



Council Agenda



Date: 10 December 2024

Time: 6:00 pm

Venue: Echuca Civic Centre

Photo Left to Right: Cr Tony Marwood, Cr Adrian Weston, Cr Zoe Cook, Cr Rob Amos, Cr Paul Jarman, Cr Daniel Mackrell (Mayor), Cr Jessica Mitchell (Deputy Mayor), Cr John Zobec, Cr Luke Sharrock.

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For a meeting of the Campaspe Shire Council meeting held on Tuesday 10 December 2024, commencing at 9:00 am at the Echuca Function Room, Echuca Civic Centre.

Acknowledgement of Country

The Shire of Campaspe is the traditional lands of the Dja Dja Wurrung, Taungurung and Yorta Yorta Peoples.

We respect and acknowledge their unique Aboriginal cultural heritage and pay our respect to their ancestors, descendants and emerging leaders as the Traditional Owners of this Country.

We acknowledge their living culture and their unique role in the life of this region.

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.

Meeting Procedures

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

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.

1 Apologies and Requests for Leave of Absence

1.1 Apologies

1.2 Leave of Absence

2 Confirmation of Minutes and Attachments

RECOMMENDATION

That the Minutes of the Campaspe Shire Council Meeting held on 26 November 2024 be confirmed.

3 Disclosure of Conflicts of Interest

In accordance with Section 130(1)(a) of the *Local Government Act 2020* Councillors are required to disclose any conflict of interest in respect of a matter to be considered at a Council meeting.

4 Changes to the Order of Business

Once an Agenda has been published on the Council website, the Order of Business for that Council Meeting may only be altered as follows: -

- by the CEO prior to the commencement of the Council Meeting following consultation with the Mayor. Where the alteration occurs after the Agenda has been distributed to the public the alteration must be communicated to the Chair to explain the alteration at the Council Meeting under “changes to Order of Business”; or
- by the Chair during the Council Meeting; or
- by Resolution of the Council during the Council Meeting.

A change to the Order of Business after distribution of the Agenda to the public will be recorded in the Minutes of that Council Meeting.

5 Notes of Appreciation

Directorate:	Office of the CEO
Responsible Officer:	Business Support Officer
Manager:	Executive Officer

1. PURPOSE

To present the notes of appreciation that Council has received since its last meeting.

2. RECOMMENDATION

That Council acknowledge the notes of appreciation as listed and convey this appreciation to the relevant parties.

1. Wayne & Julie, Echuca

"Thank you to the Parks and Gardens Team for mowing our reserve in Wisteria St again, as always your efforts are very much appreciated."

2. HeartKids Foundation

The Council received a thank you letter from HeartKids Foundation. This letter acknowledges the council's support and explains that these funds will help provide care, education, and family assistance to individuals living with Childhood-onset Heart Disease (CoHD).

3. EARS (Echuca Animal Rescue Service)

The Council received a letter from the Echuca Animal Rescue Service (EARS). It includes a note expressing gratitude and a farewell from the EARS team. They mention their appreciation for working with various organisations and individuals, highlighting the positive experiences they've had despite the challenges in their field.

4. Carole & Lew, Echuca

The Council received a letter expressing their gratitude to the Parks & Gardens workers.
"Many thanks for the wonderful work you do."

5. Echuca Neighbourhood House

The Council received a letter from ENH addressed to Mayor, Councillors and Co Workers...
"At this time of year, we are grateful to our supporters, donors and suppliers, who make our success possible. We thank you for everything you do and your continued support."

6 Acknowledgements / Councillor Reports

At each Ordinary Meeting, Councillors will have the opportunity to: -

- acknowledge significant community members and events. These may relate to notable achievements by community members and groups, and the offering of condolences to a person who has distinguished service in the local area.
- report on any meetings, conferences or events that they have recently attended; or
- report on any matters or progress in relation to a Delegated Committee they are part of.

The duration of any acknowledgement or report from a Councillor will be limited to two (2) minutes.

The CEO must be notified of any acknowledgment or report to be raised by a Councillor at a Council Meeting at least three (3) hours before the commencement of the Council Meeting.

7 Public Question Time

Question time will be available at a Council Meeting, except for an Unscheduled Meeting, to enable members of the public to address questions to Council.

All questions must: -

- be received in writing on either of the prescribed forms as outlined on Council's website; and
- be received no later than 12:00pm (noon) on the day before the Council Meeting.

Please refer to Council's Governance Rules for further information regarding Public Question Time procedures.

8 Petitions / Joint Letters

Petition to stop the demolition of Strathallan Hall

The petition requests:

1. to immediately stop plans for the demolition of the Strathallan Hall.
2. consultation with the community to explore avenues for renovation of the hall and surrounding infrastructure.

Petitioner: Paul Monigatti

Support: 60 signatures

RECOMMENDATION

That Council:

1. receive and refer the petition to the Director Communities for a response.

9 Council Decisions

9.1 Planning Authority Decisions

A Planning Authority is defined under Section 12 of the *Planning & Environment Act 1987* and is responsible for implementing the objectives of planning in Victoria and reviewing and preparing amendments to a planning scheme.

9.2 Responsible Authority Decisions

A Responsible Authority is defined under Section 13 of the *Planning & Environment Act 1987* and is responsible for administering and enforcing the planning scheme and its provisions in relation to use and development.

9.2.1 Planning Decision Monthly Update

Directorate:	Sustainability
Responsible Officer:	Manager Planning and Building
Manager:	Manager Planning and Building
Attachments:	1. Copy of Monthly Planning Data November [9.2.1.1 - 4 pages]
Conflict of Interest:	In accordance with section 130 of the Local Government Act 2020, the officer preparing this report declares no conflict of interest regarding this matter.
Council Plan Reference:	Not applicable

1. PURPOSE

The purpose of this report is to provide information on the determined planning applications including other planning decisions for November 2024.

2. RECOMMENDATION

That Council note the determined planning permit applications and other planning decisions for November 2024.

3. DISCUSSION

The snapshot provided below outlines the number of applications determined and processing times of determined planning permit applications for the month of November 2024.

- 38 planning permit applications received.
- 35 planning permits determined (including VicSmart).
- In total 64 planning decisions were processed with the following breakdown;

- 31 standard planning permits determined
- 4 VicSmart planning permits determined
- 5 secondary consents determined.
- 18 condition plans determined.
- 6 extensions of time determined.

The median processing of a standard application to determination was 44 days for the month of November.

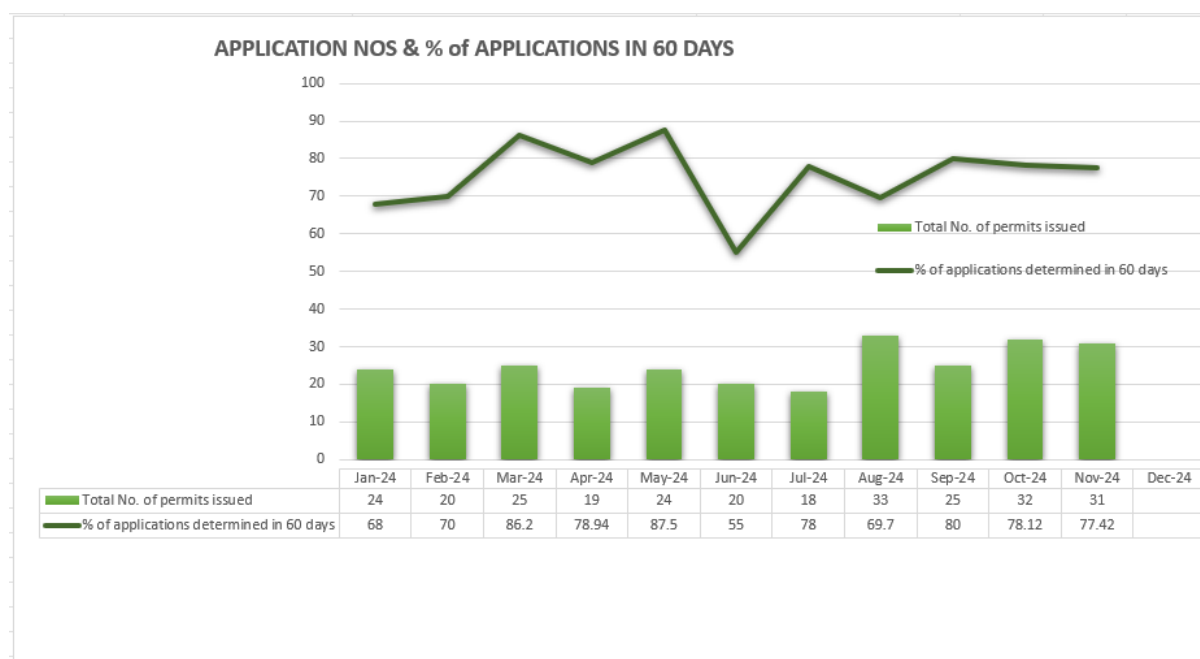
The median processing of a VicSmart application to determination was 6 days for the month of November.

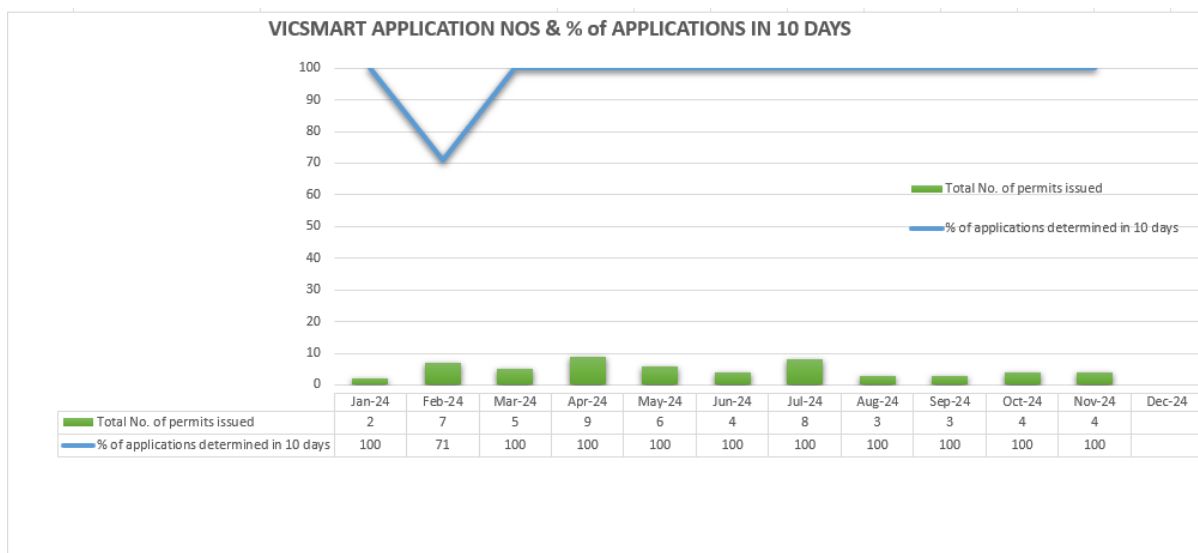
Campaspe's percentage of standard applications determined in 60 days was 77.42 percent for the month of November, which is higher than the State average of 66.28 percent.

The number of standard planning permits issued in November was the third highest month for this calendar year.

With VicSmart applications, the State average for November was 82.19 percent. Campaspe Shire achieved 100 percent for the month and therefore all applications were decided upon under the statutory timeframe of 10 business days.

There are three planning matters currently with the Victorian Civil and Administrative Tribunal (VCAT).





It is noted that the statutory timeframe to determine an application within 60 days under the Planning and Environment Act 1987 includes mandated referral authority time and advertising. When reviewing the timeframes, consideration must be applied where the application has requested additional time to resolve matters for an improved outcome, resolving matters with referral authorities or where the additional information sought requires specialised skills.

Planning register

All planning permit applications are available on the planning register to view the progress of the application, check if further information is required, check for public notification and view decisions on applications: online www.campaspe.vic.gov.au/Plan-build/Planning/Planning-register.

OFFICIAL

Delegate Decisions 01-Nov-2024 to 30-Nov-2024

Monthly Determined

Application ID	Full Details	Property Address	Stage/Decision
PLN062/2024	Boundary realignment in Farming Zone Schedule 1, Environmental Significance Overlay – Schedule 1, Land Subject to Inundation Overlay, and Floodway Overlay, and to end an agreement under Section 173 of the Planning & Environment Act pursuant to Section 178A(1)(b)	7600 Murray Valley Highway TONGALA VIC 3621	PmtNOD
PLN080/2024	Buildings and works (Stage 2 boat ramp area redevelopment works including vegetation removal and earthworks) in the Environmental Significance Overlay Schedule 1, Floodway Overlay, Land Subject to Inundation Overlay and Public Acquisition Overlay with Native vegetation removal pursuant to Clause 52.17	Victoria Park Recreation Reserve 14 Crofton Street ECHUCA VIC 3564	PrmlIssued
PLN096/2024	(refund) Whole Farm Plan	Strathallan Road BAMAWM VIC 3561	Sec47Req
PLN111/2024	Business identification signage pursuant to Clause 52.02 and the Design and Development Overlay Schedule 3	13-15 Northern Highway ECHUCA VIC 3564	PrmlIssued
PLN113/2024	Use and development of the land for a dwelling in the Farming Zone Schedule 1	43 Murnane Lane BALLENDILLA VIC 3561	PrmlIssued
PLN119/2024	Boundary realignment (dwelling excision) in the Farming Zone Schedule 1 and Floodway Overlay	3876 Midland Highway STANHOPE VIC 3623	PrmlIssued
PLN136/2024	Variation of Easement (E-1) pursuant to Clause 52.02	109 Mackay Street ROCHESTER VIC 3561	PrmlIssued
PLN143/2024	Buildings and works (Alterations to dwelling), externally paint a building and demolition in the Heritage Overlay HO2	397 High Street ECHUCA VIC 3564	PrmlIssued
PLN148/2024	Use and development of the land for a dwelling in the Farming Zone Schedule 1 and Restructure Overlay Schedule 6	23 Cornella-Toolleen Road TOOLLEEN VIC 3551	PrmlIssued
PLN152/2022.A	Subdivision of land into two (2) lots in the General Residential Zone and Land Subject to Inundation Overlay	21 Baynes Street ROCHESTER VIC 3561	PmtAmend
PLN154/2024	Buildings and works associated with an existing Section 2 Use (storage shed) in the Township Zone	2-8 Lockington Road LOCKINGTON VIC 3563	PmtNOD
PLN157/2024	Subdivision of the land into two (2) lots in the General Residential Zone and Heritage Overlay Schedule 3 and Clause 52.29 and demolition of outbuilding and fence and to construct a fence in the Heritage Overlay Schedule 3	347 High Street ECHUCA VIC 3564	PrmlIssued
PLN170/2024	Removal of easements in the Farming Zone Schedule 1 pursuant to Clause 52.02	1106 Park Road LANCASTER VIC 3620	RptRvwCmpl
PLN174/2024	Buildings & works (external alterations and outbuilding) in the Heritage Overlay Schedule 3	46 Francis Street ECHUCA VIC 3564	PrmlIssued
PLN179/2024	Boundary re-alignment in the General Residential Zone, and removal of an easement pursuant to Clause 52.02	55-57 Fenaughty Street KYABRAM VIC 3620	PrmlIssued
PLN182/2024	Development of the land for three (3) dwellings in the General Residential Zone and Land Subject to Inundation Overlay	14 O'Keefe Street KYABRAM VIC 3620	Completed
PLN189/2022.A	Development of the land for 2 Dwellings in the General Residential Zone, Design and Development Overlay Schedule 4 and Land Subject to Inundation Overlay	136 Sturt Street ECHUCA VIC 3564	PmtAmend
PLN189/2024	Staged development of land for 5 warehouses and 5 lot subdivision of land in the Industrial 1 Zone	4 Bilkey Court ECHUCA VIC 3564	PrmlIssued

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PLN196/2024	Buildings and works (dwelling extension) in the Land Subject to Inundation Overlay	38 Lake Road KYABRAM VIC 3620	PrmIssued
PLN199/2024	Use and development of the land for rural workers accommodation in the Farming Zone Schedule 1	1087 Day Road TONGALA VIC 3621	Completed
PLN222/2024	Development of the land for 3 dwellings in the General Residential Zone	2 Simmie Street ECHUCA VIC 3564	PrmIssued
PLN227/2024	Buildings and works (Entrance way fencing and signage feature) and business identification signage in the General Residential Zone	29 Rose Street ECHUCA VIC 3564	PrmIssued
PLN234/2024	Animated sign in the Commercial 1 Zone pursuant to Clause 52.05	177 Hare Street ECHUCA VIC 3564	PmtNOD
PLN235/2024	Buildings and works (agricultural shed) in the Farming Zone Schedule 1	1012 Henderson Road TONGALA VIC 3621	PrmIssued
PLN238/2024	Development of the land for two dwellings in the General Residential Zone, Subdivision of the land into two lots in the General Residential Zone, and creation of an easement pursuant to Clause 52.02	11 Hare Street ECHUCA VIC 3564	PrmIssued
PLN259/2024	Buildings and works (warehouse) in the Industrial 1 Zone and Design and Development Overlay	18 Mckenzie Road ECHUCA VIC 3564	PrmIssued
PLN264/2022.A	Buildings and Works (Dwelling) in the Heritage Overlay Schedule 3	2/41 Francis Street ECHUCA VIC 3564	Lapsed
PLN266/2024	Buildings and works (replacement dwelling) in the Farming Zone - Schedule 1	3327 Murray Valley Highway PATHO VIC 3564	PrmIssued
PLN268/2024	Business Identification Signage in the Design and Development Overlay Schedule 4 and Heritage Overlay Schedule 1	282 Hare Street ECHUCA VIC 3564	PrmIssued
PLN365/2022.A	AMENDMENT - Staged subdivision of the land and associated works in the Urban Growth Zone, Development Contributions Plan Overlay Schedule 1, Environmental Significance Overlay Schedule 3 and Land Subject to Inundation Overlay and Native Vegetation Removal pursuant to Clause 52.17 and Creation and Alteration of Access to a Transport Zone 2 pursuant to Clause 52.29	48 Echuca West School Road ECHUCA VIC 3564	PmtAmend
TPA369/2010.A	Use of land for the sale and consumption of liquor at Restaurant and Bar in accordance with Clause 52.27, reduction of car parking requirement & signage in a heritage overlay	554 High Street ECHUCA VIC 3564	PmtAmend

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Median

Monthly Determined - VicSmart

Application ID	Full Details	Property Address	Stage/Decision
PLN252/2024	VICSMART - Business identification signage in the Heritage Overlay (HO1)	590 High Street ECHUCA VIC 3564	PrmIssued
PLN264/2024	VICSMART - Business identification signage in the Commercial 1 Zone and Heritage Overlay (HO1)	495-497 High Street ECHUCA VIC 3564	RptRvwCmpl
PLN280/2024	VICSMART - Buildings and works (carport) in the Heritage Overlay Schedule 301	14 Phillips Street RUSHWORTH VIC 3612	PlnRecvd
PLN281/2024	VICSMART - Buildings and works (external painting) and business identification signage in the Heritage Overlay Schedule 2 (HO2)	209-211 Hare Street ECHUCA VIC 3564	RptRvwCmpl

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Secondary Consent Determined

Application ID	Full Details	Property Address	Stage/Decision
PLN017/2022	Buildings and works (joinery buildings) and associated warehouse in the Industrial 1 Zone and reduction in car parking pursuant to Clause 52.06 and business identification signage pursuant to Clause 52.05	28 Kuhle Road KYABRAM VIC 3620	PmtAmend

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PLN041/2020	Use and development of the land for a dwelling, outbuilding and swimming pool in the Farming Zone Schedule 1, Environmental Significance Overlay, Land Subject to Inundation Overlay and Restructure Overlay.	24 River Avenue ECHUCA VILLAGE VIC 3564	PmtAmend
PLN069/2021	Use and development of the land for a dwelling in the Farming Zone Schedule 1 and Restructure Overlay Schedule	1423 Murray Valley Highway WHARPARILLA VIC 3564	PrmIssued
PLN087/2021	Use and development of the land for Restricted Recreation Facility (Lawn Tennis Club) in the Public Park and Recreation Zone, Bushfire Management Overlay, Environmental Significance Overlay Schedule 1, Floodway Overlay, removal of native vegetation (5 trees) in the Environmental Significance Overlay Schedule 1 and pursuant to Clause 52.17 and a reduction of the car parking pursuant to Clause 52.06	Victoria Park - Caravan Park Residence 10 Crofton Street ECHUCA VIC 3564	PmtAmend
PLN394/2022	Use and development of the land for an Education Centre (child care centre and kindergarten and ancillary maternal child health facility) in the Special Use Zone Schedule 2 and Business Identification Signage pursuant to Clause 52.05	88 Wilkinson Drive ECHUCA VIC 3564	PmtAmend

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Extension of Time Determined

Application ID	Full Details	Property Address	Stage/Decision
PLN015/2020	Development of the land for two dwellings in the General Residential Zone and Subdivision of the land into two lots in the General Residential Zone.	Unit 1/54 Hume Street ECHUCA VIC 3564	EOTCompleat
PLN041/2020	Use and development of the land for a dwelling, outbuilding and swimming pool in the Farming Zone Schedule 1, Environmental Significance Overlay, Land Subject to Inundation Overlay and Restructure Overlay.	24 River Avenue ECHUCA VILLAGE VIC 3564	PmtAmend
PLN169/2019	Staged Use and Development of the land for a Store and Display of Business Identification Signage in the Commercial 2 Zone and Design and Development Overlay Schedule 3; and Alteration of Access to a Road Zone Category 1 pursuant to Clause 52.29	17-25 Northern Highway ECHUCA VIC 3564	EOTCompleat
PLN189/2022	Development of the land for 2 Dwellings in the General Residential Zone, Design and Development Overlay Schedule 4 and Land Subject to Inundation Overlay	136 Sturt Street ECHUCA VIC 3564	Completed
PLN319/2022	Development of the land for 18 warehouses in the Industrial 1 Zone and a reduction in car parking pursuant to Clause 52.06	25 Denmark Road ECHUCA VIC 3564	EOTCompleat
PLN334/2021	Development of land for two dwellings in the General Residential Zone	11 Butcher Street ECHUCA VIC 3564	EOTCompleat

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Condition Plans Determined

Application ID	Full Details	Property Address	Stage/Decision
PLN068/2024	Subdivision of the land into 2 lots in the Farming Zone Schedule 1 and Land Subject to Inundation Overlay, and creation of an easement pursuant to Clause 52.02	1578 Mount Terrick Road ROSLYNMEAD VIC 3564	PrmIssued
PLN089/2024	Buildings and works (Swimming pool and barrier and filtration equipment shed) in association with an existing Section 2 Use (caravan park) and vegetation removal in the Farming Zone Schedule 1, Floodway Overlay, Environmental Significant Overlay-Schedule 1 and Restructure Overlay	51 River Avenue ECHUCA VILLAGE VIC 3564	Completed

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PLN106/2024	Buildings and works (replacement dwelling) in the Farming Zone Schedule 1	258 Patho School Road PATHO VIC 3564	Completed
PLN113/2020	Staged multi-lot subdivision in the General Residential Zone and Development Plan Overlay Schedules 2 and 4 and Removal of Native Vegetation pursuant to Clause 52.17 and Alteration to Access to a Road Zone Category 1 pursuant to Clause 52.29	441 Allan Street KYABRAM VIC 3620	Completed
PLN114/2023	(S/C) Staged 216 Lot Subdivision in the General Residential Zone and Development Plan Overlay Schedule 3 and alteration of access to Transport Zone 2 pursuant to Clause 52.29 and native vegetation removal pursuant to Clause 52.17	1377 Mcewen Road KYABRAM VIC 3620	Completed
PLN117/2023	Development of the land for 2 dwellings in the Township Zone and Heritage Overlay Schedule HO301	10 Phillips Street RUSHWORTH VIC 3612	Completed
PLN147/2023	Staged Subdivision of the land in the Urban Growth Zone and applied zone Neighbourhood Residential Zone, Environmental Significance Overlay Schedule 3 and Land Subject to Inundation Overlay, removal of native vegetation pursuant to Clauses 42.01 and 52.17	136 Mcswain Road ECHUCA VIC 3564	PlnRecvd
PLN189/2022	Development of the land for 2 Dwellings in the General Residential Zone, Design and Development Overlay Schedule 4 and Land Subject to Inundation Overlay	136 Sturt Street ECHUCA VIC 3564	Completed
PLN200/2024	Development of the land for 2 dwellings in the General Residential Zone pursuant to Clause 53.20	12 Freeman Street ECHUCA VIC 3564	Completed
PLN201/2024	Development of the land for 3 dwellings in the General Residential Zone pursuant to Clause 53.20	9 North Street ECHUCA VIC 3564	Completed
PLN203/2024	Development of the land for three dwellings in the General Residential Zone pursuant to Clause 53.20	3 North Street ECHUCA VIC 3564	Completed
PLN204/2024	Development of the land for 2 dwellings in the General Residential Zone pursuant to Clause 53.20	27 Pascoe Street ECHUCA VIC 3564	Completed
PLN205/2024	Development of the land for 2 dwellings in the General Residential Zone pursuant to Clause 53.20	31 Pascoe Street ECHUCA VIC 3564	Completed
PLN206/2024	Development of the land for 3 dwellings in the General Residential Zone pursuant to Clause 53.20	33 Garden Crescent ECHUCA VIC 3564	RptRvwCmpl
PLN249/2023	Boundary Realignment (dwelling excision) in the Farming Zone Schedule 2 and Land Subject to Inundation Overlay	157 Mackay Road NANNEELLA VIC 3561	Completed
PLN318/2023	Use and development of the land for a dwelling and host farm in the Rural Activity Zone	Fraser Road TORRUMBARRY VIC 3562	Completed
PLN344/2022	Development of the land for three (3) dwellings in the General Residential Zone	129 Stawell Street ECHUCA VIC 3564	Completed
PLN354/2018	Staged subdivision of the land into 141 lots in the Low Density Residential Zone, Environmental Significance Overlay Schedule 1, Floodway Overlay, Land Subject to Inundation Overlay and Development Plan Overlay Schedule 6 and alteration to a Road Zone Category 1 pursuant to Clause 52.29	Northern Highway ECHUCA VIC 3564	Completed

9.3 Corporate

9.3.1 2025 Council Meeting Dates

Directorate:	Corporate
Responsible Officer:	Business Support Officer - Governance
Manager:	Manager Governance and Risk
Attachments:	Nil
Conflict of Interest:	In accordance with section 130 of the Local Government Act 2020, the officer preparing this report declares no conflict of interest regarding this matter.
Council Plan Reference:	Enablers Governance.
Other Strategic Context:	Campaspe Shire Council Governance Rules

1. PURPOSE

Council must set the date and times for all scheduled Council meetings for the following calendar year at or before the last meeting of the current calendar year. The proposed dates, times and locations for scheduled Council meetings in 2025 are set out for Council consideration.

2. RECOMMENDATION

That Council adopt the following dates for the 2025 Scheduled Council Meetings to be held at the Echuca Civic Centre, 2 Heygarth Street Echuca, commencing at 6:00pm:

- 1. Tuesday 18 February 2025**
- 2. Tuesday 18 March 2025**
- 3. Tuesday 15 April 2025**
- 4. Tuesday 20 May 2025**
- 5. Tuesday 17 June 2025**
- 6. Tuesday 15 July 2025**
- 7. Tuesday 19 August 2025**
- 8. Tuesday 23 September 2025**
- 9. Tuesday 21 October 2025**
- 10. Tuesday 18 November 2025**

11. Tuesday 9 December 2025

3. BACKGROUND AND DISCUSSION

In accordance with Governance Rule 2.1.1, Council is required to establish the dates and times for all scheduled Council Meetings for the upcoming calendar year by the final meeting of the current year.

The 2025 Council Meeting schedule has been adjusted to account for the timing of meetings and agenda preparation in relation to public holidays in Victoria. Generally, the meetings will be held on the 3rd Tuesday of each month outside of January. No meeting will be held in January.

Additionally, the September meeting is proposed to be held on Tuesday 23 September 2025 to allow time for the review and confirmation of the Annual Report and Financial Statements by the Council's auditors and the Audit & Risk Committee before the September meeting. The December meeting is proposed to be held on Tuesday 9 December 2025 to accommodate the high number of event commitments occurring at that time of year.

As such, the following meeting schedule is proposed for the 2024 calendar year, with each meeting to commence at 6:00pm at the Echuca Civic Centre, 2 Heygarth Street Echuca:

1. Tuesday 18 February 2025
2. Tuesday 18 March 2025
3. Tuesday 15 April 2025
4. Tuesday 20 May 2025
5. Tuesday 17 June 2025
6. Tuesday 15 July 2025
7. Tuesday 19 August 2025
8. Tuesday 23 September 2025
9. Tuesday 21 October 2025
10. Tuesday 18 November 2025
11. Tuesday 9 December 2025

4. STAKEHOLDER ENGAGEMENT

Councillors:

- Councillor Induction Program

Community Engagement

Council's Community Engagement Policy identifies the level of community engagement to be undertaken in accordance with the IAP2 framework. The level of community engagement undertaken was:

Nil (Community influence: Nil).

5. LEGISLATIVE CONTEXT

Local Government Act 2020 (Vic).

Section 9(2)(a) of the Local Government Act 2020 (Vic) provides that Council decisions are to be made and actions taken in accordance with the relevant law.

The Local Government Act 2020 (Vic) provides the framework within which Council's Governance rules are formed and updated.

6. FINANCIAL AND OTHER RESOURCE IMPLICATIONS

Section 9(2)(g) of the Local Government Act 2020 (Vic) provides that the ongoing financial viability of the Council is to be ensured. The scheduling of Council Meetings does not present any identified impact on the ongoing financial viability of Council.

7. ENVIRONMENTAL IMPLICATIONS

While the scheduling of Council Meetings does have any identified direct economic, social and environmental implications for the Shire, the matters brought to Council meetings may have these implications.

8. OPPORTUNITIES AND RISK

Issues:

Nil.

Risk:

Risk management has been considered in the preparation of this report and no risks with a high or extreme rating have been identified in this process.

Setting the dates for Council meetings in advance of the calendar year provides for transparency and certainty around the conduct of the business of Council. Resolving on the future meeting dates has the effect of ensuring that Council minimises Compliance Risk through meeting its Governance Rules and Reputation Risk in providing transparency to the community around the Council decision making process.

9.4 Communities

9.4.1 Community Grants

Directorate:	Communities
Responsible Officer:	Grants Officer
Manager:	Manager Community Partnerships
Attachments:	Community Grants Program Successful Applicants
Conflict of Interest:	In accordance with section 130 of the Local Government Act 2020, the officer preparing this report declares no conflict of interest regarding this matter.
Council Plan Reference:	Growing quality of life Communities have a say on local infrastructure and attractions that stimulate engagement and activity. Children, young people and families healthy and well Inclusive, connected, culturally diverse and safe.
Other Strategic Context:	Policy 176 Grants, Sponsorships and Donations Programs

1. PURPOSE

The purpose of this report is to provide an update on the outcome of all applications received in the 2024/25 Community Grants Program August 2024 round and recommend that fourteen applications be approved to receive funding from the Community Grants Program.

2. RECOMMENDATION

That Council:

- 1. approve the attached Community Grants Program Successful Applicants report totalling \$44,433.37.**
- 2. advise 14 applicants of successful grant applications.**
- 3. advise 5 applicants that their applications were ineligible and/or unsuccessful.**

3. BACKGROUND

The Community Grants Program offers financial support to not-for-profit community organisations, groups and associations for projects, events and exhibitions.

The program is open twice per financial year, during specified months for community groups to seek financial support for programs, events, and/or infrastructure projects they may have.

The Community Grant Program aims to:

- Support not-for-profit community groups provide a range of opportunities for residents.

- Facilitate support for initiatives that strengthen the community through opportunities for participation, development, inclusion and sustainability.
- Foster support across a range of pursuits and interest areas including health and welfare, community support, arts and culture, sports and recreation, youth, ageing, environment, access and equity.
- Provide an equitable opportunity for groups to seek funding assistance from Council.
- Priority will be given to applications that respond to identified community needs and align with Council's vision, corporate objectives, priorities and strategies.

Previous Council Discussion

Not applicable.

4. DISCUSSION

The 2024/25 Community Grants Program August 2024 round applications were assessed in November 2024 after Council's caretaker period ended on 26 October 2024. The August round included nineteen (19) Community Grant applications resulting in:

- Four (4) applications deemed ineligible
- Fifteen (15) applications assessed
- Fourteen (14) applications were approved as successful

The Community Grant Program has a budget of \$164,000 for the 2024/25 financial year – effectively \$82,000 for each round of the Community Grant Program. There are sufficient funds for the \$44,433.37 recommended for distribution in the current round.

From the fourteen applications that were approved as successful, the recommended funding amount for the August 2024 round of \$44,433.37 will support projects totalling \$87,436.73.

5. STAKEHOLDER ENGAGEMENT

Council's Community Engagement Policy identifies the level of community engagement to be undertaken in accordance with the IAP2 framework.

Consultation:

- Executive Leadership Team
- Community Grants Assessment Panel

Public Transparency Policy

Not applicable.

6. LEGISLATIVE CONTEXT

The requirements of Section 9(2)(c) of Local Government Act 2020 have been considered and there are no legislative implications arising from this report.

7. FINANCIAL AND OTHER RESOURCE IMPLICATIONS

The Community Grant Program has a budget of \$164,000 for the 2024/25 financial year – effectively \$82,000 for each round of the Community Grant Program. There are sufficient funds for the \$44,433.37 recommended for distribution in the current round.

8. ENVIRONMENTAL IMPLICATIONS

The requirements of Section 9(2)(c) of Local Government Act 2020 have been considered and no environmental sustainability issues including mitigation and planning for climate change risks have been identified within this report.

9. OPPORTUNITIES AND RISK

Opportunities:

Council can support the community with funding through the Community Grants Program.

An assessment panel comprising a cross representation of officers assessed the applications received. The panel recommended that 14 applications be approved. A contribution from Council of \$44,433.37 will lead to the provision of projects to the value of \$87,436.73.

Risk:

Risk management has been taken into consideration in the creation of this report, and no significant or severe risks have been raised during this evaluation.

Should an application for funding be successful, sometimes there may be challenges in fulfilling the project obligations outlined in the agreement between Council and the applicant. In these instances, officers will work with the applicant to assist in achieving the outcome.

10. CONCLUSION

It is recommended that Council approve 14 successful applications to the 2024/2025 Community Grants Program.

Community Grant Panel Successful Applicants – August 2024 Round 10 December 2024 Council Report

Applications recommended to receive grant funding:

Applicant	Project Details	\$ Amount Requested / Approved
Echuca Historical Society	Compactus shelving unit to safely store and preserve historical materials.	\$4,000
Echuca United Football Netball Club	Purchase of a digital scoreboard for netball games and replacement of ageing goal post pads for the football oval.	\$4,000
Kiwanis Echuca Moama	The purchase of fuel for Kiwani's all-abilities boat to take out members of the community from CLRS and VIVID on river cruises.	\$1,500
Kyabram Blue Light	Kyabram Blue Light Program Support for February 2025 Pool Party and the March 2024 Carnival Themed Disco towards gym and pool based mentoring programs and sessions.	\$2,339
Kyabram Croquet Club	Upgrade of second-hand aged Halogen lighting with new LED fittings for six poles to allow extended play during the evening.	\$4,000
Kyabram Italian Soccer Bocce Club	The installation of heaters and lights to allow participants to partake during winter and into the evening.	\$4,000
Lockington & District Bush Nursing Centre Inc.	Distribution of Emergency Essential Bags to vulnerable community members with essential hygiene and person care items during emergencies.	\$3,092.58
Nanneella Committee Incorporated (Auspice for Nanneella Playgroup)	Upgrade of fencing to ensure child safety regulations and standards are met.	\$4,000
Nanneella Community Incorporate (Hall)	Purchase of an Automated External Defibrillator (AED) that is accessible to hall patrons and for future emergencies.	\$1,674
Rochester Basketball Association	Purchase of basketballs and coach scoreboards to support the Association an Representative players for home and away games.	\$2,039.79
SES Echuca (Auspice by State SES)	MRT Truck licenses to double the unit's capacity to assist with rotation during future events.	\$3,800

Community Grant Panel Successful Applicants – August 2024 Round 10 December 2024 Council Report

Applications recommended to receive grant funding:

Applicant	Project Details	\$ Amount Requested / Approved
Sunshine Bendigo	Cover running costs to service vulnerable families with goods for children via referrals from local service providers twice weekly across Campaspe Shire.	\$3,600
Tongala Bowls Club	A new mural to showcase the Club's history and acknowledge key members past and present on an external wall forming part of the Tongala Art and Culture Trail.	\$3,000
We are Vivid	A co-design and creation of a new mural between children at Shine Bright Echuca and Vivid clients.	\$3,388

Applications not recommended to receive grant funding or deemed ineligible:

Applicant	Project details	\$ Amount requested / Not approved
Echuca Regional Health	Vulnerable Patient Clothing Program to purchase footwear and clothing to support vulnerable patients who arrive at hospital without appropriate clothing and footwear.	\$1,500
	Assessment: A grant for this project has previously been provided to the applicant.	
Northern Vic Subbranch of Holstein Australia	Youth development mentoring program – Dairy industry	\$4,000
	Assessment: The application was withdrawn by the applicant due to inability to deliver the project	
Op Shop Masquerade (Auspiced by Echuca Neighbourhood House)	Host an op shop masquerade formal ball with games, food to support mental health and wellbeing connections	\$4,000
	Assessment: Referred to Events and Sponsorship grant program	
The Gift Inc.	The Gift Ball – a fundraising event to support people living with cancer in Kyabram and surrounds with information, practical and financial support.	\$4,000
	Assessment: The application was withdrawn by the applicant due to low numbers for the event.	

9.5 Sustainability

9.5.1 Cooba Solar Farm

Directorate:	Sustainability
Responsible Officer:	Manager Planning and Building
Manager:	Manager Planning and Building
Attachments:	1. DRAFT Council s submission PA2403122 3 12 2024 141621 1 [9.5.1.1 - 26 pages]
Conflict of Interest:	In accordance with section 130 of the Local Government Act 2020, the officer preparing this report declares no conflict of interest regarding this matter.
Council Plan Reference:	A resilient long-term economy attractive to local and external investors. Stimulated economic activity that provides local jobs. Protected natural environment.
Other Strategic Context:	Campaspe Planning Scheme Economic Development and Tourism Strategy 2024-2029

1. PURPOSE

The purpose of this report is to:

1. Provide an overview of the Cooba Solar Farm Planning Application PA2403122.
2. Seek Council endorsement for the lodgement of a formal submission in relation to Planning Application PA2403122.

3. RECOMMENDATION

That Council endorse the lodgement of a formal submission to the Minister for Planning opposing the Cooba Solar Farm Planning Application PA2403122 as outlined at Attachment 1 to this report.

4. BACKGROUND

The Minister for Planning is the Responsible Authority for a planning application for an *energy generation facility with an installed capacity of 1 megawatt or greater*. The Cooba Solar Farm meets this requirement.

An application (PA2302456) for the Cooba Solar Farm was previously lodged with the Department of Transport and Planning (DTP) in 2023. The application was never advertised as the applicant was required to address a further information request before this step occurred.

On 13 August 2024 the proponent withdrew the above application and subsequently lodged a new application known as PA2403122 which is now being publicly advertised.

Planning Application PA2403122 is for the construction of a Solar Farm and Battery Energy Storage System at 124 Cornella Church Road and Plain Road, Colbinabbin. The Minister for Planning is the Responsible Authority (i.e. the decision maker) for this application not Campaspe Shire Council.

Under the accelerated planning process the application is being considered through, Council is treated just like any other potentially impacted party and is provided the opportunity to lodge a submission to the proposal.

Notice of the application was received on 11 November 2024. The notice states *the Responsible Authority will not make a decision before the 10 December 2024*. Officers have written to the Minister for Planning requesting an extension to the date to allow Councillors to discuss this application and proposed submission at its meeting of 10 December 2024. Advice has subsequently been received that although the original notice provided to Council advised that the responsible authority will not decide on the application before 10 December 2024, the proponent was required to give notice to local landowners and occupiers, as well as within two regional newspapers, the last date of notice for this was the 18 November 2024. This means that the responsible authority will not decide the application before 18 December 2024, being 28 days from the last notice. As such an extension of time is not required.

It is officers' understanding there is one opportunity to lodge a submission to the application. Unlike other planning processes, it is officers' understanding that following completion of the formal advertising period, further engagement with submitters is not required to be undertaken. Subsequently, once the Minister for Planning makes a decision on the application, there are no appeal rights to the Victorian Civil and Administrative Tribunal (VCAT) for any party.

5. PREVIOUS COUNCIL DECISION

Since the Cooba Solar Farm was originally proposed there has been engagement with Council on a number of occasions, from Shire officers, the applicant, and the local community.

Officers provided their last update to Council at the meeting held on 16 September 2024. As part of this meeting, Council moved the following motion:

That Council:

- 1. Note the planning application for the proposed Cooba Solar Farm has been lodged with the Minister for Planning for consideration and assessment.**
- 2. Write to the Minister for Planning requesting the advertising and submissions period take place outside the Local Government caretaker election period.**
- 3. Endorse officers to make a submission to the State Government in relation to the Cooba Solar Farm Planning Application, if the advertising period occurs during the Local Government caretaker election period, with regard to policies and provisions of the Campaspe Planning Scheme, particularly in relation to policies and strategies relating to the protection of productive agriculture land, landscape values and tourism.**

CARRIED

A letter was written to the Minister for Planning in line with point 2 of the motion. The advertising for the proposal subsequently commenced after the Local Government caretaker election period.

6. THE APPLICATION

The application site has an area of 1,147 hectares, with the solar farm and battery storage system proposed to occupy 665 hectares. It is on the eastern side of the Heathcote Rochester Road and the Yallagallorrah Creek traverses through the eastern portion of the site.

The Mount Camel Range is evident to the west of the project site.

The application proposes:

- Approximately 700,000 solar photovoltaic panels.
- Approximately 100 solar power conversion units.
- Native vegetation removal consisting of an extent of 6.505 hectares, inclusive of 71 large trees.
- An operation and maintenance facility
- Substations.
- Switchyard.
- Grid connection.
- New overhead powerlines through the site.
- Underground cabling.
- External access.
- Internal access tracks.
- Firefighting water tanks.
- Car parking.
- Temporary compound area.

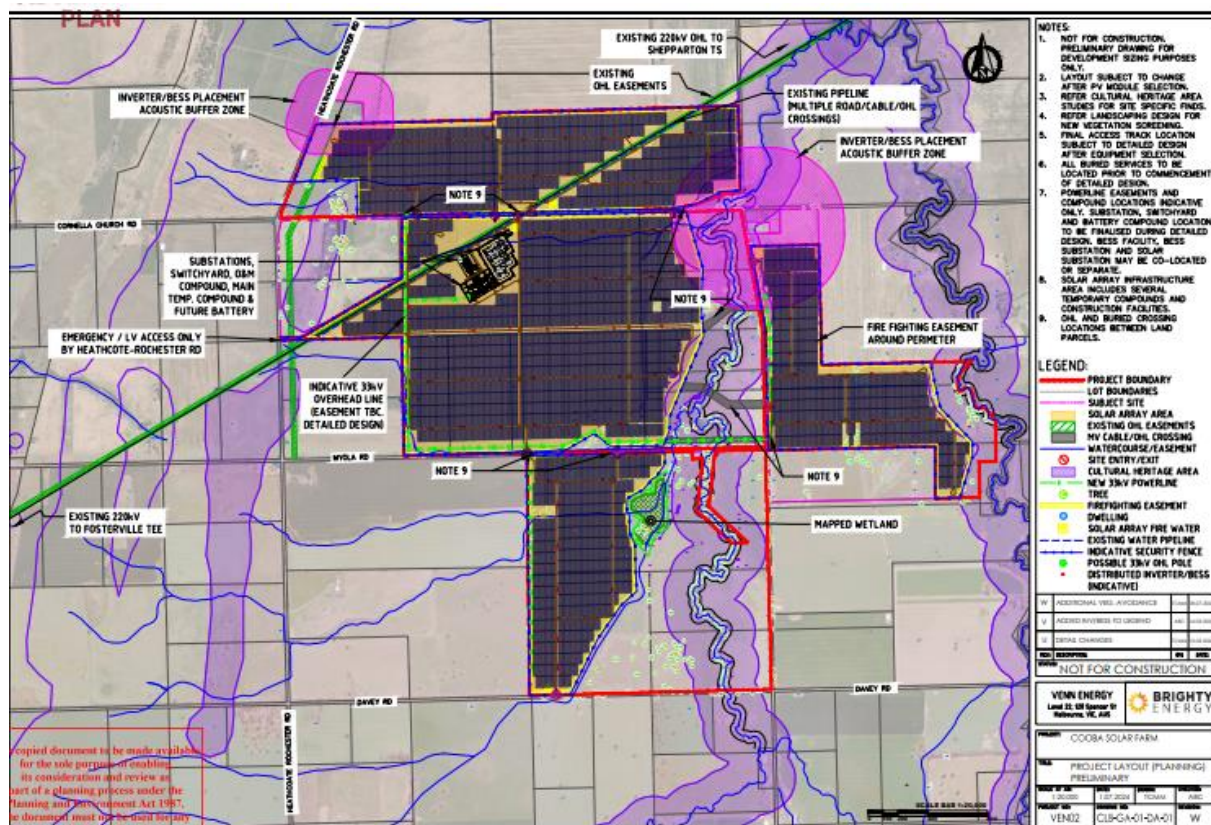


Figure 1: Site layout plan. Source: Application Documents

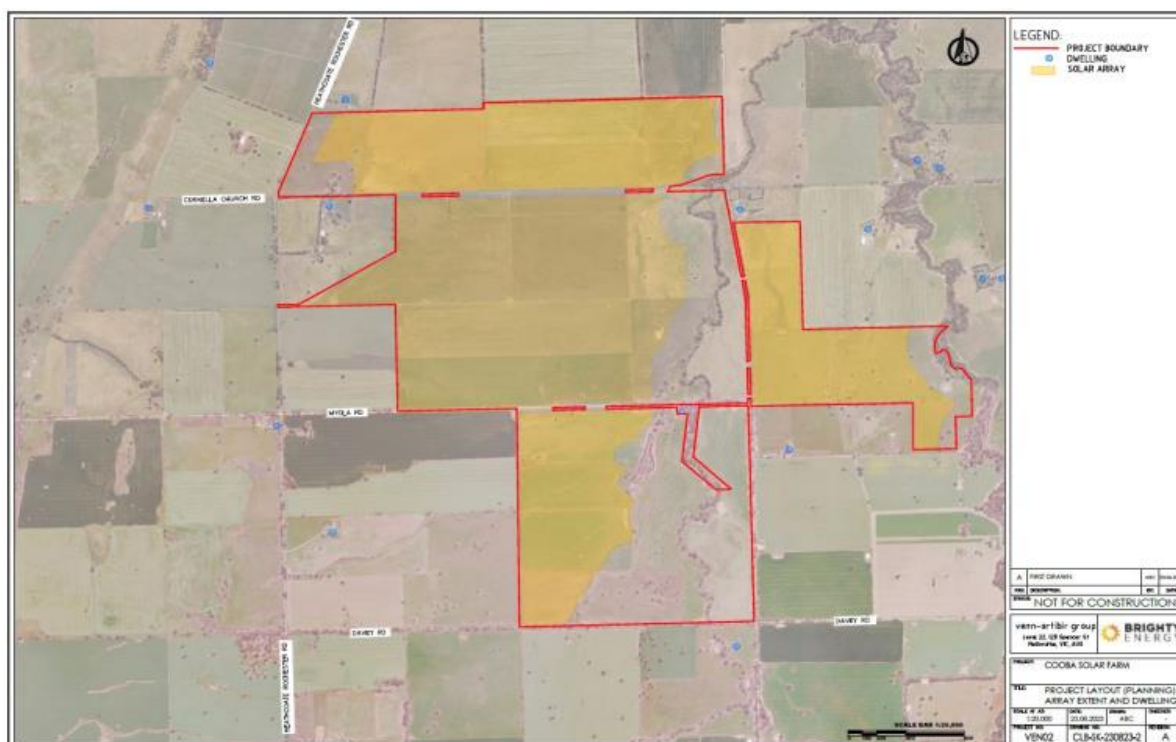


Figure 2: Aerial of site (blue dots are surrounding dwellings). Source: Application Documents

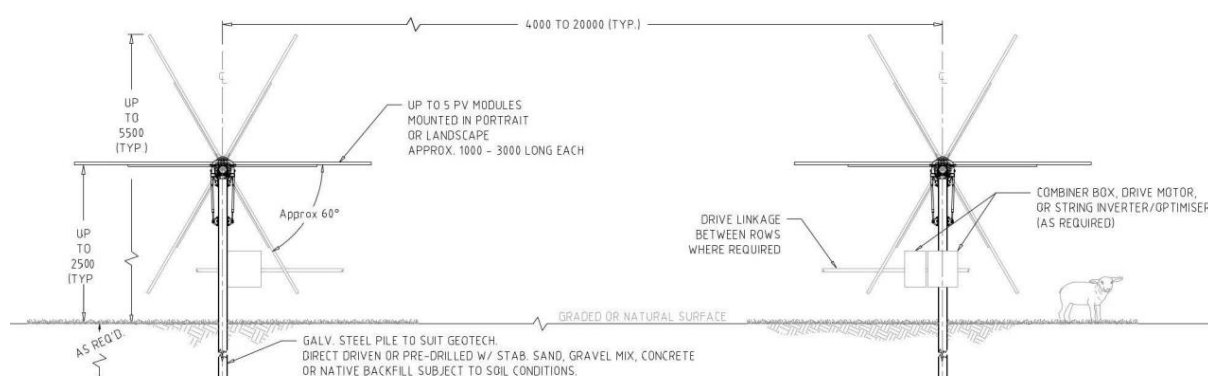


Figure 3: Cross-section of site with panel installation. Source: Application Documents

The applicant has prepared a number of technical reports in support of their proposal, including:

- Agricultural Report
- Biodiversity Assessment
- Environmental Management Plan
- Flood Impact Assessment
- Glint and Glare Report
- Landscape and Visual Impact Assessment
- Noise Impact Assessment
- Traffic Report

All information related to the proposal can be found at <https://www.planning.vic.gov.au/planning-approvals/ministerial-permits-register>

7. REVIEW OF APPLICATION

An extensive review of the planning application for the Cooba Solar Farm has been undertaken. To assist with this, officers engaged an external party to support the process, including the engagement of independent technical experts to review key reports submitted in support of the application. This is an important aspect of the overall submission as the technical experts have worked independently of Council (and other parties) in forming their positions.

The review of the application has found that the proposal is contrary to a number of relevant considerations, including those in the Campaspe Planning Scheme and Solar Energy Facilities Design and Development Guideline October 2022 (the Guideline). In addition, there are a number of aspects of the proposal that appear unresolved, provide uncertainty or there is inadequate information to make an informed decision.

In preparing the submission officers have had regard to the strategic planning context outlined in the Campaspe Planning Scheme along with the Purpose and Decision Guidelines of the Rural Zone. The submission focuses on the matters and deficiencies that, properly considered, should prevent the Minister for Planning from being able to approve the application. To give weight to the issues and assessment outlined in the submission officers incorporated the independent expert opinion engaged to review the application where appropriate. Ultimately, the position recommended by officers is that the proposed use of the land as a solar farm and its resultant removal from agricultural production for an undefined period does not result in an acceptable outcome. Accordingly, it is recommended that Council endorse a submission to the Minister for Planning that opposes the Cooba Solar Farm application as:

- The proposal is contrary to the purpose and decision guidelines of the Farming Zone and relevant decision guidelines contained in the Guideline concerning the use of land for agricultural purposes and retention of productive agricultural land for agricultural uses.
- While the project site does not lie within a defined irrigation district where irrigation releases and licences are managed by Goulburn Murray Water, it is highly probable that the district can be extended to potentially include this property if requested by the landholder. The property has been identified in the Campaspe, Moira and Greater Shepparton Regional Rural Land Use Strategy, a strategic planning document, as lying within an area for future irrigation development.
- No soil survey was undertaken by the applicant to fully understand the soil types across the site and the significance this has to the agricultural value of the land.
- Underdeveloped tracts of niche soils (such as Ferrosol soils) within a horticultural district are of particular importance because they provide the opportunity for diversification and could further contribute to the unique wine grape production (or other production) of the area.
- The proposed non-agricultural use of the site and its removal from agricultural production for an undefined (and possible indefinite) period does not represent an acceptable planning outcome and the value of the agricultural qualities have been undervalued and downplayed.
- The Landscape and Visual Impact Assessment included with the application does not represent a fulsome and accurate evaluation of the proposal within its visual setting.
- There is no ability to conclude the project delivers a strong economic community benefit particularly in relation to jobs and procurement.
- The economic benefits of the project are somewhat unclear, however what is more unclear is the detriment (and costs) of losing agricultural productive land with a significant capacity to be improved for more intensive agricultural uses.
- Insufficient information about the costs, timing and responsibility for decommissioning, remediation and restoration of the land to agriculture (if at all).

As it is anticipated there will only be one opportunity to put forward a formal submission in relation to the application, it is officers' strong recommendation that the endorsed submission from Council include 'without prejudice' conditions. These being conditions that are provided on the basis that should the Minister for Planning approve the application, (contrary to Council's submission) are requested to be included.

A copy of the draft submission is included as an attachment to this report.

8. CONCLUSION

Campaspe Shire Council does not oppose solar energy facilities being developed in suitable locations. However, the strategic setting, site and context features and unresolved issues that have been identified with this application have resulted in a submission being prepared opposed to this proposal.

As it is unlikely that there will be further opportunity to engage in the outcome of this application, a formal request for the reasons behind the decision to be provided will be requested.

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SUBMISSION

CAMPASPE SHIRE COUNCIL

Permit Application No. PA2403122

Subject Land 124 Cornella Church Road and Plain Road, Colbinabbin, 3559

Permit Applicant Venn Energy Pty Ltd ABN 42 632 214 674

INTRODUCTION

1. This submission is made by Campaspe Shire Council (**Council**) in response to notice of planning permit application no. PA2403122 (**Permit Application**) given to Council in accordance with s 52 of the *Planning and Environment Act 1987* (**Act**).
2. Council is the Responsible Authority under the Act for administering and enforcing the Campaspe Planning Scheme (**Scheme**).
3. The Permit Application seeks a permit to use and develop the land at 124 Cornella Church Road and Plain Road, Colbinabbin (**Subject Land**) as a solar energy facility, known as the Cooba Solar Project.
4. The Subject Land, surrounds and the proposal are described in detail in the reports accompanying the Permit Application, including the planning report prepared by NGH, dated October 2024 Pty Ltd (**Planning Report**). We deliberately do not restate these matters.
5. The Subject Land is in the Campaspe Shire municipality and the Scheme applies to it.
6. The Minister for Planning is the responsible authority for the Permit Application (being an energy generation facilities 1 megawatt or greater) and the project is being assessed through the Development Facilitation Program pathway under clause 53.22 (Significant Economic Development) of the Scheme.
7. Council's submission is accompanied by and to be read in conjunction with the following expert evidence statements:
 - 7.1 a statement prepared by Mr Tony Pitt of Ag-Challenge considering agricultural matters;
 - 7.2 a statement prepared by Mr John Noronha of Ethos Urban considering economic matters;
 - 7.3 a statement prepared by Hansen Partnership considering landscape and visual assessment matters; and
 - 7.4 a statement prepared by Charmaine Dunstan of Traffix Group considering transport engineering and traffic matters.
8. Council engaged Marcus Lane Group to engage each of the above experts. In turn, these experts are independent. While there is no hearing in this matter and therefore no opportunity in this process to test their evidence through cross-examination or questions from the decision-maker, Council submits the Minister should accord these statements great weight given the expertise and independence brought to bear in expressing their opinions.

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Zoning and permit triggers

9. The Subject Land is in Schedule 1 to the Farming Zone (**FZ**) under the Scheme. It is not affected by any overlays.
10. A permit is required to:
 - 10.1 use the Subject Land as a 'renewable energy facility (other than wind energy facility)', a Section 2 permit-required use under in the table of uses at clause 35.07-1 of the FZ (subject to the condition it must meets the requirements of clause 53.13);
 - 10.2 use the Subject Land as a 'utility installation' a Section 2 permit-required use under in the table of uses at clause 35.07-1 of the FZ;
 - 10.3 construct a building or construct or carry out works associated with a use in Section 2 of clause 35.07-1, under clause 35.07-4 of the FZ;
 - 10.4 construct or carry out earthworks which change the rate of flow or the discharge point of water across a property boundary under clause 35.07-4 of the FZ;
 - 10.5 construct a building within a 100 metre setback from a Transport Zone 2 road, 20 metre setback from any other road, 100 metre setback from a dwelling not in the same ownership, and 100 metre setback from a waterway, wetlands, or designated floodplain under clause 35.07-4 of the FZ; and
 - 10.6 construct or put up for display a business identification sign under clause 52.05-2; and
 - 10.7 remove, destroy, or lop native vegetation, including dead native vegetation under clause 52.17-1.
11. The proposal is also required to provide car parking spaces to the satisfaction of the responsible authority under clause 52.06-6.

SUBMISSIONS**Strategic context**

12. Before setting out Council's concerns with the proposal, we set out the relevant strategic context against which the proposal must be assessed.

What does the FZ say?

13. The purposes of the FZ seek to protect productive agricultural land from being lost due to permanent changes of land use and inappropriate development. In addition to implementing the State and Local Planning Policy Framework, the purposes are:¹

To provide for the use of land for agriculture.

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.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

¹ Clause 35.07 of the Scheme.

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To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

14. The decision guidelines in clause 35.07-7 of the FZ relevant to the proposal require consideration of:

General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

Agricultural issues and the impacts from non-agricultural uses

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

...

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.

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- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.

What does the purpose and vision say?

15. Clause 02.01 (Context) recognises:

Campaspe has a growing labour force and a low unemployment rate. Agriculture, particularly irrigated primary production and its processing, underpin the economy of the Shire and the region. The economy is also driven by forestry, fishing, manufacturing, health and social assistance sectors; and it has a growing number of tourism visitors. About 40 per cent of all employment is in agriculture, manufacturing and health care.

16. And later:

Key assets of the Shire that provide a platform for growth and investment include its natural river beauty, climate, agricultural land, manufacturing, processing, a modernised irrigation system, heritage assets, the Port of Echuca and tourism.

17. Clause 02.02 (Vision) relevantly explains:

The Council Plan (2017-2021) also supports 'Campaspe Our Future' (2015) which has established strategies and actions to support its land use objective of:

Sustainable use of land, which encourages population growth whilst ensuring the viability of farming and industry, and development which consolidates and respects the historical built environment.

Council has inherited a Shire with outstanding environmental, social and economic attributes. Council is committed to handing over the Shire to the next generation in as good, or better condition as when they inherited it.

Council's decision making in respect of land use planning will always be made with the above vision in mind taking into account the interests of all Campaspe residents....

18. Council's strategic directions are established in clause 02.03.

19. Clause 02.03-1 (Settlement) relevantly recognises:

Stanhope (820), Gunbower (550), Colbinabbin (300), Lockington (800), Girgarre (550), Toolleen and Corop are small towns that serve their respective agricultural communities with basic retail and community facilities. These towns have small population catchments and tend to have highly constrained economic bases.

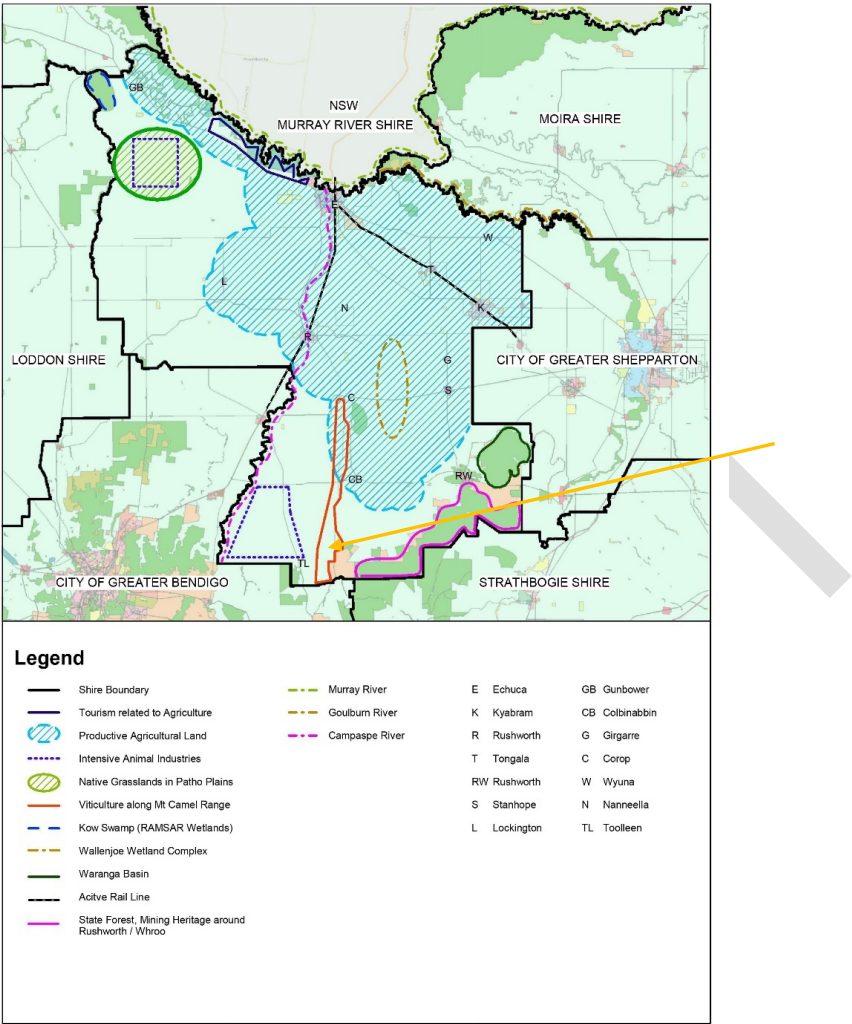
20. Council's key strategic directions relating to 'Settlement' under clause 02.03-1 are to:

- 20.1 facilitate development in towns subject to land capability, infrastructure availability, environmental considerations and demonstrated demand;
- 20.2 balance the growth of townships with the protection of agricultural, heritage and natural assets; and

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- 20.3 avoid the growth of towns encroaching on environmentally sensitive areas.
21. Clause 02.03-7 (Economic development) states:
- Campaspe is located at the heart of one of the richest and most diverse agriculture and food processing regions in Victoria. Irrigated primary production and its processing underpin the Campaspe local economy. The level of production is nationally important and the region is responsible for significant parts of the nation's milk production, deciduous canned fruit production, stone fruit crop and tomato processing production. Viticulture is an increasingly important economic driver in the Shire, especially in the south along the Mount Camel range.
- The commercial hierarchy for the Shire is based on Echuca as the Regional centre; Rochester and Kyabram as key community centres; and Tongala, Rushworth, Stanhope, Lockington, Gunbower, Girgarre and Colbinabbin as local centres with convenience shopping.
22. Council's key strategic directions relating to 'Economic development' are to (most relevantly):
- 22.1 support agriculture as the key driver of the local economy;
- 22.2 support rural based tourism taking advantage of the natural attributes of the region such as the Murray River and the agricultural landscape and produce; and
- 22.3 encourage the development of new tourist attractions and services.
23. The Subject Land is identified in the Campaspe Shire Strategic Framework Plan in clause 02.04. Part of the Subject Land is identified as 'Productive Agricultural Land' and the 'Viticulture along Mt Camel Range'.

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What does the policy framework say?

24. The relevant strategies forming part of the PPF are set out in detail in the material accompanying the Permit Application material. We deliberately do not restate them all, other than those salient to Council's specific concerns, set out below.

Clause 11 – Settlement

25. The relevant general strategies under clause 11.01-1L-01 (Settlement in Campaspe) is to:

Facilitate areas for urban growth in Echuca, Kyabram, Rochester, Rushworth and Tongala.

Support the smaller rural settlements of Stanhope, Gunbower, Colbinabbin, Lockington, Girgarre, Tooleen and Corop to provide access to goods, services and employment opportunities that serve the needs of these communities.

Clause 12.05 – Significant Environments and Landscapes

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26. The objective of clause 12.05-2S (Landscapes) seeks to 'protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments', through the following strategies:

Ensure significant landscape areas such as forests, the bays and coastlines are protected.

Ensure development does not detract from the natural qualities of significant landscape areas.

Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.

Recognise the natural landscape for its aesthetic value and as a fully functioning system.

Ensure important natural features are protected and enhanced.

Clause 13.07 – Amenity, Human Health and Safety

27. The objective under clause 13.07-1L-01 (Land use conflicts in Campaspe) is:

To manage land use conflicts between sensitive land uses, industry and agricultural uses.

28. General strategies include:

Establish industrial areas where they are not likely to conflict with other land uses, particularly residential and agricultural uses.

Buffer sensitive land uses to existing transfer stations.

Discourage industries with adverse amenity potential from locating near existing residential and rural residential areas

Clause 14 – Natural Resource Management

29. The PPF recognises the value to Victoria of productive agricultural land. In this regard:

- 29.1 The objective of clause 14.01-1S seeks to 'protect the state's agricultural base by preserving productive farmland', through strategies to:

29.1.1 'identify areas of productive agricultural land, including land for primary production and intensive agriculture';

29.1.2 'consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity';

29.1.3 'avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors';

29.1.4 'protect productive agricultural land from unplanned loss due to permanent changes in land use';

29.1.5 'prevent inappropriately dispersed urban activities in rural areas';

29.1.6 'protect strategically important agricultural and primary production land from incompatible uses';

29.1.7 in considering a proposal to use, subdivide or develop agricultural land, consider the:

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- (a) desirability and impacts of removing the land from primary production, given its agricultural productivity;
 - (b) impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production;
 - (c) compatibility between the proposed or likely development and the existing use of the surrounding land;
 - (d) the potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas; and
 - (e) land capability.
- 29.1.8 'balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal'.
- 29.2 The objective of clause 14.01-2S seeks to 'encourage sustainable agricultural land use', through strategies to:
- 29.2.1 Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.
 - 29.2.2 Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm related retailing.
 - 29.2.3 Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.
 - 29.2.4 Support agricultural investment through the protection and enhancement of appropriate infrastructure.
 - 29.2.5 Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.
30. At the local level, clause 14.01-1L-03 (Non-agricultural land use in Campaspe) applies to all land in the FZ. The strategy is to:
- Discourage non-agricultural use and development in all rural areas other than those that support agriculture.
31. Clause 14.01-2L-01 (Sustainable agricultural land use in Campaspe) applies to all land in the FZ. The following strategies are established under this clause:
- Encourage growth and expansion of farm businesses and new investment in 'growth' areas in the Farming Zone (FZ1).
 - Encourage opportunities for smaller scale, specialised agriculture in 'niche' areas in the Farming Zone (FZ2).
 - Discourage land uses that have the potential to compromise agricultural activities or investment.
 - Encourage regenerative agriculture, especially in areas affected by land degradation.
 - Encourage development of the viticulture industry along the Mt. Camel range as shown on the Strategic Framework Plan at Clause 02.04.

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32. The policy guidelines set out uses to be discouraged in the FZ. Neither 'renewable energy facility' or 'utility installation' are listed.

Clause 15.01 – Built Environment

33. The objective under clause 15.01-6S (Design for rural areas) states:

To ensure development respects valued areas of rural character.

34. The following strategies are set out under this clause:

Ensure that the siting, scale and appearance of development protects and enhances rural character.

Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.

Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.

Clause 17.01 – Employment

35. Clause 17.01-1S (Diversified economy) seeks to 'strengthen and diversify the economy', through strategies including:

Protect and strengthen existing and planned employment areas and plan for new employment areas.

Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.

Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.

Improve access to jobs closer to where people live.

Support rural economies to grow and diversify.

Clause 19.01 – Energy

36. The objective of clause 19.01-1S (Energy supply) is to 'facilitate appropriate development of energy supply infrastructure' through strategies including:

Support the development of energy generation, storage, transmission, and distribution infrastructure to transition to a low-carbon economy.

Develop appropriate infrastructure to meet community demand for energy services.

Ensure energy generation, storage, transmission and distribution infrastructure and projects are resilient to the impacts of climate change.

Facilitate the production and distribution of zero emission gases and fuels.

Support energy infrastructure projects in locations that minimise land use conflicts and that take advantage of existing resources and infrastructure networks.

Facilitate energy infrastructure projects that help diversify local economies and improve sustainability and social outcomes.

Facilitate renewable energy generation and storage to meet on-site energy needs.

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37. The objective of clause 19.01-2S (Renewable energy) is to 'support the provision and use of renewable energy in a manner that ensures appropriate siting and design considerations are met' through the following strategies:

Facilitate renewable energy development in appropriate locations.

Protect renewable energy infrastructure against competing and incompatible uses.

Set aside suitable land for future renewable energy infrastructure.

Consider the economic, social and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.

Support wind energy facilities in locations with consistently strong winds over the year.

What do the relevant particular provisions say?

Clause 53.13 - Renewable Energy Facility (Other Than Wind Energy Facility)

38. The purpose of clause 53.13 (Renewable Energy Facility (Other Than Wind Energy Facility)) is to 'facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area'.
39. The following decision guidelines are set out under clause 53.13-3:

- The Municipal Planning Strategy and the Planning Policy Framework.
- 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 strategically important agricultural land.
- The impact of the proposal on the protection of declared irrigation districts.
- The impact of the proposal on the natural environment and natural systems.
- The impact of the proposal on the road network.
- *Solar Energy Facilities Design and Development Guideline* (Department of Environment, Land, Water and Planning, October 2022).

What do the Guidelines say?

40. The Solar Energy Facilities Design and Development Guideline (**Guideline**) has been adopted for the purposes of section 60(1A)(g) of the Act and are referenced as a policy document to consider as relevant at clause 19.01-2S (Renewable energy) and in the decision guidelines in clause 53.13-3.
41. The Guideline sets out advice about suitable locations for solar energy facilities and managing the cumulative effects of solar energy facilities in an area.
42. The Guideline establishes the following guidance under the heading 'Ideal siting conditions':²

It is important that the siting of solar energy facilities in declared irrigation districts aligns with rural water corporation assets and future planning, to ensure the future viability of irrigation districts is protected. This is discussed further on page 16.

² Page 10.

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A solar energy facility should not lead to:

- the loss or interruption of supply to the immediate or broader electricity transmission network
- the loss of vegetation, habitat or species of environmental importance
- the loss of cultural heritage or landscape values of significance
- the loss of productive, state-significant agricultural land
- increased exposure of the area to fire, flood or other natural or environmental hazard.

Ideally, a solar energy facility should be located:

- on land with topographical conditions that avoids the need for unnecessary or excessive earthworks or changes to the natural landscape
- to avoid the loss of native vegetation and biodiversity and if losses cannot be avoided, they are minimised and can be offset
- close to the electricity grid network, to minimise the need for additional infrastructure and associated impacts
- a sufficient distance from existing urban areas or designated urban growth areas
- where there can be adequate space between facilities within an area to avoid cumulative impacts of built form concentration
- away from the floodplain of a major water course or wetland
- where it has ready access to main roads
- to avoid land in a declared irrigation district that is serviced, or was serviced at 17 September 2019, by irrigation infrastructure managed by a rural water corporation, unless the infrastructure has been, or is planned to be, decommissioned.

43. Avoiding the loss of strategically important agricultural land is mentioned at page 15 of the Guideline, with a direct reference to clause 14.01-1S of the Scheme. The Guideline explains strategically important land is the product of a combination of features, nominating:³

- 43.1 high quality soils;
- 43.2 good rainfall;
- 43.3 access to water;
- 43.4 resilience to climate change;
- 43.5 infrastructure investment; and
- 43.6 integration with industry.

44. The Guideline relevantly goes on to say:⁴

As part of the site selection process, decision-makers should also consider the policy objectives and strategies outlined above and consider:

³ Page 15.

⁴ Page 15.

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- the impact on the loss of the site if it has high-quality soils, particularly soils that are niche to a type of crop or other agricultural activity
- the potential loss of reliable, accessible water (such as irrigated areas) and its impact at a local or regional scale
- the impact of fragmentation and a change of land use to non-agriculture activity on local and regional productivity and output
- the impact of a change of land use on recent and/or current efforts to modernise and reform agricultural activity in the area
- whether the land has specifically been set aside or defined for agricultural use and development in a planning scheme or other strategic document
- whether the change in land use is to the detriment of a government's previous or existing investment and support for the site or the area
- whether the proposed solar energy facility can co-locate with other agricultural activity, to help diversify farm income without reducing productivity.

A proponent should address the considerations above in the written report component of the planning permit application.

45. Minimising impacts on landscape values is mentioned at page 18 of the Guideline, with a direct reference to clause 12 of the Scheme. The Guideline acknowledges:⁵

The visual impact of a solar energy facility and its associated infrastructure can impact its immediate location and have a causal effect on a broader setting[.]

46. The Guideline states:⁶

The visual impact of a solar energy facility relates to:

- the sensitivity of the landscape and its ability to absorb change
- the size, height, scale, spacing, colour and surface reflectivity of the facility's components
- the number of solar energy facilities located close to each other another within the same landscape
- the excessive removal, or planting of inappropriate species of vegetation
- the location and scale of other ancillary uses, buildings and works including transmission lines, battery storage units and associated access roads
- the proximity to environmentally sensitive areas such as public land, water courses and low-lying areas.

An understanding of the site and its immediate landscape should include:

- the topography of the land
- the amount and type of existing vegetation, flora and fauna and habitat
- the relationship to natural features such as waterways, cliffs, escarpments, hills, gullies and valleys
- the type, pattern, scale and character of built form including roads and walking tracks

⁵ Page 18.

⁶ Page 18.

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- relationships to any known cultural heritage sites
- the ability to avoid or minimise impacts with landscaping mitigation or other measures.

47. Natural hazard management is mentioned at page 19 of the Guideline, with a direct reference to, among other clauses, clause 13.03-1 of the Scheme. The Guideline acknowledges:⁷

A solar energy facility can occupy a large site, and earthworks to grade or level a site can change the overland flow of water, which can change natural and constructed drainage patterns. This can increase the risk from future flood events on the site and neighbouring land.

Clause 53.22 – Significant Economic Development

48. The purpose of clause 53.22 is:

To prioritise and facilitate the planning, assessment and delivery of projects that will make a significant contribution to Victoria's economy and provide substantial public benefit, including jobs for Victorians.

To provide for the efficient and effective use of land and facilitate use and development with high quality urban design, architecture and landscape architecture.

49. The decision guidelines under clause 53.22-5 require the decision-maker to consider the purpose of the clause and the views of the Office of the Victorian Government Architect.

What do the general and operational provisions say?

Clause 65 – Decision Guidelines

50. Under Clauses 65 and 65.01, the decision maker is required to consider the decision guidelines and determine whether the proposal produces acceptable outcomes.

Clause 71.02 – Operation of the Planning Policy Framework

51. Clause 71.02-3 relevantly recognises:

Victorians have various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

Planning authorities should identify the potential for regional impacts in their decision making and coordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.

52. In making a decision, the Minister must consider whether the project produces an acceptable planning outcome having regard to the relevant planning controls, policies, application requirements and decision guidelines in the Scheme.

⁷ Page 19.

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53. In doing so, as a matter of integrated decision-making, the Minister must endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.
54. From the outset, Council acknowledges there are several physical and strategic attributes of the Subject Land rendering it suitable for the proposed use and development. These are (with reference to the matters specified in the Guideline):
- 54.1 the topographical conditions of the Subject Land which avoid the need for unnecessary or excessive earthworks or changes to the natural landscape;
 - 54.2 the loss of native vegetation and biodiversity may be avoided for the large part and those that cannot be avoided, can be offset;
 - 54.3 the Subject Land is close to the electricity grid network, minimising the need for additional infrastructure and associated impacts;
 - 54.4 the Subject Land is a sufficient distance from existing urban areas or designated urban growth areas;
 - 54.5 there can be adequate space between facilities within an area to avoid cumulative impacts of built form concentration;
 - 54.6 the Subject Land is away from the floodplain of a major water course or wetland;
 - 54.7 the Subject Land has ready access to main roads; and
 - 54.8 the proposal avoids land in a declared irrigation district.⁸
55. That said, Council submits there are several key issues weighing against the suitability of the proposal, which it regards as determinative to a decision to refuse the Permit Application. These are:
- 55.1 the proposal leads to the loss of productive, state-significant agricultural land;
 - 55.2 the proposal may lead to an increased exposure of the area to flooding and environmental hazard (and this has not been fulsomely considered in the Permit Application material);
 - 55.3 the visual impact assessment accompanying the Permit Application is deficient and the loss of landscape values of significance has not been properly considered; and
 - 55.4 insufficient information has been provided by the permit applicant to conclude the project is acceptable in economic terms.
56. For these reasons, Council submits the decision maker cannot conclude, at this time, that the Permit Application is acceptable, and a net community benefit is achieved.

⁸ That is serviced, or was serviced at 17 September 2019, by irrigation infrastructure managed by a rural water corporation, unless the infrastructure has been, or is planned to be, decommissioned.

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Site suitability and agricultural land

57. Council submits the proposal is contrary to the purposes and decision guidelines of the FZ, and relevant decision guidelines contained in the Guideline concerning the use land for agriculture and retention of productive agricultural land for agricultural uses.
58. The Subject Land contains strategically significant, productive agricultural land which the proposal will remove, potentially on a permanent basis to accommodate this non-agricultural use.
59. Council acknowledges there are no prescribed site features for a solar energy facility in the Scheme nor policies that guide the locational attributes for this type of renewable energy facility. It is instead necessary to assess each application on its facts, on a case-by-case basis.
60. Council has set out in detail the policies and provisions in the Scheme relating to agriculture. A clear imperative expressed throughout the FZ and the PPF is to protect and retain productive agricultural land, provide for the use of land for agriculture and manage competing demands for such land.
61. There is clearly strong policy support for renewable energy projects in the PPF. However, there is a fundamental tension in the PPF between supporting and encouraging renewable energy and the protection of agriculture land, especially having regard to the Subject Land's zoning in the FZ.
62. It appears the significance and agriculture quality of the Subject Land is a key point of difference and dispute in this matter. Council submits determining and understanding these matters are essential in assessing the impact of the proposal on productive agricultural land (in terms of both its removal from agricultural production and use for a non-agricultural use).
63. Relevantly, the agricultural assessment report prepared by Meridan Agriculture dated July 2024 (AAR) states:⁹

There is a narrow band of soil on the western edge of the property which is of higher quality and, where it occurs elsewhere in the district, in a significant size, it is used for viticulture. Most of the soils on the property would be considered soils of moderate quality for the area. The property is conservatively managed for cropping and grazing, with two thirds used for grazing and one third to crop on a rotational basis. In the absence of a solar farm, these management settings would continue.

[Emphasis added]

64. Later, the AAR recognises the existence of 'three main soil types' on the Subject Land comprising:
 - 64.1 'friable red soils... extending from the Colbinabbin Range on the western side of the property that have been derived from Heathcote Volcanics parent material', considered 'very good soils and are used for the extensive vineyard plantings along the range' excluded from the 'solar farm site';¹⁰
 - 64.2 'cracking black clay', the major soil type on the Subject Land, described as being 'good quality'; and
 - 64.3 'loa, soils' in the proximity of the Cornella and Yallagallorah Creeks.
65. The AAR ultimately concludes:¹¹

There have been extensive plantings of grape vines along the eastern side of the Colbinabbin Range (to the west of the proposed site). These plantings have been made on the deep red soils formed from colluvium parent material (Qrc) and Heathcote Volcanics soils (Ehs). **These soils are not present on the site apart from a small section on the northwest corner.** There are extensive areas of these soil types along

⁹ Page 3.¹⁰ Page 5.¹¹ Page 8.

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the Range that have the capacity for further planting of vines should water be available. It is not expected that the construction of the solar farm would have any impact on the operation or productivity of vineyards.

The vast majority of the property's soils are similar to those to the north, east and south of the site. These soils are used predominantly for extensive grazing and cropping. Because the land on the site is similar to much of the surrounding farming land, it has no direct strategic importance. The large areas of soils, similar to those on the site, should allow for the expansion of existing cropping and grazing enterprises if required.

While the area is a reasonable size for a cropping operation, it constitutes approximately 0.046% of the cropping area in the Bendigo statistical district and only 0.16% of the agricultural land in the district devoted to grazing.

[Emphasis added]

66. Council has (through Marcus Lane Group) engaged Mr Tony Pitt of Ag-Challenge Consulting to review the AAR.
67. Mr Pitt independently undertook soil testing on the Subject Land (with the consent of and accompanied by the permit applicant's representative). Mr Pitt opines the Subject Land comprises a mixture of soils including Ferrosols, Vertisols and Sodosols.
68. It is Mr Pitt's opinion:¹²
 - 68.1 part of the Subject Land comprises high quality agricultural land because of Ferrosol soils that occur there (Mr Pitt explains Ferrosol soils are generally indicative of high-quality agricultural land because of their intrinsic properties of structural stability, good permeability and ease of cultivation);
 - 68.2 specifically, within the Subject Land, Ferrosol soils are a minor soil type across the whole of Subject Land and occur in significant tracts of land in the north-west of the Subject Land;
 - 68.3 this area is of strategic significance, being one of few areas of Ferrosol soils in this general locality that has not already been developed and planted for grapevines;
 - 68.4 Ferrosol soils are niche soils and the remaining areas of these niche soil in this district that have not been developed for horticulture (including wine grape production) are very limited;
 - 68.5 undeveloped tracts of niche soils within a horticultural district are of particular importance to the district because they provide the opportunity for new development and diversification when a downturn occurs (for example when industries face structural changes due to loss of markets); and
 - 68.6 irrigation appears to be available for the Subject Land (including the privately owned Colbinabbin Cornella Irrigation Pipeline and the Waranga Western Channel), which combined with the high-quality soils renders the Subject Land highly versatile land with a potentially high productivity for the types of crops that may be grown.
69. Council submits Mr Pitt's findings are consistent with the Subject Land's designation in-part in:
 - 69.1 'productive agricultural land' in the Campaspe Shire Strategic Framework Plan in clause 02.04 under the Scheme; and
 - 69.2 the viticulture industry along the Mt Camel range in the plan in which the development of the viticulture industry is encouraged under clause 14.01-2L-01.

¹² Page 11.

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70. In reviewing the AAR, Mr Pitt observes the AAR:¹³
- 70.1 acknowledges the Ferrosol soils are 'very good' soils from an agricultural perspective and are used for the extensive vineyard plantings close to the Subject Land; and
 - 70.2 does not set out the extent of the Ferrosol soils across the property and acknowledges no detailed soil mapping has been undertaken in this area (or to inform the AAR).
71. Council agrees with Mr Pitt a soil survey should have been undertaken (and is required) to determine the spatial extent of the Ferrosol soils in circumstances where the AAR expressly recognises the existence of niche soils on the Subject Land.¹⁴
72. Adopting Mr Pitt's opinion, Council submits the Subject Land is strategically significant agricultural land comprising the following qualities:
- 72.1 areas containing Ferrosol soils;
 - 72.2 low to moderate slopes; and
 - 72.3 good site drainage.
73. Council submits this land type is well suited for further expansion of agricultural uses (including intensive agricultural uses) synonymous with the Colbinabbin district and is a finite resource, with limited areas remaining available for future use only.
74. Council submits this diversion of views about the agricultural quality of the Subject Land is material to assessing the consequences of its removal and use for non-agricultural purposes.
75. Council's position is the proposed non-agricultural use of the Subject Land and its removal from agricultural production for an undefined (and possibly indefinite) period does not result in an acceptable outcome.
76. This land should be retained and preserved for agricultural purposes, having regard to its soil qualities and strategic designation.
77. Separately, Council expresses the following concerns about the assessment in the AAR of the impacts of removing this land from agricultural production.
78. First, the AAR states 'the vast majority of the property's soils are similar to those to the north, east and south of the site' and on this basis concludes it has 'no direct strategic importance'. As Mr Pitt recognises, the sites surrounding the Subject Land contain Ferrosols soils and are largely developed with established vineyards. Council submits the Subject Land is strategically important because high quality land is a finite and a rare commodity and there are only *limited* areas available for further use and development.
79. Council fundamentally disagrees the Subject Land is of 'no direct strategic importance'. This is both inconsistent with its designation within the Scheme and Mr Pitt's soil testing results.
80. In this respect, Council submits the AAR undervalues or downplays the agricultural quality and productivity of the Subject Land.
81. Second, the AAR states the Subject Land constitutes 'approximately 0.046% of the cropping area in the Bendigo statistical district and only 0.16% of the agricultural land in the district devoted to grazing.' For reasons Mr Pitt advances, this statement is incorrect principally because the Subject Land is not located within the Bendigo statistical district from Australian Bureau of Statistics.

¹³ Page 6.¹⁴ Page 6.

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82. Applying the correct statistical division (the Shepparton statistical region), Mr Pitt opines the Subject Land comprises 0.4% (or 300 ha) of the cropping area in the Shepparton statistical region (and not 0.046%) which Council submits is a significant parcel of high-quality land to remove from agricultural production (possibly on a permanent basis) to facilitate a single proposal.¹⁵
83. Finally, in considering whether the proposed non-agricultural use will adversely affect land used for agriculture, Mr Pitt expresses concern:¹⁶
- 83.1 the methodology described in the flood impact assessment prepared by Water Technology dated 12 July 2024 (**FIA**) does not account for the change to the catchment hydrology as a consequence of installing 650 hectares of solar panels;
 - 83.2 insufficient consideration has been given to the impact of these higher flows on the stability of the waterways within and immediately downstream of the Subject Land;
 - 83.3 Sodosols, the dominant soil type on the Subject Land, which occur within natural swales and constructed drains across the property, have sodic and often highly dispersible subsoils and can be highly susceptible to the erosive powers of water, particularly during flood flows; and
 - 83.4 the combined area of panels constitutes an environmental risk to the stability of the local waterways from a severe rainfall event which has not been fully investigated or assessed.
84. Council submits the FIA has not properly examined the consequences of the proposal on the natural and constructed drainage patterns and the level the risk from future flood events on the Subject Land and neighbouring land.
85. While Council accepts the proposal enjoys broad strategic support in the PPF, it does not enjoy any *express* support in the FZ and in Council's submission is contrary to several of its purposes and decision guidelines.
86. Turning to the purposes of the FZ, the proposal provides for a non-agricultural land use on land expressly intended to be used for agricultural production.
87. While Council accepts the proposed uses are Section 2, permit-required uses and inherent in this designation, the FZ contemplates non-agricultural uses, Council submits the high quality and productive value of the Subject Land weighs in favour of discouraging a non-agricultural use of this nature on this site.
88. Moreover, for reasons set out above, Council submits the Minister should not be satisfied the non-agricultural use will not adversely affect the use of land for agriculture, including neighbouring land. In this respect, the FIA has not thoroughly considered the consequences of higher flows on the stability of the waterways within and immediately downstream of the Subject Land.
89. Turning to the decision guidelines, Council submits:
- 89.1 The use and development will not support or enhance agricultural production (and the Permit Application does not proceed on the basis it will).
 - 89.2 The use and development may permanently remove land from agricultural production. In this respect, the Permit Application material is silent on the intended duration of the use and development. The Planning Report explains the construction will start within 24 months of a permit being granted and will take 18 months to complete. The Planning Report is silent however on the duration of the pre-commissioning and commissioning/grid connection stages, as well as the intended duration of the use (although elsewhere suggests 30 years). In respect of decommissioning, the Planning Report contemplates the project operator may wish to 'continue maintaining and

¹⁵ Page 10.¹⁶ Page 11.

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operating the Project to produce renewable energy' or 'upgrade the Project to more current technology and generate higher levels of renewable energy into the future'. In these circumstances, Council submits there is a real prospect granting a permit will lead to the permanent loss of land from agricultural production (and there is no guarantee these parts of the Subject Land will be returned to agricultural production).

- 89.3 The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure render the Subject Land a prime candidate for agricultural production, which should be preserved for this purpose.
- 89.4 The Permit Application material has not properly considered the environmental consequences of the proposal insofar as it has not properly examined the consequences of the proposal on the natural and constructed drainage patterns and the level the risk from future flood events on the Subject Land and neighbouring land.
- 89.5 The Permit Application has concerned the broader impacts of the proposal on the viability of adjoining land uses. The scale and nature of the proposal would require adjoining and nearby land uses having to adjust their practices to accommodate the proposal whereby adjoining farmers will need to insure themselves from the risk their operations may affect or damage the development. The resultant increase in premiums would make farming of adjoining land unviable effectively removing it from productive use.
- 89.6 The Permit Application material has not properly considered whether use and development may adversely affect soil quality or its potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses (for reasons set out above).
- 90. For these same reasons, Council submits the decision guidelines under the Guidelines are not met. In this regard, Council submits:
 - 90.1 the loss of the site will have a significant impact because it has high-quality soils, particularly soils that are niche to a type of crop or other agricultural activity;
 - 90.2 the change of land use to non-agriculture activity will have an unacceptable on local and regional productivity and output, by removing land of a high agricultural quality which is already limited in nature; and
 - 90.3 the land has specifically been set aside or defined for agricultural use and development in a Scheme (and the Rural Land Use Strategy, a background document under the Scheme).
- 91. In these circumstances, Council submits the proposal does not respond acceptably to the purposes and decision guidelines of the FZ and relevant policy.

Visual impact assessment is deficient

- 92. Council submits the Landscape and Visual Impact Assessment prepared by Orbit Solutions dated 31 July 2024 (**LVIA**) does not represent a fulsome and accurate evaluation of the proposal within its visual setting.
- 93. The Guidelines and decision guidelines in clause 53.13-3 require the decision-maker to consider the impact of the proposal on significant views, including visual corridors and sightlines.
- 94. From the outset, Council submits the fact that the site is not protected by an environmental or landscape overlay such as the Significant Landscape Overlay under the Scheme does not mean that landscape protection measures are not relevant. The landscape objectives and strategies set out in the Scheme generally seek to protect and maintain the open rural landscape, including vistas from main road corridors. They seek to ensure new development is modest in scale and nestles into and reads as secondary within the landscape.

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95. Council submits the LVIA contains methodological and evaluation shortfalls and has likely underestimated the visual impacts of the proposal on the broader landscape.
96. Council has (through Marcus Lane Group) engaged Hansen Partnership to review the LVIA. In undertaking their assessment, Hansen Partnership considered whether:
- 96.1 the methodology applied in undertaking the assessment is robust and based on 'best practice';
 - 96.2 the data used to inform the assessment is reliable and fit for purpose; and
 - 96.3 the recommendations are supportable and demonstrate a clear application of the methodology.
97. It is Hansen Partnership's opinion:¹⁷
- 97.1 there are methodological and evaluation shortfalls in the LVIA;
 - 97.2 there are questions as to the suitability of the landscape assessment undertaken and viewpoints identified as being a fulsome representation of those to be experienced by users of the setting, or indeed the wider road network and spatial realm; and
 - 97.3 consequently, while acknowledging the comprehensive nature of the LVIA and sound technical components, the LVIA in its current form cannot be relied upon as a fulsome evaluation of the proposed development within its visual setting.
98. More specifically, Hansen Partnership's review of the LVIA makes the following findings:
- 98.1 The LVIA does not clearly state the established methodologies it is based on.
 - 98.2 The landscape analysis is insufficient relative to the expectations established under the Guideline for reasons including:
 - 98.2.1 it is limited to GIS spatial data, which, while necessary inputs to a landscape analysis, are generally limited to judiciary elements that do not thoroughly record landscape attributes and characteristics that are influential in how a landscape is visually experienced; and
 - 98.2.2 there is no plan identifying the extent of character type/s applicable and it is therefore assumed that there is only one landscape character type and correspondingly a consistent value/scenic quality and sensitivity applied holistically to the entire study area (in Section 3 – Establishment).
 - 98.3 The LVIA does not clearly document how particular locations for viewpoints are selected over other locations within the viewshed that offer views of the Subject Land.
 - 98.4 The LVIA does not clearly document how the suite of viewpoints is further refined to the 6 key observation points which inform the overall assessment. In lieu of a clear method regarding the selection process of the initial suite of points, and a more detailed landscape analysis, there is risk of a weak connection between landscape analysis and viewpoint/key observation points selection presenting potential inconsistencies and gaps in the selection process (set out in detail in page 5 of Hansen Partnership's statement).
 - 98.5 In establishing the 'visual absorption class' (a key input in assessing the overall visual impact of the proposal) the analysis is frequently limited to the Subject Land, in isolation. This presents as a limitation of the methodology as landscape features that are influential in the setting (i.e. outside the Subject Land) are excluded from the assessment and the associated scoring of each element.

¹⁷ Page 2.

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- 98.6 There are several instances where assessment description and scoring are weighted towards the presence and quality of environmental features, rather than visual and scenic attributes and the impression they leave on the landscape. These environmental features (i.e. ecological, biodiversity, waterway and heritage values) are important considerations in understanding the composition of a landscape and values from an environmental/scientific perspective but are often considered as supporting or secondary values to those of visual and scenic value in the context of landscape study and assessment. This demonstrates a greater emphasis on values outside of the visual/scenic realm and instances of misalignment between the assessment and the criteria/definition of each assessment category.
- 98.7 The above matters have material consequences on the visual sensitivity assessment, which ought be revisited.
- 98.8 There appears to be inconsistencies in the 'Visual Situation' assessment process that are not explained in reporting. Inconsistencies and identified errors importantly have influence on the overall impact and compatibility ratings and cast doubt regarding the accuracy and completeness of the assessment.
99. In light of these methodological and evaluation shortfalls, Council submits the Minister should not rely on the LVIA as representing a fulsome and accurate evaluation of the proposal within its visual setting.
100. Hansen Partnership make a series of recommendations on page 11. Council submits it is not appropriate to seek to give effect to these recommendations through permit conditions.
101. The acceptability of the proposal in visual amenity terms is a critical consideration in the decision-making process (and balancing exercise in the context of integrated decision making) and cannot simply be deferred as a 'post-permit' approval matter.
102. For these reasons. Council submits the permit applicant has not demonstrated the proposal responds acceptably in landscape and visual amenity terms.

Economic considerations

103. Council submits insufficient information has been provided by the permit applicant to conclude the project is acceptable in economic terms.
104. Clauses 17.01-1S, 17.01-1R address economic development. This policy (among other things) lists strategies to:
- 104.1 support further diversification of agriculture and tourism; and
 - 104.2 support emerging sectors including renewable energy production.
105. Under clause 19.01-2S, an identified strategy in supporting the provision and use of renewal energy is to 'consider the economic benefits (among others) to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.
106. Economic impacts are also relevant under section 60(1)(f) of the Act.
107. The Planning Report identifies (at section 7.13) the social and economic impacts. It states:
- 107.1 The project will provide employment opportunities for up to 250 employees and contractors during the construction phase and 5 permanent positions for its ongoing operation.
 - 107.2 The project will require procuring goods and services from local businesses for accommodation, meals, machinery contractors, construction trades, surveyors, cleaning

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services, security services, training service providers, building supplies and waste contractors.

- 107.3 The permit applicant is committed to an annual contribution of \$250,000 per year, equating to \$6 million over the 30-year operation life of the project to a 'neighbour benefit sharing program' and a 'community benefit sharing program'.
108. Council submits the material provided by the permit applicant is limited.
109. Council has (through Marcus Lane Group) engaged Mr John Noronha of Ethos Urban to independently examine the Permit Application material. He opines:
- 109.1 It is not possible to say whether the proposed payment of \$250,000 per year as part of the community and neighbourhood benefit sharing program is reasonable. This is for reasons:
- 109.1.1 it is unclear whether the \$250,000 per year has been calculated;
- 109.1.2 it is unclear whether the \$6 million over the 30-year project period will be linked to the Consumer Price Index (CPI);
- 109.1.3 it is unclear how \$6 million is arrived at given there is no metric such as \$/per MV of installed capacity or a percentage of share of project development costs/capital investment spread over the operational life of the project;
- 109.1.4 there appears to be an inaccuracy with the figure of \$6 million given 250,000 x 30 amounts to \$7.5 million; and
- 109.1.5 it is not clear how the financial recourse is to be administered and managed including any flow on costs to Council should it be required to be involved.
- 109.2 No details are provided as to how the permit applicant intends to achieve procurement of local services and goods.
- 109.3 There is no commitment, through a procurement strategy/action plan to be endorsed under any permit granted setting out a level of commitment to local procurement and as a result there is no certainty as to how and in what manner local workers and businesses will benefit from the project. The benefit said to flow is simply not quantified.
- 109.4 It is uncertain how the figure of 250 employees and contractors during the construction phase is arrived at given:
- 109.4.1 the jobs are not defined as 'headcount' or Full Time Equivalent;
- 109.4.2 the jobs do not indicate whether they are direct or indirect position;
- 109.4.3 the 250 jobs represent an 'average' employment number per month for each of the 18 months of construction, or whether they are cumulative employment numbers spread over the entire construction period;
- 109.4.4 the Traffic and Transport Assessment prepared by Impact (TTA) identifies a maximum of 100 construction workers will be accessing the site daily.
- 109.5 Furthermore, it is unclear what will be the anticipated ratio of local workers to non-local workers (that this those requiring accommodation).
- 109.6 Similar uncertainties apply to the 5 jobs estimated over the operational phase of the project.

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- 109.7 Finally, the AAR does not address or set out any employment analysis as to how many agricultural jobs are currently supported by the project site, both directly or indirectly and through local/regional supply chains and nor does it state the number of agricultural jobs which will continue to be supported by the project. This information is simply not provided.
- 109.8 Mr Noronha is also critical in respect of cumulative impacts set out briefly in the Planning Report accompanying the permit application. He considers a radius of 100km or a drive time of 1 hour should be used to identify relevant projects for assessment including other major infrastructure projects.
110. Based on the limited information available to the Minister, Council submits the Minister cannot conclude the project delivers a strong community benefit for the defined study area with constructions and operational benefits outweighing any agricultural impacts associated with the temporary use of the land for the solar facility.
111. Furthermore, Council submits the economic benefits to the broader community must be from the renewable energy generation and not from a monetary contribution at the discretion of the permit applicant. It follows Council does not consider the community fund to be a necessary pre-condition to the grant of the permit.

No net community benefit

112. The permit applicant asserts the project will result in a net community benefit and will contribute to sustainable development.
113. Council accepts the project will have economic benefits. The key benefit is the project's contribution to achieving the renewable energy targets, and the benefits to the community from renewable energy.
114. That said, none of these benefits are quantified in the Permit Application material and there is no evidence before the decision-maker outlining the contribution to the State economy from construction and operation of the solar energy facility. This material is substantively lacking.
115. While the economic benefits of the project are somewhat unclear, what is more unclear is the detriment (and costs) of losing agricultural productive land with a significant capacity to be improved for more intensive agricultural uses.
116. Council submits the decision maker should also be very mindful of the sizeable area of productive land that will be removed from production for the life of the solar energy facility (which, for reasons set out above, is unquantified). This is a determinative factor in the balancing exercise required.
117. Additionally, the proposal's impacts in landscape and visual amenity terms have not been fulsomely assessed and the Minister should not be satisfied the impacts will be acceptable.
118. Here, Council submits where the decision maker finds the application material is collectively substantive lacking, the decision maker should not be persuaded the deficiencies should be deferred or resolved through permit conditions.
119. Council submits the upshot is the decision maker cannot conclude, at this time, that the Permit Application is acceptable and a net community benefit is achieved. For a small solar energy facility in another location, it may be acceptable. But of a major infrastructure facility of the substantial scale and size proposed on the Subject Land, Council submits there is inadequate information on which to make favourable determination.
120. In these circumstances, Council submits the Permit Application should be refused.

Permit conditions if permit granted

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121. In the alternative and on a without prejudice basis, should the Minister determine to grant a permit (which Council submits it should not), Council has prepared a set of without prejudice draft permit conditions for the Minister's consideration.
122. Council submits these conditions should be imposed on any permit granted.
123. Council's proposed permit conditions are based on the model planning permit conditions for solar energy facilities, amended to conform with the requirements of the recently amended *Planning and Environment Regulations 2015*.
124. Where the permit conditions differ from the model conditions, we have included comments setting out the basis for their inclusion (or alternatively, whose recommendation the condition seeks to implement).
125. Council has included comments where necessary in the document but makes some further submissions on particular matters below.

Transport engineering and traffic matters

126. While the project will impact on local traffic, particularly during construction and decommissioning, Council acknowledges these impacts can be appropriately managed through permit conditions.
127. Council has (through Marcus Lane Group) engaged Ms Charmaine Dunstan of Traffix Group to independently examine the Permit Application material. Ms Dunstan opines:¹⁸
 - 127.1 the surrounding road infrastructure can support the proposal, subject to imposing permit conditions on any permit granted, including measures to ensure:
 - 127.1.1 appropriate remediation works are undertaken following the completion of the construction phase of the project;
 - 127.1.2 the site access arrangements are appropriate and suitable to accommodate the swept paths of turning heavy vehicles;
 - 127.1.3 an appropriate upgrade to Davey Road occurs, such that it is suitable for accommodating traffic during the construction phase;
 - 127.1.4 in the alternative, that Davey Road is not used for construction traffic at all; and
 - 127.1.5 the construction phase of the project is not damaged during the construction phase of the project;
 - 127.2 the heavy vehicle routes to the Subject Land are acceptable with no upgrades to road infrastructure, except for Davey Road which will need to be upgraded to be suitable to accommodate heavy vehicle haulage with a gravel surface and a width of 6.2m;
 - 127.3 the site access locations are acceptable and adequate sight distance is available at each of the locations;
 - 127.4 revised plans and associated swept paths should be prepared which detail the location of the gates and demonstrate appropriate access to each site access location (to be achieved via a permit condition); and
 - 127.5 the capacity of the roads surrounding the site will not be exceeded and can appropriately accommodate the level of traffic generated by the project, subject to the upgrade of Davey Road.

¹⁸ Page 14.

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128. Council supports the proposed conditions advanced by Ms Dunstan to manage traffic impacts. These are incorporated into the without prejudice draft permit conditions.
129. Additionally, Council submits the recommendations set out in the TTA should also be incorporated into permit conditions, including:
- 129.1 the preparation and submission of a detailed traffic management plan (once the project design is complete and before buildings and works start), to confirm requirements for mitigation and management works, including, among other things:
 - 129.1.1 confirmation of the solar energy facility construction timeframe and work stages;
 - 129.1.2 confirmation of expected traffic volumes generated by the Solar Energy Facility for all work stages;
 - 129.1.3 identification of all heavy vehicle and overdrive vehicle haulage routes for all work stages;
 - 129.1.4 a mechanism to review identified haulage route road conditions prior to the commencement of works;
 - 129.1.5 mechanisms/agreements (if deemed necessary) to maintain haulage route roads and road infrastructure, including local public roads used by site traffic, during construction works and to reinstate roads to at least pre-construction conditions;
 - 129.1.6 qualify any requirement for specific work stage construction traffic management plans;
 - 129.1.7 qualify and identify any relevant mechanisms for overdrive vehicle permits and traffic management requirements; and
 - 129.1.8 confirm on-site the adequacy of available sight distances along the site access.
130. We address these matters in the draft permit conditions as best as possible (observing the conditions proposed are drafted very broadly). This is ultimately a matter for the permit applicant to address.

Decommissioning, remediation and restoration of the land to agriculture

131. Council submits there is insufficient information about the costs, timing and responsibility for decommissioning, remediation and restoration of the land to agriculture. More particularly, the concern is about whether redundant project infrastructure both above and below ground would be removed, who would be responsible for doing so, and how decommissioning obligations could be guaranteed and enforced.
132. In particular, the deficiencies in information include:
- 132.1 whether decommissioning will actually occur, because there is no guarantee from the Applicant and no decommissioning plan;
 - 132.2 what decommissioning should comprise;
 - 132.3 what financial requirements should be used to ensure decommissioning occurs; and
 - 132.4 the hazardous nature of photovoltaic panels and issues about the disposal of panels
133. Council accepts decommissioning can be dealt with through appropriately drafted permit conditions, to ensure that the land can be transitioned back to agricultural use once the project is complete. That said, Council submits the ability of the land to return to agricultural use is

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important, without degraded quality and capability, particularly where the project utilises 300 ha of productive agricultural land.

134. Council submits a plan detailing rehabilitation and decommissioning of any renewable energy facility is contemplated by clause 53.13 and as such there is a nexus between the proposal and a condition requiring such a plan. Further, the inclusion of such a condition is consistent with the purposes of the FZ including 'to provide for the use of land for agriculture'.
135. The Guideline recognises the decommissioning stage is an important step and should include the following:
 - 135.1 nomination of the party responsible for the decommissioning works;
 - 135.2 the removal of all equipment and infrastructure;
 - 135.3 requirements for the restoration, revegetation and rehabilitation of the land to its pre-development condition including irrigation and soil profile; and
 - 135.4 a timeline for the decommissioning works.
136. Council has included permit conditions regarding decommissioning based on the model permit conditions. These conditions will need to be refined as they require specific detail and are matters for the permit applicant to consider.

Conclusion

137. For reasons advanced above, Council respectfully requests the Minister refuses to grant a permit for the Permit Application.
138. If the Minister determines to grant a permit (which Council says it should not), Council requests the Minister imposes the permit conditions contained in the attached draft permit conditions and those additional permit conditions described above.

10 Notices of Motion

11 Urgent Business

12 Confidential Business

13 Close Meeting

Pauline Gordon

Chief Executive Officer