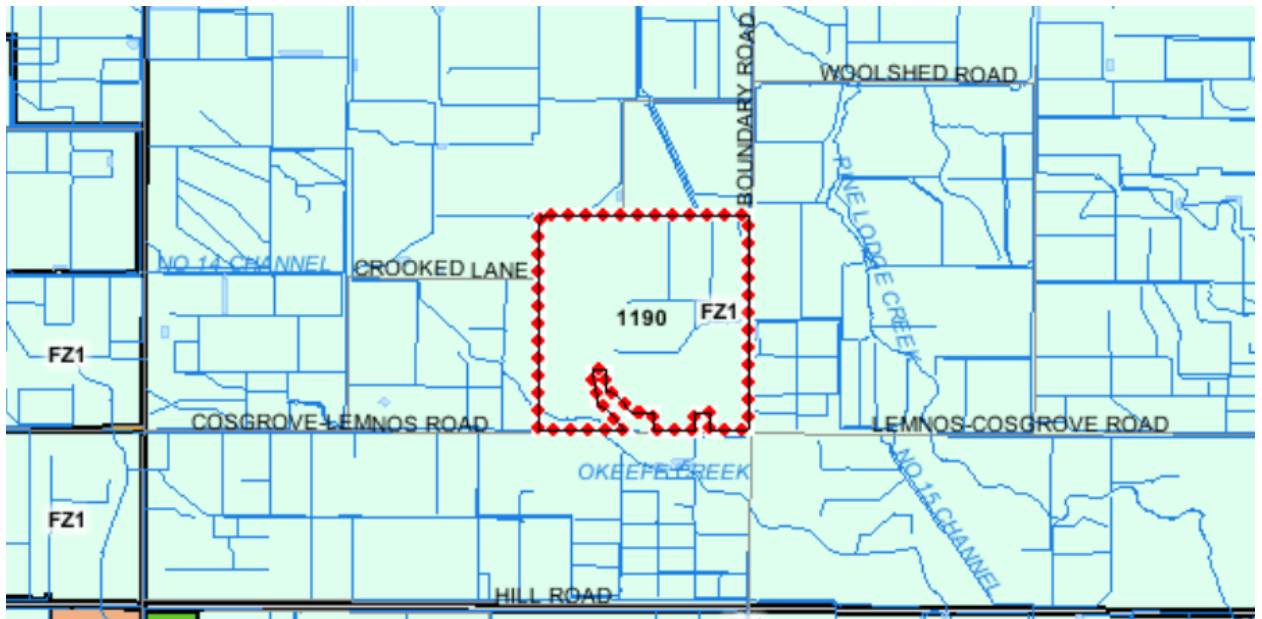
- (viii) The [Hume Regional Growth Plan](#) includes objectives to diversify regional economies to develop alternative energy production, including the transition toward renewable energy production sited in appropriate locations.
- (ix) Each proposed solar farm is located upon land in the Farming Zone (**FZ**) under the Greater Shepparton Planning Scheme (**Scheme**):
- (A) 2017-162: 610 FERGUSON ROAD TATURA EAST 3616



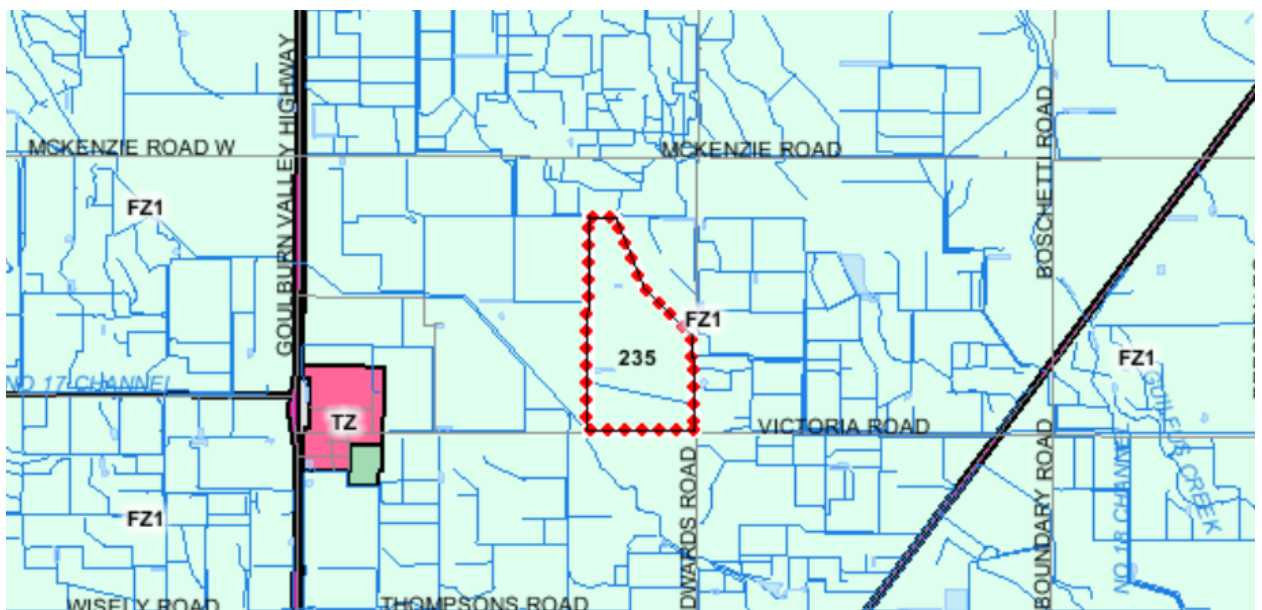
(B) 2017-344: 1090 LEMNOS NORTH ROAD CONGUPNA 3633



(C) 2017-301: 1190 COSGROVE-LEMNOS ROAD LEMNOS 3631 and others



(D) 2017-274: 235 VICTORIA ROAD TALLYGAROPNA 3634



- (x) The Scheme places a strong emphasis on the retention of agricultural land and the discouragement of non-agricultural uses in farming areas.
- (xi) Planning permission is required to use and develop land for a solar farm in the FZ. As such, whilst the use of land for a solar farm would not contribute to primary production, it is still an allowable use in the FZ. Throughout the FZ there are non-agricultural but discretionary uses such as quarries, mines, dwellings and jails.
- (xii) A Renewable Energy Facility is a section 2 use in the FZ subject to the condition that the application must meet the requirements of clause 52.42 of the Scheme (Renewable Energy Facility). Clause 52.42-3 includes the following decision guidelines:
 - (A) The effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference.

- (B) The impact of the proposal on significant views, including visual corridors and sightlines.
 - (C) The impact of the proposal on the natural environment and natural systems.
 - (D) Whether the proposal will require traffic management measures.
- (xiii) 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'*.
- (xiv) Clause 21.06-4 provides policy guidelines as an assessment guide for an application for a non-agricultural use in an agricultural area in the FZ. The decision guidelines relevantly include the following considerations as to the non-agricultural use:
- (A) It is unable to be accommodated in existing industrial zoned areas;
 - (B) It does not compromise the surrounding existing and future agricultural practices;
 - (C) It adds value to the agricultural base of the municipality
 - (D) It is a rural-based enterprise
 - (E) It provides for the reuse of existing large scale packing sheds and cool stores.
- (xv) The sheer scale of the proposed solar farms means that insufficient land is available in zones other than the FZ.
- (xvi) In its Part B submission, the Council will describe each of the Planning Permit Applications against these decision guidelines in further detail having regard to the expert evidence as filed and served.

2017-162 (610 FERGUSON ROAD, TATURA EAST) - CLEANGEN

4. The Proposal in Detail

Land/Address	610 Ferguson Road, Tatura East, more particularly shown on the Locality Plan .
Zones and Overlays	FZ 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

- (a) Photographs of the site and surrounds are [provided](#).

- (b) 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*'.
- (c) 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. The surrounding land uses comprise a mix of uses including horticulture properties to the north and south east, several rural residential properties nearby, and some irrigated mixed grazing properties to the south and west.
- (d) The property has good access to irrigation water from GMW channels and is serviced by and has access to the GMW drainage system.
- (e) The application consisted of:
 - (i) Planning Report prepared by CleanGen
 - (ii) Planning drawings
 - (iii) Visual images of the proposed solar farm
 - (iv) *Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act)* protected matters report
- (f) The application explains the proposal as follows:
 - (i) the solar farm will use solar photovoltaic (PV) technology with trackers
 - (ii) a total of 162,900 solar panels are proposed
 - (iii) the solar farm will produce enough energy to power 20,308 homes
- (g) The proposed development includes:
 - (i) Solar photovoltaic (PV) panels with trackers
 - (ii) Inverters and medium voltage step up transformers
 - (iii) Underground electrical conduits and cabling to connect the arrays to the inverters and transformers
 - (iv) Transformer station and switchgear
 - (v) Overhead or underground lines to connect into existing electrical network
 - (vi) A supervisory control and data acquisition control system
 - (vii) A site office and maintenance building with car park
 - (viii) Security cameras
 - (ix) Internal access tracks
 - (x) Laydown area
 - (xi) Perimeter security fencing
 - (xii) Native vegetation screening.

- (h) A [plan of the proposed CleanGen development](#) is **provided**.
- (i) Council also submits that conditions should require the sealing of Turnbull Road to mitigate dust during the construction phase.

5. Cultural Heritage

- (a) The *Aboriginal Heritage Act 2006* (Vic) requires the preparation of 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.
- (b) Officers assessed that the land was not within an area of cultural heritage sensitivity therefore the application does not trigger the need for a CHMP.

6. Referrals/Public Notice

- (a) External Referrals Required by the Scheme:

Section 55 - Referrals Authority	List AHA	Determining or Recommending	Response
Goulburn Broken Catchment Management Authority (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.

- (b) External Notice to Authorities:

Section 52 - Notice Authority	Response
AusNet Services	AusNet consented to the application without requiring any conditions.
Goulburn Murray Water (GMW)	GMW consents to the application subject to standard siting and drainage conditions.

- (c) The application was advertised pursuant to Section 52 of the P&E Act, by:
 - (i) Sending notices to the owners and occupiers of adjoining land;
 - (ii) Placing a sign on site; and
 - (iii) Publishing a notice in the Tatura Guardian on 13 June 2017.
- (d) Council received 39 submissions to the application. A copy of a submitter location plan is [provided](#).

7. Identification of Issues Raised in the Submissions

- (a) Submitters

Sub No.	Submitter
162-8	Peter Hall
162-10	Geoff Slorach
TBC	Victorian Farmers Federation (VFF)

(b) The submissions largely relate to the following issues:

Ground of Submission	Response to Submission
Setback from property boundaries	<p>There are no standard setback distances for solar farms from adjoining property boundaries.</p> <p>Council supports a setback of 50 metres from the site boundary including a screen of native vegetation to mitigate effects on the neighbouring residential properties and reduce any potential heating of nearby land as a result of the solar farm.</p>
Glare from solar panels	<p>Modern PV panels are designed to absorb as much sunlight as possible to convert it into electricity. The proposed 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 should 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>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.</p>
Light spill 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.</p>
Creation of a micro climate as a result of the solar farm	<p>To be addressed in Part B submission and the expert evidence of Mr Ken Guthrie.</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>Solar PV tracking 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</p>

Ground of Submission	Response to Submission
	<p>equipment housing are used. There is no noise from inverters at night due to daytime operation of solar panels.</p> <p>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>
Loss of productive agricultural land	See earlier submissions under 'Common Background to the Applications.'

2017-274 (235 VICTORIA ROAD, TALLYGAROPNA) - X-ELIO AUSTRALIA PTY LTD

8. The Proposal in Detail

Land/Address	235 Victoria Road, Tallygaropna, more particularly shown on the Locality Plan .
Zones and Overlays	FZ 1 Land Subject to Inundation Overlay Floodway Overlay
Why is a permit required	<p>Use of land for a Renewable Energy Facility under 35.07-1</p> <p>Buildings and works in the FZ under 35.07-4</p> <p>Buildings and works in the LSIO under 44.04-1</p> <p>Erection and display business identification signage (not more than 3sqm) under clause 52.05-10</p> <p>Removal of 3 native trees under clause 52.17-2</p>
Covenants	No
Area of cultural heritage sensitivity	No

- (a) Photographs of the site and surrounds are **provided**.
- (b) The land is about 96ha in size and is used for cropping and grazing. The subject site is irrigated land that is adjacent to an orchard. The current land use for the site is irrigated mixed winter cropping/grazing. The surrounding land use is a mix of mixed irrigated and dry land farms with a small area of horticulture to the north east of the property.
- (c) 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*'.

- (d) The proposed development includes the removal of 3 scattered paddock trees and business identification signage. The application represents a development of \$34 million in the municipality.
- (e) The land is not within an area of cultural heritage significance, therefore the proposal does not trigger the need for a CHMP.
- (f) The application consists of:
 - (i) Planning Report prepared by Spiire;
 - (ii) General Layout of the proposed solar farm;
 - (iii) Biodiversity report associated with the tree removal;
 - (iv) Concept drainage plan prepared by Spiire; and
 - (v) Technical drawings prepared by X-Elio.
- (g) The application explains the proposal as follows:
 - (i) the proposed development will gain vehicular access via Edwards Road;
 - (ii) the panels will track the path of the sun over the period of the day;
 - (iii) a total of 90,900 solar panels are proposed;
 - (iv) at their highest point the panels will be 3.03 metres in height and each panel is about 2sqm in size;
 - (v) ten inverters will be constructed on the land and each inverter will be housed within a shipping container approximately 12 m in length, 2.5 m in width and 2.6 m in height;
 - (vi) a small office will be constructed on the land; and
 - (vii) the applicant anticipates that the solar farm will generate 10 – 15 ongoing jobs.
- (h) A plan of the proposed development is **provided**.

9. Native vegetation

- (a) The land contains an 8ha patch of native vegetation which is retained as part of this application.
- (b) Permission is sought to remove 3 scattered paddock trees under clause 52.17-2 (being the old provisions as the application was lodged before the commencement of VC138).
- (c) The removal of the 3 trees is assessed under the low risk based pathway. Offsets can be secured for the loss of native vegetation.

10. Referrals/Public Notice

- (a) External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List AHA	Determining or Recommending	Response
GBCMA	44.04-5	Recommending	The GBCMA consented to the application without requiring any conditions.

(b) 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 6 conditions, all of which are recommended to be included in a notice of decision to grant a permit.

(c) The application was advertised pursuant to Section 52 of the P&E Act, by:

- (i) Sending notices to the owners and occupiers of adjoining land;
- (ii) Placing a sign on site; and
- (iii) Publishing a notice in the Shepparton News on 29 September 2017.

(d) Council received 5 submissions to the application. A copy of a [submitter location plan](#) submitter location plan is **provided**.

11. Identification of Issues Raised in the Submissions

(a) Submitters:

Sub No.	Submitter
274-3	NMB & J Barolli Pty Ltd
274-4	Natalier Akers
TBC	VFF

(b) The key issues that were raised in the submissions are as follows:

Ground of Submission	Response to Submission
Creation of a micro climate as a result of the solar farm	See earlier submission
Loss of productive agricultural land	See earlier submission

Ground of Submission	Response to Submission
Incomplete / insufficient application information	Council officers were 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	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.
Creation of an eyesore in a rural environment	Rural environments are not pristine in view. The solar farm is proposed upon a flat, irrigated landscape, that is largely cleared of significant remnant vegetation. The solar panels will, at their highest point, be no greater than 3.03 metres above the natural surface level.

2017-301 (1190 COSGROVE LEMNOS ROAD, 1220 COSGROVE LEMNOS ROAD, 260 TANK CORNER EAST ROAD, 875 BOUNDARY ROAD AND 85 CROOKED LANE LEMNOS) – NEOEN AUSTRALIA PTY LTD

12. Proposal in Detail

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. O'Keefe Creek crosses the land. The land/address is shown on the Locality Plan .
Zones and Overlays	FZ 1 Floodway Overlay Land Subject to Inundation Overlay
Why is a permit required	35.07-1 Use of the land for a solar farm in the FZ 35.07-4 Buildings and works in the FZ 44.03-1 Buildings and works in the Floodway Overlay 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.

- (a) Photographs of the site and surrounds are **provided**.
- (b) 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'*.
- (c) The site is a large property with a total land size of 482ha. The site is used for a mixture of dry land and irrigated farm land comprising several titles. The surrounding land use is dominated by irrigated pasture and cropping on three sides. There is an extensive area of horticulture to the immediate south and south-west of the property and there are a number of lifestyle properties in the area.
- (d) The application seeks permission for the following:
 - (i) A 100MW solar farm comprising of 400,000 solar panels;
 - (ii) 40,000 piles (screwed or hammered into the ground);
 - (iii) 4,500 tracker units;
 - (iv) 56 photovoltaic boxes or skids (raised, unroofed platforms) containing inverters and a transformer in each;
 - (v) Batteries to store electricity;
 - (vi) On site cabling;
 - (vii) 66kv substation;
 - (viii) Internal tracks;
 - (ix) Operational and maintenance office including staff amenities office;
 - (x) Security fencing;
 - (xi) Landscaping around the site (where required); and
 - (xii) New access point from Cosgrove- Lemnos Road.
- (e) The proposal includes the removal of 22 native trees.
- (f) A plan of the **proposed development** is **provided**.
- (g) The subject site is irrigated land that is adjacent to an orchard.

13. Native vegetation

- (a) Permission is sought to remove native vegetation (22 trees) under the moderate risk based pathway. A copy of the **Existing Tree Plan** is **provided**.

- (b) The GHD Flora and Fauna report states that 132 scattered trees were counted on the land of which 113 were Grey Box trees.
- (c) Clause 52.17-5 includes decision guidelines for applications to remove native vegetation.
- (d) The application achieves acceptable native vegetation outcomes for the following reasons:
 - (i) 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
 - (ii) Permit conditions will require that the native vegetation loss be appropriately offset

14. Cultural Heritage

- (a) The land is within an area of cultural heritage sensitivity. Despite this, a CHMP is not required as the land contains no areas of cultural heritage sensitivity.

15. Referrals/Public Notice

- (a) External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List AHA	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	AusNet consented to the application subject to seven conditions all of which are included in the proposed notice of decision to grant a permit.
DELWP	66.02-2	Recommending	DELWP consented to the proposed tree removal subject to four conditions which are included in the proposed set of conditions

- (b) 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.
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- (c) The application was advertised pursuant to Section 52 of the P&E Act, by:
- (i) Sending notices to the owners and occupiers of adjoining land;
 - (ii) Placing a sign on site; and
 - (iii) Publishing a notice in the Shepparton News on 17 November 2017.
- (d) Council received 20 submissions to the application. A copy of a submitter location plan is **provided**.

16. Identification of Issues Raised in the Submissions

- (a) Submitters

Sub No.	Submitter
301-4	James and Lynette Evans
301-8	Anne and Michael Ritter
301-14	Anthony O'Callaghan
301-16	L and R Cobbledick
301-17	Patrick and Elizabeth Macgill
301-19	Clement Stone Planners
TBC	VFF

- (b) The key issues that were raised in the submissions are as follows:

Ground of Submission	Response to Submission
Creation of a micro climate as a result of the solar farm (the heat island effect)	See earlier submission.
Noise disturbance	See earlier submission.
Loss of productive agricultural land	See earlier submission.
Loss of native vegetation	See earlier submission.
Creation of an eyesore in the rural environment	See earlier submission.

Ground of Submission	Response to Submission
Fire concerns during the operational phase of the solar farm	The application has been reviewed by the Country Fire Authority (CFA). The CFA have required that before the development starts, a number of fire plans be submitted and approved by the CFA.
Fire concerns during the operational phase of the solar farm	See earlier submission.
Impacts on the locality during construction of the solar farm including dust emissions and vehicle movements	Construction works are proposed to 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 not be allowed on both sides of O'Keefe Creek for a distance of 30 metres. 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	<p>Officers understood this concern related to battery storage on the land. The submitted application does not propose battery storage and any onsite battery would be subject to further planning permission.</p> <p>Paragraph 3.4.2 of the GHD report (at p459 of the 2017-301 Panel Book) includes the following sentence:</p> <p><i>'Neoen would consult with Council prior to submitting revised drawings for the battery storage building'.</i></p>
Impact on drone use in agriculture	The land where drone flights are undertaken is separated by Tank Corner East Road.
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	To be addressed in Part B submission.
Lack of community consultation	Officers have undertaken public notice of the application which has resulted in 19 submissions being lodged to the application. Objectors have briefed Council on their concerns associated with the applications.
Setback from property boundaries	See earlier submission.

Ground of Submission	Response to Submission
Glare from solar panels	See earlier submission.
Impact on flood flows in the area	The GBCMA consented to the application subject to one condition, which requires buildings to be constructed 300mm above general ground surface level.

2017-344 (1090 LEMNOS NORTH ROAD, CONGUPNA) - X-ELIO

17. Proposal in Detail

Land/Address	1090 Lemnos North Road, Congupna, more particularly shown on the Locality plan . Congupna Creek crosses the edge of the land.
Zones and Overlays	FZ 1 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 clause 35.07-1. Buildings and works in the FZ under clause 35.07-4. Buildings and works in the FO under clause 44.03-1. Buildings and works in the LSIO under clause 44.04-1. Erection and display business identification signage (not more than 3sqm) under clause 52.05-10. Removal of 6 native trees under clause 52.17-2.
Covenants	Crown Grants 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.

- (a) Photographs of the site and surrounds are [provided](#).
- (b) The land is 160ha in size. The proposed solar farm develops about 102ha of the land. The application represents a development of \$48 million in the municipality. Dryland cropping activities cover approximately 90% of the area. There is no evidence of irrigation infrastructure at the land. The property has no immediate access to irrigation water from GMW channels within the Central Goulburn region. There is evidence of flood irrigation

layouts on neighbouring properties to the west. The surrounding land use is dominated by dry land cropping.

- (c) 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'*.
- (d) The application seeks planning approval to use and develop the land for a 68MW Renewable Energy Facility. The proposed development includes the removal of 6 scattered paddock trees and business identification signage.
- (e) The application consists of:
 - (i) Planning Report prepared by Spiire;
 - (ii) General Layout of the proposed solar farm;
 - (iii) Biodiversity report associated with the tree removal (6 trees);
 - (iv) Concept drainage plan prepared by Spiire; and
 - (v) Technical drawings prepared by X-Elio.
- (f) The application explains the proposal as follows:
 - (i) the panels will track the path of the sun over the period of the day;
 - (ii) a total of 196,080 solar panels are proposed;
 - (iii) at their highest point the panels will be 3.03 metres in height;
 - (iv) 19 inverters will be constructed on the land and each inverter will be housed within a shipping container;
 - (v) a small office will be constructed on the land; and
 - (vi) the applicant anticipates that the solar farm will generate 10 – 15 jobs
- (g) A plan of the proposed development is provided.

18. Cultural Heritage

- (a) The land is within an area of cultural heritage sensitivity and the use is a high impact activity therefore a CHMP is triggered.
- (b) An endorsed CHMP was provided to officers on 22 January 2018.

19. Native Vegetation

- (a) The land has a significant patch of native vegetation, about 5 ha in size, which has been retained as part of this application.
- (b) Permission is sought to remove 6 scattered paddock trees under clause 52.17-2 (the old provisions as the application was lodged before the commencement of VC138).
- (c) The applicant has proposed a solar layout that allows most of native vegetation on the land be retained which is a positive landscape outcome. The removal of the 6 trees is assessed under the low risk based pathway. As offsets can be secured for the loss of native vegetation, officers were satisfied that the removal of 6 trees is acceptable.

20. Referrals/Public Notice

(a) External Referrals Required by the Planning Scheme:

Section 55 - Referrals Authority	List AHA	Determining or Recommending	Response
GBCMA	44.04-5	Recommending	The GBCMA consented to the application subject to two conditions.

(b) 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 6 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.

(c) The application was advertised pursuant to Section 52 of the P&E Act, by:

- (i) Sending notices to the owners and occupiers of adjoining land;
- (ii) Placing a sign on site; and
- (iii) Publishing a notice in the Shepparton News on 17 November 2017.

(d) Council received 3 submissions to the application.

21. Identification of Issues Raised in the Submissions

(a) Submitters

(b) Council received two late submissions. A copy of a submitter location plan is [attached](#).

Sub No.	Submitter
<i>To be confirmed (late submission)</i>	VFF
<i>To be confirmed (late submission)</i>	Ken & Mary Martin

(c) The key issues that were raised in the submissions are as follows:

Ground of Submission	Response to Submission
Loss of productive agricultural land	See earlier submission.
Conflict between agricultural activities and the operation of the solar	This is a relevant issue that needs to be managed. Council has proposed a condition for a Section 173 to be used that requires the solar farm

Ground of Submission	Response to Submission
farm i.e. dust caused by farming and then settling on the solar panels	operator to acknowledge and accept impacts from agricultural operations such as dust from laser grading.
Devaluation of land	See earlier submission.
Impact on flood flows	See earlier submission. GBCMA have consented to the application subject to conditions. Council also notes the permit conditions requiring that buildings and solar panels be setback at least 30 metres from Congupna Creek or the Floodway Overlay so as to seek to provide 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.

22. CONDITIONS

- (a) Council submits that the solar farm should be subject to appropriate conditions such as landscape screening and measures to mitigate potential heat islanding so that the operations are compatible with adjoining and nearby land uses.
- (b) Proposed conditions are at Annexure B of this submission.

23. CONCLUSION

- (a) These submissions have responded to the panel's directions setting out its requirements with respect to the Part A Submission. The Council will make further submissions at the hearing in relation to these matters and as part of its Part B Submission.

Dr Joseph Monaghan
Holding Redlich Lawyers
For and on behalf of the
Responsible Authority
7 May 2018

Annexure A – Scheme provisions

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.

11.07- Regional Victoria

Objective

To develop regions and settlements which have a strong identity, are prosperous and are environmentally sustainable.

Strategies

Identify and assess the spatial and land use planning implications of a region’s strategic directions in Regional Strategic Plans...

Climate change, natural hazards and community safety

Respond to the impacts of climate change and natural hazards and promote community safety by:...

11.12-5 Hume Regional Growth Plan

This growth plan identifies the subject site as ‘strategic agricultural land’:

11.12-5 Hume Regional Growth Plan

31/03/2017
VC134



ECONOMIC DEVELOPMENT



Strategic agricultural land

Relevant strategies for the Hume region include:

- *Plan for a more diverse and sustainable regional economy by supporting existing economic activity and encouraging appropriate new and developing forms of industry, agriculture, tourism and alternative energy production.*
- *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.

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.

...

Strategies - Agriculture

- *Identify 'growth', 'consolidation' and 'niche' areas in the Farming Zone.*
- *Encourage growth and expansion of existing farm businesses and new investment in 'growth' and 'consolidation' areas.*
- *Encourage opportunities for smaller scale, specialized agriculture in 'niche' areas.*
- *Discourage land uses and development in the Farming Zone, Schedule 1 that would compromise the future agricultural use of the land, including farm related tourism.*
- *Encourage tourism in the Farming Zone, Schedule 2 that is carefully managed to prevent conflict and impact on agricultural operations.*
- *Encourage value adding and new enterprises for agricultural production.*
- *Encourage the preparation of Whole Farm Plans for on farm earthworks.*
- *Discourage non-agricultural uses on rural land other than rural based industry.*
- *Discourage non-agricultural development in rural areas except where development is dependent on a rural location, and cannot be accommodated within existing industrial or business zoned land.*
- *Discourage non-agricultural development along major roads in rural areas especially at the fringe of existing urban areas when it may contribute to ribbon development.*
- *Buildings for non-agricultural purposes in rural areas should be set back a minimum of 100 metres from any road, be constructed in muted coloured 'colorbond' materials or similar and screened from any road by dense tree and shrub planting.*
- *Signs for industrial and commercial development in rural areas will be strictly limited in size and number.*

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.*

Decision guidelines under clause 52.42, Renewable Energy Facility (Other Than Wind Energy Facility and Geothermal Energy Extraction), are:

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

In addition, Council notes its 2017-2021 Council Plan/Key Strategic Activity, which relevantly provides for the Council Vision as follows:

Greater Shepparton, Greater Future.

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

Council also notes its 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*

Annexure B – Conditions

2017-162 - 610 Ferguson Road, Tatura East - CleanGen

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:
 - (i) 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;
 - (ii) 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.

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.

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.

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.

2017-274 - 235 Victoria Road, Tallygaroopna - X-Elio**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:
 - (i) 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;
 - (ii) details of how the land will be rehabilitated back to its pre-development condition, including irrigation layout and soil profile
- (b) 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.

- (c) 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.
- (d) 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.

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.

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 Primary Industries) and include:

- (a) The gain in biodiversity equivalence units and strategic biodiversity score to be achieved by the offset actions
- (b) Location of where offsets are to be provided and size of area (to be drawn to scale)
- (c) Type of offsets to be provided
- (d) If applicable, revegetation details including the method(s), number of trees, shrubs and other plants, species, mix and density
- (e) Activities that will be forgone within the offset area, such as grazing, removal of fallen timber and standing trees and other development/uses
- (f) 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
- (g) Method of permanent protection for offset(s) such as a formal agreement
- (h) Person(s) responsible for implementing and monitoring the Offset Management Plan
- (i) 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 (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.

2017-301- 1190 Cosgrove Lemnos Road, 1220 Cosgrove Lemnos Road, 260 Tank Corner East Road, 875 Boundary Road and 85 Crooked Lane - Neoen

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:
 - (i) 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;
 - (ii) details of how the land will be rehabilitated back to its pre-development condition, including irrigation layout and soil profile
- (b) 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.

- (c) 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.
- (d) 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 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

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 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:

- (a) The gain in biodiversity equivalence units and strategic biodiversity score to be achieved by the offset actions
- (b) Location of where offsets are to be provided and size of area (to be drawn to scale)
- (c) Type of offsets to be provided
- (d) If applicable, revegetation details including the method(s), number of trees, shrubs and other plants, species, mix and density
- (e) Activities that will be forgone within the offset area, such as grazing, removal of fallen timber and standing trees and other development/uses
- (f) 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
- (g) Method of permanent protection for offset(s) such as a formal agreement
- (h) Person(s) responsible for implementing and monitoring the Offset Management Plan
- (i) 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.

Goulburn Murray Water Requirements

- a) No buildings are to be constructed within 30 metres of OKeefe 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 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.

2017-344 - 1090 Lemnos North Road, Congupna - X-Elio**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:

- (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:
 - (i) 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;
 - (ii) details of how the land will be rehabilitated back to its pre-development condition, including irrigation layout and soil profile
- (b) 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.
- (c) 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.
- (d) 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 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.

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 6 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 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:

- (a) The gain in biodiversity equivalence units and strategic biodiversity score to be achieved by the offset actions
- (b) Location of where offsets are to be provided and size of area (to be drawn to scale)
- (c) Type of offsets to be provided
- (d) If applicable, revegetation details including the method(s), number of trees, shrubs and other plants, species, mix and density
- (e) Activities that will be forgone within the offset area, such as grazing, removal of fallen timber and standing trees and other development/uses
- (f) 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
- (g) Method of permanent protection for offset(s) such as a formal agreement
- (h) Person(s) responsible for implementing and monitoring the Offset Management Plan
- (i) 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.

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.

- (a) 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.
- (b) 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.

