

# Minutes

## Of the Ordinary Council Meeting

**Location:** Council Chambers, Municipal Offices  
62-68 Ovens Street, Wangaratta

**Date:** 21 August 2018

**Time:** 6.00pm



RURAL CITY OF  
**WANGARATTA**

Brendan McGrath  
Chief Executive Officer



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**1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

*We acknowledge the traditional owners of the land on which we are meeting. We pay our respects to their Elders and to Elders from other communities who may be here today.*

**2. OPENING PRAYER**

*Almighty God, we humbly ask thee to bless and guide this council in its deliberations so that we may truly preserve the welfare of the people whom we serve. Amen.*

**3. PRESENT**

Councillors:

Mr David Fuller, Mr Dean Rees, Mr Harry Bussell, Mr Harvey Benton, Mr Ken Clarke, Mr Mark Currie, Ms Ashlee Fitzpatrick.

Officers:

Brendan McGrath, Chief Executive Officer; Alan Clark, Director Infrastructure Services; Jaime Carroll, Director Community Wellbeing; Barry Green, Director Development Services; Gillian Hoysted, Manager People and Governance.

**4. ABSENT**

Officers:

Chris Gillard, Acting Director Corporate Services.

**5. ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE**

Nil.

**ORDER OF BUSINESS**

**6. CITIZEN CEREMONY**

Nil.

## 7. CONFIRMATION OF MINUTES

### RESOLUTION:

(Moved: Councillor H Bussell/Councillor D Fuller)

*That Council read and confirm the Minutes of the Ordinary Meeting of 17 July 2018 as a true and accurate record of the proceedings of the meeting with the following adjustment:*

*That the Councillor who holds the Tourism portfolio sits on the panel of the Tourism Events Grants Program which was left out of the minutes.*

**Carried**

## 8. CONFLICT OF INTEREST DISCLOSURE

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

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

*Cr Harvey Benton declared a Conflict of Interest relating to item 13.3 Wangaratta Livestock Exchange Constitution and Management Services Agreement as he is a manager of a stock agent operating at Wangaratta Livestock Exchange.*

*Cr Harvey Benton declared a Conflict of Interest relating to item 16.3 Use and Development of a Renewable Energy Facility (Solar Farm) as he is the relative of a nearby land owner.*

*Cr Mark Currie declared a Conflict of Interest relating to item 11.1 Request for Councillor Professional Development as he is the Councillor requesting this training.*

## 9. RECEPTION OF PETITIONS

Nil.

## 10. HEARING OF DEPUTATIONS

Nil.

## **PRESENTATION OF REPORTS**

### **11. COUNCILLOR REPORTS**

#### **11.1 REQUEST FOR COUNCILLOR PROFESSIONAL DEVELOPMENT**

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 August 2018  
**Author:** Executive Service Coordinator  
**File Name:** N/A  
**File No:** N/A

Cr Mark Currie declared a Conflict of Interest Item 11.1 Request for Councillor Professional development as he is the Councillor requesting this training.

Cr Currie left the Chamber at 6.04pm

Cr Currie returned to the Chamber at 6.06pm

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

#### **Executive Summary**

This report is presented to Council to consider approval of Deputy Mayor, Mark Currie to undertake professional development.

**(Moved: Councillor D Rees/Councillor A Fitzpatrick)**

#### **RESOLUTION:**

##### ***That Council:***

- 1. approve the enrolment and associated costs of Deputy Mayor, Mark Currie to undertake the Municipal Association of Victoria's (MAV) partnered Australian Institute of Directors Company Directors course in accordance with the provisions set out in the Councillor Support Policy 2016***
- 2. allocate 7,314 MAV Credit Points to cover training costs and***
- 3. note that in accordance with the Councillor Policy 2016, a written delegates report for inclusion at the next practicable Ordinary Meeting of Council be submitted within fourteen days of return from training.***

**Carried**

## **Background**

Deputy Mayor, Mark Currie is seeking approval of Council to enrol in a five-day professional development course. The Australian Institute of Company Directors (AICD) Company Directors Course is endorsed by the MAV, and offers councillors a course to enhance and broaden their skills and abilities in their role as a councillor.

The five-day course features presentations tailored to the local government audience. It is delivered by the AICD, an organisation for directors and those seeking to become directors.

Key learning objectives include:

- The role of the board and the practice of directorship
- Decision making
- Director duties and responsibilities
- The board's legal environment
- Risks and issues for boards
- Strategy
- Financial literacy for directors and driving financial performance
- Achieving board effectiveness
- Putting learning into practice.

The next course will be held on 17, 18, 19, 20 and 21 September 2018.

## **Implications**

### **Policy Considerations**

In 2016, Council adopted a Councillor Support Policy which encourages Councillors to avail themselves of opportunities to attend appropriate professional development courses and conferences and seminars which will be of benefit to the Councillor in their delegated role or Council as a whole.

The policy provides an annual allocation of \$2,000 per Councillor to cover costs associated to training and development opportunities. A councillor proposing to undertake training in excess of this allocation is required to seek approval by resolution of Council at a meeting open to the public.

### **Financial/Economic Implications**

The total cost of this course is \$7,314. A cost of \$170 could also be incurred to re-sit the exam or assignment if it is not completed to satisfactory. Expenses for transport, accommodation and meals will also be covered.

Council accumulates Councillor “credit points” through its annual membership with the MAV which can be used to offset training costs. The current balance is of those points is 12,425 and therefore will cover the cost of training.



**Legal/Statutory**

This course will assist Councillors to better understand the compliance and governance requirements of Council.

**Social**

There are no social impacts identified for the subject of this report.

**Environmental/Sustainability Impacts**

There are no environmental/ sustainability impacts identified for this subject of this report.

**2017 – 2021 Council Plan (2018 Revision)**

This report supports the 2013-2017 Council Plan:

**Goal**

We will be extraordinary

We will always look for ways to improve – we will research, explore and review to make sure we are always getting better at what we do.

**Strategic Links****a) Rural City of Wangaratta 2030 Community Vision**

N/A

**b) Other strategic links**

N/A

**Risk Management**

There are no risks associated identified for the subject of this report.

**Consultation/Communication**

This request for professional development has been discussed with the Mayor and Chief Executive Officer and recommended for Councils consideration.

**Options for Consideration**

1. Support Deputy Mayor, Mark Currie's enrolment to undertake the Company Directors course through the MAV or
2. Not support Deputy Mayor, Mark Currie's enrolment to undertake the Company Directors course through the MAV or

## **Conclusion**

The Rural City of Wangaratta is committed to the training and development of Councillors to promote ongoing professional development, well informed decision making and enhance the quality of community representation.

This course is highly regarded and has been endorsed by the MAV, a peak representative body for local government.

## **Attachments**

- 1 COMPANY DIRECTOR COURSE BROCHURE [!\[\]\(4e333a6106fc298d0ae6dff272a736ef\_img.jpg\)](#)

### **RESOLUTION:**

**(Moved: Councillor D Rees/Councillor M Currie)**

***That the order of business for the meeting proceed to item 16.1 to 16.3 for consideration.***

**Carried**

## **OFFICERS' REPORTS**

### **12. EXECUTIVE SERVICES**

Nil

### 13. CORPORATE SERVICES

#### 13.1 PROPOSED LEASE - WANGARATTA AERODROME (HOBBY HANGARS)

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 August 2018  
**Author:** Property and Revenue Coordinator  
**File Name:** PROPERTY MANAGEMENT - Leasing and Licences (Council is Lessor) - Premises  
**File No:** F17/274

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

#### Executive Summary

This report is presented to Council to recommend that Council gives public notice of its intention to renegotiate one (1) lease. In accordance with the Local Government Act 1989, public notice is required for leases of 10 years or more or where options could extend the lease period beyond 10 years.

#### **RESOLUTION**

**(Moved: Councillor M Currie/Councillor A Fitzpatrick)**

***That Council, in relation to part of the land known as Lot 3 Plan of Subdivision 534799T Volume 11492 Folio 981, situated at Brian Higgins Drive, Laceby (the Land):***

- 1. gives public notice of its intention to renew existing leases to;***
  - a. Jethro Gordon Wittig (108m<sup>2</sup>) in the Wangaratta Chronicle and on Council's website inviting written submissions on the proposed leases until Friday 21 September 2018.***
- 2. If submissions are received under Section 223 of the Local Government Act 1989,***
  - a. establishes a Committee of Council to hear any persons who have requested to be heard in respect of their submissions on the proposed lease of the Land***
  - b. considers all submissions, in deciding whether or not to lease the Land, at a future council meeting.***
- 3. if no submissions are received regarding the proposal to lease the Land, authorises the Director Corporate Services to complete the formal procedures to lease the Land, including the execution of all relevant documentation.***

**Carried**

## **Background**

Council leases hangar space and land at the Wangaratta Aerodrome to a number of different users. One of the existing lessees has chosen to accept Council's previous lease proposal.

## **Implications**

### **Policy Considerations**

There are no specific Council policies or strategies that relate to this report.

### **Financial/Economic Implications**

The terms proposed for the lease agreement are:

Term:	9.5 years ( to allow all lease periods for hangars to align)
Further option:	9.5 years
Rental:	\$6.00/m <sup>2</sup> ex GST
Outgoings:	Fire Services Property Levy
Fixed Rent Review:	2.25% annual increase
Market Rent Review:	At the commencement of each term
Insurance:	\$20 million public liability

### **Legal/Statutory**

The Act details the process that Council must follow when leasing land.

Section 190 of the Act provides that if a lease is for 10 years or more, Council must give public notice at least four weeks before the lease is made.

The public has the right to make a submission on the proposed lease in accordance with Section 223 of the Act.

### **Social**

There are no social impacts identified for the subject of this report.

### **Environmental/Sustainability Impacts**

There are no environmental/ sustainability impacts identified for this subject of this report.

## **2017 – 2021 Council Plan**

This report supports the 2017-2021 Council Plan:

### **Goals**

We are Sustainable

We work with our communities to understand their risks, and resources before, during and after emergencies, disasters and disruptions.

We are Sustainable

We ensure we are prepared for emergency response and recovery.

### **Consultation/Communication**

Submissions are invited from the community in regards to the proposed lease of the Land in accordance with sections 190 and 223 of the Act.

A notice to this effect will be advertised in the Chronicle newspaper on 24 August 2018, and also on Council's website indicating that submissions will be open for 28 days with respect to this proposed lease.

Persons making submissions can request an opportunity to be heard in respect of their submission. Any person requesting to be heard in support of their submission is entitled to be heard before Council or before a committee established by Council for this purpose, or represented by a person acting on their behalf, and will be notified of the time and date of the hearing.

All submissions will be considered by Council when deciding whether or not to lease the land.

### **Options for Consideration**

Council has options to vary lease periods however longer term leases provide certainty for all parties.

### **Conclusion**

One existing occupier has chosen to accept Council's previous lease offer. The *Local Government Act 1989* requires Council to give four weeks public notice for leases that exceed 10 years.

### **Attachments**

Nil

## 13.2 COUNCIL PLAN MEASURES REPORT - 2017-18

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 August 2018  
**Author:** People & Governance Manager  
**File Name:** Council Plan Report 1 July -31 December 2017  
**File No:** D18/11983

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

### **Executive Summary**

This report is presented to Council to communicate Council's performance against the Council Plan for the period 2017- 18.

#### **RESOLUTION:**

**(Moved: Councillor D Fuller/Councillor H Benton)**

***That Council receives the Council Plan Report for the period 2017-18.***

**Carried**

### **Background**

Part of Council's Mission is to provide the leadership necessary to maintain open communication and community engagement. Providing reports to the community on Council's progress against the outcomes will assist to achieve this mission.

These results measure our progress against what is important and allow ourselves and everyone in our community to understand the impact that we are having.

### **Implications**

Two reports are provided.

The first provides information on progress in delivering the initiatives that are described in the Council Plan.

- Sixteen initiatives have been completed during the year and fifteen are nearing completion.
- The Growth Area Plans, preparation of the Wangaratta Hospital Precinct Plan and the Industrial Land Use Strategy are important initiatives which will support economic growth.

- Throughout the year, work focused on design and procurement for asset renewal which will be delivered in 2018-19.
- The new website, improvements to our customer request management system and updates to urban aerial imagery will help in improving service to our customers.
- Design and procurement for the organics processing plant were completed and construction has commenced. This will enable Wangaratta to continue in the forefront of sustainable local government organisations.

The second report provides data against specific targets that were set in the Council Plan. Eight Plan measures have been achieved or exceeded and additional four measures were within 10% of the target.

Of those targets not achieved, year-end data is not yet available for two measures. The capital works program has not been achieved, however the year focused on design and procurement for major capital works and delivery will commence in 2018-19.

- Green indicates that performance was within 5% of target;
- Yellow indicates that performance was within 10% of target; and
- Red indicates that performance was more than 10% outside target.

### **Policy Considerations**

There are no specific Council policies or strategies that relate to this report.

### **Financial/Economic Implications**

There is no immediate financial impact related to this report.

### **Legal/Statutory**

The *Local Government Act 1989* requires Council to report on performance annually in the Annual Report. This quarterly report provides the community with a progress update against some of Council's key measures.

### **Social**

The Council Plan 2017-2021 provides for the achievement of a number of social objectives.

### **Environmental/Sustainability Impacts**

The Council Plan 2017-2021 provides for the achievement of a number of Environmental/Sustainability objectives.

### **2017 – 2021 Council Plan**

This report supports the 2017-2021 Council Plan:



## Goal

We are Sustainable.

## We will plan, research & advocate for the future:

By accurately understanding the constraints and opportunities that face our organisation, our community and our region.

## The non-negotiables

Our team will make the best and most efficient use of Council's resources.

We are Inspired.

## What we do every day:

We talk to, inform and engage with the people who live, work and visit in our community.

## The non-negotiables

Our commitment to communicate and engage with our community about local decision making in a way that is clear, accessible and easy to understand.

## Strategic Links

### a) Rural City of Wangaratta 2030 Community Vision

The Council Plan supports the aspirations and objectives of the Rural City of Wangaratta 2030 Community Vision.

## Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Council Plan targets not achieved leading to reputational risk	Low	High	Moderate	Identified unfavourable variances are being examined and addressed. Regular monitoring and reporting

## Conclusion

This report assists Council to monitor its performance in achieving the targets prescribed within the Council Plan.

## Attachments

- 1 Council Plan Outputs 2017-18 Report [□](#)
- 2 Council Plan Outcomes Report 2017-18 [□](#)

### 13.3 WANGARATTA LIVESTOCK EXCHANGE CONSTITUTION AND MANAGEMENT SERVICES AGREEMENT

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 August 2018  
**Author:** People & Governance Manager  
**File Name:** Project Management - Projects - 2017 - Saleyards - Wangaratta Livestock Exchange - Management  
**File No:** F17/360

*Cr Benton left the Chamber at 7.54pm having previously declared a conflict of interest.*

*Cr Benton returned to the Chamber at 7.57pm.*

The Acting Director Corporate Services is a Director of the Wangaratta Livestock Exchange Pty Ltd and has stood aside from this role for the period during which he is Acting Director Corporate Services

#### **Executive Summary**

This report is presented to Council to sign and seal the Wangaratta Livestock Exchange Pty Ltd Management Services Agreement.

#### **RESOLUTION:**

**(Moved: Councillor H Bussell/Councillor M Currie)**

***That Council sign and seal the Wangaratta Livestock Exchange Pty Ltd Constitution and the Management Services Agreement.***

**Carried**

#### **Background**

The Wangaratta Livestock Exchange Pty Ltd has been established as an independent company solely owned by Council.

The Constitution and the Management Services Agreement establish the ongoing relationship between the WLE Board and Council.

The Constitution and the Agreement were prepared by Maddocks Lawyers and have been discussed with Board members on a number of occasions allowing input into both documents and the interim strategic plan and budget which is incorporated in the Management Services Agreement.

#### **Implications**

## Policy Considerations

There are no specific Council policies or strategies that relate to this report.

## Financial/Economic Implications

Three months budget - \$110,000 – has been provided to the WLE in order to commence independent operations.

## Legal/Statutory

The Constitution and the Agreement reference requirements in the Corporations Act 2001 (Cth)

## Social

There are no social impacts identified for the subject of this report.

## Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for this subject of this report.

## 2017 – 2021 Council Plan (2018 Revision)

This report supports the 2013-2017 Council Plan commitment to incorporate the Saleyards.

## Strategic Links

### a) Rural City of Wangaratta 2030 Community Vision

N/A

### b) Other strategic links

N/A

## Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Inefficient, or improper management of WLE	Possible	Moderate	Medium	Rigorous oversight through the Management Services Agreement

**Consultation/Communication**

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

**Options for Consideration**

The incorporation of the Wangaratta Livestock Exchange has been completed necessitating that the Constitution and the Management Services Agreement be signed and sealed by Council.

**Conclusion**

Completion of the Constitution and the Management Services Agreement will codify the relationship between Council and the Wangaratta Livestock Exchange Pty Ltd.

**Attachments**

- 1 WLE Constitution [□](#)
- 2 WLE Management Services Agreement [□](#)
- 3 WLE Management Services Agreement - Schedule One [□](#)

## 14. COMMUNITY WELLBEING

### 14.1 RENAMING OF WANGARATTA PERFORMING ARTS CENTRE

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 August 2018  
**Author:** Executive Assistant Community Wellbeing  
**File Name:** WANGARATTA PERFORMING ARTS CENTRE  
**File No:** F17/906

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

#### Executive Summary

This report is presented to Council for consideration to change the venue name from the Wangaratta Performing Arts Centre (WPAC) to the Wangaratta Performing Arts and Convention Centre (WPACC).

#### **RESOLUTION:**

**(Moved: Councillor D Fuller/Councillor H Bussell)**

***That Council endorse the change of name from the Wangaratta Performing Arts Centre to the Wangaratta Performing Arts and Convention Centre (WPACC).***

**Carried**

#### Background

The Wangaratta Performing Arts Centre (WPAC) is fast approaching its ten year anniversary since it was officially opened on 18 September 2009.

Since its inception, the WPAC has greatly contributed to our community by enabling the provision of quality, vibrant and diverse arts programs catering to a wide spectrum of audiences and age groups across our urban and rural communities. It has also fostered new opportunities for community members to participate, become invested in and contribute to social, economic and cultural life by immersing themselves in new experiences.

WPAC has firmly established itself in the community and is recognised for the high level arts and audience engagement programs it delivers. However it is currently facing a number of barriers to attracting events, conferences and conventions to further build upon its reputation, capacity and capability of hosting and delivering high level business functions and events.

Some of these barriers include:

- The lack of understanding that WPAC is a multi-purpose venue with a number of spaces available for business events and functions;
- Internet searches do not direct people to WPAC or highlight the WPAC as a business events, conference and convention centre
- Consumer perception that the WPAC is for performances only which reduces the venue's ability to compete in the highly lucrative business events market. Little interest is shown by prospective clients looking to book future business events and functions

If renaming of the Performing Arts Centre is endorsed by Council, the renaming would take effect in time to launch the conference and function marketing campaign in August/September 2018 and launch the 2019 Season and 10<sup>th</sup> Birthday Celebration milestone scheduled for December 2018.

### **Implications**

#### **Policy Considerations**

There are no specific Council policies or strategies that relate to this report.

#### **Financial/Economic Implications**

- Logo word alteration – covered in operational marketing budget
- Updating logo on website – covered in operational marketing budget
- Not a separate registered business name – no legal or registration fees
- Over time we would update and replace building signage, uniforms etc

The timing around the consideration of renaming the venue is a seamless change as we would not incur other collateral reprinting fees as we currently finalising our new conference and function packages and the 2019 season materials.

An increase in conferences, events and conventions, particularly those from outside the region would not only provide increased income for the venue but positive flow on effects to our local hospitality, accommodation and retail businesses.

#### **Legal/Statutory**

As the renaming of the venue is not a separate registered business name there are no legal implications or registration fees required.

#### **Social**

There are no social impacts identified for the subject of this report.

#### **Environmental/Sustainability Impacts**

There are no environmental/ sustainability impacts identified for this subject of this report.

**2017- 2021 Council Plan (2018 Revision)**

This report supports the 2013-2017 Council Plan (2018 Revision):

**Goal**

We Are Inspired

**We will research and advocate for the future:**

For our community to have access to quality and exciting arts and cultural experiences

**We will focus on our business:**

To make sure that our Performing Arts Centre and Art Gallery offer diverse events

**Strategic Links****a) Rural City of Wangaratta 2030 Community Vision**

N/A

**b) Other strategic links**

N/A

**Risk Management**

By not making this small but meaningful change we are ultimately facing an ongoing difficulty trying to engage prospective clients to recognise and understand that our venue is also a conference option before we can sell them on the professional one-stop-shop experience they will receive with high level audio visual support and multi-function spaces.

**Consultation/Communication**

We have the performing arts market recognised in this space however, anyone not familiar with the venue is unaware of the other multi-purpose and available spaces we have available for meetings, training, interviews, conferences, dinners and presentations let alone for large scale multi day events.

This was very evident at the last Victorian SMART Events Expo in Melbourne whereby prospective clients walked right past the Wangaratta Performing Arts Centre stall as the name simply implied 'performances' and not conferences.

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

**Options for Consideration**

That Council considers renaming the Wangaratta Performing Arts Centre to the Wangaratta Performing Arts and Convention Centre;  
Or that the naming of the Wangaratta Performing Arts Centre remain as it currently stands.

**Conclusion**

Renaming of the Wangaratta Performing Arts Centre to the Wangaratta Performing Arts and Convention Centre will enable the venue to be marketed adequately to encourage further business development of the capacity of the centre to deliver high quality events and business functions. This will contribute significantly to the overall economic development of the business and encourage flow on effects to our local businesses, providing direct benefit back into our community.

**Attachments**

Nil.



## 14.2 ADVISORY COMMITTEE APPOINTMENTS - ARTS CULTURE AND HERITAGE ADVISORY COMMITTEE

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 August 2018  
**Author:** Executive Assistant Community Wellbeing  
**File Name:** COUNCIL'S COMMITTEES  
**File No:** 10.020.008

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

### **Executive Summary**

This report is presented to Council to provide the outcome of the Expression of Interest and make recommendations for membership of Council's Arts, Culture & Heritage Advisory Committee.

#### **RESOLUTION:**

**(Moved: Cr Fitzpatrick/Cr Fuller)**

***That Council resolves to appoint Mr Ian Poole, Ms Margaret Brickhill, Ms Delia Jackson, Ms Rhonda Diffey, Mr Marc Bongers and Ms Patricia Boak as representatives on the Rural City of Wangaratta Arts Culture & Heritage Advisory Committee (ACHAC) for a three year term ending in February 2021.***

***Carried***

### **Background**

Membership of Council's Arts, Culture & Heritage Advisory Committee is made up of the Councillor holding the Arts, Culture and Heritage portfolio, up to 10 appropriately skilled representatives of the community based on an established skills matrix and Council officers.

Committee members of ACHAC are appointed as voluntary members to set terms of service. There were six vacancies for ACHAC. Expressions of interest were publicly called in June 2018 with seven nominations received.

The candidates were assessed against the committee's skills matrix. In doing so, the existing skills set of the incumbent committee members were also taken into consideration. The selection criteria are based on the objectives of the committee which are:

- experience and skills;
- to provide advice on arts, cultural and heritage issues;
- to promote arts, cultural and heritage opportunities;

- to encourage and facilitate joint initiatives and to ensure all sectors of the community have the opportunity to provide input and
- Skills matrix

A copy of the skills matrix completed for the applicants is attached (***refer confidential attachment***).

Seven applications for six vacancies were received.

### **Implications**

#### **Policy Considerations**

Advisory Committee Charters set out the terms and key dates for appointment on an annual basis.

#### **Financial/Economic Implications**

Advisory Committees provide a positive outcome for the sustainability of the local community.

#### **Legal/Statutory**

The appointment of Advisory Committees is provided for in the *Local Government Act 1989*.

#### **Social**

Advisory Committees provide the opportunity for 2-way engagement between Council and Community members.

#### **Environmental/Sustainability Impacts**

There are no environmental/ sustainability impacts identified for this subject of this report.

### **2017 - 2021 Council Plan Revised 2018**

This report supports the 2017 – 2021 Council Plan Revised 2018.

#### **Goal**

We are Inspired

#### **We will research and advocate for the future:**

For our community to have access to quality and exciting arts and cultural experiences.

#### **We will create and deliver:**

Engaging public art that helps to make our city and rural communities more vibrant

### **Strategic Links**

#### **a) Rural City of Wangaratta 2030 Community Vision**

N/A

#### **b) Other strategic links**

N/A

### **Risk Management**

Risks	Likelihood	Consequence	Rating	Mitigation Action
The recommended candidates are not appointed by Council	Unlikely	Insignificant	Low	Re-advertise

### **Consultation/Communication**

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Keep informed	Newspaper advertisements Website Letters to committee members

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

The applicants will be notified of Council's decision. Outgoing members will be thanked for their support and involvement in Council's advisory committee process.

### **Conclusion**

Following consideration of the Expressions of Interest applications for ACHAC the new appointment will assist the committee in continuing to provide Council with advice, feedback and guidance.

### **Attachments**

- 1 ARTS CULTURE HERITAGE ADVISORY COMMITTEE SKILLS MATRIX JULY 2018 - CONFIDENTIAL - Confidential

## 15. INFRASTRUCTURE SERVICES

### 15.1 RESPONSE TO PETITION - SEALING OF OXLEY MEADOW CREEK RD

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 August 2018  
**Author:** Director - Infrastructure Services  
**File Name:** Bitumen seal further sections Oxley Meadow Creek Road  
**File No:** C18/5846

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

#### Executive Summary

This report is presented to Council following the resolution at the June Ordinary Council meeting to bring a report back to a future Council meeting on the petition received seeking the sealing of further sections of Oxley-Meadow Creek Road.

#### **RESOLUTION:**

**(Moved: Councillor H Benton/Councillor H Bussell)**

***That Council defer any decision to seal sections of Oxley-Meadow Creek Road until:***

- 1. the cost effectiveness of the internal works crew current road sealing project is evaluated;***
- 2. a scoring system for the prioritisation of the sealing of rural roads is developed and presented to Council; and***
- 3. if adopted, the scoring system is used to score and prioritise roads for sealing to inform the 2019/2020 budget.***

**Carried**

#### Background

A petition undersigned by 122 residents and users of Oxley-Meadow Creek Road was received at the June Council meeting. The petition was seeking the sealing of further sections of the Oxley-Meadow Creek Road from the Oxley Recreation Reserve toward the Whorouly-Bobinawarra Road each year until it is fully sealed, through the use of 'Roads to Recovery' Funding to ensure it is sealed and safe for tourists and locals alike.

Council has not sealed any rural (100kph) road for many years. This has been due to limited budget and the cost benefit analysis not supporting the expenditure. Sealing rural roads can cost between \$220,000 and \$360,000 per kilometre depending on a range of issues such as, the existing structure, the

amount of drainage work required, tree removal, the distance from a suitable quarry and the width of the seal etc.

Council's internal Works Crew lost many of the skills necessary to complete high quality road construction projects when these projects ceased to be funded many years ago. In recent years the crew have been rebuilding these skills and are now suitably skilled to carry out this type of work. As part of the current financial year's capital works budget Council's internal works crew are constructing and sealing a 3.1 km section of the Springhurst-Boorhaman Road. This project will build the skill of the crew and will evaluate the cost effectiveness of completing such works internally.

If the Springhurst-Boorhaman Road construction project is successful Council will be able to forecast similar projects to compete for budget funding.

Council has the construction and sealing of some rural roads prioritised as part of regional freight strategies. These roads must meet specific criteria and are those most likely to receive external grant funding. Oxley-Meadow Creek Road is not on this list. Council has a further priority list for the sealing of unsealed rural roads, but given that there has been no funding for many years it has not been regularly updated. It is intended to update this list during the current financial year. Priority lists generally take into account; traffic volumes of both cars and heavy vehicles, school bus routes, linkages, number of residences, maintenance costs versus sealing cost, economic benefit etc.

The petition specifically requested that the road be sealed from Roads to Recovery funding. Each year Council receives funding from the Federal Government under the Roads to Recovery Program. Whilst there are criteria around the type of works that these funds can be used for as well as reporting requirements, in general, these funds are treated the same as all other road funds and are applied to the overall road priority list of works.

### **Implications**

#### **Policy Considerations**

Council's Asset Management Policy states that Council will prioritise the renewal of existing assets over the upgrade or construction of new assets.

#### **Financial/Economic Implications**

The estimate to seal the requested section of road is \$750,000. The petition talks of completing a segment each year until completed and thus this length could be staged over a number of years.

Recently a new business has opened which is accessed via Oxley-Meadow Creek Road, the sealing of the road could see some economic benefit to that business with flow-on benefits to others.

**Legal/Statutory**

There are no legal/statutory implications identified for the subject of this report.

**Social**

The sealing of this road would have considerable social benefit to those that travel it on a regular basis and for those who reside near it.

**Environmental/Sustainability Impacts**

The sealing of roads results in less dust being released into the environment and reduces the need for future quarry materials which means less heavy vehicles hauling gravel and less or smaller quarries.

**2017 – 2021 Council Plan (2018 Revision)**

This report supports the 2017-2021 Council Plan:

**Goal**

We are Sustainable

We are growing

**We will plan, research and advocate for the future:**

By completing asset management plans to outline key elements involved in managing council assets.

We value the infrastructure needed to support the growth of key economic sectors, such as agriculture, retail and transport

**We will focus on our business:**

By developing and implementing long term management plans, incorporating rolling capital works and cyclic maintenance programs for Council's infrastructure.

Ensuring we are responsive, clear and active in the development of our municipality.

**The non-negotiables**

Our team will make the best and most efficient use of Council's resources

Asset management systems are maintained.

**Strategic Links****a) Rural City of Wangaratta 2030 Community Vision**

N/A

**b) Other strategic links**

N/A

**Options for Consideration**

1. Not seal the road.
2. Evaluate the cost per kilometre for the sealing of Springhurst-Boorhaman Road, prioritise future roads for construction and sealing and then consider funding to this prioritised list in future years.
3. Consider the construction and sealing of Oxley Meadow Creek Road as part of the mid-year budget review.

**Conclusion**

The residents of Oxley-Meadow Creek Road have been requesting that the road be sealed for many years. Council has approximately 1400 km of unsealed road and most residents would like to see their road sealed. This Council has funded the sealing of one section of rural road this financial year as a trial to evaluate the cost and the efficiency of Council's internal works crew. If this trial is successful it is intended to bid for similar projects in the coming financial years.

**Attachments**

Nil.

## 16. DEVELOPMENT SERVICES

### 16.1 PLANNING SCHEME AMENDMENT C71 - WANGARATTA RESIDENTIAL GROWTH AREAS - STRUCTURE PLANS AND DEVELOPMENT CONTRIBUTION PLANS - CONSIDERING THE PANEL REPORT AND NEXT STEPS IN THE AMENDMENT PROCESS

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 August 2018  
**Author:** Strategy Planner  
**File Name:** C71 - Residential Growth Areas  
**File No:** F16/2425

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

#### **Executive Summary**

This report is presented to Council as the relevant Planning Authority, to consider the recently received Panel Report for Wangaratta Planning Scheme Amendment C71 – Wangaratta Residential Growth Areas. This report contains the Planning Panels review of the amendment, and the Panel's recommendations followings the hearing held on 30 April and 1 May, 2018.

This report is presented to Council to:

- Consider the recommendations of the Panel Report to Planning Scheme Amendment C71 – Residential Growth Areas (which focuses on addressing outstanding/objecting submissions)
- Make changes to amendment, and implement Panel supported recommendations to address outstanding submissions and to address the Panel's recommendations.
- Request Council to adopt the Amendment.
- Submit the amendment to the Minister for planning for final approval.

In summary the Panel has supported Councils strategic approach to Amendment C71 and recommends that the Amendment be adopted as exhibited subject to minor changes that address some of the key issues raised during the exhibition period of this amendment. Further Council offered to undertake an internal review of the inputs informing development contributions (to ensure descriptions and inputs are consistent) and to have this formally adopted at a public meeting.



**RESOLUTION:****(Moved: Councillor M Currie/Councillor D Fuller)*****That Council:***

- 1. Considers the Wangaratta Planning Scheme Amendment C71 Panel Report and the recommendation of this report in accordance with Section 27 of the Planning and Environment Act 1987 (the Act);***
- 2. Completes an internal review of inputs informing the Development Contribution Plans as supported by the Panel;***
- 3. Adopts the review of the Development Contribution Plans (including the minor adjustments to costs of the development contributions as outlined in Attachment 3);***
- 4. Adopts Planning Scheme Amendment C71 – Wangaratta Residential Growth Areas, with changes recommended by the Panel (identified in Attachment 1), in accordance with Section 29 of the Act;***
- 5. Pursuant to Section 31 of the Act, submit the adopted amendment to the Minister for Planning for approval in accordance with Section 35 of the Act;***
- 6. Notify submitters in writing, of Councils decision.***

**Carried****Background****Wangaratta Growth Area Structure Plans and Development Contribution Plans:**

The Growth Area Structure Plans and Development Contribution Plans were developed in response to the recommendations of Council's Population and Housing Strategy, 2013.

**What Amendment C71 Proposes**

Amendment C71 proposes to implement the recommendations of the Wangaratta North West and Wangaratta South Growth Area Structure Plans and Development Contributions.

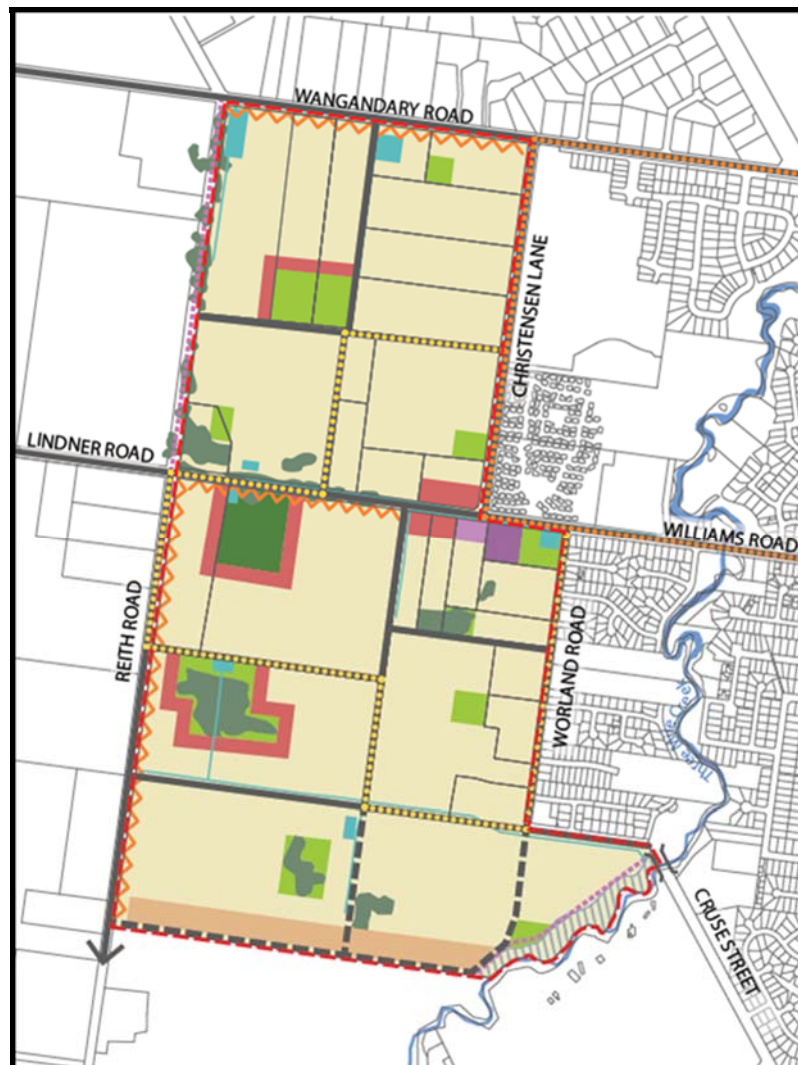
Specifically this will be achieved by:

- Rezoning approximately 300 ha of land and amending particular and general provisions in accordance with the Structure Plans.
- Amending the Local Planning Policy Framework.

- Applying overlays in accordance with the Structure Plans and Development Contribution Plans, enabling the collection of development contributions in accordance with Development Contribution Plans.
- Incorporating the structure plans and development contribution plans into the Wangaratta Planning Scheme.

The land affected by the amendment is the Wangaratta North West and Wangaratta South Residential Growth Areas as described below:

The Wangaratta North West Residential Growth Area is generally bounded by Wangandary Road to the north, Christensen Lane, Worland Road and the Three Mile Creek to the east, farming land immediately north of 474 Reith Road and Reith Road to the west (refer to the map below).



The Wangaratta South Residential Growth Area is generally bounded by Residential properties adjoining Cribbes Road to the north, Salisbury Street and One Mile Creek to the east, Clarkes Lane to the south and Greta Road to the west (refer to the map below).



#### Authorisation, Exhibition and Submissions

This amendment was authorised (in September, 2017) by the Minister for Planning. The amendment then exhibited between 19 October and 30 November, 2017. In response to the exhibition, 19 formal submissions were received, inclusive of one very late submission. Of the submissions 7 submissions support the amendment in its entirety, 3 submissions object to the amendment outright, 5 submission support some elements of the amendment and object to some elements of the amendment and 3 submissions were categorised as other matters. Following post exhibition negotiations, 2 submissions were formally withdrawn.

As there were still outstanding matters, Council resolved at the Ordinary Meeting held in February, 2018 to refer the amendment to a Panel for consideration.

#### The C71 Growth Areas Planning Panel (the Panel)

The Panel was held over 2 days (30 May – 1 June, 2018). At the Panel, Council made a submission advocating for the approval of this amendment, drawing on development contributions and drainage expertise to support this submission.

The Panel then heard from authorities wishing to present at the hearing, and the Country Fire Authority (CFA) made a submission to address changes to the State Planning Policy Framework, which occurred after the exhibition of this amendment.

Following authorities the Panel heard from six of the land owners, of which, five were represented by development consultants. It's noted that the Panel takes into consideration any submissions referred to it (in this case all submissions were referred) regardless of whether the submitter makes a presentation to the Panel.

### Planning Panel and the Panel's Report

The Panel Report for C71 was publicly released on 6 August, 2018. The Panel's report supports the amendment subject to changes that are summarised below:

- Modifications to Schedules 1 and 2 to the Development Contributions Plan Overlay (DCPO) and the (adopted) Development Contribution Plans (for the purpose of clarifying matters raised by submitters as appropriate and to provide consistency between the documentation).
- Modifications to Schedules 8 and 9 to the Development Plan Overlay (DPO) for the purpose of addressing matters raised in submissions as appropriate.
- Minor modifications to the Wangaratta North West and Wangaratta South Growth Area Structure Plans to quantify residential housing density.
- Removal of the Public Acquisition Overlay applying to Cruse Street (as the land has been acquired by negotiation).

The full details of the changes made to the exhibited amendment documents are shown and explained in Attachment 1.

A full copy of the Panel Report can be found in Attachment 2.

### Key points from the Panel Report for Consideration

The **Panel supported Councils approach to amendment**, particularly noting:

- The appropriate uses of zones and overlays to facilitate a range of lot sizes
- The appropriate use of overlays to ensure a consistent and integrated approach to design and site conditions and balances the costs of infrastructure delivery fairly across the growth areas.
- Councils approach to development contributions follows an established conventional path based on the requirements of each individual structure plan. Council has adopted the overarching principles of simplicity, equity, transparency and practicality which have translated into planning provisions which have been conscious of keeping the overall costs of the Development Contribution Plans low in comparison to metro areas and on par with regional cities.

In relation to **submissions and key issues raised in response to the amendment**:

- The Panel supports changes to the exhibited documents, where there was agreement between Council and a submitter to make a change to address an issue raised. Specific details of these changes are contained in Attachment 1.
- The Panel does **not** support further changes to reduce development contributions as requested by some submitters noting the substantial

'subsidisation' of infrastructure Council has taken on. Further commentary notes that 'Development Contribution Plans do not cover the full cost of infrastructure and in this case Council has taken on a higher than normal burden.' The Panel further comments that the critics of development contribution plan costs are failing to recognise the impact of the growth areas on infrastructure outside its boundaries, and Councils role in funding such infrastructure. The Panel noted that put simply, the submitters wanting further reductions to development contributions, *'can't have their cake and eat it too.'*

- The Panel supports the CFA in full, in its clear and thorough analysis of bushfire risks, which occurred after the exhibition process, as a result of state government lead changes to the State Planning Policy Framework. The Panel supports all changes to the exhibited documents the CFA provided at the Panel hearing noting Council agreed with all the changes with the exception of one relating specifically to public land management.
- The Panel supports changes to the exhibited amendment requested by VicRoads in their late submission (and agreed to by Council). The Panel notes that Council agreed that the need for a TIAR at Greta Road Intersection at the point where it intersects with RD01 of the Wangaratta South Growth Area as a matter of safety that needs to be addressed. However the Panel notes VicRoads *'failure to respond in a timely manner has been most unhelpful, causing Council to incur unbudgeted costs.'*
- The Panel has suggested alternative wording to the DPOs (to what Council put forward) to address matters relating to Cultural Heritage requirements. This addresses a matter raised by two separate submitters.
- The Panel supports Councils approach to flooding and drainage issues, noting the expert evidence presented by Council demonstrating that the *'land is not considered constrained by flooding that would prevent its development for residential purposes.'*
- The Panel supports Councils approach to housing and land supply, acknowledging the completion of structure plans for growth areas will assist in providing more supply to keep ahead of demand potentially assisting with keeping the cost of housing down, noting Council does not control the real estate market.
- The Panel supports Councils approach to 2-8 Worland Road, noting that two separate submissions contained a number of conflicting points, neither of which have been fully supported by the Panel. The Panel accepts Councils reason for applying the PAO to this site is good, based on the difference of opinion of the land owners and noting that the PAO would facilitate the smooth purchase of the land in a circumstance where it is dealing with two owners with different views about the way the land should be developed. Further the removal of the PAO from the existing dwelling located on this property is supported.
- The Panel raised questions about the sequencing of development. Council considered the questions and proposed that the Schedules to the DPO be



modified to reflect a reference with provides guidance about sequencing based on infrastructure provision. The Panel supports the recommended modifications to the DPO Schedules.

In relation **to final form and content of the amendment:**

- The Panel supports a minor change to the Structure Plans which includes a clearer and more quantifiable description of housing density, proposed by Council to address a submission.
- The Panel notes the removal of the Public Acquisition Overlay from the amendment, previously proposed for the widening of the Cruse Street extension, based on Councils advice that the negotiations with the land owners were finalised.
- There are no changes to Clauses 22.02 Urban Development and Central Activities Areas, The Schedule to Clause 34.01 Commercial Zone 1, 61.03 What does the scheme consist of, and the Schedule to Clause 81.01 Table of Documents Incorporated into the scheme.

Full details of the changes to the exhibited documents can be found at Attachment 1.

In relation to other outstanding matters:

- As a result of discussions during and immediately after the Panel hearing, in response to submissions the Panel accepted an offer for Council to review the Schedule of quantities informing the Development Contributions. The purpose of the review is to ensure transparency of process, and consistency and clarity of descriptions of the inputs to the development contributions prior to adopting the amendment. This review would be considered in the final adoption in a public Council meeting.

In response to the above, Council has completed a review of the schedule of quantities. This review has resulted in minor changes to scope of works (for example, removing duplication of footpaths and shared paths) the improvement of clarity of scope of works, and description of works informing the Development Contribution Plans. The review, including a clarified scope of works are included at Attachment 3. The Development Contribution Plans should be re-adopted and include the revised schedule of quantities to ensure full transparency of this process.

- The Panel has advised that Council should consider discretion about whether or not to build in discrepancy around the inclusion of a Low Density Residential land development contribution rate.

Council does not believe this is necessary at the current time as all residential land contained within the Residential Growth Areas is zoned General Residential Zone. If in future, any land is re-zoned to Low Density Residential Zone (for example as part of other strategic work, like the proposed Lifestyle Study), this matter can be

addressed appropriately through a separate implementation and amendment process.

**The next Step - Finalising the Amendment:**

The following diagram outlines the steps in the amendment process. The boxes in blue show the steps Council have completed and the boxes in orange show the steps required to finalise this amendment.



**Implications**

**Policy Considerations**

This amendment is consistent with the directions of the Population and Housing Strategy, 2013 which recommended preparing Structure Plans and Development Contribution Plans for greenfield areas of Wangaratta to address population growth.

**Financial/Economic Implications**

**Financial:**

There is a statutory fee for the Minister for Planning to consider and approve an amendment. The fee is \$469.60 and will be covered by the 2018/2019 Strategy budget. There will be ongoing costs associated with the management, collection and reporting of contributions received and these will be covered in Council operating budget at the time.

**Economic:**

The successful implementation of this amendment will allow Council to collect development contributions to assist with funding essential infrastructure associated with the development of Wangaratta's new residential growth areas.

**Legal/Statutory**

All processes associated with this amendment comply with the legislative requirements of the *Planning and Environment Act 1987*.

The collection and spending of funds, and the delivery of infrastructure projects detailed in the Development Contributions Plans and Clause 45.06 Schedules 1 and 2 involve a series of statutory obligations relating to the reporting of this data.

It is noted that once a Development Contribution Plan Overlay is approved, Council is obligated to provide the infrastructure outlined in the plan to provide or provide funds to facilitate the development.

## **Social**

Wangaratta's residential growth areas are considered to generate long term social benefit. The implementation of the structure plans and development contribution plans designate community infrastructure and recreational opportunities for these new communities.

## **Environmental/Sustainability Impacts**

This amendment considers and includes sustainability principles and measures to protect native vegetation. Principles of environmentally sustainable design, which will seek responsive subdivision patterns that will provide for long term energy savings to future land owners through efficient and effective lot orientation. Integrated water management principles will improve water quality that residential development impacts upon. Significant native vegetation has been identified and development will be required to address and retain these environmental assets through responsive lot design (in open spaces and the public realm), and retention in sensitive areas. This will ensure long term sustainability of habitat corridors and other significant vegetation.

## **2013 – 2017 Council Plan (2018 Revision)**

This report supports the 2017-2021 Council Plan:

### **Goal**

We are Growing

### **We will plan research and advocate for the future:**

To facilitate considered planning and development in line with long term strategic objectives for the sustainability of our community and environment

To provide for attractive long term residential growth opportunities

To ensure we contribute to the balance between environmental sustainability, development and risk, particularly in relation to flood and fire risk for our communities

### **The non-negotiables**

The expansion of our new and established neighbourhoods happens with integrity and strategic direction



## **Strategic Links**

### **a) Rural City of Wangaratta 2030 Community Vision**

This proposal will support the desired outcomes of Strategy 1 of the Community Vision, including:

- *Housing growth has been gradual, well-planned and matched by the extension of infrastructure and services.*

### **b) Other strategic links**

- The Population and Housing Strategy, 2013 (including the Sustainability Charter).
- The Hume Regional Growth Plan; which identifies the Regional City of Wangaratta as a primary centre for residential growth.
- Sustainable Cities Principles.

## **Consultation/Communication**

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	N/A	N/A
Consult	<i>We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision. We will seek your feedback on drafts and proposals.</i>	<i>To obtain public feedback on analysis, alternatives and/or decisions.</i>
Involve	<i>We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.</i>	<i>To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.</i>  <i>Panel hearing – all submitters invited to participate.</i>
Collaborate	N/A	N/A
Empower	N/A	N/A

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

## **Options for Consideration other than recommended**

### **1. Adopt the amendment without change**

This option is not recommended as it ignores expert advice from the Panel, which has spent significant resources examining the amendment, submissions to the amendment and recommended a clear way forward to

resolve outstanding matters. Further the Minister for Planning is unlikely to approve an amendment which ignores a Panel's recommendations.

2. Abandon the amendment

This option is not recommended as it would effectively end the process without any outcomes to address future housing needs. Abandoning the amendment at this stage would also result in years of strategic work and financial resources being wasted.

### **Conclusion**

The proposed adoption of Amendment C71 brings together a number of years of work completed by various areas of Council to facilitate residential growth. The amendment has been prepared to facilitate a fair and orderly planned, environmentally sustainable, socially inclusive and financially responsible approach to guide residential growth in our regional city. Amendment C71 is the mechanism that allows a change to zones, the application of overlays and other changes to the Wangaratta Planning Scheme to facilitate residential growth.

The Panel has supported Council's methodology to facilitate residential growth, articulated through Wangaratta Planning Scheme Amendment C71, and acknowledges that despite some submitters not agreeing with all aspects of the amendment, there is broad community support for the amendment. Adoption of Wangaratta Planning Scheme Amendment C71 is the final step for Council in this amendment process and key milestone in the Wangaratta Residential Growth Areas project.

### **Attachments**

- 1 Attachment 1 - Summary of Changes to Exhibited Amendment Documents and previously adopted Growth Area Structure Plans and Development Contribution Plans. [□](#)
- 2 Schedule 8 to Clause 43.04 Development Plan Overlay - 1A [□](#)
- 3 Schedule 9 to Clause 43.04 Development Plan Overlay - 1B [□](#)
- 4 Schedule 1 to Clause 45.06 Development Contributions Plan Overlay - 1C [□](#)
- 5 Schedule 2 to Clause 45.06 Development Contributions Plan Overlay - 1D [□](#)
- 6 Attachment 2 - Panel Report [□](#)
- 7 ATTACHMENT 3 - POST PANEL REVIEW ROAD PROJECTS [□](#)

### **Public Questions**

*Mr Gary Wilson, resident North West area asked if Councillors had asked the question to the appropriate authorities within Council to find out if the figures relating to Christensen Lane, indicating there has been over a million dollars overcharged for that particular road, is true and correct?*

Mr Alan Clark, Director Infrastructure Services responded Christensen Lane was costed at 100% apportion to the developers, but the calculated cost only included half of the pavement. It did include both sides of the kerb and channel but only

half the road. Whilst it said it was 100% it was slightly over 50%. At the request of a panel, work was done to clarify these specifics which is one of the attachments in the agenda tonight pages 265 to 382. This provides more detail on the costings of each of those road projects. It makes it clear that the total cost of the Christensen Lane project is 4.865 of a million and the parts that are portioned to the DCPS is 2.433. So you can see it is within a few hundred dollars of 50% of the total cost.

*Mr Gary Wilson, resident North West area asked if Alan admitted there was 2km of kerb and channel?*

Mr Alan Clark, Director Infrastructure Services responded yes I do.

*Mr Gary Wilson, resident North West area asked if he agreed there was 5.6 metres of pavement on that particular road?*

Mr Alan Clark, Director Infrastructure Services responded that it was half the width. The pavement width is 11.2 normally and the part that is apportioned to this project is exactly half of this 5.6. When you work out all the cubic and square metres it divides out perfectly.

*Mr Gary Wilson, resident North West area asked Councillors if anyone asked questions to make a due diligent assessment?*

Cr Dean Rees responded that he has asked questions over the last X amount of weeks even as late as tonight before the meeting. He added that the only positive he could mention which would also be mentioned later in his speech later is that there has been discrepancies and processes done that it does work out to come back cheaper, that will then be passed on through the DCP

*Mr Greg Mitchell, resident of Lindner Rd asked were the Councillors aware that Council redirected funds of 3 million dollars allocated to Cruse Street elsewhere and did they follow procedure?*

Mr Alan Clark, Director Infrastructure Services responded Council that received additional Roads to Recovery Funding and it was initially thought that we could put that to the bridge and Cruse Street. We realised we couldn't take the Governments money and then charge the developers for the same piece of work. That money was moved on to other road projects throughout the municipality. That was done in the time the Administrators were here and they were fully involved in that decision making so it was the previous Council.

*Mr Greg Mitchell, resident of Lindner Rd asked was the correct procedure and protocol followed and was there some kind of documents to show that?*

Brendan McGrath, CEO responded that no documents were available at the meeting given the question had only just been asked however the additional funding granted would have picked up and included in the budget as part of the midyear review process. He added that the Road to Recovery funding is not allocated to a specific project, it is a general purpose allocation and there are guidelines about the types of projects that it can be allocated too.

*Mr Greg Mitchell, resident of Lindner Road referred to the adopted Freight and Land Use Strategy where Cruse Street and the Cruse Street bridge and the connection through to Reith Road is part of the strategy and asked why landowners were required to pay?*

Brendan McGrath, CEO responded Council could only charge developers for infrastructure costs that are relevant and required to facilitate and support additional development. We follow a very structured process to demonstrate whatever Infrastructure upgrade we are asking to be done is actually required as a direct nexus to that development. He added that the alternative to the developers not paying is the Council paying because it is required and therefore every rate payer in the community would be paying a portion of that infrastructure.

## 16.2 WANGARATTA AERODROME MASTER PLAN 2017

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 August 2018  
**Author:** Economic Development Officer  
**File Name:** Wangaratta Aerodrome  
**File No:** P17/54

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

### **Executive Summary**

This report is presented to Council to consider feedback and summarise the changes proposed to the Draft Wangaratta Aerodrome Master Plan 2017 as a result of the public exhibition period. Three submissions were received and offered informative and constructive comment. There have been some changes to the original draft document which have been included in the accompanying attachments.

These changes proposed include relocation of the Wangaratta Aero Club to assist with future development and the consideration of a Patient Transfer Facility to accommodate emergency services. As an affected party and submitter Council did meet with representatives of the Airport Users Group to discuss the proposed changes and this resulted in some further minor amendments.

Council is now asked to progress the Plan by adopting it with recommended changes to address the feedback received.

Alternate recommendation

*Recommendation:*

1. *notes and considers submissions to the Draft Wangaratta Aerodrome Master Plan 2017;*
2. *makes changes to the Draft Wangaratta Aerodrome Master Plan 2017 in accordance with changes identified within the Wangaratta Aerodrome Master Plan 2017 – Submission Matrix in attachment 1;*
3. *adopts the Wangaratta Aerodrome Master Plan 2017 – attachment 2; and*
4. *advises all submitters of its decision.*

**RESOLUTION:****(Moved: Councillor M Currie/Councillor D Rees)*****That Council:***

- 1. notes and considers submissions to the Draft Wangaratta Aerodrome Master Plan 2017;***
- 2. makes changes to the Draft Wangaratta Aerodrome Master Plan 2017 in accordance with changes identified within the Wangaratta Aerodrome Master Plan 2017 – Submission Matrix in attachment 1;***
- 3. adopts the Wangaratta Aerodrome Master Plan 2017 – attachment 2; and***
- 4. advises all submitters of its decision.***
- 5. prepares documentation to seek authorisation from the Minister for Planning to prepare and exhibit a planning scheme amendment to the Wangaratta Planning Scheme, in order to implement the relevant recommendations of the Master Plan.***
- 6. delegates to the Chief Executive Officer responsibility to make any changes to the adopted documents and planning scheme amendments as required by the Department of Environment, Land Water and Planning or identified by Council officers in the preparation of the planning scheme amendment material.***

**Carried****Background**

The Wangaratta Aerodrome Master Plan has been undertaken to ensure best-management practices and sound land use development in addressing the diverse aviation and community interests for the Aerodrome precinct. It is a strategic document that will support the activities and decisions made in relation to the future development of the Wangaratta Aerodrome.

The Wangaratta Aerodrome Master Plan 2017 encompasses a 20 year planning horizon and covers topics such as existing aerodrome facilities, current and future infrastructure, surrounding land uses and future trends in aviation.

In early 2018, Council was successful in securing a grant from the Regional Jobs and Investment funding project to develop two commercial hangars at the Aerodrome. The commercial hangar sites have been included in the general aviation precinct outlook and recommendations within the Master Plan. The building and future development of the business precinct, along with the commercial hangars, will require the relocation of the Aero Club rooms in order to comply with Civil Aviation Safety Authority standards and allow continued growth

of this area. Council is committed to assisting the Aero Club to find an appropriate alternative site within the Aerodrome precinct.

Increased patronage to the Aerodrome of emergency services has identified a need to look at the feasibility of a Patient Transfer Facility. This facility will offer better protection from extreme weather and present patients, paramedics and pilots with a safe, private and comfortable working environment. Air Ambulance Victoria have noted 415 movements at Wangaratta in the last financial year of both outgoing and incoming patients. The Transfer Facility would complement the expansion of North East Health Wangaratta and provide a wider community service.

The plan identifies other areas for enhancement and expenditure including space for future industrial development associated with air freight, recreational hangars, changes to fuel filling area and widening taxi areas.

A large majority of regional airports run at a loss due to the high costs of maintenance and regulatory compliance. Many face issues that relate to commercial viability and balancing community needs. Council will need to make bold decisions to ensure the longevity and financial viability of the Wangaratta Aerodrome into the future.

### **Implications**

#### **Policy Considerations**

The Wangaratta Aerodrome Master Plan 2017 will replace the last strategic Master Plan that was undertaken in 2003.

#### **Financial/Economic Implications**

The implementation of the recommendations and projects within the draft Masterplan will require financial investment. The scope of projects range from short, medium and long-term and their facilitation will require strategic planning and prioritisation by Council. A key objective of the masterplan is to protect the aerodrome's primary function for aviation purposes and provide appropriate infrastructure to support future ancillary and complementary business development.

Many of the recommendations and priorities within the draft Masterplan will require assistance from either State, Federal and/or private funding sources to maximise the capacity to deliver these projects. Council allocated \$50,000 in the 2018/2019 budget to allow for the immediate progression of short term infrastructure projects as identified in the Master Plan. There will be a need to be further budget allocation in the 2018/19 budget review in December, based on priority projects and beyond.

## **Legal/Statutory**

There is a need to comply with the regulations and legislation regarding the operation of the aerodrome in accordance with the Civil Aviation Safety Authority requirements (CASA).

## **Social**

The draft Master Plan recognises the airport as a valuable community and economic asset with strong connections to stakeholders, community and visitors.

## **Environmental/Sustainability Impacts**

The master plan has considered the impact of flooding based on the recent Wangaratta Flood study. All new infrastructure and development at the Aerodrome will be bound to existing environmental and sustainable best practice.

## **2017 – 2021 Council Plan (2018 Revision)**

This report supports the 2017-2021 Council Plan:

### **Goal**

#### **We will research and advocate:**

For the investment of new business development within the municipality

To facilitate considered planning and development in line with long term strategic objectives for the sustainability of our community and environment

#### **We will focus on our business:**

Ensuring we are responsive, clear and active in the development of our municipality

To ensure that we understand and plan for the long term opportunities, challenges and priorities that face our growth potential

## **Risk Management**

Risks	Likelihood	Consequence	Rating	Mitigation Action
Wangaratta Aerodrome Master Plan 2017 is not adopted	Low	Medium	Medium	Deferral in adoption will delay the justification and pursuit of grants and additional funding from State and Federal Government



Risks	Likelihood	Consequence	Rating	Mitigation Action
Recommendations within the Master Plan may cause angst with stakeholders and existing businesses	Medium	High	High	Continue to consult and work with users to ensure the best outcomes for the community facility

### **Consultation/Communication**

There has been a range of stakeholder consultations including one-on-one interviews, phone calls and a workshop session. Interviews involved gathering information to assist with current activities, future outcomes and plans, concerns and any other feedback relevant to the Aerodrome.

The Wangaratta Aerodrome Master Plan 2017 was placed on public exhibition for an extended period of time at the request of potential submitters and this offered community members and stakeholders an opportunity to comment and offer feedback.

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

### **Options for Consideration**

Option 1: Council does not endorse the Wangaratta Aerodrome Master Plan 2017 – not recommended as it provides no future direction for the facility.

Option 2: Council adopts the Wangaratta Aerodrome Master Plan 2017 with amendments which have not been considered in this report – not recommended as any other changes have not been fully assessed for impact.

### **Conclusion**

The Wangaratta Aerodrome precinct is a key asset of the Rural City of Wangaratta that provides economic and social services to the area. The Wangaratta Aerodrome Master Plan 2017 will provide a long term planning framework for developing key infrastructure and assist in the future application of capital grants. Ongoing development at the airport will enable Council to pursue new business investment and ensure the longevity and viability of the community asset.

### **Attachments**

- 1 Wangaratta Aerodrome Master Plan 2017 - Submission Matrix [□](#)
- 2 Aerodrome Master Plan and Business Case [□](#)

### **Public Questions**

*Mr Bill Hall, President Wangaratta Aero Club referred to a question he asked Brendan in a recent meeting where he committed to working with the users group*

*and the club to form a collaborative working group to come up with final design for the aerodrome and asked when do you intend to come good with this offer?*

Brendan McGrath, CEO responded Bill I don't specifically remember that conversation, can you remind me at what forum we discussed that ?

*Mr Bill Hall, President Wangaratta Aero Club replied Yes when we presented our original Master Plan response back to the Council. Your question to me and the group was would you be prepared to work with a final design and whom can we contact regarding this.*

Brendan McGrath, CEO responded I believe the point that Barry made in his introduction particularly in relation to the final location of your building and therefore the design that supports the development of the two new hangers that we would do that in consultation with the aero club users group. I would suggest we get the group who need to be involved in that discussion together to get on with that consultation.

*Mr Bill Hall, President Wangaratta Aero Club asked When?*

Brendan McGrath, CEO responded I can't give you an exact time and date but I'll ask Barry to go back and talk to his team assuming this is actually adopted tonight. An adopted version of the plan gives us much more certainty around what it is we are having the conversation about.

*Mr Bill Hall, President Wangaratta Aero Club asked Brendan in the past you have characterised the consultants work as woeful. Do you still stand by that?*

Brendan McGrath, CEO responded Bill I don't specifically remember saying woeful. We have had a number of iterations backwards and forwards with the consultants from when the first draft was produced until the version we are looking at tonight. It would be fair to say we were not happy with the early content and we have done a fair bit of work with them to get to a point we are happy with.

*Adrian Vaughn asked Would the Council agree that consultation has been grossly inadequate?*

Mayor Ken Clarke responded I believe in the last meeting we had with the aero club I made the statement that as soon as we were able to get the master plan through we would then put a working group together to look at what was going to happen. Until this had been approved by Council we could not enter into negotiations regarding things to happen. Hopefully the master plan will be approved tonight then we can get on with the business of talking to user groups.

*Adrian Vaughn asked are you aware of the facts of what's going on surrounding the medical facility, I have spoken to the Hospital and Ambulance Victoria who have stated they have no interest in this at all?*

Barry Green, Director Development Services responded that officers did speak with representatives of North East Health and Ambulance Victoria and they provided some figures in terms of the traffic that's currently coming out of that

airport. There are currently 415 movements of air ambulance transport movements, and that is not including the private medical transfer that does occur out of there as well. This was in the last financial year and they are considering that number will certainly increase. This is where the figures came from, officers did speak to both those entities

*Mr Chris Balfour asked had Council considered the terminal building for the use of the medical facility? Would that be a better consideration for the Council, for the airport as opposed to building a whole empty building?*

Brendan McGrath, CEO responded that as we have collectively said several times tonight, there will be a range of options that we will be happy to talk about and assuming the plan is endorsed tonight, we will be in touch with the user groups to have discussions about the various models and options.

### 16.3 USE AND DEVELOPMENT OF A RENEWABLE ENERGY FACILITY (SOLAR FARM)

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 August 2018  
**Author:** Planning Coordinator  
**File Name:** Solar farm development in Glenrowan  
**File No:** PlnApp18/017

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

*Cr Benton left the Chamber at 6.56pm having previously declared a conflict of interest relating to item 16.3 Use and Development of a Renewable Energy Facility (Solar Farm) as he is the relative of a nearby land owner.*

*Cr Benton returned to the Chamber at 7.52pm*

#### **Executive Summary**

This application seeks planning approval to develop a renewable energy facility (solar farm), install signage and remove native vegetation at land known as 38 Glenrowan Road West, Glenrowan. The proposal is:

- To develop 245 hectares of land with up to 420,000 photovoltaic panels.
- Generating up to 140 megawatts of power into the national grid network equating to 220,000 megawatt hours per year.
- 8 car parking spaces.
- Battery storage.
- 17 scattered native trees and 3 patches of native vegetation are proposed to be removed.
- Business identification signage will be erected to provide information on the project both during construction and to identify the completed facility.

The application was formerly advertised on 15 May 2018. 75 submissions to the application have been received, including 61 pro forma statements. All submissions received are opposed to the application.

This report is presented to Council due to the number of submissions received and the community interest in this matter.

The applicant has exercised their right to apply to the Victorian Civil and Administrative Tribunal (VCAT) based on Council's 'failure to determine' the application within the 60 day timeline and due to the fact that given the level of objection the application most likely would have proceeded to VCAT.

**RECOMMENDATION:**

*That Council advises VCAT that should Council have been able to determine this application it would have refused a planning permit with respect to Planning Application 18/017 for Use and Development of Land for a Renewable Energy Facility (solar farm), Installation of Signage and Removal of Native Vegetation at 38 Glenrowan West Road, Glenrowan (Lot 5 LP 134007, Lot 6 LP134007 Vol 8323 Fol 455, Lot 1 TP 1424621) for the following reasons:*

- 1. The proposed use and development does not produce an acceptable outcome in terms of the relevant decision guidelines of the Wangaratta Planning Scheme.*
- 2. Considering the range of relevant planning policies and conflicting policy objectives, the proposed use and development would not produce a net community benefit or sustainable development for the benefit of present and future generations particularly on the site and in the surrounding neighbourhood and community due to:*
  - a. loss of production from high quality agricultural land*
  - b. reduced visual amenity both to immediate neighbouring properties, and when viewed from the adjacent freeway, railway and local access roads*
  - c. potential reputational detriment to an historic township Glenrowan which has a major tourism importance to this region*
  - d. loss of native vegetation that could have been avoided or minimised.*

**RESOLUTION:**

**(Moved: Councillor D Fuller/Councillor D Rees)**

***That standing orders be suspended.***

**Carried**

Councillors left the Chamber at 7.26pm and returned at 7.31pm.

**RESOLUTION:**

**(Moved: Councillor D Fuller/Councillor D Rees)**

***That Standing Orders be resumed.***

**Carried**

**Councillor H Bussell moved an alternate motion:****For: Councillor H Bussell and Councillor D Rees****Against: Councillor M Currie, Councillor A Fitzpatrick and Councillor D Fuller**

That should Council have had the opportunity to decide the application and having considered all the matters required under Section 74 of *the Planning and Environment Act 1987* Council would have determined to grant a notice of decision to grant a permit for Planning Application PlnApp18/017 in respect of the land known and described as Lot 5 LP134007, Lot 6 LP 134007 Vol 8323 Fol 455, Lot 1 TP 142462 Winton-Glenrowan Road Glenrowan and Glenrowan West Road, Glenrowan for the use and development of a renewable energy facility (solar farm), removal of native vegetation and installation of business identification signage, subject to the following conditions:

1. Prior to the commencement of the development plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the ones submitted with the Application, but modified to show:
  - a) Location, elevations and identification of all buildings, including battery storage facility
  - b) Location and layout of all panels including type
  - c) Setbacks from waterways, roads and boundaries
  - d) Access and egress routes
  - e) Perimeter roads
  - f) Location of signage and details of each sign including size and type
  - g) Site services plan
  - h) Details of the substation and proposals to access the substation including conductor path plan
  - i) Location and identification of each item of native vegetation to be removed and also that to be kept
  - j) Compliance with conditions 36, 37, 38 and 39
2. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
3. The development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a) Transport of materials, goods or commodities to or from the land
  - b) Appearance of any building, works or materials
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
  - d) Presence of vermin
  - e) Storage of solid waste
  - f) Infiltration of groundwater.

4. Any metal cladding proposed to be used in the construction of the building approved by this permit, must be:
  - a) Galvanized or natural colour bonded metal cladding; and/or
  - b) Treated metal cladding painted in muted tones, provided such painting is completed prior to the occupation of the building approved by this permit, to the satisfaction of the Responsible Authority.
5. External cladding of the building must be maintained and kept in good condition at all times to the satisfaction of the Responsible Authority.
6. Maintenance of all buildings, surrounds, storage and parking areas within the site must be carried out in such a manner to render the site in a neat, tidy and clean condition at all times to the satisfaction of the Responsible Authority.
7. Any external lighting installed on the site shall be to the satisfaction of the Responsible Authority. All such lighting shall be fitted with suitable shields and baffles so that no direct light is omitted which causes a nuisance to adjoining properties, or a danger to road users.
8. The display and storage of goods or materials on the site must be out of view from any road reserve or public place to the satisfaction of the Responsible Authority so as to not become visually obtrusive on the site.
9. The occupier shall take all necessary steps to ensure that no noise or other disturbance emanates from the premises which would be likely to cause a nuisance to the adjoining occupiers or a detriment to the amenity of the neighbourhood.
10. Prior to the commencement of works, a detailed landscaping plan for the site must be submitted to, and approved by, the Responsible Authority. The landscaping plan must show, without being limited to:
  - a) A schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified.
  - b) The landscape plan must demonstrate that the species selected, spacing of plantings and the maturity of plantings are such that adequate visual relief can be provided, to the satisfaction of the Responsible Authority.
11. The endorsed landscape screening plan must not be altered or modified without the written consent of the responsible authority.
12. Before the use allowed by this permit starts, landscaping works shown on the endorsed plan must be completed and then maintained to the



satisfaction of the Responsible Authority.

13. Before commencement of the use, an Environmental Management Plan for the management and operation of the use which is to the satisfaction of the Responsible Authority and must be submitted to and approved by the Responsible Authority. When approved, the Environmental Management Plan will be endorsed and will then form part of the permit. The Environmental **Management Plan must** be reviewed and submitted to the Responsible Authority for further approval every three years. The use must at all times be conducted in accordance with the endorsed plan. The Council will have a right to request a review of the plan where it receives frequent and verified complaints from surrounding properties. The Environmental Management Plan must include:
  - a) overall environmental objectives for the operation of the use and techniques for their achievement;
  - b) procedures to ensure that no significant adverse environmental impacts occur as a result of the use;
  - c) proposed monitoring systems;
  - d) identification of possible risks of operational failure and response measures to be implemented;
  - e) day to day management requirements for the use.
  - f) A pest animal and plant management plan must be submitted to and approved by the Responsible Authority prior to the commencement of the use on the subject site. The plan must include ongoing actions and measures to be undertaken to control pest animals and plants and inform surrounding property owners of works that present a risk to their homes or animals.
14. Before works and development start, a native vegetation temporary protection fence must be erected around all native vegetation including remnant patches and the Tree Protection Zone of scattered trees to be retained. Except with the written consent of the Responsible Authority, within the native vegetation protection fenced area to be retained, the following is prohibited:
  - a) vehicular or pedestrian access;
  - b) trenching or soil excavation;
  - c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
  - d) entry and exit pits for underground services
  - e) any other actions or activities that may result in adverse impacts to



retained native vegetation.

The temporary protection fence must be constructed of star pickets and flagging or similar to the satisfaction of the Responsible Authority. A TPZ applies to a tree and is a specific area above and below the ground. The temporary protection fence must remain in place until all works and development are completed to the satisfaction of the Responsible Authority.

15. The following requirements must be met when the solar farm permanently ceases operation:
  - a) The responsible authority must be notified within two (2) months after the solar farm permanently ceases operation.
  - b) Prior to commencing decommissioning works, a decommissioning traffic management plan specifying measures to manage traffic impacts associated with removing the solar farm and associated infrastructure from the site, must be submitted to the satisfaction of the responsible authority.
  - c) All infrastructure, plant, equipment and access tracks that are no longer required for the on-going use or decommissioning of the facility must be removed.
  - d) Reinstatement of the site, or the relevant part of the site, to the condition it was in prior to the commencement of development must occur to the satisfaction of the responsible authority.”
16. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.
17. Before the use starts, a construction management plan in accordance with Council’s Infrastructure Design Manual for the management and operation of the use which is to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The construction management plan must be in place until the completion of the construction phase and again be operationalised during decommissioning works. The construction must at all times be conducted in accordance with the endorsed plan. The construction management plan must include:
  - a) Overall construction objectives for the construction and techniques for their achievement;
  - b) Procedures to ensure that no significant adverse environmental impacts occur as a result of the use;
  - c) Proposed monitoring systems;
  - d) Identification of possible risks or operational failure and response

- measures to be implemented.
- e) Day to day management requirements for the use
  - f) Construction times
  - g) Noise
  - h) Airborne dust, silt and debris onsite, both during and after the construction phase
  - i) Removal of hazardous material
  - j) Protection of Private, Council and VicRoads asset (Streets, footpaths, laneways and reserves)
  - k) On-site building waste equipment, machinery and/or earth storage/stockpiling during construction;
  - l) Building waste on Public and Private land (Streets, footpaths, laneways and reserves)
  - m) Tradesperson Vehicle Parking
  - n) Heavy Vehicle Movements. Where access to the site for construction vehicle traffic will occur;
  - o) Trees protection zones. The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences;
  - p) Road, Lane Closures and Cranes
  - q) Decommissioning plan
  - r) How issues such as mud on roads, erosion and sediment control will be managed, on site, during the construction phase.
  - s) Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.
  - t) measures to control erosion and sediment and sediment laden water runoff, including the design details of structures;
  - u) the location of trenching works, boring, and pits associated with the provision of services;
  - v) the location of any temporary buildings or yards.

Any changes to construction arrangements must be provided in writing to the Responsible Authority and are not to be implemented until written approval is received.

18. The applicant must ensure that dust suppression is undertaken in the form of regular water spraying or other natural based proprietary dust suppressant to ensure that dust caused by vehicles moving along the access roads and/or within the site does not cause a nuisance to surrounding properties to the satisfaction of the Responsible Authority.
- a) The development shall not have an adverse impact on existing or future air quality. Deliveries to and from the site for all commercial vehicles, including waste collection, must only take place between 7am and 6pm Monday to Friday (excluding weekends and public holidays).
  - b) Access to and from the site for all commercial vehicles, including waste collection, must only use the following road – Chivers Road. All roads/storage areas/external stockpiles/vacant or grazed areas

must be covered and/or maintained to avoid dust and grit nuisance to any residential area to the satisfaction of the responsible authority.

19. Any damage to Council assets (i.e. roads, table drains etc.) must be repaired at the cost of the applicant to the satisfaction of the Responsible Authority. The Construction Management plan must include photos/videos and other supporting evidence of the state of the network at the time of lodgement of the plan.
20. Before any construction commences, a properly prepared drainage discharge plan with computations to the satisfaction of the responsible authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of three copies must be provided. The information submitted must show the details listed in the council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.

The information and plan must include:

- a) details of how the works on the land are to be drained or retarded.
- b) computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority
- c) underground pipe drains conveying stormwater to the legal point of discharge for each allotment
- d) measures to enhance stormwater discharge quality from the site and protect downstream waterways Including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- e) a maximum discharge rate from the site is to be determined by computation to the satisfaction of Council.
- f) maintenance schedules for treatment elements.

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

21. No contaminants will be permitted to enter the storm-water drainage system under any reasonably foreseeable circumstances.
22. There must not be any discharge of concentrated drainage into the adjoining road drains or culverts without the approval of the Responsible Authority.
23. The approved works must not cut off natural drainage from adjacent properties.
24. Before the use begins, the applicant or owner must construct any traffic

- management works identified in Engineering Report sub-section Traffic Impact Assessment Report dated 7 February 2018 prepared by Jacobs for Esco Pacific Pty Ltd to the satisfaction of Council. The cost of such works shall be fully met by the applicant. Any changes proposed to works in this report must be referred to the responsible authority for approval prior to substitution.
25. Prior to construction commencing on the site, vehicle crossings as shown on the endorsed plan must be constructed and sealed to the standards of Council's Infrastructure Design Manual, and to the satisfaction of the Responsible Authority. The final location of the crossings are to be approved by the Responsible Authority via a "Consent to Work within the Road Reserve", prior to the undertaking of works.
  26. Access and egress from the property must only be from the Chivers Road, unless otherwise agreed in writing by the Responsible Authority. Vehicle access and egress from the property must take place in a forward direction at all times.
  27. All loading and unloading of vehicles must at all times be undertaken within the curtilage of the subject land, unless otherwise agreed in writing by the Responsible Authority.
  28. Prior to the commencement of the use, access ways and manoeuvring areas created by the proposed development and as shown on the endorsed plan(s) must be constructed, to an all-weather standard to the satisfaction of the Responsible Authority.
  29. All vehicles must be parked in the allocated car spaces on the land at all times.
  30. Any security gate, barrier or similar device controlling vehicle access to the premises must be located a minimum of six metres inside the property to allow vehicles to store clear of pavements and footpaths.
  31. Any new or otherwise vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard satisfactory to the Responsible Authority. The vehicle crossing(s) must be constructed at the applicant's expense to provide ingress and egress to the site to the satisfaction of the Responsible Authority.
  32. Before the use begins and/or the building(s) is/are occupied all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority.
  33. No excavated or construction materials may be placed or stored outside the site area or on the adjoining road reserves, unless agreed otherwise by the Responsible Authority.

34. Upon cessation of the approved use the site must be reinstated as farming land or any other permitted use to the satisfaction of the Responsible Authority.
35. All wastewater must be disposed of and contained within the curtilage of the land to the satisfaction of the responsible authority and must not be discharged directly or indirectly to an adjoining property, road or any water course or drain. Sufficient land must be set aside and kept available for the purposes of effluent disposal. The new on site wastewater system must be designed in accordance with Environment Protection Authority code of practice to the satisfaction of the Responsible Authority.

### **CFA Conditions**

#### **Siting**

36. Solar Facilities:
- A 6m separation between solar panel banks/rows.
  - A fuel reduced buffer zone between solar panel banks to limit fire spread.
37. Battery Storage Facilities:
- Facilities are to be located as close to the site entrance as possible.

#### **Access**

38. CFA recommends that the following provisions be considered:
- A perimeter road of no less than 4 metres width must be constructed within the fuel-reduced area of ten (10) metre perimeter fire break.
  - Roads are to be of all-weather construction and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
  - Constructed internal roads (not perimeter road) should be a minimum of 3.5 metres in trafficable width with a four (4) metre vertical clearance for the width of the formed road surface.
  - The average grade should be no more than 1 in 7 (14.4% or 8.1°) with a maximum of no more than 1 in 5 (20% or 11.3°) for no more than 50 metres.
  - Dips in the road should have no more than a 1 in 8 (12.5% or 7.1°) entry and exit angle.
  - Curves must have a minimum inner radius of 10 metres.
  - Incorporate passing bays at least every 200m which must be at least 20m long and have a minimum trafficable width of 6m.
  - Road networks must enable responding emergency services to access all areas of the facility.
  - Site development should consider multiple points of access. This will depend on the size of the facility and should be something that is considered through the risk assessment process.

**Water Supply**

39. Static water storage tank installations are to comply with AS 2419.1 and the following conditions:

- The static water storage tank(s) shall be of not less than 45,000 litres effective capacity. The static water storage tank(s) must be an above ground water tank constructed of concrete or steel. The location and number of tanks should be determined as part of the site's risk management process and in consultation with a CFA Delegated Officer.
- The static storage tanks shall be capable of being completely refilled automatically or manually within 24 hours.
- The hard suction point shall be provided, with a 150mm full bore isolation valve, equipped with a Storz connection, sized to comply with the required suction hydraulic performance. Adapters that may be required to match the connection are, 125mm, 100mm, 90mm, 75mm, 65mm Storz tree adapters with a matching blank end cap to be provided.
- The hard suction point shall be positioned within 4m to a hardstand area and provide a clear and safe access for fire personnel.
- An all-weather road access and hardstand shall be provided to the hard suction point. The hardstand shall be maintained to a minimum of 15 tonne GVM and 6m wide or to the satisfaction of the Delegated Officer.
- The road access and hardstand shall be kept clear at all times.
- The hard suction point shall be protected from mechanical damage (i.e. Bollards) where necessary.
- Where the access road has one entrance, a 10m radius-turning circle shall be provided at the tank.
- An external water level indicator is to be provided to the tank and be visible from the hardstand area.
- Signage shall be fixed to each tank indicating the effective capacity (in litres) of the tank and be labelled "Fire Fighting Water".
- Signage shall be provided at the front entrance to the site, indicating the direction to the static water tank and being to the satisfaction of a CFA Delegated Officer.

**Dangerous Goods Storage and Handling**

40. Compliance with the requirements of the relevant Australian Standards, e.g. (DR) AS 5139: Electrical installations – Safety of battery systems for use with power conversion equipment; AS 3780: The storage and handling of corrosive substances; and AS 1940: The storage and handling of flammable and combustible liquids.

- Signage and labelling compliant with the Dangerous Goods (Storage and Handling) Regulations 2012, and the relevant Australian Standards.
- All dangerous goods stored on-site must have a current Safety Data

Sheet (SDS). Safety Data Sheets are to be contained within the site's Emergency Information Book, in the Emergency Information Container. (Refer section 12 for more information)

- Adequate ventilation of the battery storage area/room. As per draft Australian standard 5139 and most SDS's for battery storage.
- Appropriate material (absorbent, neutralisers, equipment and PPE) for the clean-up of spills available on-site.

### **Construction**

41. During construction of any renewable energy facility, site occupiers must:

- Ensure that appropriate permits have been issued for work during Fire Danger Period and Total Fire Bans if required.
- Adhere to restrictions on Total Fire Ban or high fire danger days (refer to [www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)).
- Carry fire extinguishers or firefighting equipment in vehicles.
- Carry emergency communications equipment.
- Vehicles are to keep to tracks whenever possible.
- Restrict smoking to prescribed areas.

### **Site Operation**

42. During site operation, of any renewable energy facility, site occupiers must ensure that:

- Maintenance and repair activities that involve flame cutting, grinding, welding or soldering (hot works) are to be performed under a 'Hot Work Permit' system or equivalent hazard or risk management process.
- Wind turbine manufacturers provide specifications for safe operating conditions for temperature and wind speed.
- A wind energy facility fire plan shall specify maximum operational wind speed and temperature conditions and operating procedures to limit fire risk.
- Solar panel manufacturers must provide specifications for safe operating conditions for temperature and the safety issues related to electricity generation if solar panels are involved in fire.
- Battery storage manufacturers must provide specifications for safe operating conditions for temperature and the effects on battery storage if involved in fire.

### **Fuel/Vegetation Management**

43. Facility operators are to undertake the following fuel management measures during the Fire Danger Period:

- Grass is to be maintained at below 100mm in height during the declared Fire Danger Period.
- A fuel-reduced area of ten (10) metres width is to be maintained around the perimeter of the facilities, electricity compounds and



substation-type facilities.

- This fuel reduced area must commence from the boundary of the facility or from the vegetation screening inside the property boundary
- Adhere to restrictions and guidance during the Fire Danger Period, high fire danger days and Total Fire Ban days (refer to [www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)).
- All plant and heavy equipment is to carry at least a 9 litre water stored-pressure fire extinguisher with a minimum rating of 3A, or fire-fighting equipment as a minimum when on-site during the fire danger period.
- A fire break of at least 10m wide shall be constructed and maintained around the perimeter of the site.
- There is to be no long grass or deep leaf litter in areas where plant and heavy equipment will be working.

#### 44. Solar and Battery Storage Facilities:

Solar arrays are to have no combustible material under the array installation. This is to be either mineral earth or non-combustible mulch such as stone.

### Emergency Management Planning

45. A risk management process that meets occupational health and safety requirements for eliminating or reducing risk so far as is reasonably practicable provides the foundation for effective emergency and fire management planning.

- a) Identification of hazards/risks (credible, critical issues)
  - On-site hazards/risks (e.g., electrical faults, operational faults, chemical releases, practices/processes).
  - Off-site hazards/risks (e.g., bushfire, grassfire, storm, lightning, flood).
  - Any other operational, financial or strategic risks to the organisation or operation.
- b) Identification of controls (precautionary options)
  - The identification of controls and treatments for identified risks, based on the hierarchy of controls.
- c) Risk analysis (risk-effort balance evaluation)
  - Evaluating controls and treatments, based on an assessment of practicality of implementing the controls.
- d) Risk treatment (action)
  - Implementing the practical controls for each identified hazard/risk.
- e) Risk review
  - Monitoring of site hazards/risks, systems and processes to



ensure that emerging risks are identified; existing risks are effectively controlled; and controls are appropriate and effective.

Section 113A of the Electrical Safety Act 1998 and Section 6 of the Electricity Safety (Bushfire Mitigation) Regulations 2013 require that a Bushfire Mitigation Plan be prepared for approval by Energy Safe Victoria.

### **Emergency Management Plan (Fire Management Plan)**

46. CFA recommends that facility operators develop an emergency management plan consistent with the requirements of AS 3745: Planning for emergencies in facilities. The emergency plan is to include:

- Emergency prevention, preparedness and mitigation activities;
- Activities for preparing for, and prevention of emergencies (e.g., training and maintenance);
- Control and coordination arrangements for emergency response (e.g., evacuation procedures, emergency Assembly Areas and procedures for response to hazards); and
- The agreed roles and responsibilities of on-site personnel (e.g., equipment isolation, fire brigade liaison, evacuation management).
  - To facilitate fire brigade response, CFA's expectation is that the emergency management plan includes:
- Facility description, including infrastructure details, activities and operating hours;
- A site plan containing infrastructure (solar panels, wind turbines, inverters, battery storage, generators, diesel storage, buildings), site entrances, exits and internal roads; fire services (water tanks, fire hydrants, fire hose reels); and neighbouring properties;
- Contact details of site personnel, and any relevant off-site personnel that could provide technical support during an emergency;
- A manifest of dangerous goods (if required under the Dangerous Goods (Storage and Handling) Regulations 2012);
- Emergency procedures for credible hazards and risks, including fire;
- Procedures for notifying the emergency services; and
- Procedures for evacuating personnel.
- A Fire Management Plan includes all of the fire mitigation measures that will be implemented to reduce the risk of fire, established through a risk management process. A Fire Management Plan can specifically address:
  - Risk management measures specific to fire (as above); and
  - A fuel (vegetation) reduction and maintenance plan/procedure.

47. CFA's expectation is that the Fire Management Plan forms part of the Emergency Management Plan; where the hazards/risks and controls are identified and implemented to ensure fire risk is managed so far as is reasonably practicable, and the activities associated with fuel reduction and maintenance are captured in the organisation's Standard Operating Procedures.

**Department of Environment, Land, Water and Planning Conditions**

48. Before works commence, the permit holder must advise all persons undertaking the vegetation removal and works of all relevant permit conditions and associated statutory requirements or approvals.
49. Only native vegetation identified in the Jacobs “Glenrowan Solar Farm, Planning Permit Application Report, Final” dated 27 April 2018, is to be removed as part of this permit.
50. No roadside clearing is permitted as part of this permit.
51. To offset the removal of **1.461** hectares of native vegetation (0.266 Ha remnant patches and 17 scattered trees), the permit holder must secure a native vegetation offset, in accordance with the Permitted clearing of native vegetation Biodiversity assessment guidelines and the Native vegetation gain scoring manual (DEPI 2013) as specified below:
- A general offset of **0.052 general biodiversity units** with the following attributes:
  - Must be located within the Goulburn Broken Catchment Management Authority boundary or Wangaratta Rural City Council district.
  - Must have a strategic biodiversity score of at least **0.095**
52. Before any permitted works commence on site, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. Offset evidence can be:
- A security agreement, to the required standard, for the offset site or sites, including a 10- year offset management plan and/or
  - A credit register extract from the Native Vegetation Credit Register.
53. In the event that a security agreement is entered into, the applicant must provide the annual offset site condition report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

This condition does not apply to offsets on the native vegetation credit register as these include monitoring requirements.

**VicRoads Conditions**

54. No internally illuminated, flashing or animated signs shall be displayed on the site.
55. If signs and facilities are externally illuminated, the light source shall be suitable baffled to ensure that no direct light emanates beyond the

curtilage of the land.

- 56. No Access to the site shall be provided from Winton- Glenrowan Road.
- 57. During the construction stage, all vehicles Class 3 and higher (larger than 'service' truck) must access the subject site via the Winton-Glenrowan Rd flyover at Hume Freeway and a section of Winton-Glenrowan Rd (north-east of the proposed development site) approved for the use of vehicles operating under the Higher Mass Limit scheme.

#### **Goulburn Murray Water Conditions**

- 58. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- 59. No buildings and solar panels (including works associated with solar panels) are to be constructed within 30 metres of any waterways, or dams on waterways.
- 60. If applicable, all wastewater from the office must be treated and disposed of using an EPA approved system, installed, operated and maintained in compliance with the EPA Code of Practice – Onsite Wastewater Management, Publication 891.4, and to the satisfaction of council's Environmental Health Department.
- 61. If applicable, the wastewater disposal area must be located in accordance with Table 5 of the EPA Code of Practice – Onsite Wastewater Management, Publication 891.4, July 2016, from any waterways (including Goulburn Murray Water open channels), drainage lines, dams or bores.

#### **Environmental Protection Authority Conditions**

- 62. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
- 63. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.
- 64. Construction and post-construction activities must be in accordance with EPA.
- 65. Publication 275 Construction Techniques for Sediment Pollution Control 1991 or as amended.

#### **Expiry Condition**

66. This permit will expire if any of the following circumstances apply:

- (a) The development is not started within two years of the date of this permit.
- (b) The development is not completed within four years of the date of this permit.
- (c) the use does not start within two years after completion of the development; or
- (d) the use is discontinued for a period of two years.

The Responsible Authority may extend the commencement date if a request is made in writing by the owner or the occupier of the land to which the permit applies before the permit expires or within 6 months afterwards.

The Responsible Authority may extend the time within which the development is to be completed if the development has commenced and a request in writing is made by the owner or the occupier of the land to which it applies within 12 months after the permit expires.

#### **General Notes**

- The granting of this permit does not obviate the necessity for compliance with the requirements of any other authority under any act, regulation or local law.
- The property is located outside of the reticulated sewerage district. It must have installed a septic disposal system approved by Council.
- Prior to works commencing on public land or roads, the applicant must obtain a permit from the relevant authority giving Consent to Work within a Road Reserve.
- This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

**Motion was lost**

#### **RESOLUTION**

***For: Councillor M Currie, Councillor A Fitzpatrick and Councillor D Fuller***

***Against: Councillor H Bussell and Councillor D Rees***

***(Moved: Councillor M Currie/Councillor D Fuller)***

***That Council advises VCAT that should Council have been able to determine this application it would have refused a planning permit with respect to Planning Application 18/017 for Use and Development of Land***

***for a Renewable Energy Facility (solar farm), Installation of Signage and Removal of Native Vegetation at 38 Glenrowan West Road, Glenrowan (Lot 5 LP 134007, Lot 6 LP134007 Vol 8323 Fol 455, Lot 1 TP 1424621) for the following reasons:***

- 1. The proposed use and development does not produce an acceptable outcome in terms of the relevant decision guidelines of the Wangaratta Planning Scheme.***
- 2. Considering the range of relevant planning policies and conflicting policy objectives, the proposed use and development would not produce a net community benefit or sustainable development for the benefit of present and future generations particularly on the site and in the surrounding neighbourhood and community due to:***
  - a. loss of production from high quality agricultural land***
  - b. reduced visual amenity both to immediate neighbouring properties, and when viewed from the adjacent freeway, railway and local access roads***
  - c. potential reputational detriment to an historic township Glenrowan which has a major tourism importance to this region***
  - d. loss of native vegetation that could have been avoided or minimised.***

**Carried**

## **Background**

### **Property Details**

The subject land is situated along the southern side of the Hume Freeway, approximately 15km south west of Wangaratta and 2.2km south west of Glenrowan. The subject land is bordered by Winton-Glenrowan Road to the north, Chivers Road to the west, Glenrowan West Road to the south and Glenrowan West Road to the east. The subject land is within the Rural City of Wangaratta Municipality. Chivers Road is the sites western boundary and borders the Benalla Rural City.

The site is 245 hectares on 9 parcels owned by one land owner. The subject land is currently used for grazing and hay making. The current land owners dwelling is located on Lot 2 P98294 this parcel does not form part of the subject land.

Access to the site will be from Chivers Road in the northwest corner of the proposed development site.

There are a number of waterways on site which drain south to north. There are also farm dams on site.

### **Permit Triggers**

Land/Address	38 Glenrowan West Road Glenrowan
Zones and Overlays	Farming Zone  No Overlays
Why is a permit required	Buildings and works associated with a section 2 use in the Farming Zone  Buildings and works within 100m of a Road Zone Category 1  Installation of Business Identification Signage

### **Proposal in Detail**

This application is for the installation of a renewable energy facility (solar farm), business identification signage and removal of native vegetation. The application includes the following building and works:

- Erection of 420,000 photovoltaic panels, hinged at 2 metres off the natural surface of the ground but panels would not exceed 4 metres in overall height. They are established in rows and connected to each other in arrays. Mounting structures will slowly track the horizontal movement of the sun. Mounting structures are either piled or screwed to the ground and do not require a concrete foundation.
- Direct Current (DC) cabling will connect each solar panel to a string of DC boxes mounted near the panels and approximately 1.5 metres off the ground. DC cabling will be installed under ground between the DC boxes.
- A Power Conversion Unit (PCU) is situated within each solar array block and contains inverters and transformers, it is typically designed to be housed in a shipping container for easy transport and installation on site. Each PCU will be supported by pile foundations at least 300mm above ground surface level.
- Underground cabling will be required to connect to a sub-station proposed for the northwest corner of the site. It will transform voltage to enable connection to the National Electricity Market.
- Battery storage has been allowed for as an option and if developed will also be located in the northwest area of the site. Battery storage will enable stored energy to be realised during periods of high demand or when solar is not available.
- An operations and maintenance building will be constructed in the northwest corner of the site. The building will have a footprint of 40m x

50m and will incorporate an office and amenities. There will be a septic system and a fence for security.

- The site will be accessed from Chivers Road in the northwest corner of the site. The access will accommodate all construction traffic and operation and maintenance traffic. Internal access roads will be constructed at least 3.5m wide and sealed.
- 8 car parking spaces will be provided.
- The site consists of land used for grazing and hay production. The majority of the site is clear of native vegetation however scattered trees and patches exist. The site is dominated by exotic pasture grasses especially perennial rye grass. Seven patches of native vegetation has been identified. These include:
  - 3 patches of Box-Ironbark Forest
  - 1 patch of Plains Woodland /Herb-rich Gilgai Wetland Mosaic
  - 3 patches of Plains Woodland

There are 36 scattered native trees on site. Along the southern boundary, approximately 500m from the intersection with Glenrowan West Road and Chivers Road is an area of vegetation that has been planted as part of the Regent Honeyeater Project which will not be affected by this project. 17 native trees and 3 patches of native vegetation are proposed to be removed as part of this project.

### **Summary of Key Considerations**

- Loss of productive agricultural land
- Loss of amenity
- Loss of native vegetation
- Noise
- Visual impact from surrounding properties and as a gateway to the municipality
- Net community benefit
- Car parking
- Advertising signage

### **Relevant Planning Provisions**

The following provisions of the Wangaratta Planning Scheme are relevant to this proposal:

Section	Clause	Provision
State Planning Policy Framework	11	Hume
	12	Native vegetation management
	14	Agriculture

Section	Clause	Provision
	19	Renewable energy
Local Planning Policy Framework	21.05	Rural land use and agriculture
	22.03	Glenrowan township
	22.04	Economic development and tourism
	22.06	Environmental management and heritage
	22.07	Infrastructure
	22.08	Advertising
Zones	35.01	Farming Zone
	36.04	Road Zone (RDZ1 & 2)
Overlays	None apply	
Particular Provisions	52.05	Advertising Signs
	52.06	Car Parking
	52.17	Native vegetation
	52.42	Renewable energy facility (other than Wind energy facility and Geothermal energy extraction)
Decision Guidelines	65.01	Approval of an Application or a Plan

### **Referrals**

The application was referred to the following referral authorities:

Authority	Section	Response
North East Water	Discretionary	No objection subject to the inclusion of one suggested condition relating to waste disposal.



Authority	Section	Response
Vic Roads	Discretionary	No objection subject to the inclusion of suggested conditions relating to: <ul style="list-style-type: none"> <li>• Signage</li> <li>• Lighting</li> <li>• Access: no access from Winton-Glenrowan Road and construction traffic will need to use the flyover at Hume Freeway approved for the use of Higher Mass Limit Vehicles</li> </ul>
CFA	Discretionary	No objections subject to the following suggested conditions related to: <ul style="list-style-type: none"> <li>• Siting</li> <li>• Access</li> <li>• Water supply</li> <li>• Emergency Management Planning</li> <li>• Emergency Management Plan</li> <li>• Dangerous goods storage and handling</li> <li>• Construction</li> <li>• Site operation</li> <li>• Fuel/vegetation management</li> </ul>
AusNet	Discretionary	No objection but noted it may have an interest in the application
APA	Discretionary	No objection but noted it may have an interest in the application
DEWLP	Discretionary	No objection subject to suggested conditions related to: <ul style="list-style-type: none"> <li>• removal of native vegetation</li> <li>• offset requirements for the same</li> <li>• evidence before construction that off sets have been secured.</li> </ul>

Authority	Section	Response
Goulburn Murray Water	Discretionary	No objection subject suggested conditions regarding: <ul style="list-style-type: none"> <li>• set back guidelines from waterways</li> <li>• sediment control</li> <li>• wastewater treatment</li> </ul>
EPA	Discretionary	No objection subject to suggestions for : <ul style="list-style-type: none"> <li>• noise standards being met</li> <li>• secondary containment for liquids</li> <li>• sediment control during construction</li> </ul>

### **Internal Departmental Advice**

Department	Response
Technical Services Department	Further information required on:  Road access - how materials will access and egress the site given the VicRoads 20 tonne load limit on the Glenrowan-Winton Road between Glenrowan West Road and Chivers Road when the Hume Freeway was built.  Drainage – how will concentrate flows coming off the solar panels in an area that erodes be dealt with for those landowners downstream of the development
Environment	No objection subject to the inclusion of conditions relating to tree protection zone during construction or off set requirements, trees in the road reserve adjoining the site access, evidence that off sets have been secured for native vegetation identified for removal.

### **Advertising**

The application was advertised to surrounding landowners and occupants on 15 May 2017. Owners and occupants notified entailed:

- All properties abutting the site in Rural City of Wangaratta municipality
- All properties abutting the site in Rural City of Benalla municipality

A notice was also placed within the:  
Wangaratta Chronicle 'Rural Connection Page' on 25 May and 1 June 2018.  
Benalla Ensign on 23 and 28 May 2018.

Since notification 75 individual submissions have been received.

Out of the 75 submissions received 61 were in a pro-forma format detailing the issues of concern, offering any other comments and with a name and address box.

Of the 61 pro-forma submissions 10 made additional comments. Three of those 10 were from outside the immediate area (Melbourne, Tarrwingee, Howlong) with only 1 of those having ties to the area. 14 pro forma submissions were received from local Glenrowan residents. 37 received were from outside the immediate Glenrowan area e.g. Tarrwingee, Eldorado, Wangaratta, Benalla, Moyhu, Beechworth and Laceby.

14 of the objections provided individual letters stating their individual reasons for objecting. Some of these were from people living in Melbourne but having an interest in family farms and businesses abutting the proposed development. Many of these holiday in Glenrowan at the local residence and are expecting to move to the farm upon inheritance.

Following an assessment of the submissions received 28 of them have provided either more detail (14 in number) or are in a pro-forma manner but are from the Glenrowan area.

Council Officers have advised the submitters that the planning application is an applicant driven proposal that must be assessed against the provisions of the Wangaratta Planning Scheme according to the provisions of the Planning and Environment Act 1987. Notification has been carried out in accordance with the Act and submissions can be received up until the time Council makes a decision on the application.

A two month period has transpired between notification of the application and the application being considered ready for Council determination. This is considered adequate time in which to consider the application and make a submission.

Concerns raised by objectors with respect to the proposed development are summarised as follows;

<b>Ground for Submission</b>	<b>Concern Raised</b>	<b>Comments/Response</b>
Loss of amenity	Loss of views and vistas.	The applicant advises that trees can be used to screen the panels however this is a relatively flat, treeless landscape due to agricultural production on the land over many years. There are a number of considerations in the planning scheme related to appropriate siting of the proposed development within the agricultural framework of the land.

Ground for Submission	Concern Raised	Comments/Response
	Over development of solar facilities due to 2 other abutting facilities making potentially 7kms of panels along the Hume Freeway.	Each application has to be considered on its merits. The 2 other applications in the Benalla municipality are going through the appropriate planning process and may or may not be built.
Health and wellbeing (psychological)	Concerns that development is occurring and is stressful. Mitigation through fencing and trees will do nothing to block the other factors raised such as glint, glare, noise and dust.	Health and wellbeing cannot be considered under the Wangaratta Planning Scheme but it is acknowledged that development can have an impact on the community.
Traffic Management	Concern over increased traffic especially during construction and the impact on the network with regards to safety at junctions.	Access and egress is proposed to be from the northwest part of the site with an internal road network. Vic Roads have identified an appropriate junction off the Hume Freeway where heavy vehicles are able to traverse. Once construction has been completed the TIA states that there would be a less than 5% increase in traffic over and above current levels. During construction this would be less than 10% of the existing capacity.
Glint and Glare	All objectors raised the issue of glint and glare acknowledging that the solar panels will move around to capture the sun and so the impact will be dependent on what time of day and where the solar panels are at that time.	The applicant has offered mitigating measures for any issue around glint and glare. This includes tree planting. This is an amenity issue and the Wangaratta Planning Scheme can consider the appropriateness of the location for the proposed development.
Noise	The Panels will be able to move to capture the sun throughout the day and this in turn will cause a noise issue for those living close by especially with the amount of solar	Noise requirements would need to be considered based on EPA guidelines. The EPA has not raised this as an issue.

Ground for Submission	Concern Raised	Comments/Response
	<p>panels proposed.</p> <p>Noise during construction</p>	<p>No information has been provided by the applicant on this matter, although it is proposed to have one access and egress site on the subject land.</p>
Heritage	<p>The Glenrowan township is only 2km away and is a tourist destination known for its connections to Ned Kelly. The panels will detract from the historical reputation of the township</p>	<p>The Wangaratta Planning Scheme considers this aspect and it is noted the proposed development is likely to have an impact on the historic nature of the township.</p>
Agriculture	<p>Loss of agricultural land and future impact of the development on the land to be able to reinstate it as agricultural land.</p>	<p>Subject site is currently used for farming activities has been identified in the Wangaratta Planning Scheme as land of high versatility</p>
Environment	<p>Concerns over impact on birds and the neighbouring Winton Wetlands. The island effect of birds thinking the panels are a lake system.</p>	<p>The applicant has advised that vegetation is being kept to protect the Regent Honeyeater. DELWP have not raised an objection relating to birds. The Wangaratta Planning Scheme does deal with flora and fauna and this is reflected in the discussion later in this report.</p>
Fire	<p>Concern over hot summers and the potential fire risk of the panels with glass acting as a conductor</p>	<p>The CFA have not raised objected to the proposal. There is no Bushfire Management Overlay over the site.</p>
Dust and weed control	<p>Concern that dust especially during construction will not be suppressed and some of the objectors state they have asthma especially due to the dry climate in the north east. Weeds will be create and won't be able to be managed due to the number of panels. Weeds will grow under the panels and present a potential fire</p>	<p>Water can be used to suppress dust during construction. Weeds can be sprayed and cut under the solar panels due to the height above ground (between 2 and 4 metres).</p>

Ground Submission	for	Concern Raised	Comments/Response
		risk	
Devaluation of property		Concern that property values will decrease and that people will start to sell farms due to the negative impacts (glint, glare and noise whether actual or perceived).	The Wangaratta Planning Scheme cannot deal with this aspect
Decommissioning process		Solar panels have a maximum lifespan of 40 years what happens after this time? How does the decommissioning process work? And what happens to the land? What is the impact of the panels on the land?	The Wangaratta Planning Scheme does not deal with these issues as there is no state guidance on solar farms. The applicant has advised that the panels will be removed and the land can revert to agricultural use

### **Relevant Provisions under the Wangaratta Planning Scheme**

#### **State Planning Policy:**

Clause 19.01 – Provision of Renewable Energy

Clause 52.42 – Renewable Energy Facility

Clause 11.12 – Hume

Clause 14.01 - Agriculture

The Wangaratta Planning Scheme places a great emphasis on the retention of agricultural land ensuring that it is protected from non-agricultural uses and non-related development. The proposal entails removing 245 hectares for up to 40 years.

The Farming Zone does not prohibit renewable energy facilities being built.

State policy encourages provision of renewable energy facilities through **Clause 19.01** stating:

*‘To promote the provision of renewable energy in a manner that ensures appropriate siting and design consideration are met’*

However it also notes that there should be strategies to:

*‘Protect energy infrastructure against competing and incompatible uses’.*

**Clause 52.42** (renewable energy facility) seeks to:

*‘Facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area’.*

**Clause 11.12** – Hume encourages a diversified economy and renewable energy is seen as a way of achieving diversification. With strategies to:

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

**Clause 14.01** – Agriculture endeavours to:

*‘Ensure that the State’s agricultural base is protected from unplanned loss of productive agricultural land due to permanent changes of land use’.*

In this case there appears to be a conflict between agriculture and the state policy support for renewable energy.

While it is noted that land in Wangaratta does not appear to have state significance on a local level research has been undertaken to classify local agricultural land.

### **Zoning**

Clause 35.07 – Farming Zone

Clause 21.05 – Rural Land Use and Agriculture

Pursuant to **Clause 35.07** of the Wangaratta Planning Scheme the site is identified as being located within the Farming Zone.

Key purposes of the Farming Zone include;

- *To provide for the use of and 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 economies.*

Under the provisions of the Farming Zone a permit is required to use the land for a Renewable energy facility (other than Wind energy facility).

The proposal is not considered to adequately meet the requirements of the Farming Zone as it is considered that it does not meet the ‘purpose’ of the Farming Zone and the considerations identified for decision making within the Zone.

### **Agricultural issues and the impacts from non-agricultural uses**

The proposal is to develop 245 hectares of agricultural land with 420,000 photovoltaic panels. The Zone considers Section 2 uses – those requiring a

permit and considers non-agricultural uses. The following are the considerations for non-agricultural uses:

*‘Whether the use and development will support and enhance agricultural production’.*

The land is currently used for grazing (cattle and sheep) and haymaking. The applicant has advised that due to the height of the panels, between 2 and 4 metres some sheep grazing may still be possible. The affect the panels will have on grass growth, moisture penetration and nutrient infiltration due to the proximity of the panels to each other and the impact of rainfall and sun reach is yet to be assessed. It is acknowledged that dust in the hotter months may require the sheep to be taken off site. Dust will also impact the efficiency of the solar panels and require more regular cleaning as well as creating issues for offsite amenity.

The land is recognised as being of high quality agricultural land through the Wangaratta Planning Scheme and Local Policy **Clause 21.05** Rural land Use and Agriculture:

*The municipality has some very productive soils and agricultural areas. The report ‘An Assessment of the Versatility of Agricultural Land in the Rural City of Wangaratta’ (April 2000) rates the Ovens River and King River valleys as ‘very high’ versatility and the centre and northern sections of the municipality as ‘high’ versatility.*

Taking an average 10% of the subject site is of very high value, 10% is of medium value with the remaining 80% of high value. **Clause 21.05** recognises the value of agriculture:

*‘The agricultural sector is essential to the economic and social performance of the municipality and the region. It is imperative that the productivity and versatility of agricultural land is maintained, particularly for higher agricultural versatility areas.’*

Moreover the Wangaratta Planning Scheme also acknowledges that ‘lifestyle farming’ is also prevalent in some areas and the objections received support this statement.

The applicant has noted that the land could be used for timber growth and this could have the same impact as that of a solar farm. The versatility mapping identified that land of low agricultural merit could be used for timber. Timber is problematic to assess because it is an as of right agricultural use within the Farming Zone and also provides a number of local economic benefits including jobs with companies such as Hancock Victorian Plantations, Carter Holt Harvey and Hendersons in Benalla. While these companies are outside of the immediate municipality they are within half an hour drive (30 km) and employ people from the Wangaratta municipality.

The applicant has not provided information as to ‘the capacity of the site to maintain agricultural uses’ or ‘prepared an integrated management plan for the



site’, both are considerations for assessment under the Zone as the proposal is for a non-agricultural use.

The Farming Zone also considers the Design and Siting issues including:

- *The impact of the character and appearance of the area or features of architectural, historic or scientific significance or of natural beauty or importance*
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities*

The north east region is a popular tourist destination for its natural beauty and environmental values and nature based tourism. The cumulative visual impact of the potential for multiple solar farm installations in close proximity to each other on the southern gateway to the municipality, visible from a major freeway is not considered appropriate and will adversely impact the natural beauty of the area.

The specific location of the proposed development site is chosen for financial reason as it is approximately 5km from the Glenrowan Transmission Station which reduces infrastructure costs with only in ground cabling required to hook up to the national electricity grid.

This existing transmission station location has also created interest from other renewable companies who are looking to use this infrastructure. In the neighbouring, Rural City of Benalla two renewable energy (solar) facilities have been proposed. These include:

- 86Chivers Road, Glenrowan West – 130 megawatt with 300,000 panels
- 460 and 576 Winton-Glenrowan Road – 85 megawatt with 319,440 panels

If developed, coupled with the proposed site at Glenrowan in the Wangaratta municipal area, 7kms of solar panels could be created.

### **Local Planning Policy**

Clause 22.04 – Environmental Management and Heritage

Clause 22.03 – Glenrowan Township

Clause 22.06 – Ridgelines, Escarpments and Hilltops

Amenity is a key objection related to vistas and the land characteristics of the area: open plains with relatively few trees (due to agricultural production) and views to the Warby Ranges and Mount Buffalo.

In addition to the extent of solar panels across a large site, the security fencing around the perimeter of the facility, which while no detail has been provided in the application, is likely to require cyclone fencing possibly topped with razor wire, will be a major visual intrusion foreign to the surrounding rural landscape.

**Clause 22.04-3** acknowledges that tourists come for the visual amenity of the area and acknowledges the importance of this as a key economic driver.

*‘Many of the public places, thoroughfares and tourist routes in the municipality enjoy a high level of visual amenity afforded by surrounding land and landscapes...The quality of the visual environment of an area is known to be an important criteria when tourist make ‘stop, visit, stay, invest, buy or return’ decisions’.*

The policy goes on to state that:

*‘It is policy to: consider the likely visual impacts of the sites proposed activities’.*

**Clause 22.06-2** Ridgelines, Escarpments and Hilltops notes again the importance of the municipality’s natural assets and the need to reduce any degradation to the attractiveness and visual quality of the area.

*‘Discourage ‘skyline’ development, or development which, through location and/or design, would break the line and form of the natural landscape’.*

The proposal is not in keeping with Clause 22.06-2 as it will break the form of the natural landscape in an area which can be seen from the Hume Freeway, the main tourist route.

Another important consideration in this area is the township of Glenrowan which is located approximately 2 km from the proposed ‘solar farm’. This area is of historic importance at a national level due to its ties with Ned Kelly and the siege of Ned Kelly. The township’s reputation as a major tourist destination specifically around the Ned Kelly story is well supported and the Wangaratta Planning Scheme acknowledges the significance and contribution of heritage places (**Clause 22.06-6**).

**Clause 22.03** Glenrowan Township Plan policy aims to:

*‘Create a vibrant rural town, through land use planning’.*

The Glenrowan Township Plan has created 7 precincts. Precinct G - Western Glenrowan (farming) is located within 2kms of the subject site, Precinct I - Sporting is located within 1.4kms from the proposed development site. Precinct C – Core Heritage is 2.3kms from the proposed development site.

Policy 7.2 – *‘Protect vegetation by siting new development to minimise loss.’*

Policy 7.4 – *‘Minimise the impact of risk from bushfire’.*

Policy 10.3 – *‘Support development that includes enhancing landscape character’.*

Given the nature of the proposed development it can reasonably be argued that the development would have a significant impact on the township, its surrounding land and its reputation. The Wangaratta Planning Scheme through its policies aims to ensure that development does not impact on the township.

Moreover, while the proposal is not a permanent change of land use (Clause 14.01), (the panels have up to a 40 year operational lifespan) there is the potential to return the land to agricultural production. However the applicant has not provided any information on how this will be achieved or the long term effects the panels will have on the soil structure and a possible return to production.

### **Particular Provisions**

Clause 52.06 – Car parking

Clause 52.05 – Advertising signs

Clause 52.17 – Native vegetation

#### Clause 52.06 - Car parking

The Responsible Authority in the case of renewable energy facilities has the discretion to decide on car parking requirements. The eight spaces to be provided are considered to be adequate.

#### Clause 52.05 – Advertising Signs

The proposal is to erect business identification signage. In the construction stage the signage will inform residents and construction staff on the proposal. Following construction the signage will detail information about the project. The applicant has stated that signage will be within the confines set out within the Wangaratta Planning Scheme, namely, it will not exceed 3m<sup>2</sup>, will not be illuminated or animated and will not be within 60m of a freeway or arterial road.

#### Clause 52.17 - Native vegetation

The site contains 36 scattered trees of which 27 are proposed for removal and to be offset. Seven patches of remnant vegetation, 3 patches of EVC 803: Plains Woodland are proposed to be removed. The applicants' assessment has identified that this removal is unlikely to impact on any threatened species.

**Clause 35.07** Farming Zone states that there is a

*'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'.*

Given historical agricultural practices have reduced the amount of native vegetation in the area and given the prairie like vistas now enjoyed along with the ridgelines, hilltops and escarpments it is important to protect the existing native vegetation.

### **Consideration of Significant Social and Economic Effects under Section 60 of the Act**

Section 60 of the Act requires Council, as the Responsible Authority, to consider any significant social effects and economic effects which the Responsible Authority considers the use or development may have.

Clause 71.02 Operation of the Planning Policy Framework - 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.

The applicant has stated that 150 jobs will be created during the construction stage of the project therefore making a significant economic impact. However it is likely that specialist installers will be required to erect the panels and it is unlikely that this will create the local jobs stipulated due to the specialist nature and training required on panel erection. Equally the on-going positions related to cleaning the panels, which is likely to be once or twice a year as stated in the application, and by tractor with a cleaning arm, is unlikely to create many on-going jobs. Monitoring of the panels will require a small staff but again this is likely to be specialist in nature with most of the monitoring undertaken remotely but computer.

Moreover, no local access to electricity generated will be available from the site. All generated energy will feed directly into the national grid. While there is an element of future sustainability this does not directly benefit the local community. The loss of agricultural land which employees the local community both directly and indirectly will affect the economy. As will the any loss of tourism due to reputation of the historic township and its association with Ned Kelly.

While there is no aboriginal cultural heritage affected by the proposal and therefore a cultural heritage plan was not required the location of the site to the historic township of Glenrowan with its European historical significance and therefore tourism generation could be affected. The Ned Kelly Siege Precinct in Glenrowan is registered on the Victorian Heritage Register. The Ned Kelly association with Glenrowan makes a significant contribution to the local economy. The renewable energy proposal could affect the reputation of the Glenrowan area and it may become known for its solar 'fields' rather than for its historical legacy to Ned Kelly. Long term this could have a detrimental impact on the local economy especially when 245 hectares of farming land is also taken out of production. A local economy which is based on agricultural and tourism.

#### **Clause 65 Decision Guidelines**

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

The application is considered generally in keeping with both the state and local policy frameworks. However these are broad and conflicting between the two uses of farming and renewable energy. The application is also in line with the purposes and decision guidelines of the relevant zone, and particular provisions. The development of the land for a renewable energy facility can be facilitated within the Farming Zone, generally, however the conflicting policy parameters between renewable energy provision and agricultural production, combined with the specific site characteristics make an acceptable outcome difficult to achieve.

## **Implications**

### **Policy Considerations**

There are no additional Council policies or strategies that have not already been discussed in this report.

### **Financial Implications**

This proposal will have an impact on Council's financial resources as the matter has already been referred to the Victorian Civil and Administrative Tribunal. Council will incur costs in defending its position to VCAT.

Should a proposal such as this be approved then Council may see a higher return in rates due to the change in land use and the normal discounted farm rates not applying to commercial operations.

### **Legal/Statutory**

All procedures associated with the lodgement and assessment of this application have been done in accordance with the *Planning and Environment Act 1987*.

### **Cultural Heritage**

The land for the renewable energy proposal is not subject to cultural heritage. However, the historic township of Glenrowan with its association to Ned Kelly is located about 2.2kms away. The applicant has not considered the impact of this proposal on the township in spite of its proximity.

### **Social and Economic Impacts**

Section 60 of the Planning and Environment Act requires Council to consider any significant social and economic effects of the use and development. This has been considered within this report.

### **Environmental/Sustainability Impacts**

There will be environmental impacts should the proposal be approved due to the proposed removal of native vegetation and the potential for more concentrated water flow from the panels onto erodible soils. Whilst the power generated by such facilities is more sustainable than other forms it is proposed at the expense of quality agricultural land.

### **Referrals/Public Notice**

## **2017 – 2021 Council Plan (2018 Revision)**

This report supports the 2017-2021 Council Plan:

### **Goal**

We are Growing

**We will create and deliver:**

Collateral that promotes the unique characteristics and situation of the municipality of investment.

**We will plan and make decisions for the future:**

To advance the opportunities and potential of our agricultural communities and industries.

**The non-negotiables**

Our rural communities are supported and recognised as significant contributors to the economic and social character of the municipality.

All legislative and compliance requirements are met.

**Strategic Links****a) Rural City of Wangaratta 2030 Community Vision**

N/A

**b) Other strategic links**

N/A

**Risk Management**

Risks	Likelihood	Consequence	Rating	Mitigation Action
Refuse to issue a Permit	High	Low	High	Representation of Council at VCAT
Notice of Decision to Grant a Permit	Med	High	High	Representation of Council at VCAT

**Consultation/Communication**

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
Inform	Notify potentially affected parties of the application	Notice of Application sent to surrounding owners and occupants and an advertisement placed in the Wangaratta Chronicle
Consult	All submissions to the application will be considered.	All Submissions have been reviewed and summarised in this report along with a response to relevant planning

Level of public participation	Promises to the public/stakeholders	Tools/Techniques
		considerations.
Involve	Opportunity to make submission.	Notice of Application sent to surrounding owners and occupants and advertisement placed in the Wangaratta Chronicle
Collaborate	N/A	N/A
Empower	N/A	N/A

Officers believe that appropriate notification in accordance with the Planning and Environment Act 1987 has occurred and the matter is now ready for Council consideration.

### **Options for Consideration**

1. Identify Council position at VCAT: Council would have refused the planning permit application. (Recommended)

Or

2. Identify Council position at VCAT: Council would have issued a Notice of Decision to Grant a Permit, subject to conditions.

### **Conclusion**

As detailed within this report, the use of this land in the Farming Zone for a renewable energy facility is not deemed appropriate. There is policy conflict, especially from a state wide perspective, with regards to protecting agricultural land and delivering new types of energy to provide for longer term sustainability. However, local planning policy supports the retention of quality agricultural land for farming practices.

The proposal if approved would result in adverse impacts to the surrounding properties in terms of their amenity and also adverse impacts on the gateway to municipality and its natural based tourism attractiveness.

Local economies may suffer as a result of the reduction in available farming land especially that which has been classified as high versatility. Equally the impact on the historic township of Glenrowan also needs to be considered as it makes a valuable contribution to the local economy.

### **Attachments**

- 1 Glenrowan Solar Farm Site Map [□](#)
- 2 Glenrowan Township Precincts [□](#)
- 3 Glenrowan Agricultural Land Assessment [□](#)



## **Public Questions**

*Allison Hawke asked why were we not made aware of several grounds critical to the outcome of the application during the request for further information stage or at any other time in spite of our request?*

Barry Green, Director Development Services responded that the grounds for refusal are developed during the final stages of assessment when officers are considering all of the inputs and all the relevant information they have received throughout the application process. The further information stage is in the early stages where Council seek information to allow for the process of an application rather than making commentary about the suitability or not. In this case a copy of all the submissions that were received were provided to the applicant with an opportunity to address any of their concerns that were raised through those submissions.

*Allison Hawke asked is it not appropriate though that we have an opportunity to understand the grounds which may be critical for the project later in the process?*

Barry Green, Director Development Services responded that it was the officers recommendation after they had completed an assessment, as is a normal case officers wouldn't go back to applicants about what their conditions or what their grounds of refusal may or may not be.

*Allison Hawke asked Could you please explain the policy basis when identifying a site as high quality agricultural land?*

Barry Green, Director Development Services responded that the land is identified in a report on agricultural versatility that was done for the Wangaratta Municipality by Agriculture Victoria in 2000. This document is a reference document in the Wangaratta Planning Scheme used by officers to guide their assessment and in this case the officers have considered the outcomes of that as one of the considerations in assessing this application.

*Allison Hawke asked Could that not have been part of a condition to avoid that land?*

Barry Green, Director Development Services responded that the officers recommendation was not to piecemeal the application.

*Allison Hawke referred to the application where it states the land being identified as universality rather than being productive and asked what is the difference between those two terms and how it was considered that a reference document which talks about that versatility of land deemed that the land should be refused on the grounds of loss of agricultural land?*

Barry Green, Director Development Services responded that in the relation to the document itself it clearly outlines what are the high quality and low quality areas across our agricultural landscape. We also have some local policies which clearly identify if Council should avoid certain types of activities on the high and very high quality land. Officers have taken some guidance from those documents.



*Noel Copley asked should Council's decision be to not accept the planning department's recommendation is there a Councillor willing to indicate a reason why?*

Mayor Ken Clarke responded I do not believe that is a question we are dealing with here. We will accept questions on the solar farm at this time and consider other questions during public question time.

*Noel Copley asked if the planning department has indicated that the proposed solar facility offers no net benefit to the community. If you disagree what do you believe would be a community benefit for this project?*

Brendan McGrath, CEO responded that the difficulty with this is that you are asking Councillors to offer a view of a decision that they haven't made yet. It may be pre-empting a decision that might be made and I don't believe Council is in a position to answer those questions until a decision has been made.

*Community member asked are you confident ESCO would be able to find the thousands of trees necessary to block the view of neighbours and the highway traffic from the panels and prison fence surrounding the property? Did ESCO give a time table as to when this type of proposed litigation would be effective considering in their application they admitted there would be high visual impact? How are ESCO planning on planting all these trees?*

Brendan McGrath, CEO responded I think the broad answer is that this is now going to VCAT, and if VCAT determine that they want to issue a permit there will be conditions relating to a whole range of things including landscape barriers and buffers. Whoever is the developer of that site will need to comply with the permits otherwise they would be subject to enforcement actions for not complying.

*Community member asked in relation to the economical effects and the warming effect of the area has Council considered these panels will be a warming agent and the environmental impacts this will have on the environment? If this goes to Council or through VCAT, how is the provision going to be on the title to cover the cost of putting the agricultural land back together if it is viable. Who is going to pay for the cost of that and how are we going to implicate it to be returned to agricultural land?*

Barry Green, Director Development Services responded yes they have considered it and unfortunately there is little guidance for officers because the State Government is so far behind in terms of developing the guidelines for renewable energy facilities and that was discussed in a recent forum in Benalla. Officers have considered that and they have also considered whilst we have to contain our consideration to the municipality of which we are in we have also considered the effects of the four applications in Benalla located in very close proximity to that boundary. The accumulative effect of all of those is something that the officers have considered but it is hard for them to actually determine how much consideration they give in the absence of some clear guidelines. In relation to the second question if a permit should be issued there would normally be a

condition on the permit that once the time period is finished, so the 40 years, the land is reinstated to its previous natural state.

*Community member asked what is the purpose of the Solar Farm is it for heating purposes in the Benalla Glenrowan area or Wangaratta?*

Mayor Ken Clarke responded that it is to produce electricity which will be fed into the grid.

**17. SPECIAL COMMITTEE REPORTS**

Nil

**18. ADVISORY COMMITTEE REPORTS**

Nil

## 19. RECORDS OF ASSEMBLIES OF COUNCILLORS

### 19.1 RECORD OF ASSEMBLY OF COUNCILLORS

**Meeting Type:** Ordinary Council Meeting  
**Date of Meeting:** 21 August 2018  
**Author:** Administration Officer - Infrastructure Services  
**File Name:** Assemblies of Councillors  
**File No:** F16/2117

#### Executive Summary

An “Assembly of Councillors” is a meeting at which matters are considered that are intended or likely to be the subject of a Council decision and is either of the following:

- a meeting of an advisory committee where at least one Councillor is present; or
- a planned or scheduled meeting that includes at least half the Councillors and at least one Council officer.

At an assembly of Councillors, a written record is kept of:

- a) the names of all Councillors and members of the Council staff attending;
- b) the matters considered;
- c) any conflict of interest disclosures made by a Councillor attending; and
- d) whether a Councillor who has disclosed a conflict of interest leaves the assembly.

The written record of an assembly of Councillors is, as soon as practicable:

- a) reported at an Ordinary Meeting of the Council; and
- b) incorporated in the Minutes of that Council meeting.

Date	Meeting details	Refer
30 July 2018	Councillor Briefing Forum	Attachment
23 July 2018	Councillor Briefing Forum	Attachment
16 July 2018	Councillor Briefing Forum	Attachment
9 July 2018	Councillor Briefing Forum	Attachment
6 August 2018	Councillor Briefing Forum	Attachment
13 August 2018	Councillor Briefing Forum	Attachment

#### **RESOLUTION:**

**(Moved: Councillor D Fuller/Councillor H Benton)**

***That Council receives the reports of Assemblies of Councillors.***

**Carried**

**Attachments**

- 1 Assembly of Councillors - 9 July 2018 - Briefing Forum [!\[\]\(86b7331e04fe40a56bcff2e9c065738b\_img.jpg\)](#)
- 2 Assembly of Councillors - 19 July 2018 - Briefing Forum [!\[\]\(92f87f30b7499b35d0173f4346c498d6\_img.jpg\)](#)
- 3 Assembly of Councillors - 23 July 2018 - Briefing Forum [!\[\]\(497b6684f704c0aa6fbea9f0fd4d56c7\_img.jpg\)](#)
- 4 Assembly of Councillors - 30 July 2018 - Briefing Forum [!\[\]\(4320279ad715106747262028f44bd102\_img.jpg\)](#)
- 5 Assembly of Councillors - 6 August 2018 - Briefing Forum [!\[\]\(25e9c4c673069177325c65bf4771169e\_img.jpg\)](#)
- 6 Assembly of Councillors - 13 August 2018 - Briefing Forum [!\[\]\(6b6b004b0c53329d45621b2f7dfbf9f0\_img.jpg\)](#)

**20. NOTICES OF MOTION****RESOLUTION:****(Moved: Councillor D Rees/Councillor H Benton)*****That Council:***

- 1. amend the date of the September Ordinary Council meeting from 18 September 2018 to 25 September 2018 and***
- 2. in accordance with section 89(4) of the Local Government Act 1989 give public notice of this change.***

**Carried****21. URGENT BUSINESS****22. PUBLIC QUESTION TIME**

*Doug Thompson referred to the railway precinct concept plans and the potential car parks that will be taken away from the front of Lidgerwood's furniture and Café Derailleur and asked is this a deliberate attempt by the Council to stop these businesses?*

Alan Clark, Director Infrastructure Services responded that I do not believe we have removed all the car parks but the intent is to get more foot traffic in that precinct and get rid of that large mass off asphalt and have room for on street dining and greater activity in that space. It is going out for public consultation so it has not yet been finalised. We will be taking comments from people and running some formal meeting sessions so there will be a chance for everyone to have a say at those. There is some reductions in car parks in some streets and some gains in others, overall we believe most businesses would be happy with foot traffic, as foot traffic is what creates increases in trade which is one of the key outcomes we are hoping to achieve.

*Doug Thompson asked it appears the Australian National Railway/Rail freight people would like to have double decker trains running. Does Council have a position in deciding what to do if this happens as these trains will not fit under our bridges?*

Mayor Ken Clark responded that yes we have a meeting with ARTC and at the Green Street bridge the tracks will be lowered by 2 meters. They will also be lowered 2 meters under the Beaconsfield Parade bridge in Glenrowan and the two pedestrian crossings over the railway at our station. They have not decided at this stage what they will do with these yet.

*Doug Thompson asked what about the road traffic bridges in and out of the railway station?*

Mayor Ken Clark responded that it will be no use there because the lower line is not being used by the freight.

*Doug Thompson asked if there was a danger of the station being made redundant and the new streetscape ending up as a bus stop?*

Mayor Ken Clark responded that I cannot answer for Vic Track and V-line but one of the possibilities is putting another railway station on the good shed side.

*Brian Jones made reference to the railway precinct and asked where will people park to walk in this area?*

Mayor Ken Clark responded that all of the concept plans show the number of car parks that will be increased or decreased in the streets concerned. These plans are located downstairs, at the library and on the website.

## 23. CONFIDENTIAL BUSINESS

### RESOLUTION:

**(Moved: Councillor H Benton/Councillor H Bussell)**

***That Council resolves to close the meeting to members of the public in accordance with section 89(2) of the Local Government Act 1989 to consider the following items:***

#### **23.1 Re-appointment of Chief Executive Officer**

***Item 23.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to : (a) personnel matters.***

#### **23.2 POTENTIAL PURCHASE OF COMMERCIAL PROPERTY, 24-34 FORD STREET, WANGARATTA**

***Item 23.2 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to : (d) contractual matters.***

**Carried**

## 24. CLOSURE OF MEETING

The Meeting closed at 8.43pm.