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AGENDA



For a Special meeting of the seventh Campaspe Shire Council to be held on Tuesday, 8 May 2018, commencing at 5:00pm at the Echuca Civic Centre.

OPENING PRAYER

We pray to Almighty God that our decisions as a Council be in the best interest of the people, culture and the environment of the Shire of Campaspe.

Amen

The Campaspe Shire Council acknowledges the traditional owners of the land upon which we meet and pay our respect to their elders both past and present.

MEETING PROCEDURES

Please ensure that all electronic devices are turned off or switched to silent.

There are Ask a Question Forms just inside the door for anyone who would like to submit a question to Council. Questions forms must be completed within 10 minutes and returned to the tray. Questions will be addressed at the end of the open section of the meeting.

Council meetings are broadcast live via the internet. During the meeting, members of the public may be recorded, particularly those speaking to an item. By attending this meeting, you are consenting to the possibility that your image may also be broadcast to the public. Any personal and health information voluntarily disclosed by any person at Council meetings may be broadcast live, held by Council and made available to the public for later viewing.

Those people who have requested to speak to an item will be allowed five minutes to address Council. Speakers will be notified with a bell when there is 60 seconds remaining. Speakers must only speak in relation to the subject stated on their application and shall not debate the issue with Councillors and officers. Councillors are able to ask questions of the speaker on points of clarification.

Speakers are advised that they do not enjoy any special protection from defamation arising from comments made during their presentation to Council and should refrain from voicing defamatory remarks or personal defamatory statements against any individual. Speakers will be treated with respect when addressing Council. I ask that the same respect is extended to Councillors and officers.

BUSINESS

1. APOLOGIES

2. DECLARATION OF INTERESTS

Disclosure of Conflict of Interests are to be made immediately prior to any relevant item being discussed.

Local Government Act 1989 Section 79

- (1) If a Councillor or member of a special committee has a conflict of interest in a matter which is to be considered or discussed at a meeting of the Council or the special committee, the Councillor or member must, if he or she is attending the meeting, disclose the conflict of interest in accordance with subsection (2).
- (2) A Councillor or member of a special committee who has a conflict of interest and is attending the meeting of the Council or special committee must make a full disclosure of that interest:
 - (a) by either
 - (i) advising the Council or special committee at the meeting of the details required under paragraphs (b) and (c) immediately before the matter is considered at the meeting; or
 - (ii) advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and
 - (b) classifying the type of interest that has given rise to the conflict as either:
 - (i) a direct interest; or
 - (ii) an indirect interest and specifying the particular kind of indirect interest under section 78, 78A, 78B, 78C, 78D or 78E; and
 - (c) describing the nature of the interest; and
 - (d) if the Councillor or member advised the Chief Executive Officer of the details under paragraph (a)(ii), the Councillor or member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

3. COUNCIL PLANNING REPORT – 1083 MASON ROAD GIRGARRE VIC 3624, PLN039/2018

ALLOCATED OFFICER:	Awais Sadiq, Planner
RESPONSIBLE MANAGER:	Planning & Building Manager
APPLICATION NO:	Pln039/2018
DATE RECEIVED:	22 February 2018
APPLICANT:	Leeson Group Projects Pty Ltd
PROPOSAL:	Use and development of the land for a Renewable Energy Facility (Solar Farm) in Farming Zone Schedule 1 and Floodway Overlay
SUBJECT SITE:	1083 Mason Road GIRGARRE VIC 3624
ZONING:	Farming Zone (Schedule 1)
OVERLAYS:	Floodway Overlay (Schedule)
UNDER WHAT CLAUSE (S) IS A PERMIT REQUIRED?:	Clause 35.07-1, Clause 35.07-4 and Clause 44.03-1
RESTRICTIVE COVENANTS ON THE TITLE?:	No
CURRENT USE AND DEVELOPMENT:	Dwelling and irrigated pasture land
IS A CULTURAL HERITAGE MANAGEMENT PLAN REQUIRED?:	No
BUSHFIRE PRONE AREA	Yes, but not a listed use or development
OBJECTIONS:	No

1. Summary Recommendation

It is recommended that Council as the Responsible Authority Grant a Permit subject to conditions.

2. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

3. Charter of Human Rights

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

4. Instrument of Delegation

Although no objections have been received, the proposal is considered a major application which has an impact on the community. This report has considered the Instrument of Delegation (S6) by Council.

5. Proposal

It is proposed to use and develop the land for a 'Renewable Energy Facility' (Solar Farm). The facility is proposed to be connected to the 66kV Stanhope-Shepparton powerline that is owned and operated by Powercor. The use is expected to be carried out for approximately 40 years. The proposal does not require the removal of native vegetation and incorporates facilities that can be removed from the site when they are no longer required. The use will operate in conjunction with an agricultural activity being the grazing of sheep to assist with the ongoing maintenance of the site.

The proposal is for a 118 megawatt (DC) solar energy facility which will generate an inverter capacity of 85 megawatt (AC) of power. The site will comprise up to 368,000 photovoltaic panels. Each panel will have a maximum height of 2.9m with a separation distance of 6m from the adjoining panel. The proposed solar panels will have a maximum setback of 20.71m from Mason Road, 13.7m from Rohan Road, setback of 22.94m from adjoining unnamed road to the east and 47.38m from Morrissey Road.

The overall facility will be surrounded by a 2m high cyclone wire fence and will also comprise the following additional infrastructure to support the operation:

- A total of 18 power conversion units each comprising inverter, transformer and switchgear will be installed within arrays of solar panels. Each power conversion unit will be 12m long and 2.4m wide with an overall height of 2.8m.
- A 111.43m long and 49.63m wide Containerised Battery Storage Area;
- A 33/66kV switchyard compound being 100m long and 40m wide;
- A 40m long and 40m wide direct network service provider structure, setback 25.58m from the adjoining Government Road to the east;
- A 37.86m long and 11.31m wide shed with an overall height of 6m for operation and maintenance with associated facilities;
- A storage and loading bay area being 58.16m long and 48.53m.

Access to/from the site will be via existing vehicle crossovers onto Mason Road and Morrissey Road. Traffic movement to/from the site during the construction period will consist of an average fourteen (14) truck movements per day and up to 160 employees to establish the facility. After the construction phase the applicant advised that four (4) full time and eight (8) part time workers are required for the routine maintenance and monitoring of the facility. A total of thirteen (13) car parking spaces will be provided as part of the proposal including the provision of one (1) disabled car space.

6. Subject Site & Locality

An inspection of the site and the surrounding area has been undertaken.

The subject site is located on the south side of Mason Road, at the intersection of Mason Road and Rohan Road. The site is irregular in shape comprising two (2) separately transferable Certificates of Title under same ownership with a total area of 256.8 hectares discussed in more detail below:

Lot 2 on LP 220485 also referred to as 1083 Mason Road, Girgarre is irregular in shape with an area of 146.9 hectares. The site contains a double storey brick dwelling located in the north-west corner of the property, setback approximately 57m from Mason Road. A large agricultural shed is located to the rear of the existing dwelling. The remainder of the property comprises paddocks of pastured agricultural land. The property is mostly clear of native vegetation with the provision of mature native trees within the vicinity of the dwelling. The allotment also comprises a couple of small water dams with a Goulburn-Murray Water channel traversing along the southern boundary of the site.

Lot 1 on LP 220485 also referred to as Mason Road, Girgarre is irregular in shape with an overall area 109.9 hectares. The site is currently vacant and is used for agricultural purposes and clear in terms of native vegetation. The allotment is encumbered by two water supply easements located along the southern boundary being 20.12m wide (E-1) and 10m wide (E-2). Goulburn-Murray Water channel runs along the southern boundary of the allotment.

The context of the surrounding area is as follows:

- Land to the north of the site comprises large blocks irrigated agricultural land.
- Land to the east of the site contains a dwelling setback approximately 14m from Watson Road. The remainder of the site is used for agriculture comprising a number of agricultural sheds within the close vicinity of the dwelling. The other allotments to the east comprises paddocks of agricultural land.
- Land to the west of the site across Rohan Road comprises pastures of irrigated agricultural land.
- Land to the south of the site across Morrissey Road comprises large paddocks of agricultural land.

Nearest dwellings to the subject site being 133 Watson Road setback approximately 830m to the east from the facility and 335 Rohan Road to the south-west being setback approximately 400m from the facility.

An Aboriginal due diligence report has been submitted with the application which states the project will not be located within the cultural sensitive area and therefore it is not required to prepare a Cultural Heritage Management Plan.

7. Permit/Site History

- The history of the site includes:
- Pln303/2017 - Subdivision of the land into two lots (dwelling excision) in the Farming Zone Schedule 1 and the Floodway Overlay was issued on Lot 2 on LP220485K.

8. Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing three (3) signs on site.
- Notice in the Newspaper.

The notification has been carried out correctly and no objections have been received to date.

9. Consultation

Consultation was not undertaken.

10. Referrals

The application has been referred to two (2) external authorities and one (1) internal Council Departments. The following table makes note of the type of information requested; whether consent was given and whether conditions were requested to be attached to the permit. In some cases, notes or other advice were included in the referral response.

Referral Authority	Type of Referral	Consent/ Approve Proposal	Request Permit Conditions	Any other advice notes
Goulburn Broken Catchment Management Authority	Section 55	Consent	Yes	No
Goulburn Murray Water	Section 52	Consent	Yes	No
Internal Department	Type of Referral	Consent/Approve Proposal	Request Permit Conditions	Any other advice notes
Design and Road Services Department	Info	Consent	Yes	No

The conditions referred to in the above table are included in the planning permit.

11. Assessment

State Planning Policy Framework (SPPF)

The following State policies and objectives are relevant to this application.

Clause 10 - Operation of the State Planning Policy Framework - The purpose of State planning policy is to inform responsible authorities of the aspects to be considered and given effect in administering the planning scheme. The State Planning Policy Framework provides a context for decision making by responsible authorities. The planning policies are directed to land use and development, as required by the *Planning and Environment Act 1987*, a primary objective of which is to provide for the fair, orderly, economic and sustainable use and development of land.

Clause 11 Settlement - The objective of planning is to anticipate and respond to the need of existing and future communities. Planning should recognise the need for and as far as practicable contribute towards, the health and safety, diversity of choice, adaption in response to changing technology, economic viability, a high standard of urban design and amenity, energy efficiency, prevention of pollution to land, water and air, protection of environmentally sensitive areas and natural resources, accessibility and land use and transport integration.

Clause 11.13 Loddon Mallee North

For the purpose of this Clause, the 'Loddon Mallee North region' comprises the municipal areas of Buloke, Campaspe, Gannawarra, Mildura and Swan Hill, covered in the Loddon Mallee North Regional Growth Plan (Victorian Government, 2014).

Objectives

- *To align population and economic growth.*
- *To realise opportunities to strengthen and diversify the economy.*
- *To support and manage rural landscapes*
- *To manage the region's environmental and cultural heritage assets and minimise exposure to natural hazards.*
- *To protect and provide local sense of place.*
- *To develop a living network of towns.*
- *To enable healthy lifestyles.*

- *To retain, renew and build infrastructure to support growth and enable healthy and supportive communities.*

Clause 13 Environmental Risk - Planning should adopt a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. Planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.

13.02 Floodplains – Assist in the protection of life, property and community infrastructure from flood hazard.

Clause 13.05 Bushfire – To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Clause 14.01 Agriculture

Clause 14.01-1 Protection of Agricultural Land - To protect productive farmland which is of strategic significance in the local or regional context.

Clause 14.02 Water

14.02-1 Catchment planning and management - To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

14.02-2 Water quality - To protect water quality.

14.02-3 Water conservation - To ensure that water resources are managed in a sustainable way.

15.02-1 Energy and Resource Efficiency - To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

Clause 17 Economic Development - Planning is to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity. Planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential

Clause 19.01 Renewable energy - To promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met.

Local Planning Policy Framework (LPPF)

Clause 21.01 Campaspe Shire Key Issues and Strategic Vision tells us the estimated 2013 population of the shire was approximately 37,000, which is expected to grow to approximately 39,600 by 2031 (VIF 2015) and to 43,000 by 2036 (Campaspe Profile). Compared to other areas of regional Victoria, the shire has a higher population of younger (school age) people and older people. This trend is expected to grow, which may leave a 'population donut', with less working age residents in the municipality.

Agriculture (particularly irrigated primary production) and its processing underpin the economy of the shire and region. Approximately 40 per cent of employment in the shire is in manufacturing, agriculture (including fishing and forestry) and health care.

Clause 21.04 Environmental Risks - This clause provides local content to support Clause 13 (Environmental Risks) of the State Planning Policy Framework.

Flooding - Sound floodplain management is the critical means by which the economic, social and environmental risks associated with floodplain use and development can be managed. This level of management is provided by seven "local floodplain development plans" which have been prepared by the relevant catchment management authority to provide a performance-based approach for decision making that reflects local best practice in floodplain management.

Clause 21.05 Natural Resource Management - This clause provides local content to support Clause 14 (Natural Resource Management) of the State Planning Policy Framework.

Agriculture

Irrigated primary production and the processing of that product underpin the economy of the municipality and the region. 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.

Growth and Consolidation areas, being an areas for growth and expansion of existing farm businesses and for new investment. The minimum subdivision size in these areas has been set at 60 hectares, and a dwelling needs a planning permit on all land less than 80 hectares in area.

Objectives

- To ensure that agriculture is and remains the major economic driver in the region
- To identify a preferred area for intensive agricultural activities
- To ensure that use and development does not pose a threat to the sustainable productive capacity of the shire's agriculture economic base.

Clause 22.04 Non-agricultural Uses in Farming Zone

This policy builds on the MSS strategies at Clause 21.05 regarding potential land uses and developments that may impact on agricultural activities and investment. The Farming Zone was significantly modified in 2013, after the adoption of the Campaspe, Greater Shepparton and Moira Regional Rural Land Use Strategy (2010). An array of new discretionary uses was introduced, many of which had been prohibited at the time of the preparation of the strategy.

In terms of land use, the preferred mix of uses in the Farming Zone includes those that support agricultural activities and associated rural industries that maintain and build the economic base of the shire. Council discourages uses in the rural areas that are not directly related to agriculture, or that have an adverse impact on agriculture and future agricultural opportunities.

Objectives

- To identify a preferred mix of land uses in rural areas.
- To promote appropriate land use and development within rural areas.
- To discourage non-agricultural use and development in all rural areas, other than those that support agriculture.

Zoning

Clause 35.07 Farming Zone - Ensures that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture and encourage use and development of land based on comprehensive and sustainable land management practices.

A permit is required for the use of the land pursuant to Clause 35.07-1 (Table of Uses) for a renewable energy facility. This is a defined Section 2 Use with the condition that the proposal must meet the requirements of Clause 52.42. A permit is required to construct a building or works associated with a use in Section 2 of Clause 35.07-1.

Overlays

Clause 44.03 Floodway Overlay - Identifies waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.

A permit is required for buildings and works pursuant to Clause 44.03-1.

Particular and General Provisions

Clause 52.06 Car Parking- Aims to ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality and ensure that the car parking is of a high standard and does not adversely affect the amenity of the locality.

A Renewable Energy Facility is not listed as a defined use under Clause 52.06-5. As such car parking is to be provided to the satisfaction of the responsible Authority pursuant to Clause 52.06-5A. The application as proposed includes thirteen (13) defined car spaces.

Clause 52.42 Renewable Energy Facilities - Facilitates the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

This provision has no direct triggers however it provides application requirements and Decision Guidelines for any application for a Renewable Energy Facility other than a Wind Energy Facility.

Decision Guidelines

Before deciding on an application, in addition to the decision guidelines of Clause 65, the responsible authority must consider, as appropriate:

- 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.

General Provisions

Clause 65 Decision Guidelines – Sets out decision guidelines for the responsible authority to consider in ensuring acceptable outcomes in terms of State Planning Policies and Local Planning Policies.

Clause 74 Definition - Renewable Energy Facility - Land used to generate energy using resources that can be rapidly replaced by an ongoing natural process. Renewable energy resources include the sun, wind, the ocean, water flows, organic matter and the earth's heat. It includes any building or other structure or thing used in or in connection with the generation of energy by a renewable resource. It does not include a renewable energy facility principally used to supply energy for an existing use of the land.

This definition is considered appropriate as the proposed use supplies energy but not for any existing use on the subject site.

Relevant incorporated or reference documents

- Council Plan 2013-2017
- Local Floodplain Development Plan Precinct of Corop Lakes (2010)
- Wangaratta Solar Farm Advisory Committee Report (Department of Environment Land Water and Planning, 2017)

Relevant Planning Scheme amendments

N/A

12. Summary of Key Issues

The application has been assessed against State and Local Planning Policy, the Farming Zone Schedule 1, Floodway Overlay, Clause 52.06 Car Parking, Clause 52.42 Renewable Energy Facilities and the Decision Guidelines of Clause 65 of the Campaspe Planning Scheme.

Context

The significant transition to renewable energy is already underway in Victoria. Renewable energy is already the cheapest and cleanest new source of energy supply. Increasing electricity generation capacity will help to reduce power prices. This is one important reason to set Victorian renewable energy targets of 25 per cent by 2020 and 40 per cent by 2025.

In relation to this proposal, it is important to outline that the facility does not involve any significant earthworks, remove any existing irrigation infrastructure, remove native vegetation or rely on any buildings and earthworks that cannot be reversed. The use is proposed to operate on the site for 40 years and the facility involves buildings that can be removed and areas for car parking and internal access ways which can be re-instated to pasture when not required. The use will work in conjunction with the agricultural use on the land requiring sheep grazing to maintain the site and does not permanently 'remove' land from agriculture.

When reviewing facilities of this nature it is acknowledged that they require willing landowners, considerable land mass and are generally discouraged within township boundaries or close to sensitive interfaces. Given the land size required and reviewing the surrounding area of Girgarre, any renewable energy facility is likely to be located within land which is zoned Farming. This is also more likely given that these facilities need to locate along or within proximity to the major transmitting lines (66kV).

State and Local Policy

In this instance, the Municipal Strategic Statement (MSS) and local policies of the Campaspe Planning Scheme provide minimal guidance regarding 'appropriate' locations or decision guidelines related to renewable energy facilities. Although the scheme includes a state wide particular provision Clause 52.42 Renewable Energy Facilities, specific guidelines regarding appropriate locations are not outlined and no 'code of practice' is available compared to other particular provisions.

Wangaratta Solar Farm Advisory Committee Report (Department of Environment Land Water and Planning, 2017) was published in November 2017 for a solar farm development in Wangaratta in industrial land. The report has been used as a guide to establish relevant tests and criteria for assessment. The committee based the decision on the possible issues that arise from the solar farm development. The report provides guidelines for a solar farm and addresses the issues specified in Clause 52.42 in relation to noise, visual impact, glare and glint and environmental issues.

Clause 11.13-2 A Diversified Economy objective is *"to realise opportunities to strengthen and diversify the economy"*. In addition, one of the strategies is to *"support emerging and potential growth sectors such as nature-based tourism, mining and renewable energy generation and protect these activities from urban encroachment"*. The use and development of the land for a renewable energy facility (solar farm) located outside a 'residential' zone and located within an area not designated in the planning scheme for urban growth is an opportunity supported by the objectives of state policy.

The State Planning Policy Framework (SPPF) contains clauses relating to the protection of agricultural land and the direction for land use and development on farming land. Clause 14.01-1 aims 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"*. Clause 14.01-2 aims to *"encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices"*.

Clause 15 ensures *"all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic scientific and cultural value"*. *"Land Use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and development and quality of urban design"*.

Clause 15.02-1 Energy and resource efficiency objective is *“to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions”*. One of the strategies is to *“improve efficiency in energy use through greater use of renewable energy”*. Clause 17 Economic Development supports development that will facilitate the economy of towns. Clause 19.01-1 Provision of renewable energy objective is *“to promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met”*. One of the strategies is to *“facilitate renewable energy developments in appropriate locations”*.

The MSS provides direction for economic, social and physical development of the Shire. Clause 21.05-1 recognises that *“agricultural investment is jeopardised, deterred, or lost by land use and development that has the potential to compromise the scale and location of such investment. In particular, agricultural investment is far less likely where the ownership of land is fragmented with housing dispersed throughout”*. The nature of the use is not considered to result in the ‘unplanned loss’ of productive agricultural land based on the design of the panels allowing sheep grazing to occur concurrently. The use does not rely on any buildings and works which cannot be reversed compared to ‘dwellings’ or other uses that can be applied for in the Farming Zone which may require permanent ‘infrastructure’.

The incorporated Regional Rural Land Use Strategy (RRLUS) referenced within Clause 21.05-1 identifies the site as being within a ‘growth and consolidation’ area identified as *“being areas for growth and expansion of existing farm businesses and for new investment”*. It is estimated that approximately 65% of land within the Shire of Campaspe is within the Farming Zone. In this instance the proposal does not remove the productive agricultural qualities of the land compared to other ‘industrial’ uses which can also be applied for under the Farming Zone. The use allows an agricultural activity to continue concurrently consistent with the surrounding agricultural area and retains the agricultural use of the land consistent with state and local policy.

The solar farm represents a significant investment in the Shire, and will provide economic stimulation to the region, and increased energy security for other businesses and industries potentially within the Shire of Campaspe and the broader regional community. The solar farm also addresses the objectives and strategies of Local Policy to reduce its overall carbon emissions. These are positive environmental and social outcomes for the region, and for the State more broadly.

The appropriateness of the site has been considered as part of the application. The purpose of the Farming Zone is to *“To encourage the retention of productive agricultural land, To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture, To encourage the retention of employment and population to support rural communities and To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision”*.

It is estimated that 65% of land within the Shire of Campaspe is within the Farming Zone, with smaller amounts of land in alternative zones including the Industrial 1 Zone. The use Renewable Energy Facility is a Section 2 Use (permit required) and it is not prohibited under the zone. Upon review of the application material the use requires a large amount of land to be viable in proximity to high voltage powerlines (66kV). When considering the scale of the use, setbacks from ‘sensitive uses’ and nature of the use that does not ‘remove’ productive agricultural land it is considered that the use is appropriate within the Farming Zone.

The land is currently used for broad acre farming, and although the use will be changed, the agricultural use will be continued in some manner by using the land under the solar panels for sheep grazing. The solar farm will occupy approximately 250 hectares which constitutes 0.053% of the total agricultural land within the municipality which is estimated at being 65% (calculated using GIS). The solar farm provides up to 118MW (DC) of energy will provide power directly into the grid and therefore providing a wide community benefit to the immediate surrounding properties and the wider area in accordance with state and local policy.

Due to the nature of the use the proposal is unlikely to result in a permanent loss of agricultural land, as it does not rely on any buildings and earthworks that cannot be reversed. Solar panels will be fixed into the ground to minimise the ground disturbance and therefore they can be easily removed at the end of the solar farm’s lifecycle. Upon decommissioning of the solar farm, land can be used for agriculture and the proposed solar farm will not impact the agricultural activities in the area.

The applicant has advised that the land beneath the solar panels will remain being used for agriculture and sheep grazing will maintain the grass and surrounding area. A condition (Condition 12) will be included on the planning permit to ensure that agricultural qualities of the land will be retained upon cessation of the solar farm use. The nature of the use avoiding heavy-duty foundations and incorporating buildings that can be removed means that it can retain the agricultural qualities of the site. The use utilises the existing facilities including existing vehicle crossovers and configuration of the paddock

layout to further minimise the disturbance on the agricultural qualities of the site in accordance with the decisions guidelines of the zone.

Decision guidelines at Clause 52.42 requires to consider the impacts of the proposal in relation to amenity of the surrounding area, impact on significant views and natural environment and traffic management measures. Following is the assessment of the proposal against the decision guidelines:

Amenity

It is acknowledged that the proposed solar farm will result in a different landscape character from the existing setting, the overall visual impacts on the surrounding environment are sought to be minimised. The design solutions proposed are that the panels are being placed within fixed frames and having an above ground height of 2.9 metres at their highest point.

The panels are also setback reasonably from roads with a portion of the setback not meeting the required 20m setback from a road in accordance with Clause 35.07-4. To ensure appropriate separation and opportunity for landscaping, it is considered appropriate to require that all panels and associated structures meet the specified setback under the schedule to the zone. Based on this condition it is considered that the design, size and style of the structure it is unlikely to cause any unreasonable visual impact compared to other 'permanent' agricultural buildings within the Farming Zone. All associated invertors, transformers and other buildings will be setback reasonably to make them appropriate to their surroundings to minimise any unreasonable visual impact in accordance with Clause 35.07-4 and 52.42-3.

It is unlikely that the proposal will cause any unreasonable impact to surrounding properties as the infrastructure associated with the solar farm being the panels will be setback more than 100m from the nearest dwellings in accordance with the setback requirements of Clause 35.07-4. To ensure there is no unreasonable visual impact landscaping will be included along the boundaries to screen the solar farm from the nearest dwelling and is recommended to be included as a condition (Condition 13) on the planning permit.

A landscaping condition (Condition 13) will be included on the permit to reduce the visual impacts of the proposal from the adjoining area. Views into the site from adjoining roads will be partially screened by landscaping with a minimum of 4m high species in accordance with Council's Landscape Plan Guide. The landscaping will ensure that surrounding properties and long-term views of the site will be broken-up and provide an attractive vista for neighbouring properties and users of adjoining roads in accordance with Clause 35.07 and Clause 52.42. This screening will increase as the landscaping matures protecting visual amenity from the site.

The buildings are appropriately setback with landscaping put in place to supplement the existing landscape on the site. All buildings will be required to be constructed from muted tones and is recommended to be included as a condition (Condition 3) on the planning permit. Invertors and transformers are located throughout the site in regular intervals and will not be visible from roads as they will be screened by the panels. These are all located centrally on site to assist in minimising any unreasonable visual (or noise) impact on the surrounding area.

All works will be contained on the property for the lifespan of the solar farm and as previously stated is unlikely to cause any unreasonable impact on adjoining properties or existing agricultural uses. The works are required to comply with the setbacks of the schedule to the zone in accordance with Clause 35.-07-4.

The proposed development is unlikely to cause any unreasonable impact to the agricultural qualities of the land and as stated once the lifespan of the solar farm is completed it would revert to its previous or natural state. A condition (Condition 30) of the permit has required a rehabilitation plan to ensure that once the use ceases that the land will be able to revert or maintain productive agricultural qualities of the land including soil quality, access to water and rural infrastructure.

Traffic, Noise, Dust and Glare

The proposal will result in increase of traffic and noise from the vehicles during the construction of the solar farms. The construction of the project will be completed in 12 months and applicant has outlined that during construction phase a daily average movement of 14 trucks will occur to transport the infrastructure on site. The proposal involves 40 light vehicle movements on the adjoining roads during the construction phase for staff. Four full time and eight part time staff will be required after the commencement of the solar farm operation.

Access will be provided via existing vehicle crossovers on Mason Road and Morrissey Road. Both access locations are being designed to create safe passage of traffic. The increase in traffic is considered normal for this type of development

and will be greater during the construction period. Vehicles entering and exiting the site during the construction phase are unlikely to interrupt or impede the safe movement of traffic on roads.

During the construction of the facility, traffic management measures will be put in place and a condition (Condition 24 and Condition 26) will be included for a construction management plan and traffic impact assessment report to ensure the appropriate traffic management and construction of solar farm.

The condition (Condition 24) for a construction management plan will require the developer to consider measures to minimise dust along the road, which could be suppression or sealing to the satisfaction of the Responsible Authority. Dust monitoring will be undertaken in accordance with regulations, guidelines and enforced by Council. It is recognised that dust could be an issue for the solar farms during the construction phase, however through the condition and once the facility is established, it is considered that there will be no significant issues in relation to the dust beyond normal occurrences in a rural area.

The on-going operation of the solar farm will not require a permanent traffic management measures due to the infrequency of traffic visiting the site which will be less than the current traffic that enters and exits the site for agricultural purposes. Four full time employees and eight part time employees will be required for the on-going operation of the solar farm resulting in less movement on the roads as compared to the movement during the construction of the project.

The solar inverters will produce some noise but is considered adequate given the proposed setbacks to any sensitive land use. The equipment will be positioned in containers and it is not expected to hear any noise from beyond the site boundary. The noise generated from the proposal will be no more than considered normal for an agricultural use. Noise generation will be predominantly associated with the construction of the solar farm, in relation to traffic and general operation. This will be due to the machinery needed to install the proposed equipment and build the appropriate access tracks. However, this will be managed by a construction management plan and will only occur within normal working hours. A condition (Condition 5 and Condition 8) will be included for the hours of operation and to ensure that the noise must comply with standards specified under EPA Publication 411 Noise from Industry in Rural Victoria.

Solar panels will be designed to absorb as much light as possible to maximise power generation. The solar panels will have an anti-reflection (AR) coatings to further reduce reflection. While the construction of the solar panels is made up of materials that reduce glare, often there will be glare produced by the smooth glass surface of the panels. Given the flat topography and the lack of opportunities for overlooking of the site, the potential for impact resulting from reflection or glare is reduced. Landscaping along the boundaries will reduce the glare from the solar panels for the adjoining road users and properties. The solar panels are designed to absorb light rather than reflect it efficiently. Therefore, there will be no glint or reflection from the proposed panels that will have an unreasonable off-site impact.

Environmental Issues

The proposed development has been sited to minimise any impact on existing flora and fauna by taking into consideration the natural environmental features of the site including avoiding areas of remnant vegetation. A flora and fauna report prepared by RPS Group an environmental consultant dated 9 February 2018 was submitted as part of the application which ensures that remnant native vegetation on site will be retained. Landscape screening of the site will include planting of native and endemic species.

The site is serviced by an irrigation channel regulated and operated by Goulburn Murray Water. The irrigation channel will not be altered by the solar farm and will remain in place and allow surface water to drain from the site. Although the development of solar panels will increase the sites impervious area (due to overage by solar panels), runoff from the solar panels will still move across the entire site relatively unimpeded, resulting in a negligible change in net run-off. The application was referred to Goulburn-Murray Water and no objection has been raised by the authority subject to conditions. A condition (Condition 25) has also been included to require a plan detailing sediment and erosion to ensure that it is managed and does not result in any off-site impacts.

The application was referred to the Goulburn Broken Catchment Management Authority (GBCMA) as the south-western portion of the site is affected by Floodway Overlay. GBCMA has commented that the 100 year ARI (1% AEP) flood levels for the subject site have not been declared for this area under the Water Act, 1989, or designated under the Drainage of Land Act, 1975. The proposal in general will not result in diminishing the flood storage and carrying capacity or impeding the flow of floodwater. GBCMA has confirmed they do not object to the proposal subject to a condition.

Electromagnetic Interference

Electromagnetic fields are related to the strength of the source, duration of exposure and distance a person stands from the source, given that dissipation of the electromagnetic field is exponential over a distance. The siting of the high voltage substation will be in close proximity to the Powercor 66kV along Morrissey Road.

The connection route for the solar farm will be subject to a separate application. The potential route for transmission will along Morrissey Road into the existing 66kV transmission line that runs along Morrissey Road. It is anticipated that the solar farm transmission line would be at 66kV the same voltage as the transmission line along Morrissey Road.

No matter what the voltage of a transmission line manufacturers of electrical devices must demonstrate compliance with global and local standards to distribute a piece of equipment within Australia as specified in the report submitted by the applicant.

Other matters

A renewable energy facility is not listed in the car parking table pursuant to Clause 52.06-5. The site plan shows the provision of thirteen (13) car parking spaces including one disabled car space with an additional area which can be used for car parking. The site will have more parking demand during the construction phase of the proposal and once the facility is established, car parking spaces proposed for the facility will be adequate. It is therefore considered there is adequate space available for car parking.

13. Conclusion

The application is seen to meet the SPPF, LPPF, including the MSS and local planning policies. The land can physically accommodate the proposed use and development and does not result in any unreasonable off-site impacts. The application was referred to all relevant authorities and Council Department and consent was granted by all subject to conditions. It is recommended that a Planning Permit be issued subject to suitable conditions.

14. Recommendation

That Council as the Responsible Authority under the Planning and Environment Act 1987:

- **having caused notice of Planning Application No. PLN039/2018 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme**

having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Grant a Permit under the provisions of Clause 35.07-1, Clause 35.07-4 and Clause 44.03-1 of the Campaspe Planning Scheme in respect of the land known and described as Volume 09971 & Folio 911 and Volume 09971 & Folio 910 commonly known as 1083 Mason Road GIRGARRE VIC 3624 and Mason Road GIRGARRE VIC 3624, for the Use and development of the land for a Renewable Energy Facility (Solar Farm) in Farming Zone Schedule 1 and Floodway Overlay in accordance with the endorsed plans, with the application dated 22 February 2018, subject to the following conditions:

Conditions:

1. Amended plans required

Before the development starts, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. Such plans must be generally in accordance with the plan submitted but modified to show:

- a) **A plan at a suitable scale illustrating that all panels are to be setback a minimum of 20 metres from any road to the satisfaction of the Responsible Authority.**

- b) A plan at a suitable scale which illustrates that all buildings and works (including the facilities area) comply with the setback requirements of the schedule to the Farming Zone to the satisfaction of the Responsible Authority.
- c) Detailed floor and elevation plans for all buildings on the site to the satisfaction of the Responsible Authority.
- d) Detailed schedule of colours and materials for the development to the satisfaction of the Responsible Authority.
- e) Dimensions for car parking layout which complies with the requirements of Clause 52.06-8 and disabled space requirements of AS2890.6-2009 to the satisfaction of the Responsible Authority.
- f) Static water supply in case of emergency. The size(s), location(s) and detail need to be included to the satisfaction of the Responsible Authority.

2. Layout not altered

The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. Muted Colours

All buildings shall be clad in muted tones to the satisfaction of the Responsible Authority.

4. Goulburn Broken Catchment Management Authority

The floor levels of the proposed inverter buildings, containerised energy storage system, substation and store must be constructed at least 300 millimetres above the 100-year ARI flood level of 103.0 metres AHD; i.e. 103.3 metres AHD, or higher floor level deemed necessary by the responsible authority.

5. Hours of Construction

Construction associated with the use must only be undertaken Monday-Friday between 7am-6pm and Saturdays between 7am-1pm unless with the written consent of the Responsible Authority.

6. Construction guidelines

Construction works must comply with EPA Publication 480 Environmental Guidelines for Major Construction Sites.

7. General Amenity

The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) Transport of materials, goods or commodities to or from the land;
- b) Appearance of any building, works or materials;
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
- d) Presence of vermin or weeds;
- e) Storage of solid waste;

f) **Infiltration of groundwater.**

To the satisfaction of Responsible Authority.

8. **Noise**

Noise levels emanating from the premises must not exceed those required to be met under EPA Publication 411 Noise from Industry in Rural Victoria.

9. **External Lighting**

All lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaries (baffles), so as to prevent the emission of direct and indirect light onto adjoining roadways, land and premises to the satisfaction of the Responsible Authority.

10. **Car Park Construction Requirements**

Before construction works start associated with the provision of car parking, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking' and to the satisfaction of the relevant authority must be submitted to and approved by the responsible authority. The plans must be drawn to scale with dimensions.

Before the use starts, the area set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:

- a) **Surfaced with an all-weather seal coat / surfaced with crushed rock or gravel and treated to the satisfaction of the Responsible Authority to prevent dust;**
- b) **Constructed and completed to the satisfaction of the Responsible Authority;**
- c) **Drained in accordance with an approved drainage plan;**
- d) **Line-marked to indicate each car space and all access lanes;**
- e) **Properly illuminated with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land;**
- f) **Measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;**
- g) **Provision of traffic control signage and or structures as required;**
- h) **Provision of signage directing drivers to the area(s) set aside for car parking. Such signs are to be located and maintained to the satisfaction of the Responsible Authority. This sign must not exceed 0.3 square metres.**
- i) **Design of car parking spaces to allow all vehicles to drive forwards both when entering and leaving the property.**

To the satisfaction of the responsibility authority.

The 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.

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

11. Number of Car Parking

Prior to the commencement of the use no fewer than thirteen (13) car spaces must be provided on the land for the use including one (1) space clearly marked for use by disabled persons. The disabled car space must be provided as close as practicable to a suitable entrance of the building and must be clearly marked with a sign to indicate that the space must only be utilised by disabled persons.

12. Cessation of Use

Upon cessation of the approved use the site must be reinstated as farming land to the satisfaction of the responsible authority.

13. Landscape Plan

Before the development starts a landscape plan must be submitted to and approved by the Responsible Authority. The landscape plan must be to the satisfaction of the Responsible Authority, and be in accordance with the requirements of the Landscape Plan Guide for Developments in Campaspe Shire Council, City of Greater Shepparton and Moira Shire Council, 2017. 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. The landscaping plan must show:

- a) A statement outlining the design intentions of the plan;
- b) Landscaping details to screen the substation, energy storage system, storage area and associated structures as shown on Solar Farm Layout Plan (GSF-006-001-01);
- c) Details of plant species proposed to be used in the landscaping, including installation size, numbers, height and spread of maturity;
- d) A timetable for the implementation of all landscaping works, in consultation with local nurseries or suitably qualified persons;
- e) A maintenance including details of watering, replacement and monitoring program;

When approved, the plan will be endorsed and will then form part of this permit. The landscaping shown on the endorsed on-site landscaping plan must be completed to the satisfaction of the responsible authority in accordance with the implementation timetables.

14. Landscape Maintenance

Before the use starts or by such a later date as is approved by the Responsible Authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including the replacement of any dead, diseased or damaged plants.

15. Stormwater Disposal

All stormwater runoff from the proposed development hereby permitted must be disposed of to the satisfaction of the responsible authority.

16. Retention of Water

The applicant shall ensure that concentrated drainage water is retained within the property to the satisfaction of the Responsible Authority.

This includes the requirement that there must be no discharge of irrigation water or concentrated drainage onto the road reserve irrespective of whether or not the road is under the control of the Municipality or VicRoads.

17. Damage to Roads

Any damage to Council or Roads Corporation assets (i.e. roads, table drains etc.) shall be repaired at the cost of the applicant to the satisfaction of the Responsible Authority.

18. No Restriction to Drainage

The approved works must not cut off natural drainage from adjacent properties.

19. Restricted Outflows

The outflows are to be restricted to natural rainfall run-off only.

20. Modification with Future Schemes

The drainage system must be modified as and when required to accommodate any future drainage scheme implemented for the area.

21. Native Vegetation Retention

No native vegetation shall be removed without prior written approval. A proposal to remove native vegetation must be submitted to the Responsible Authority as a separate application.

22. Minimisation of soil compaction

Soil improvement must be carried out i.e. cultivation and planting of relevant grasses provided to ensure soil erosion and soil compaction is minimised after construction to the satisfaction of the responsible Authority.

23. No Mud on Roads

Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.

24. Construction Management Plan

Before the development commences, a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the Construction Management Plan will be endorsed and form part of the permit. The management plan must show:

- a) Measures implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land;
- b) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures;
- c) The developer/owner is to prepare a plan showing the route used during construction (up to an including site access). The plan is to include what measures are to be implemented to minimise dust along the roads, which could include sealing, wetting, dust suppression to minimise off-site impacts. The plan is to be endorsed and form part of this condition.
- d) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;
- e) Where access to the site for construction vehicle traffic will occur;

- f) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences.
- g) The location of any temporary buildings or yards.

Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

25. Environmental Management Plan

Prior to the development commences, an environmental management plan for the management and operation of the use 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 environmental management plan must be reviewed and submitted to the Responsible Authority. The use must at all times be conducted in accordance with the approved environmental management plan. The environmental management plan must include:

- a) Sediment and erosion measures that are to be implemented to ensure no-off-site impacts;
- b) Overall environmental objectives for the operation of the use and techniques for their achievement;
- c) Procedures to ensure that no significant adverse environmental impacts occur as a result of the use;
- d) Proposed monitoring systems;
- e) Identification of possible risks or operational failure and response measures to be implemented;
- f) Day to day management requirements for the use.

To the satisfaction of the Responsible Authority.

26. Traffic Impact Assessment Report

Prior to the commencement of the development additional information is required to be submitted in the form of a Traffic Impact Assessment Report prepared by a qualified engineer and include the following;

- a) Confirmation of preferred transport routes for construction equipment
- b) A video survey of the approved transport routes demonstrating their condition prior to any development commencing.
- c) A report outlining the pavement depth of the approved traffic routes at 250m intervals demonstrating the existing pavement depths prior development commencing.
- d) Provide a dust suppression plan for Morrissey Road, Mason Road and all residences within 150 m of the traffic route to mitigate the dust generated by the additional vehicles movements. The dust suppressant treatment may need to be applied to other areas that maybe detrimentally impacted by the increase in dust to the satisfaction of the responsible authority.
- e) Details of the advance warning signage is required to be submitted at least 200 metres in advance of either side of the vehicle crossing to the site on Morrissey Road and Mason Road as applicable and the applicant shall be responsible for the ongoing maintenance of these signs to the satisfaction of the Responsible Authority.
- f) All permits for working within the road reserve must be received from the relevant authority prior to works commencing to the satisfaction of the responsible authority.

- g) **Agreement with Council for the ongoing maintenance and repair of Council's managed roads during and on completion of the works. The terms of the Agreement shall be confirmed prior to works commencing.**

The owner/developer must carry out the recommendations and suggestions of an approved Traffic Impact Assessment Report to the satisfaction of the Responsible Authority at the full cost of the owner/developer unless otherwise agreed in writing.

27. Rural Vehicle Crossing Location

- a) **Any new or otherwise vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard satisfactory to the Responsible Authority. The vehicle crossing(s) must be constructed at the applicant's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority.**
- b) **The crossover must be no less than 4.9 metres in length and include a pipe of a diameter suitable to accommodate the actual volume/flow (having a minimum diameter of (insert size) mm). Culverts located in the clear zone shall be installed with trafficable end walls (refer VicRoads standard drawing SD 1991). The final location of the crossing is to be approved by the responsible authority.**
- c) **All bridges and crossings shall be designed to carry a vehicle weighing at least 15 tonnes and be at least three metres in width.**

28. Drainage Discharge Plan

Before any of the development starts, a properly prepared drainage discharge plan 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 plans must be drawn to scale with dimensions and a minimum of three copies must be provided. The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.

The information and plan must include:

- a) **Details of how the works on the land are to be drained and/or retarded.**
- b) **Open drains conveying stormwater to the legal point of discharge**
- c) **Measures to enhance stormwater discharge quality from the site and protect downstream waterways Including the expected discharge quality emanating from the development (MUSIC modelling)**
- d) **A maximum discharge rate from the site is to be determined by computation to the satisfaction of Council**
- e) **Documentation demonstrating approval from the relevant authority for the legal point of discharge.**
- f) **Applicant shall show means to ensure that no effluent or polluted water of any type may be allowed to enter the Council's of GMW stormwater drainage system.**
- g) **The details of the incorporation of water sensitive urban design designed in accordance either "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.**
- h) **Maintenance schedules for treatment elements.**

Before the use begins all works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority.

29. Goulburn-Murray Water

- 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 any Goulburn-Murray Water easement, freehold, or reserve boundary.
- c) No buildings are to be constructed within 30 metres of Goulburn-Murray Water's open channels and drains.
- d) If applicable, all wastewater from the office/amenities 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 (including Goulburn Murray Water open channels), drainage lines, dams or bores. The wastewater disposal area must be located outside the Floodway Overlay.
- f) Any filling associated with earth works may not occupy more than 10% of the natural cross-sectional volume within the area of works on the property.

30. Rehabilitation Plan

A condition of the permit has required a rehabilitation plan to ensure that once the use ceases that the land will be able to revert or maintain productive agricultural qualities of the land including soil quality, access to water and rural infrastructure.

31. Time for Starting and Completion

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

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.

The Responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

NOTATIONS**Responsible authority**

The term "responsible authority" in the planning permit means the municipal council in accordance with section 13 of the Planning and Environment Act 1987.

Building Approval Required

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Road Opening/Non-Utility Minor Works on Municipal Road Reserve/ Consent for Works on Road Reserves Permit Required

A road opening/crossing permit must be obtained from the responsible authority prior to the carrying out of any vehicle crossing works.

Native Vegetation Control

A planning permit is required to remove, destroy or lop native vegetation on the land, except in accordance with an exemption specified in the Planning Scheme; exemptions include the minimum area necessary for the construction of a dwelling and or buildings or vehicle access ways ancillary to a dwelling, or to comply with a fire prevention notice. The table of exceptions to clause 52.17-6 of the Planning Scheme lists the full range of exceptions.

Goulburn Broken Catchment Management Authority

The 100-year ARI (1% AEP) flood levels have not been declared for the area under the Water Act, 1989 or designated under the drainage of Land Act, 1975. Please note that the 100-year ARI flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 100-year ARI flood, may occur in the future.

4. COUNCIL PLANNING REPORT – 180 KELSH ROAD ECHUCA VIC 3564, PLN056/2018

ALLOCATED OFFICER:	Ally Wilkie, Senior Planner
RESPONSIBLE MANAGER:	Planning & Building Manager
APPLICATION NO:	Pln056/2018
DATE RECEIVED:	27 February 2018
APPLICANT:	Kagome Foods Australia Pty Ltd
PROPOSAL:	Use and development of the land for a Utility Installation in the Farming Zone Schedule 1, Floodway Overlay and Land Subject to Inundation Overlay, Earthworks in the Farming Zone Schedule 1, Floodway Overlay and Land Subject to Inundation Overlay and Creation and variation of easements pursuant to Clause 52.02
SUBJECT SITE:	180 Kelsh Road ECHUCA VIC 3564
ZONING:	Farming Zone Schedule 1
OVERLAYS:	Floodway Overlay and Land Subject to Inundation Overlay
UNDER WHAT CLAUSE (S) IS A PERMIT REQUIRED?:	Clause 35.07-4, 44.03-1, 44.04-1 and 52.02
RESTRICTIVE COVENANTS ON THE TITLE?:	Yes
CURRENT USE AND DEVELOPMENT:	Agriculture
IS A CULTURAL HERITAGE MANAGEMENT PLAN REQUIRED?:	No
OBJECTIONS:	Seven (7) objections

1. Summary Recommendation

It is recommended that Council as the Responsible Authority issue a Notice of Decision to Grant a Permit subject to conditions.

2. Conflict of Interest

In accordance with Section 80B of the *Local Government Act 1989*, the officer preparing this report declares no conflict of interest in regards to this matter.

3. Charter of Human Rights

This report has considered and complies with the Human Rights and Responsibilities contained in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

4. Instrument of Delegation

This report has considered the Instrument of Delegation (S6) by Council. This report is required as the delegation does not allow officers to determine a planning application where multiple objections have been received.

5. Proposal

It is proposed to use and develop of the land for a utility installation for the storage of treated wastewater. The proposal involves the construction of a 98.4ML water storage dam to be located on Lot 1 T674123J. The dam wall will be used for the cyclic storage of treated wastewater from the Kagome Foods processing facility located at 54 Cornelia Creek Road, Echuca. The dam previously formed part of an approved whole farm plan (TPA231/2014) and was proposed to contain G-MW channel water, instead the application proposes to use the treated water from Kagome to irrigate the 109.7ha site.

The development includes a water storage dam, with a storage volume of 98.4ML and a depth of up to 2.78m when at 100% capacity. The dam will have a maximum height of 4m above ground level. The dam will be connected to a booster pump which will pump the recycled water between the two systems. The dam will be located in the north-western portion of the site adjoining an existing sump which was constructed as part of the whole farm plan.

The proposal includes the installation of a 2.68km pipeline on Lot 2 of Plan PS431837, PC362862 and Lot 1 on TP674123 including, creation of an easement for the pipeline and variation to an existing easement with consent obtained from the landholder. Recycled water shall be delivered to the proposed dam via the existing recycled water pipeline from the Kagome facility when demand occurs between the months of October and April. The peak supply period is usually late January through to April when tomatoes are being processed.

As a result of a planned increase in production, Kagome has recognised the need for additional storage capacity to hold recycled water (water that has been used for washing vegetables, floating vegetables and cleaning the equipment and factory floor) during winter until the irrigation season commences in spring. The proposed water storage dam will augment the existing water storage dam and recycled water irrigation scheme operated on Lot 2 on PS431837M (privately owned property), which currently operates under an EPA-approved Environment Improvement Plan (EIP).

The purpose of the dam is to avoid having to put water into the sewer system, along with the subsequent trade waste charges from Coliban Water and the impact on the Echuca Water Reclamation Plant from the dilution effect of the recycled water stream. The water will go through a treatment plant at the Kagome factory to remove solids and improve water quality, prior to being pumped to the proposed dam via the existing pipeline. When needed for irrigation, recycled water will be pumped out of the new dam.

A Recycled Water Scheme Environmental Improvement Plan updated for additional winter storage and irrigation area on Kelsh Road Farm has been prepared by RMCG. The document has been prepared to comply with EPA guidelines and meet industry standards for the use of recycled water and outlined the re-use strategy, design and monitoring requirements for the scheme.

6. Subject Site & Locality

An inspection of the site and the surrounding area has been undertaken. Subject site for a utility installation for the cyclic storage of recycled water is on Lot 1 TP674123. The site has an area of 109.7ha and is generally rectangular in shape with frontage onto Kelsh Road to the north of 1461m. The lot contains an existing dwelling located within the north-east corner with an existing crossover located on the north-corner. The site forms part of a larger property including Lot 1 TP99949 which has an area of 106.9ha located to the south. Combined the property has a total area of 216.6ha. The allotment (Lot 1 on TP99949) is burdened by a covenant (R274618N) in relation to the Gas and Fuel Corporation Act of Victoria and the Pipeline Act. The proposal does not breach the restrictions on the covenant.

The proposal also includes land associated with the pipeline on Lot 2 PS431837) which has an area of 52.4ha, plan PC362862 which has 55.56ha and Lot 1 of plan TP674123 all in the same ownership. The site has a southern frontage to Rowe road of approximately 630m and western frontage to Echuca-Kyabram Road also known as McKenzie Road. The site is currently been using for agricultural purposes, predominantly cropping and grazing.

The surrounding context is as follows:

- North of the site is land within the Rural Living Zone Schedule 2 in two (2) separate Certificates of Title that are generally square in shape with areas between 52ha to 59.9ha.

- East of the site is a lot with an area of 118.2ha currently used for agriculture purposes within the Farming Zone Schedule 1.
- To the south is Rowe Road a Council unsealed road. Further south is a number of vacant agricultural lots with areas between 175 to 63ha. One allotment has an area of 23ha and contains a dwelling.
- To the west is an irregular shaped allotment with an area of 41ha in the Farming Zone Schedule 1 and contains an existing dwelling with access via Rowe Road. To the west of the site approximately 598m from the site is land within the Environmental Significance Overlay Schedule 2 (ESO2) being the Echuca and District Livestock Exchange, Municipal Pound and Waste Transfer Station.

The nearest dwelling (not the in the same ownership) is located more than 1km to the west on Kelsh Road within the Rural Living Zone Schedule 2. There are a number of dwellings created as part of a previous subdivision that are generally rectangular in shape containing dwellings, outbuildings, gardens, etc. on the corner of Kelsh Road and Mary Anne Road, Echuca. It is noted that there are agricultural activities being carried out on land within the Rural Living Zone.

7. Permit/Site History

The history of the site includes:

- TPA231/2014 Whole Farm Plan was issued on 7 October 2014
 - TPA036/2015 Removal of Easement (Marked A) on TP674123J was issued on 24 February 2015.
 - PLN079/2017 use and development of the land for a Utility Installation in the Public Use Zone Schedule 4 Transport and Land Subject to Inundation Overlay was refused on 30 June 2017.
-

8. Public Notification

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

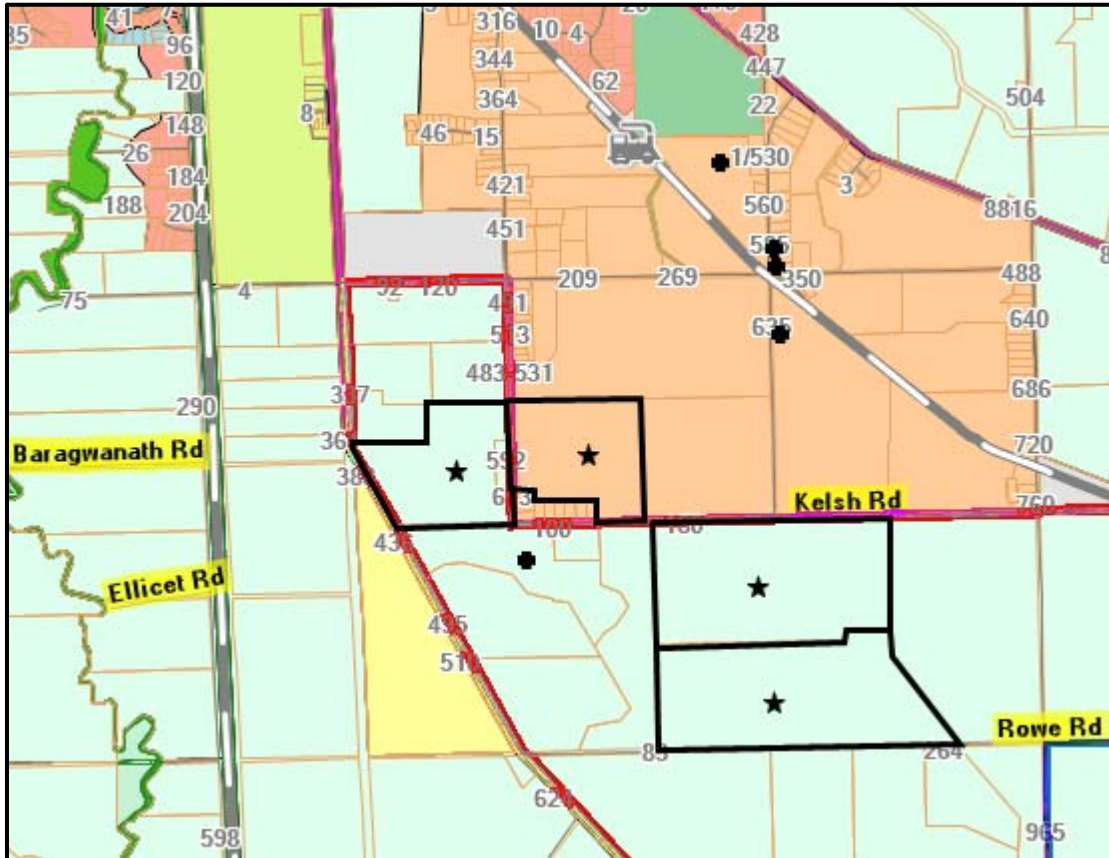
- Sending notices to the owners and occupiers of adjoining land.
- Notice in the Newspaper.

The notification has been carried out correctly and seven (7) objections have been received. The objections can be summarised as:

- Health and wellbeing
- Impact to use and lifestyle
- Environmental impacts
- Contamination
- Water borne viruses and mosquito diseases
- Odour
- Flooding

These issues have been taken into account in the assessment of the planning application.

Figure 1: Subject site and surrounds



It is noted that a number of objections were received from the one property. This includes 601 Lady Augusta Road, Echuca and also 597 Lady Augusta Road, Echuca.

Legend	
Subject Site	★
Objections	●

9. Consultation

A consultation meeting was carried out on 18 April 2018 at 11am at the Echuca Headquarters and was attended by the applicant and two (2) objectors. The issues were discussed in detail however no objections were withdrawn.

10. Referrals

The application has been referred to one (3) external authorities and two (2) internal Council Departments. The following table makes note of the type of information requested; whether consent was given and whether conditions were requested to be attached to the permit. In some cases, notes or other advice were included in the referral response.

Referral Authority	Type of Referral	Consent/ Approve Proposal	Request Permit Conditions	Any other advice notes
Goulburn Broken Catchment Management Authority	Section 55 Determining	Yes	Yes	Yes
Environmental Protection Authority (EPA)	Section 55 Determining	Yes	Yes	No
Goulburn Murray Water	Section 55 Determining	Yes	Yes	Yes
Internal Department	Type of Referral	Consent/Approve Proposal	Request Permit Conditions	Any other advice notes
Design and Road Services Department	Info	Yes	Yes	No
Health Department	Info	Yes	Yes	No

11. Assessment

State Planning Policy Framework (SPPF)

The following State policies and objectives are relevant to this application.

Clause 10 Operation of the State Planning Policy Framework - The purpose of State planning policy is to inform responsible authorities of the aspects to be considered and given effect in administering the planning scheme. The State Planning Policy Framework provides a context for decision making by responsible authorities. The planning policies are directed to land use and development, as required by the Planning and Environment Act 1987, a primary objective of which is to provide for the fair, orderly, economic and sustainable use and development of land.

Clause 11 Settlement - The objective of planning is to anticipate and respond to the need of existing and future communities. Planning should recognise the need for and as far as practicable contribute towards, the health and safety, diversity of choice, adaption in response to changing technology, economic viability, a high standard of urban design and amenity, energy efficiency, prevention of pollution to land, water and air, protection of environmentally sensitive areas and natural resources, accessibility and land use and transport integration.

Planning is to prevent environmental problems created by siting incompatible land uses close together

11.05-1 Regional settlement networks

Objective

To promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan.

Relevant Strategies

- Identify and assess the spatial and land use planning implications of a region's strategic directions in Regional Strategic Plans.
- Ensure regions and their settlements are planned in accordance with any relevant regional growth plan.
- Apply the following principles to settlement planning in Victoria's regions, including the peri-urban areas:

- Support a network of integrated and prosperous regional settlements
- Maintain and provide for the enhancement of environmental health and productivity of rural and peri urban landscapes
- Maintain and enhance regional Victoria's competitive advantages
- Respond to the impacts of climate change and natural hazards and promote community safety
- Support the growth and development of distinctive and diverse regional settlements
- Promote liveable regional settlements and healthy communities

Clause 12 Environmental and Landscape Values – Planning should assist in the protection and conservation of biodiversity including important habitat for flora and fauna. The permitted clearing of native vegetation should result in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

Clause 13 Environmental Risk - Planning should adopt a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards. Planning should identify and manage the potential for the environment, and environmental changes, to impact upon the economic, environmental or social well-being of society.

Clause 14 Natural Resource Management - Planning is to assist in the conservation and wise use of natural resources including energy, water, land, stone and minerals to support both environmental quality and sustainable development.

Clause 14.01-1 Protection of Agricultural Land - To protect productive farmland which is of strategic significance in the local or regional context.

Clause 14.01-2 Sustainable agricultural land use – To encourage sustainable agricultural land use

14.02-1 Catchment planning and management - To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.

14.02-2 Water quality - To protect water quality.

14.02-3 Water conservation - To ensure that water resources are managed in a sustainable way.

Clause 15 - Built Environment and Heritage - All new land use and development should appropriately respond to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value. Quality built environments should be created that achieve high quality urban design and architecture that:

- Contributes positively to local urban character and sense of place;
- Reflects the particular characteristics, aspirations and cultural identity of the community;
- Enhances liveability, diversity, amenity and safety of the public realm;
- Promotes attractiveness of towns and cities within broader strategic contexts; and
- Minimises detrimental impact on neighbouring properties.

Clause 17 Economic Development - Planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.

Local Planning Policy Framework (LPPF)

Clause 21.01 Campaspe Shire Key Issues and Strategic Vision - The estimated 2013 population of the shire was approximately 37,000, which is expected to grow to approximately 39,600 by 2031 (VIF 2015) and to 43,000 by 2036 (Campaspe Profile). Compared to other areas of regional Victoria, the shire has a higher population of younger (school age) people and older people. This trend is expected to grow, which may leave a 'population donut', with less working age residents in the municipality.

The key issues facing Campaspe are focused around seven strategic themes:

- Settlement and Housing.
- Environmental and Landscape Values.
- Environmental Risks.
- Natural Resource Management.
- Built Environment and Heritage.
- Economic Development.
- Transport and Infrastructure.
- Clause 21.01-4 Strategic Vision
- The Planning and Environment Act 1987 requires that an MSS be consistent with the current Council Plan (2013-2017) which outlines the following vision for Campaspe:
- "A vibrant place to live, grow and visit, with a thriving, diverse and healthy lifestyle."

Clause 21.05-1 Agriculture

Irrigated primary production and the processing of that product underpin the economy of the municipality and the region. 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.

Growth and Consolidation areas, being an areas for growth and expansion of existing farm businesses and for new investment. The minimum subdivision size in these areas has been set at 60 hectares, and a dwelling needs a planning permit on all land less than 80 hectares in area.

Objectives

- To ensure that agriculture is and remains the major economic driver in the region
- To identify a preferred area for intensive agricultural activities
- To ensure that use and development does not pose a threat to the sustainable productive capacity of the shire's agriculture economic base.

Clause 21.06 Built Environment and Heritage

Often commercial and industrial areas develop in an ad-hoc manner with little consideration of how buildings relate to one another and the streetscape, which detracts from the amenity and appearance of the urban environment. Careful consideration should be given to the design of commercial and industrial development situated close to residential areas, major roads, town entrances or natural heritage sites.

Clause 21.07 Economic Development

Campaspe is a vibrant rural community located at the heart of one of the richest and most diverse agricultural and food processing regions in Victoria. Campaspe is recognised as a thriving community, with many opportunities for growth and prosperity, and which:

- Has a growing labour force and low unemployment rate, reflecting a healthy economy;
- Has a growing economy driven by growth industry value adding for the agriculture; forestry; fishing; manufacturing; and health and social assistance sectors.

Clause 21.09 Local Areas

Echuca is the largest centre in the shire with a population of about 12,280, although its catchment area is estimated to include 50,000 people within a 70 kilometre radius. The town is an important commercial, industrial, community, recreational and transportation hub for northern Victoria and southern New South Wales. The subject site is shown on the Echuca Town Structure Plan 3 – Echuca South East Industrial and Commercial Corridor pursuant to Clause 21.09-1. The site is not located within the south-east industrial corridor.

Clause 22.04 Non-agricultural uses in the Farming Zone Policy – This policy applies to all application on land within the Farming Zone. The policy builds on the Clause 21.05 regarding potential land uses and developments that may impact on agricultural activities and investment. The preferred mix of uses in the Farming Zone includes those that support agricultural activities and associated rural industries that maintain and built the economic base of the shire.

Objectives

- To identify a preferred mix of land uses in rural areas.
- To promote appropriate land use and development within rural areas.
- To discourage non-agricultural use and development in all rural areas, other than those that support agriculture.

Clause 35.07 Farming Zone (FZ) – Provides of the use of land for agriculture. Ensures that non-agricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture and encourage use and development of land based on comprehensive and sustainable land management practices.

The site is affected by Schedule 1 to the Farming Zone. A permit is required for the use of the land for a Utility installation pursuant to Clause 35.07-1. A permit is required to construct or carry out earthworks pursuant to Clause 35.07-4 (pipeline).

Overlays

Clause 44.03 Floodway Overlay (FO) – Ensures that any development maintains the free passage and temporary storage of floodway, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.

A permit is required to construct or carry out the earthworks in accordance with the Earthworks Controls in the Shire of Campaspe and approved by the responsible authority and the floodplain management authority, pursuant to the Floodway Overlay.

Clause 44.04 Land Subject to Inundation Overlay (LSIO) - Ensures that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

A permit is required to carry out earthworks pursuant to Clause 44.04-1 in accordance with the Earthworks Controls in the Shire of Campaspe and approved by the responsible authority and the floodplain management authority, pursuant to the Floodway Overlay.

Relevant particular Provisions

Clause 52.02 Easement, Restrictions and Reserves – Enables the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

A permit is required under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.

Clause 65 Decision Guidelines - Sets out decision guidelines for the responsible authority to consider in ensuring acceptable outcomes in terms of State Planning Policies and Local Planning Policies.

Clause 74 Land Use Terms

The definition of 'Utility Installation' is defined as follows;

Land used:

- a) for telecommunications;*
- b) to transmit or distribute gas, oil, or power;*
- c) to collect, treat, transmit, store, or distribute water; or*
- d) to collect, treat, or dispose of storm or flood water, sewage, or sullage.*

It includes any associated flow measurement device or a structure to gauge waterway flow.

Relevant incorporated or reference documents

Regional Rural Land Use Strategy 2008

Local Floodplain Development Plan Precinct of Campaspe River Lower

Earthworks Control in the Shire of Campaspe. City of Greater Shepparton and Moira Shire, August 2010'.

Echuca South East Industrial and Commercial Growth Corridor Land Strategy 2011

Echuca South East Rural Living Precinct Structure Plan (2014)

Echuca South East – Outline Drainage Plan (2014) prepared by Meinhardt

12. Summary of Key Issues

The following is a summary of the relevant planning issues and areas of concern, considering planning principles and issues raised by the objectors. The proposed use and development was required to be assessed against State and local policy as well as the zone, overlay, particular and general provisions.

History

The applicant previously applied for the use and development of the land for a Utility Installation in the Public Use Zone Schedule 4 Transport and Land Subject to Inundation Overlay under the planning application PLN079/2017. The use and development of the land was considered inappropriate and was refused based on the zoning of the land being for transport

purposes, the location of the site along a main town entrance and the proximity to the Echuca Aerodrome and surrounding sensitive land uses.

The applicant reviewed the concerns raised in the previous application and has sought to utilise a site with appropriate separation from the nearest dwelling (not in the same ownership), which is more than 1km. The applicant has also had to obtain a willing landowner to utilise the water within a reasonable distance from the easement pipeline to transmit the water to the site.

In relation to the subject site now being considered, a whole farm plan was approved by planning permit TPA231/2014 in 2014 and allowed earthworks to be carried out associated with the 'as of right' (no permit required) agricultural use within the Farming Zone. The landholder commenced a portion of the works on the site including the construction of two (2) sumps and laser graded the land. The planning permit also included the construction of a 98.4ML dam (subject to this permit) within the north-east corner of the site to contain channel water and has not been constructed.

The proposal is for the use of the 98.4ML dam on the site in accordance with the approved whole farm plan and is proposed to contain the treated Kagome wastewater rather than the channel water. As the purpose of the dam is to store wastewater from Kagome a planning permit is required for a utility installation pursuant to Clause 35.07-1 and Clause 35.07-4 of the Farming Zone. It is important to note that the dam proposed is identical to the dam approved in the whole farm plan which is exempt from notice and review in accordance with the 'Earthworks Control in the Shire of Campaspe. City of Greater Shepparton and Moira Shire, August 2010'.

State and Local planning policy

Clause 11 states that planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities. The proposed development is considered to be consistent with policy as it utilises an existing agricultural site set up for irrigation purposes as part of an approved whole farm plan and improves the agricultural qualities and productivity on the land.

Clause 14.01-2 aims to *"encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices"*. Clause 14.02-3 is to ensure that water resources are managed in a sustainable way and encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices.

Clause 17 Planning is to provide for a strong and innovative economy, where all sectors of the economy are critical to economic prosperity. Planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.

The incorporated Regional Rural Land Use Strategy (RRLUS) referenced within Clause 21.05-1 identifies the site as being within a 'growth and consolidation' area identified as *"being areas for growth and expansion of existing farm businesses and for new investment"*. The proposal does not remove the productive agricultural qualities of the land. The use provides an alternative sustainable water source to irrigate the property and improve the agricultural qualities on the site consistent with the objectives of policy.

Clause 21.05-1 states *"irrigated primary production and the processing of that product underpin the economy of the municipality and the region. The level of production is nationally important and the region is responsible for the significant parks of the nation's milk production, deciduous canned fruit crop and tomato processing production"*. A strategy of the objective is to *"encourage growth and expansion of existing farm businesses and new investment in 'growth' areas"*. The proposal will utilise a north-south dam on the site previously approved as part of a whole farm plan (TPA231/2014) to contain the treated wastewater rather than channel water.

Clause 21.07 is to facilitate a vibrant and dynamic economic environment through such strategies as providing a balanced approach to economic development, taking into account economic, social and environmental values. Industry in Campaspe is diverse, but primarily derives from the shire's strong agricultural, food processing and light industrial enterprises. Industry and large-scale businesses are also key contributors to the shire's employment base. The proposal utilises treated wastewater in a sustainable manner on the land and supports the ongoing operation of Kagome in a sustainable manner.

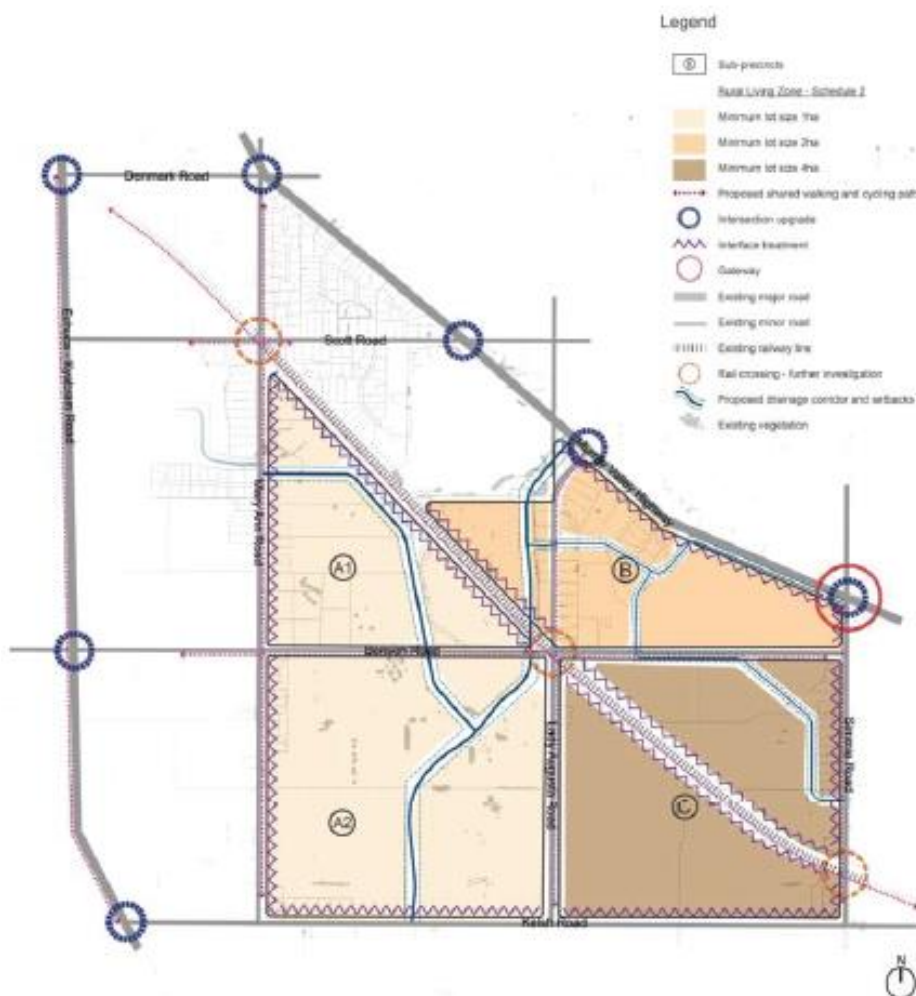
Clause 22.04 objective is to “identify a preferred mix of land uses in rural areas” and “to discourage a non-agricultural use and development in all rural areas, other than those that support agriculture”. The proposal does not remove any land from productive agriculture and provides a sustainable irrigation source for the ongoing operation of the agricultural activity consistent with the objectives of state and local policy.

Location

The subject site is not located within the study area of the Echuca South East Industrial and Commercial Growth Corridor Land Strategy 2011 and is setback from McKenzie Road McKenzie Road (Echuca-Kyabram Road) which is a major road connection to and from Echuca. The site is not identified within Clause 21.09 of the Campaspe Planning Scheme as being future residential and will remain within the Farming Zone Schedule 1 (FZ1). The site is setback more than 1km from the nearest dwelling (not in the same ownership) located within the Rural Living Zone Schedule 2 (RLZ2).

Concerns were raised in relation to the proximity of the site from land within the Rural Living Zone Schedule 2 (RLZ2) located to the north of the site across Kelsh Road. Amendment C104 was gazetted in December 2017 and introduced the recommendations of the Echuca South East Rural Living Precinct Structure Plan (2014). The amendment introduced the Rural living Zone Schedule 2 (RLZ2) and Development Plan Overlay Schedule 10 Echuca South East Rural Living Precinct and involves 830ha of land. The area is generally to the south of Murray Valley Highway, west of Simmie Road, north of Kelsh Road, and east (and partially west) of Mary Ann Road.

Echuca South East Rural Living Precinct Framework Plan



Echuca South East Rural Living Precinct Framework Plan – Schedule 10 to the Development Plan Overlay Campaspe Planning Scheme.

The amendment gave statutory effect to the Echuca South East Rural Living Precinct Structure Plan (2014). The land to immediately north of the subject site is identified within ‘Area A2’ and ‘Area C’ of the Development plan and allows a minimum of 1ha (1.5ha average subdivision area) for Area A2 and a minimum subdivision area of 4ha (6ha average

subdivision area) for Area C as shown in the map above. The proximity of future residential development to the proposed use has been taken into consideration as part of the assessment of the application.

The interface with land in the Rural Living Zone abutting the Farming Zone is identified in the Campaspe planning scheme. Any future planning permit application for subdivision to the north must include the *“provision of larger lots around the periphery to reduce the potential for future land use conflict”*, and *“flooding and Interface treatment to the adjoining agricultural land uses, including neighbouring land remaining in the Farming Zone.”* The requirements of the DPO10 will minimise any unreasonable impact on future residential properties and ensure the proposed used and concurrent agricultural activity can operate without causing any unreasonable impact.

Visual Impact

Concerns were raised by objectors in regards to the appearance of the dam and its impact on the visual landscape. The Farming Zone does not include any setbacks in relation to the earthworks on the site. The design of the dam (which is not part of this application) is considered consistent with other ‘as of right’ agricultural dams and sumps approved in whole farm plans within the surrounding farming area. The dam will also be screened by existing trees within the road reserve which will further improve the visual appearance of the dam when viewed from Kelsh Road and passers-by.

The use will improve the agricultural qualities on the site and allow the existing agricultural activity to be operated productively and sustainably by using treated wastewater to irrigate the land with benefits for the applicant and the landholder. The use utilises the existing facilities including existing vehicle crossovers and configuration of the paddock layout to further minimise the disturbance on the agricultural qualities of the site in accordance with the decisions guidelines of the zone. The utilisation of an existing agricultural site already ‘set up’ for the use on the land will further minimise the visual impact of the dam within the surrounding area.

Amenity

Concerns were raised by objectors with regards to the potential for odour associated with the dam. The applicant has stated that over the past 10 years, Kagome have been pumping recycled water to the existing storage lagoon on the property (Lot 2 on PS431837) located approximately 1.3km from the site to the north-west and that there have been no issues with odour. The current dam is subject to an existing EPA-approved Environment Improvement Plan (EIP) to ensure that the dam is operated in accordance with best practice requirements.

The recycled water will be monitored monthly to ensure it remains at the expected standard. The wastewater does not contain any domestic waste and annual soil monitoring will be undertaken by the applicant to check salt accumulation and solidity. There is no risk due to helminths/pathogens or E.coli. Chlorination (the same process used in the treatment of Echuca’s potable waste supply) of the recycled water also ensures that there is no risk due to bacteria from the use of the recycled water through the system. A condition has been included to ensure regular monitoring is carried out and that best practice measures are achieved.

Additional justification has been provided stating that there is little risk of odour due to a number of factors. These include the large surface area which can handle the small nutrient load from the recycled water. The main period of water storage being over the winter months will also result in the mean water temperature being low and not conducive to odour-producing microbial activity. The lack of nutrient load in the water minimises the likelihood of algal outbreak and the regular emptying of the dam will reduce the recycled water stagnating in the storage and producing an odour.

Concerns were raised in relation to the management of the dam during high rainfall event and crop growth (where the water is to be used). The applicant advised that if a high rain event is experienced water will be distributed via the Coliban Water trade waste and can occur within minutes. To ensure the dam will be maintained appropriately a management plan with details of monitoring measures is recommended and will be required to be carried out to the satisfaction of the Responsible Authority.

The application was referred to Council’s Environmental Health Department who supported the proposal subject to conditions including that the storage dam and use of reclaimed water must not cause a nuisance. The Environmental Health Department advised that based on the type of water which is proposed to be stored for reuse, it is thought that if treated appropriately so that there is a low likelihood of offensive odours occurring. It is expected that as the site is located within the Farming Zone that agricultural activities have the potential to generate odour and the proposal is considered

unlikely to cause any unreasonable odour from what can already be carried out 'as of right' (no permit required) within this zone.

Mosquitos

The main period of water storage being over the winter months will result in the mean water temperature being low. The low temperature is not conducive to odour-producing microbial activity. The lack of nutrient load in the water and surrounding vegetation will minimise the likelihood of any mosquito outbreaks. To ensure that the mosquitos are minimised it is recommended a condition be included to ensure that mosquitos are monitored on a regular basis and treated to eliminate the risk on the surrounding area.

EPA

The application was referred to the Environment Protection Authority (EPA) who did not object to the granting of a permit subject to conditions. The conditions are in relation to the discharge of wastewater to land must not adversely affect the land, and construction and post construction activities must be in accordance with EPA publication 275 Construction Techniques for Sediment Pollution Control 1991 or as amended. It was noted in the referral response that EPA has not received a works approval application and that the potential environmental impacts from the proposed works will be fully assessed through their application process.

Environmental Issues

Clause 21.04-2 requires planning to protect life, health, safety and community wellbeing from flood hazard and to minimise the impact of flooding on the community through such strategies as preserving the natural function of the floodplain to convey and store flood waters.

As part of the application a Water Scheme Environmental Improvement Plan was prepared by RMCG dated February 2018. The plan examined the soil structure and found the site to be suitable for the intended purpose and no impact to groundwater is expected from the operation of the water storage dam.

The application was referred to Goulburn Broken Catchment Management Authority who did not object to the granting of a permit subject conditions being included where the proposed pipeline crosses the floodway overlay and that finished ground surface levels must be no higher than existing ground surface levels. The referral response stated that the water storage lagoon to have an impervious liner or be constructed to achieve a permeability of at least 600 millimetres of clay of maximum hydraulic conductivity 1×10^{-9} m/s or equivalent, to minimise groundwater contamination. Based on the comments received from the Floodplain Manager, it is considered that the proposal is unlikely to cause any impact to the flood storage and risk of life within the area in accordance with the decision guidelines of Clause 44.03 and 44.04.

The application was referred to Council's Design and Road Services Department who supported the proposal subject to conditions being included on the permit relating to construction, maintenance, drainage and structures. The conditions included on the permit will ensure that irrigation and concentrated drainage water is to be retained within the property boundary to the satisfaction of the responsible authority.

Concerns were raised in relation to the impact in the natural floodway and will impact on the surrounding area. Upon review of Council's records the subject site does not contain a formal community drain. A condition has been included on the permit to ensure that the existing floodway overlay will not include additional runoff from what is existing and impact the formal community drain located to the north of the site.

The assessment of the application has taken into consideration the Echuca South East – Outline Drainage Plan (2014) prepared by Meinhardt prepared as part of Amendment C104. The study advised that existing flood ways can be formalised and channelized as part of any further development within the study area to mitigate existing flood issues within the study area. The community drains and channels within the area were also acknowledged however advised that G-MW generally control these assets. The application was referred to Goulburn Murray Water (G-MW) who did not object to the application subject to conditions regarding the works within the active flow path that connects to the community drain. It is noted that one of the re-use sumps is located within the drainage line and accommodates the catchment water from the south and will require a separate license from Goulburn-Murray Water to take and use the water in accordance with the Water Act, 1989.

Other Matters

In accordance with Clause 52.02 Easements, Restrictions and Reserves the land is all in the one ownership and consent was obtained from the relevant landholder as part of the application. In accordance with Clause 52.02 it is considered that the interests of affected people being the landholder to contain the easement has been addressed.

Property devaluation was a concern raised by objectors. Case law established by Victorian Civil and Administrative Tribunal (VCAT) has determined that property devaluation is not a valid planning consideration and has therefore not been considered in the assessment of this application.

13. Conclusion

The application has been assessed against the SPPF, LPPF, the Farming Zone, Floodway Overlay and Land Subject to Inundation Overlay and Clause 52.02 of the Campaspe Planning Scheme. It is considered that the use and development is unlikely to result in any unreasonable off-site impact and utilises the existing 'set up' of agricultural land in a sustainable manner. The application was referred to all relevant authorities and Council Department and consent was granted by all subject conditions. It is recommended that a Notice of Decision to Grant a Permit be issued subject to suitable conditions.

14. Recommendation

That Council as the Responsible Authority under the Planning and Environment Act 1987:

- **Having caused notice of Planning Application No. PLN056/2018 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme**

and

That Council having caused notice of Planning Application No. [type here] to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to Grant a Notice of Decision to Grant a Permit under the provisions of Clause 35.07-4, 44.03-1, 44.04-1 and 52.02 of the Campaspe Planning Scheme in respect of the land known as 09545. Fol. 441, Vol. 10502. Fol. 243. Vol. 10519. Vol.014 Vol. 09451. Fol.014 and described as 180 Kelsh Road, Echuca, for the Use and development of the land for a Utility Installation in the Farming Zone Schedule 1, Floodway Overlay and Land Subject to Inundation Overlay, Earthworks in the Farming Zone Schedule 1, Floodway Overlay and Land Subject to Inundation Overlay and Creation and variation of easements pursuant to Clause 52.02, with the application dated 27 February 2018, subject to the following conditions:

1. Amended plans required

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

- a) **Transfer pipeline crossing perpendicular under Kelsh Road.**
- b) **Longitudinal section of pipeline to show depth below existing surface crossing Council road reserves and drainage depressions/ easements.**
- c) **Detail specification of pipeline.**
- d) **Details of additional storage for runoff lost with in Land Subject to Inundation Overlay due to location of dam structure.**
- e) **A plan of creation and variation of easement prepared by a qualified consultant.**

- f) Demonstrate by calculations that the flow of water from the site will not be increased within the community drain to the north of the site from what is naturally occurring.
- g) An Environmental Management Plan as per Condition 16.

All to the satisfaction of the Responsible Authority.

2. Layout not altered

The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3. Environmental Management Plan

Prior to the development commences, an environmental management plan for the management and operation of the use 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 environmental management plan must be generally in accordance with the information submitted and must be reviewed and submitted to the Responsible Authority. The use must at all times be conducted in accordance with the approved environmental management plan. The environmental management plan must include:

- a) Details of the amount of recycled water to be stored on the site at the one time.
- b) General maintenance details of the dam.
- c) Sediment and erosion measures that are to be implemented to ensure no-off-site impacts;
- d) Overall environmental objectives for the operation of the use and techniques for their achievement;
- e) Procedures to ensure that no significant adverse environmental impacts occur as a result of the use;
- f) Proposed monitoring systems;
- g) Identification of possible risks or operational failure and response measures to be implemented including contact details;
- h) Details regarding the irrigation schedule to be carried out on the site.
- i) Day to day management requirements for the use and roles and responsibilities.
- j) Measures to minimise and prevent mosquitos as part of the use.
- k) Details to prevent stock from accessing the water.
- l) Details regarding the warning signage to be erected.
- m) Records are to be made available and kept legible for review by those auditing the operation including Council officers and other relevant Government Agencies, to the Satisfaction of the Responsible Authority.

All to the satisfaction of the Responsible Authority.

4. Environment Protection Authority

- a) Discharge of wastewater to land must not adversely affect the land.
- b) Construction and post-construction activities must be in accordance with EPA Publication 275 Construction Techniques for Sediment Pollution Control 1991 or as amended.

5. Goulburn Broken Catchment Management Authority

- a) Where the proposed pipeline crosses the Floodway Overlay, finished ground surface levels must be no higher than existing ground surface levels.
- b) The proposed water storage lagoon must have an impervious liner or be constructed to achieve a permeability equivalent to at least 600 millimetres of clay of maximum hydraulic conductivity 1×10^{-9} m/s, or equivalent, to minimise groundwater contamination.

6. Goulburn Murray Water

- 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) The design plan shows a Turkey Nest dam (gravity storage) and the following conditions are to apply in relation to this part of the whole farm plan;
 - i. The bed and banks of the storage must be constructed to minimise accessions to groundwater. It is recommended that a permeability of 10-9m/sec (0.09mm/day) or less is achieved.
 - ii. The storage is to be located such that the phreatic line does not interfere with any GMW asset.
 - iii. The batters of the storage must be stabilised to prevent soil erosion, to the satisfaction of the responsible authority.
- c) The design plan shows two proposed sumps to be constructed. Prior to construction, a test hole should be dug to ensure that groundwater does not leak in and that the soil is consistent to the depth required. The completed reuse sump must not interact with the watertable.
- d) An active flow path crosses the property at Farm Channel C1, and flows adjacent to Farm Drains D1-2, D4, D6-12 and Sump 2 (East/West Section). The following conditions apply to works within the active flow path;
 - i. The construction of Farm Channel 1 across the active flow path must allow water to flow unobstructed. Sufficient waterway must be provided using culverts, or a suitably sized channel siphon;
 - ii. A suitably sized culvert must be installed under the Laneways;
 - iii. The end of bays within the active flow path must form a continuous grade across each bay through the property to allow for unobstructed natural flows;
 - iv. The end of bays within the active flow path should be left at natural grade;
 - v. Bays must be constructed without check banks within the active flow path;

- vi. Sumps and farm drains must be constructed without banks. Excavated material must not be stockpiled within the active flow path;
 - vii. Tree plantations within the confines of the active flow path must be kept at a stem density of less than 40 trees/ha.
 - viii. The works are located within a Flood Overlay and must not impact natural flow conditions.
- e) The design plan shows a new farm channel (C6-C8) to be constructed adjacent to Goulburn Murray Water's Rochester Channel 11. The farm channel must be constructed with the top of cut a minimum of 5 m from the channel bank toe and outside the channel easement boundary.
 - f) The design plan shows a new sump (Sump 1 and Sump 2) to be constructed. Prior to construction a test hole should be dug to ensure that groundwater does not leak in and that the soil is consistent to the depth required. The completed reuse sump must not interact with the watertable.
 - g) Check banks must be terminated at least 20 m from the end of bays.
 - h) The storage lagoon must be located at least 30 metres from the toe of the Goulburn Murray Water Rochester No. 11 Channel and Rochester No. 14/11 Channel. No works are to encroach on the channel reserve and any works or associated fixtures must not restrict Goulburn-Murray Water access along the channel.
 - i) The storage lagoon must be lined with an impervious liner and if clay is used it must be compacted to a seepage rate of not greater than 1×10^{-9} m/sec. The storage lagoon must be operated to a minimum level of recycled water to ensure the liner does not dry out and crack.
 - j) All reclaimed water from the lagoon must be managed in accordance with EPA Publication 464.2 Use of Reclaimed Water (2003) and Publication 168 Guidelines for Wastewater Irrigation (1991).
 - k) 11. Irrigation of reclaimed water must be done to optimize the uptake of water, nutrients and other pollutants such that they don't leach to groundwater or runoff to surface waters. The rate and application method must be consistent with the capability of the land and appropriate for the type of plant grown, the soil type and topography. Appropriate harvesting/mowing must be undertaken to ensure nutrient removal.
 - l) All construction and ongoing activities must not impact any water supply easements on title
 - m) The take and use of unregulated water with entitlement must be licenced by Goulburn-Murray Water. Applications for a Licence to Take and Use Water can be made to Goulburn Murray Water's Diversion Operations on 1800 013 357.

7. General Amenity

The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) Transport of materials, goods or commodities to or from the land;
- b) Appearance of any building, works or materials;
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;

- d) Presence of vermin or weeds;
- e) Storage of solid waste;
- f) Infiltration of groundwater.

All to the satisfaction of the Responsible Authority.

8. Stormwater Disposal

All stormwater runoff from the proposed development hereby permitted must be disposed of to the satisfaction of the responsible authority.

9. Retention of Water

The applicant shall ensure that concentrated drainage water is retained within the property to the satisfaction of the Responsible Authority. This includes the requirement that there must be no discharge of irrigation water or concentrated drainage onto the road reserve irrespective of whether or not the road is under the control of the Municipality or VicRoads.

10. Damage to Roads

Any damage to Council or Roads Corporation assets (i.e. roads, table drains etc.) shall be repaired at the cost of the applicant to the satisfaction of the Responsible Authority.

11. Amended Agreement Required Change of Ownership

An amended outfall arrangement and redevelopment of the endorsed plans will need to be approved by the Responsible Authority in the event that any part of the existing tenement is subdivided and/or changes hands.

12. No Restriction to Drainage

The approved works must not cut off natural drainage from adjacent properties.

13. Restricted Outflows

The outflows are to be restricted to natural rainfall run-off only.

14. Modification with Future Schemes

The drainage system must be modified as and when required to accommodate any future drainage scheme implemented for the area.

15. Native Vegetation Retention

No native vegetation shall be removed without prior written approval. A proposal to remove native vegetation must be submitted to the Responsible Authority as a separate application.

16. Construction Management Plan

Before the development commences, a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the Construction Management Plan will be endorsed and form part of the permit. The management plan must show:

- a) Measures implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land;
- b) Measures to control erosion and sediment and sediment laden water runoff;

- c) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;
- d) Where access to the site for construction vehicle traffic will occur;
- e) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences.

Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

17. Agreement under Section 173 of the Planning and Environment Act 1987

Prior to the pipe works crossing on any Council road reserve commence, the applicant must enter into an agreement under Section 173 of the Act with the Responsible Authority under Council policy for private assets crossing under Council Road reserves.

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. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council. A road opening permit will not be issued until the agreement is lodged with the titles office.

18. Time for Starting and Completion

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

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.
- c) The plan of variation and creation of an easement is not Certified under the Subdivision Act 1988 within two (2) years of the date of this permit.
- d) The registration of the plan of variation and creation of an easement is not completed within five (5) years of the date of Certification under the Subdivision Act 1988.

The Responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

5. MEETING CLOSE

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JASON RUSSELL

CHIEF EXECUTIVE OFFICER