



# Minutes

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Special Council Meeting held at 12.30 PM on the Monday 18 February 2019 in the Council Chamber. Pleasant Creek Historic Precinct.

## **Present**

Cr Kevin Erwin (Mayor)  
Cr Tony Driscoll  
Cr Murray Emerson  
Cr Rob Haswell  
Cr Karen Hyslop  
Cr Merrilee Reid

Mr Michael Bailey, Chief Executive Officer  
Mr Vaughan Williams, Director Corporate Services  
Mr Trenton Fithall, Acting Director Infrastructure & Environment  
Mrs Naomi Goode, Executive Manager of Communities

## **Affirmation**

We recognise the traditional owners of the land.  
We are inspired by the early pioneers and by those who gave their lives for our country.  
We now ask God's blessing on our deliberations  
and on our commitment to build a better lifestyle and environment.

Confirmed at the meeting of Council on Monday 4 March 2019.

**Table of Contents**

- 1. Apologies .....3
- 2. Disclosures of Interest and Declarations of Conflict of Interest .....3
- 3. Consideration of Reports of Officers .....4
  - 3.1. Nectar Farms Planning Permit Application .....4
- 4. Close .....68

## 1. Apologies

An apology was received from Cr Jason Hosemans.

## RESOLUTION

That the apology be received and leave of absence granted.

Moved: Cr Murray Emerson

Seconded: Cr Karen Hyslop

Carried

## 2. Disclosures of Interest and Declarations of Conflict of Interest

A Councillor who has a conflict of interests and is attending the Council meeting of the Council must make a full disclosure of that interest.

- (a) by either-
  - (i) advising the Council at the meeting of the details required under paragraphs (b) and (c) immediately before the matter is considered at the meeting; or
  - (ii) advising the Chief Executive Officer in writing of the details required under paragraphs (b) and (c) before the meeting; and
- (b) classifying the type of interest that has given rise to the conflict as either-
  - (i) a direct interest; or
  - (ii) an indirect interest and specifying the particular kind of indirect interest under:
    - section 78 - close association
    - section 78A - financial interest
    - section 78B - conflicting duties
    - section 78C - receipt of an applicable gift
    - section 78D - consequence of becoming an interested party
    - section 78E - impact on residential amenity; and
- (c) describing the nature of the interest; and
- (d) if the Councillor advised the Chief Executive Officer of the details under paragraph (a)(ii), the Councillor must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.

## Members of Staff

Under Section 80C of the *Local Government Act 1989*, officers or people engaged under contract to the Council providing a report or advice to Council must disclose any conflicts of interests in the matter, including the type of interest.

Nil

### 3. Consideration of Reports of Officers

#### 3.1. Nectar Farms Planning Permit Application

**Author/Position:** Jodie Senior, Planner

##### Summary

Council must consider and decide on the application for a Planning Permit for the Use and Staged Development of a Rural Industry (Nectar Farms - comprising a total 30 hectares of high technology closed glasshouses), Warehouse (freezing and cold store), Native Vegetation Removal and associated works as the works are over \$10 million.

##### Recommendation

###### That Council:

- **approves Planning Permit Application No. 5.2018.90.1 to allow Use and Staged Development of a Rural Industry (Nectar Farms - comprising a total 30 hectares of high technology closed glasshouses), Warehouse (freezing and cold store), Native Vegetation Removal, Business Identification Signage and associated works as submitted and subject to conditions, and**
- **issues a Planning Permit.**

##### RESOLUTION

###### That Council:

- **approves Planning Permit Application No. 5.2018.90.1 to allow Use and Staged Development of a Rural Industry (Nectar Farms - comprising a total 30 hectares of high technology closed glasshouses), Warehouse (freezing and cold store), Native Vegetation Removal, Business Identification Signage and associated works as submitted and subject to conditions, and**
- **issues a Planning Permit.**

**Moved:** Cr Murray Emerson

**Seconded:** Cr Tony Driscoll

**Carried**

## **Background/Rationale**

### **The Proposal**

This is a proposal defined as Use and Staged Development of a Rural Industry (Nectar Farms - comprising a total 30 hectares of high technology closed glasshouses), Warehouse (freezing and cold store), Native Vegetation Removal, Earthworks and associated works.

The project, as the applicant describes it, is a hydroponic glasshouse vegetable farm is to comprise a total of 6 x 5ha glasshouses, a nursery, packhouse, utility shed, tank farms, rainwater dams, loading docs, internal road access and includes an upgrade of the Landsborough – Joel Forest Road intersection.

Once operational, the facility will produce greenhouse vegetables like tomatoes, cucumbers, eggplants or capsicums.

### **Construction**

As noted above, the project is to be constructed in three stages.

Stage 1 of the project is expected to take around 12 months and will employ up to 80 workers on site at any one time. Construction is expected to be 6 days a week – Monday to Saturday from 7am to 7pm.

### **Timeframes**

Nectar advised Council's Planning and Building Department on 20 December 2018 of their tight timeframe which is outlined below:

- March 2019 – Earthworks to commence (3 months),
- June 2019 – Foundations, Construction of Glasshouses and technology (3 months), and
- December 2019 – first Plantings.

## **Stage 1**

### **Glasshouses - 2 x 5ha**

- Two 5ha modern glasshouses being 205m x 240m x total 8.2m height, and made from steel posts, aluminium purlins and roof structure and are clad in glass as outlined in the project description.

### **Packhouse**

- The 'Packhouse' comprises packing/production and staff facilities and is 100m x 60.5m x total height of approx 12.1m (or 9.53m to roofline) being a total area of 6095m<sup>2</sup> and constructed of custom orb wall sheeting with a 5° roof pitch.
- The height of the packhouse is 4m higher than the height of the glasshouses.
- Ground floor of the Packhouse comprises dispatch office, coldroom (301m<sup>2</sup>), sash rooms, toilet facilities, first aid, and loading dock.
- Mezzanine floor includes staff rooms and amenities, including toilet facilities, lockers, cleaners room, lunch and recreation area and kitchen as well as Offices x 5, meeting room and a stay-over room.

### **Utility shed**

- Utility Shed is to be 51.6m x 30m x total height of approx 8.5 (or 6m to roofline) with a total floor area 1775m<sup>2</sup> custom orb wall sheeting with a 10° roof pitch.
- Utility shed is to comprise a boiler room, chemical storage and pallet racking area, and irrigation and fertiliser room, with mixing units and drip irrigation pumps and water/pad fill units/ neutralizers.

### **Tank Farm**

The site plan shows an area of 51.6m x 36m for tank farms which are to be located north of the Packhouse. These tanks are to be constructed during Stages 1 and 2. The tanks include:

- fresh water tanks x 4 = 12.43m diam x 4.64m

- untreated drain tanks x 4 = 10.75m diam x 4.64m
- fertiliser daily water tanks x 4 = 11.42m diam x 4.64m
- buffer tank x 1 = 21.50m diam x 10m

#### Other Development

- Co2 and LPG tank area
- 72 car parking gravel area
- 6m wide internal gravel road works, with 1 in 4 table drains either side
- 12m wide sheep 'highway'
- 25 megalitre capacity surface run-off collection dam
- 1 x rainwater storage dam (215 x 60m x 6m = approx 10.2 megalitre dams)

#### Native vegetation removal

- One tree is proposed to be removed from the subject land itself.
- The remainder of the native vegetation proposed to be removed will be from Joel Forest Road so that the road can be constructed.
- The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.580 hectares of native vegetation, which is comprised of 0.580 hectares of native vegetation including 13 large trees, with a strategic biodiversity value of 0.316.
- That the applicant has sought relevant offset requirements from Bush Broker - Vegetation Link.

#### Landsborough Road / Joel Forest Intersection Upgrade

- Upgrade of intersection and construction of Joel Forest Road.
- Includes native vegetation removal and offset requirements (see notes above).

#### **Stage 2**

- 2 x 5ha glasshouse
- earthworks
- tank farm – 51.6m x 36m
- internal road works
- rainwater storage dam

#### Note:

All buildings, storage dam and setbacks will be the similar to Stage 1.

#### **Stage 3**

- 2 x 5ha glasshouse
- packhouse - slightly smaller than previous packhouse (100m x 60m)
- earthworks
- tank farm - 51.6.m x 36m
- internal road works
- rainwater storage dam

#### Notes:

Stage 3 buildings and dams will be the same as Stage 1 and 2, however have slightly different setbacks and measurements:

There is proposed to be a setback distance of 127m between Stage 2 and Stage 3 glasshouses. This is to allow truck movement and future earthworks.

There will be a 60m gap between the two Stage 3 glasshouses, instead of 68m for Stage 1 and 2.

Although these are noted on the plans as Stage 4, the following are to be included as part of the Stage 3 process:

- Nursery (proposed to be approx m x m (no plans provided - can be conditioned on permit). The proposed nursery is to be setback approx 65m from the overhead transmission line.
- Rainwater storage dam (to be same size as previous storage dams.)

### **The Subject Land**

The subject site is situated on the corner of Joel Forest Road and Vances Crossing Road, Joel Joel, being Crown Allotments 119, 120, 121 and 122 Parish of Joel Joel.

The subject land is rectangular in shape and comprises a total of approx 130ha. The subject land has previously been used for high productive farmland, for cropping and grazing purposes.

The subject land is typical of cropping farming land in the area, and is reasonably sparse apart from an existing dam half way along the western boundary of the subject land and some scattered trees.

There is a slope that falls towards the north eastern corner of the land, which includes a natural drainage line from the Joel Joel Nature Conservation Reserve area to this corner, towards the waterway on the north eastern corner of the subject land.

There is also an overhead transmission line that intersects the northern portion of the site. Accordingly, there is an easement on Crown Allotments 119 and 122 respectively.

### **Access**

Access to the subject land is to be from Joel Forest Road, which is currently a dirt road/track. The entrance to the site is situated close to the overhead transmission lines.

No access is to be obtained to the site from Vances Crossing Road, as per the restrictive covenant that was placed on title in March 2018.

Please refer to heading '**Key Issues**' in the attached Assessment Report for further information regarding access.

### **Key Issues:**

Key issues raised throughout the planning assessment are as follows:

- Aboriginal Cultural Heritage
- The purpose of the Farming Zone
- The potential for impact on the amenity of the area
  - Access and Traffic Management
  - Drainage and Stormwater Management
  - Volume of Earthworks
  - Lighting / Security
- The on-site treatment and disposal of waste water
- Water
- Power
- Landscaping
- Native Vegetation
- Storage of Chemicals
- Bushfire Management Overlay
- Floodplain and water quality management

Further details can be found in the Assessment Report. **[attachment]**

## Legislation, Council Plan, Strategy and Policy Implications

Council Plan 2017

Northern Grampians Planning Scheme

*Planning and Environment Act 1987*

### Options

#### Option 1

That Council issues a Planning Permit. **[recommended]**

#### Option 2

That Council defers consideration of the application. **[not recommended]**

#### Option 3

That Council refuses the application. **[not recommended]**

### Implications

This report has considered social, heritage/cultural, amenity, human rights/privacy, environmental, economic and marketing, risk management, financial and asset management implications where applicable. Any identified implications have been addressed in this report.

### Consultation

Notice was given by Council pursuant to section 52 of the *Planning and Environment Act 1987* by:

- mail to immediate and adjoining landowners and occupiers, and other landowners and occupiers within a certain radius
- a number of signs on the land
- advertisement in the Weekly Advertiser

As a result of public notice, two submissions were received.

### Submissions

The submissions received were not objecting to the proposal itself, but raised the following concerns:

- The effect that increased traffic would have on local farmers in the area, and the effect it would have on sheep movement.
- The impact on local farmers while Joel Forest Road is being constructed.
- While Joel Forest Road is being constructed, it meant that farmers in the district would have to travel many kilometres around the site to move stock, which is not ideal. Therefore the introduction of the sheep laneway or 'sheep highway' as identified on the Nectar Farms site plan was developed, and at the goodwill of Nectar Farms. The neighbouring property has also agreed to place a sheep laneway /highway on their property also, for the safe movement of sheep.
- The lack of signage at present for sheep crossing Landsborough Road.
- It was raised and suggested that some signage be placed on Landsborough Road to warn oncoming traffic of sheep movement. This will be conditioned on the proposed planning permit, should one be issued.

### Meetings

Over the past 12 months or more, Council and Nectar Farms have held meetings with the local community and information sessions to find out from local farmers in the area what they had concerns about and what they would like to see if improvements were required.

As part of these meetings, Nectar Farms agreed to insert a 12m 'sheep highway' on their land for safe movement of stock by farmers in the district. As noted above, neighbouring landowners also advised that they would have a similar sheep laneway on their property to ensure the safe movement of sheep between the Landsborough Road, past the Nectar site, and onto Vances Crossing Road.



### Withdrawal of Submissions

Council's Planning Department met with the concerned landowners and discussed the concerns raised. Subsequently the submissions were 'withdrawn'.

Please refer to the Assessment Report [**attachment**] for further information and discussion.

### Special Council Meeting

Based on Council's Planning procedures, the nature and type of application, that the decision for this particular application must be referred to Council for decision.

### Referral Authorities

The application was referred to the following referral external authorities for comment/conditions:

- Country Fire Authority (s 55)
- Department of Environment Land Water & Planning (s 55)
- Powercor (s 55)
- GWMWater (s 55)
- Victorian WorkCover Authority (s 55)
- Wimmera Catchment Management Authority (s 52)
- VicRoads (s 52)
- Environment Protection Authority (s 52)
- Department of Economic Development, Jobs, Transport & Resources (DEDJTR) (Agriculture Dept) (s 52)

The application was also referred to Council's relevant internal departments.

Further information can be found in the Assessment Report. [**attachment**]

### **Officer's Declaration of Interest**

Under section 80C of the *Local Government Act 1989* officers providing advice to Council must disclose any interests, including the type of interest.

Jodie Senior, Planner

In providing this advice as the author, I have no disclosable interests in this report.

### **Attachments**

3.1.1. Assessment Report - report not complete at the time of publication.

# PLANNING PERMIT APPLICATION NO. 5.2018.90.1

112114  
1074957

Planning Permit Application Fee. \$n/a  
Receipt No. n/a

## Planning Department Assessment Report:

Jodie Senior (11 February, 2019)

### Conflict of Interest:

The author of this report does not have a conflict of interest in this matter.

<b>APPLICATION DETAILS:</b>	
Applicant:	Nectar Farms Pty Ltd
Application Received:	14/12/2018
Proposal from Application:	Use of the land for rural store and warehouse and associated earthworks. Business identification signage.
Proposal for "The Permit Allows":	Use and Staged Development of a Rural Industry (Nectar Farms - comprising a total 30 hectares of high technology closed glasshouses), Warehouse (freezing and cold store), Native Vegetation Removal, Earthworks and associated works.
Property Address:	Corner of Joel Forest Road and Vances Crossing Road, Joel Joel
Legal Description:	Crown Allotments 119, 120, 121 and 122 Parish of Joel Joel
Land Area:	130.08 hectares
Existing Use:	Farming land (cropping/grazing)
Zone:	35.07 Farming Zone
Adjoining Zones:	Farming Zone
Overlays:	44.06 Bushfire Management Overlay (part land) <b>Note:</b> part land is subject to the proposed Flooding or Land Subject to Inundation Overlay in coming months.
State Planning Policy Framework (SPPF):	11 – Settlement 11.01 Victoria 11.01-1R Settlement – Wimmera Southern Mallee 11.03 Planning for Places 11.03-5S Distinctive areas and landscapes 11.03-2S Growth areas 12 – Environmental and Landscape Values 12.01 Biodiversity 12.01-1S Protection of biodiversity 12.01-1R Protection of biodiversity - Wimmera Southern Mallee 12.01-2S Native vegetation management 12.03 Water Bodies and Wetlands 12.03-1S River corridors, waterways, lakes and wetlands 12.05 Significant Environments and Landscapes 12.05-2S Landscapes 13 –Environmental Risks and Amenity 13.01-1S Natural hazards and climate change 13.02 Bushfire

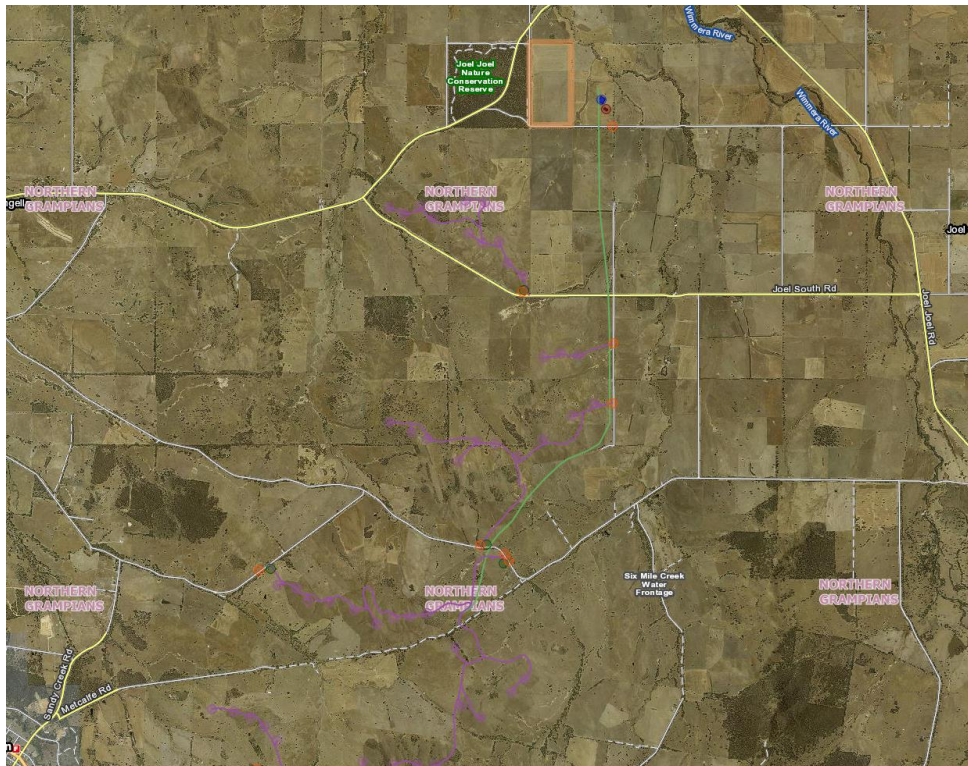
	<p>13.02-1S Bushfire planning  13.03 Flood plains  13.03-1S Floodplain management  13.04 Soil Degradation  13.04-1S Contamination and potentially contaminated land  13.05 Noise  13.05-1S Noise abatement  13.06 Air Quality  13.06-1S Air quality management  13.07 Amenity and safety  13.07-1S Land use compatibility  13.07-2S Major hazard facilities  14 – Natural Resource Management  14.01 Agriculture  14.01-01S Protection of agricultural land  14.01-02S Sustainable agricultural land use  14.01-2S Sustainable agricultural land use  14.02-2R Agricultural productivity – Wimmera Southern Mallee  14.02 Water  14.02-1S Catchment planning and management  14.02-2S Water quality  14.03 Earth and Energy Resources  15 Built Environment and Heritage  15.02 Sustainable Development  15.02-1S Energy and resource efficiency  15.03 Heritage  15.03-2S Aboriginal cultural heritage  17 Economic Development  17.01 Employment  17.01-01S Diversified economy  17.01-1R Diversified economy – Wimmera Southern Mallee  17.02 Commercial  17.02-01S Business  18 Transport  18.02 Movement networks  18.02-3S Road system  18.02-4S car parking  19 Infrastructure  19.01 Energy  19.01-01S Energy supply  19.01-02S Renewable energy  19.01-2S Renewable energy  19.01-2R Renewable energy – Wimmera Southern Mallee  19.03 Development Infrastructure  19.03-03S Integrated water management</p>
Local Planning Policy Framework (LPPF):	<p>21 Municipal Strategic Statement  21.01 Northern Grampians Shire Strategic Themes and Vision  21.02 Settlement, Housing, Built Environment and Heritage  21.03 Environmental Risk and Landscape Values  21.04 Economic Development  21.05 Infrastructure and Community Development</p>
Particular Provisions:	<p>52.02 Easements, Restrictions and Reserves</p>

	52.05 Signs 52.06 Car parking 52.17 Native Vegetation
Easements, Covenants or Restrictions:	Yes E-1 + Easement created by C/E D484204 (Power) Restriction/Easement/Covenant AQ944627C – “Shall not without the consent of the transferor, develop any part of the land comprised in Crown Allotments 120 and 121 on title plan 429149K, so as to create a point of entry/exit, to or from the public road which is adjacent to the crown allotments referred.
Permit Triggers:	35.07 – Table of Use – Rural Industry & Warehouse 35.07 – Buildings and Works – associated with a Section 2 Use & setbacks 52.05 Signs 52.06 Car parking 52.17 Native Vegetation
<a href="#">Is the Site Potentially Contaminated?</a>	No reason to suspect contamination
<a href="#">Is the Land on the EPA Priority Sites Register?</a>	No
<a href="#">Has the EPA recorded an environmental audit on the land?</a>	No
<a href="#">Is the site in the Heritage Study?</a>	No
Is the land in an area identified as Culturally Sensitive?	Yes - part of the subject land falls within an area considered Culturally Sensitive, however the development is not. The applicant has sought advice from relevant aboriginal heritage consultants Biosis which advised that a CHMP is not required in this instance.
Is the proposal low or high impact?	High
<a href="#">Is a Cultural Heritage Management Plan (CHMP) required?</a>	No (see notes above)
<a href="#">Is the land within 500 metres or a quarry or stone extraction site?</a>	No

**LOCALITY**



*Site - corner of Joel Forest Road and Vances Crossing Road*



*Location showing Nectar site and Bulgana Windfarm and associated power station*

## BACKGROUND

### Site History:

There are no known planning permits for this subject land as it has been used for high productive farm land for many years.

### Introduction & Overview:

The applicant submitted with their application a brief Introduction & Overview of Nectar Farms - dated October, 2018. An outline of this document is below:

### Nectar Farms:

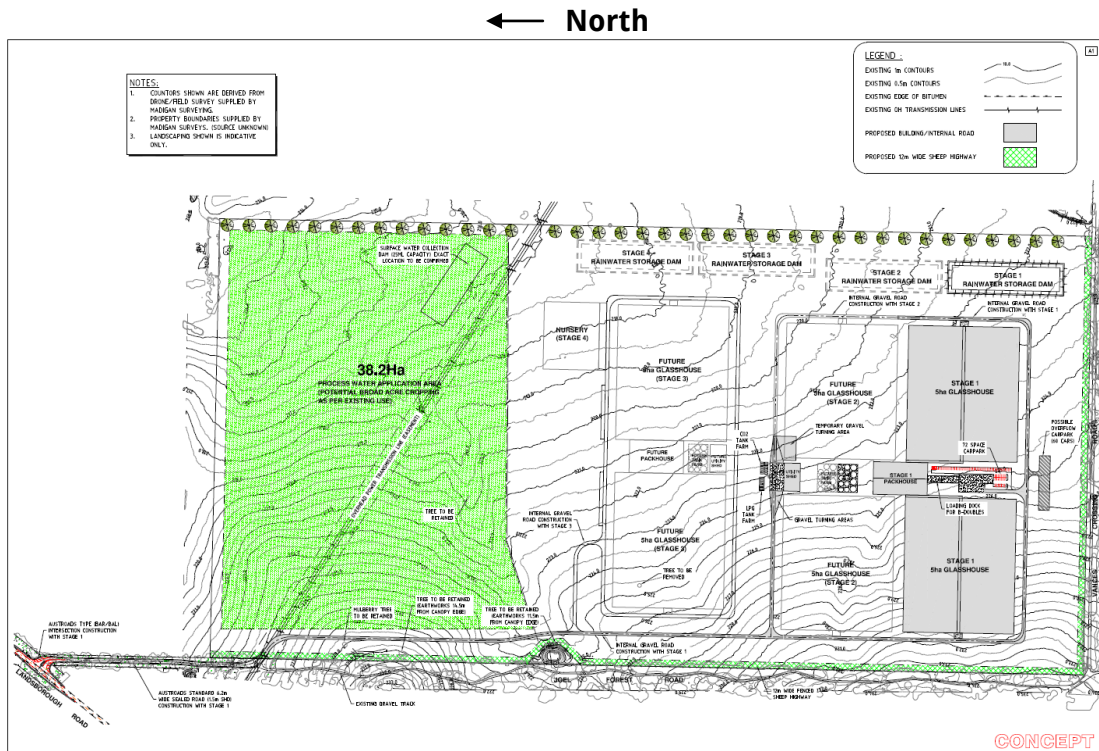
- **World first** – off electric grid glasshouse
- Formal approach to State of Victoria resulted in Neoen alliance
- **Creates 350 permanent jobs** in regional Victoria
- Each glasshouse is to have a specific set of terms dealing with crop type, volumes and packaging.
- Only glasshouse in Australia with lighting & variable spectrum
- Significant value adding for renewable energy

### Partnerships:

- **Technology Partner - Clima Connect**
  - Real-time precise control – temperatures, humidity, light, crop, internal, ambient, air supply
  - 15% to 50% more energy efficient
  - Less emissions
  - Higher yield
  - Minimal water consumption
  - Outstanding food safety
  - Pest free
- **Lighting Partner – Lumigrow**
  - US based leader in variable spectrum LED hardware and cloud based lighting control systems
  - Enhances quality, shelf life, crop duration and nutritional performance
  - Overall yield increase from lighting alone will be approx. 15%
- **Energy Partner – Neoen – Bulgana**
  - Global leader in renewable energy
  - Solar, wind, biomass, storage
  - \$1bn invested in Australian renewables
  - Green Power Hub
  - Secure renewable energy powering sustainable Hi-Tech Horticulture



## PROPOSAL:



*Concept Plan – proposed Site layout*

### Use

This is a proposal defined as Use and Staged Development of a Rural Industry (Nectar Farms - comprising a total 30 hectares of high technology closed glasshouses), Warehouse (freezing and cold store), Native Vegetation Removal, Business Identification Signage, Earthworks and associated works.

The project, a hydroponic glasshouse vegetable farm is to comprise a total of 6 x 5ha glasshouses, a nursery, packhouse, utility shed, tank farms, rainwater dams, loading docs, internal road access and includes an upgrade of the Landsborough – Joel Forest Road intersection.

Once operational, the facility will produce greenhouse vegetables like tomatoes, cucumbers, eggplants or capsicums.

The Planning Report states the following in regards to the 'Technology' of the project:

- 2 x 5ha growing area in walled glasshouse
- 6,010 m<sup>2</sup> packing/production and staff facilities area including a cold storage area and a 1,993m<sup>2</sup> mezzanine level.
- 10,250 m<sup>2</sup> lined basin to collect water flows from the site, containing 61ml rain water, and an additional 25ml surface run-off collection dam.
- Gas burner and hot-water boiler with full modulation control.
- 3,500 m<sup>3</sup> hot water storage tank to provide heat during cold periods.
- Automated fertiliser mixing & injection system.
- Automated c02 enrichment system.
- Tempered safety glass: glass specification is 91% light transmission rate with a heat reflecting diffuse coating, which will be applied to the outside of the glass during the summer months.

- *Automated roof vents for temperature and humidity control.*
- *Shade and energy screens for internal climate management and reduction of heat loss during cold nights.*
- *Hydronic hot-water heating system in steel pipes for climate control and trolley tracks.*
- *Trolleys follow and inductive wire in concrete to auto-return to packhouse when full of picked produce and will auto-return to the glasshouse with empty picking boxes.*
- *High-pressure fogging system for temperature and humidity control in the Air Handling Chambers.*
- *Hanging gutters to support the growing media.*
- *Fully closed and recycled nutrient system leading towards zero effluent.*
- *Ultra-violet sterilisation system for nutrient pathogen control.*
- *Horizontal air flow fans (and tubes) for climate control.*
- *Air handling units for climate control.*
- *Supplementary LED lighting system which will be in operation during periods of low ambient daylight, and some day length extension. Typical LED use will be 4 hours per day in Summer and up to 12 hours per day in Winter.*

The project will produce commercial scale greenhouse vegetables for the Australia's fresh produce market.

The applicant states in their submission, that the northern portion of the site (32.2ha) is to be used as a process water application area, with the potential to continue to use this for broad acre cropping (shown in green on above plan). This includes a surface run-off collection dam (25 megalitre capacity). The exact location of this dam is to be confirmed, but the above plan indicates that it is approx. 370m from the northern boundary of the subject land, 25m from the eastern boundary and approx. 100m from the proposed 'nursery' (which is to be included in stage 3).

#### Staff & Hours of Operation

It is proposed to operate the site 6 days a week Monday – Saturday with proposed hours of operation to be no longer than 6am to 7pm. Deliveries and pick up will occur on weekdays during standard work hours and on Saturdays if needed.

The Planning Report states that the standard work hours after the initial start-up phase will be 7am to 5pm on week days and 7am to 1pm on Saturdays, with the occasional added hours depending on work load. It is also stated that they propose to employ 110 staff after the construction phase in the form of operation and maintenance activities.

### **Development**

#### Construction

As noted above, the project is to be in three staged. Stage 1 of the project is expected to take around 12 months and will employ up to 80 workers on site at any one time.

Construction is expected to be 6 days a week – Monday to Saturday from 7am to 7pm.

Equipment proposed to be used during construction are:

- Telehandlers
- Crane trucks,
- Excavators
- Mobile cranes
- Large trucks for container and other deliveries.



## Timeframes

Nectar advised Council's Planning & Building Department on 20/12/18 their tight timeframe which is outlined below:

- March 2019 – Earthworks to commence (3 months)
- June 2019 – Foundations , Construction of Glasshouses & technology (3 months)
- December 2019 – first Plantings

Please refer to dot points below in regards to each stage of the project, and the Planning Report submitted with the application for further information.

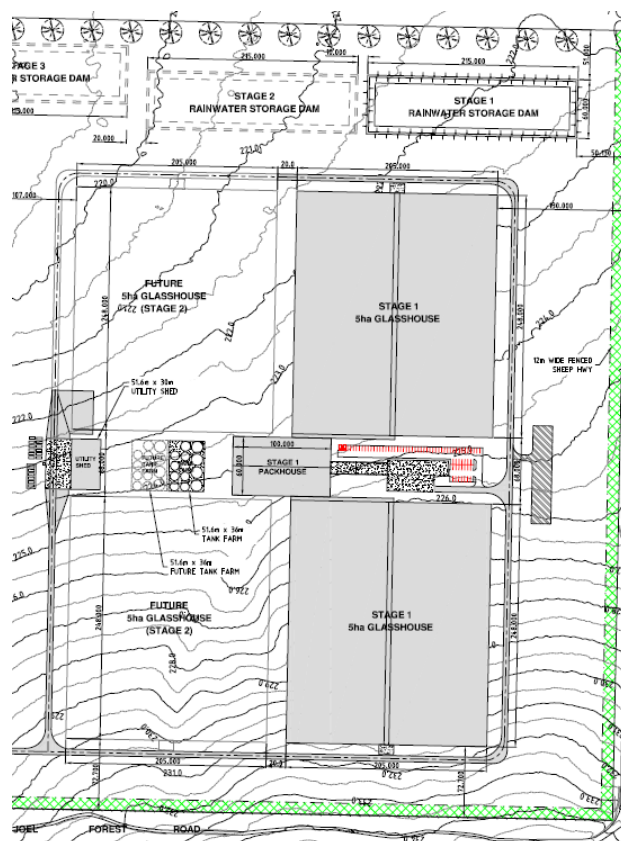
## **Stage 1:**

- **Glasshouses - 2 x 5ha**

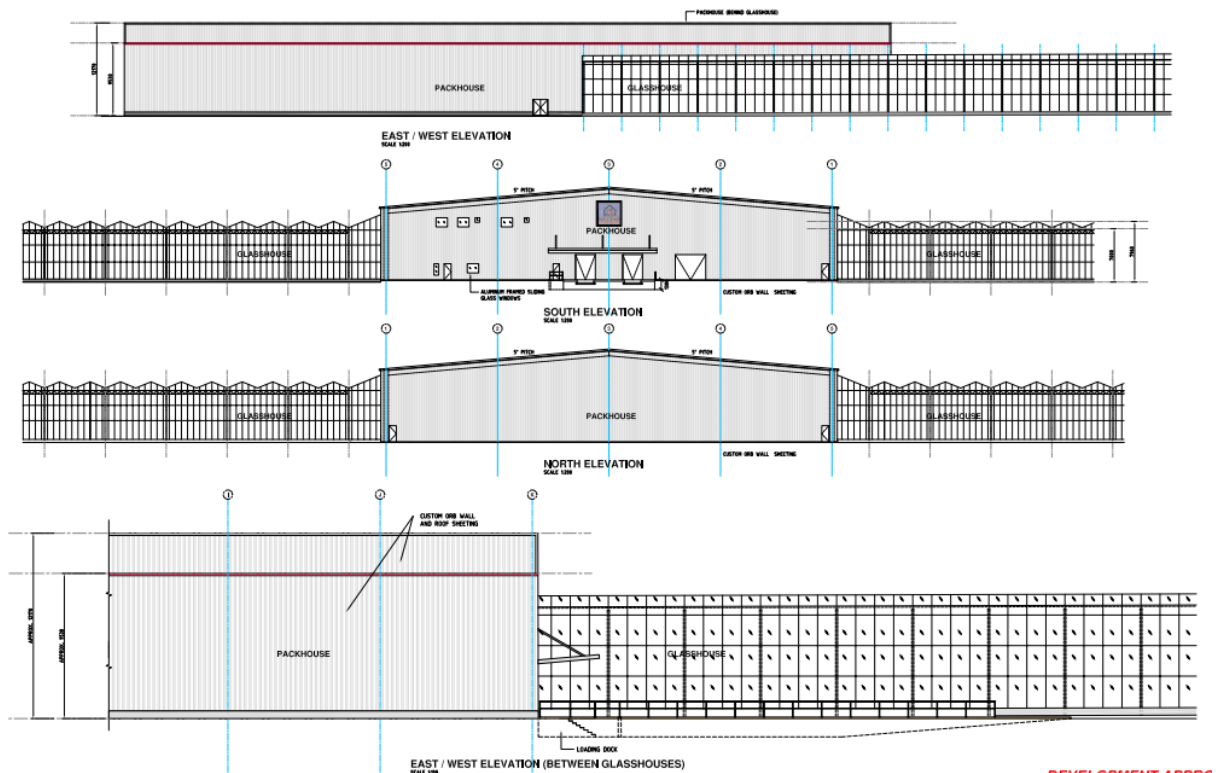
- Two 5ha modern glasshouses being 205m x 240m x total 8.2m height, and made from steel posts, aluminium purlins and roof structure and are clad in glass as outlined in the project description.
- There is a distance of 68m between the two Stage 1 glasshouses, apart from a section towards the north of the glasshouses where the 'Packhouse' is to be sited between them.
- The 68m between the glasshouses allows for 72 car spaces as well as a loading area for loading and movement of B-Double trucks.
- There is proposed to be a 20m gap between the Stage 1 and Stage 2 glasshouses (see plan).
- The Stage 1 glasshouses are proposed to be setback 72m from the western boundary, 190m from the southern boundary and 200m from the eastern boundary.



North



*Stage 1 development layout site plan*



*Stage 1 & 2 Elevation Plans*

- **Packhouse**

- The 'Packhouse' comprises packing/production and staff facilities and is 100m x 60.5m x total height of approx. 12.1m (or 9.53m to roofline) being a total area of 6095m<sup>2</sup> and constructed of custom orb wall sheeting with a 5° roof pitch.
- Situated between Stage 1 glasshouses
- The height of the packhouse is 4m higher than the height of the glasshouses.
- Ground floor of the Packhouse comprises dispatch office, coldroom (301m<sup>2</sup>), sash rooms, toilet facilities, first aid, and loading doc.
- Mezzanine floor includes staff rooms & amenities, including toilet facilities, lockers, cleaners room, lunch & recreation area & kitchen as well as Offices x 5, meeting room and a stay-over room.
- Business Identification Sign is proposed on the south elevation.

- **Utility shed**

- Utility Shed is to be 51.6m x 30m x total height of approx. 8.5 (or 6m to roofline) with a total floor area 1775m<sup>2</sup> custom orb wall sheeting with a 10° roof pitch
- Utility shed is to comprise a boiler room, chemical storage & pallet raking area, and irrigation & fertiliser room, with mixing units and drip irrigation pumps and water / pad fill units/ neutralizers.
- There will be a concreted surface for loading/unloading for trucks near the utility shed, as well as a temporary gravel turning areas.

- **Tank Farm**

- The site plan shows an area of 51.6m x 36m for tank farms which are to be located north of the Packhouse. These tanks are to be constructed during Stages 1 and 2. The tanks include:
  - Fresh water tanks x 4 = 12.43m diam x 4.64m
  - Untreated drain tanks x 4 = 10.75m diam x 4.64m
  - Fertiliser daily water tanks x 4 = 11.42m diam x 4.64m
  - Buffer tank x 1 = 21.50m diam x 10m

- **Other Development**

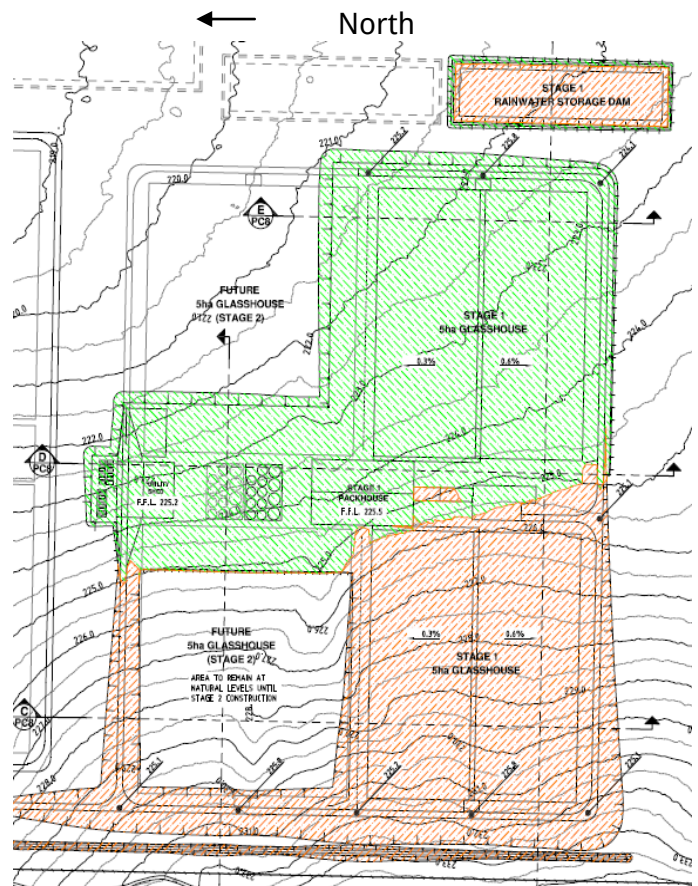
- **Co2 and LPG tank area** (to the north of the Utility Shed) – The LPG tanks are proposed to be fenced with security fencing.
- As noted above, there will be a **loading area** for B-doubles (in between the two glasshouses). There will also be a concrete turning area for B-Doubles. – There will be earthworks here, to cut approx. 1.3m so that the trucks can be loaded with ease from the Packhouse. Please refer to elevation plans.
- **72 space carpark area** near loading doc, which is to be of gravel construction and linemarked. The applicant has also provided for an additional 60 spaces for possible overflow carparking, of gravel surface)
- There will be **6m wide internal gravel road works**, with 1 in 4 table drains either side. These internal roads will be formed in the 'cut' areas of the site, and setback approx. 55m from the western boundary.
- As part of the development, the **Landsborough Road intersection** needs to be upgraded, with the assistance of Council. Please refer to further detail below in the report.
- 12m wide **sheep 'highway'** – this runs around the southern and western boundary of the subject land. It is to enable the easy movement of sheep to/from neighbouring properties to ensure safety of animals, and ensure safe traffic movement. There has been discussion with neighbours in regards to width.
- A 25 megalitre capacity surface run-off **collection dam**.

- **Native vegetation removal**

- The applicant states that 1 tree is to be removed from the subject land with the remaining trees to be removed from Joel Forest Road for the construction of the road.
- DELWP state in their correspondence that the application proposes to remove 0.580 hectare of native vegetation to develop land for agriculture, rural industry and cold storage area with associated building and infrastructures. DELWP has assessed this application in accordance with the detailed assessment pathway of the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) (Guidelines) .
- In accordance with the Guidelines the offset required for the proposed removal of native vegetation is a general offset of 0.285 general habitat unit.
- The applicant has been able to purchase credits through Bush Broker VegetationLink .

- **Earthworks**

- 1 x rainwater storage dam (215 x 60m x 6m = approx. 10.2megalitre dams) - This storage dam is proposed to be setback at least 50m from the eastern and southern boundaries of the land, approx. 46m to internal road network and 60m to eastern side of glasshouses.
- Surface Water Collection Dam (25 megalitre capacity – as noted above). It is to be determined which stage of development this dam will be constructed.
- There will also be **significant** cut and fill earthworks on site. (Please refer to plans for further information).
- The applicant proposes a 6m cut battered in from the 'sheep highway' towards the western side of the Stage 1 glasshouse across approx. 40m.



*Proposed Layout of cut (red) & fill (green)*

**Please note:**

While Stage 1 is being constructed, earthworks for Stages 2 glasshouses remain the natural levels until each stage is ready for construction. This will be ensured with conditions on the staged permit.

**Stage 2:**

- 2 x 5ha glasshouse
- Earthworks
- Tank farm – 51.6m x 36m
- Internal road works
- Rainwater storage dam

Note: All buildings, storage dam and setbacks will be the similar to Stage 1.

**Stage 3**

- 2 x 5ha glasshouse
- Packhouse - slightly smaller than previous packhouse (100m x 60m)
- Earthworks
- Tank farm – 51.6.m x 36m
- Internal road works
- Rainwater storage dam

Note: Stage 3 buildings and dams will be the same as Stage 1 and 2, however have slightly different setbacks & measurements:

- There is proposed to be a setback distance of 127m between Stage 2 and Stage 3 glasshouses. This is to allow truck movement and future earthworks.
- There will be a 60m gap between the two Stage 3 glasshouses, instead of 68m for Stage 1 and 2.

#### **Stage 4**

Although these are noted on the plans as Stage 4, the following are to be included as part of the Stage 3 process:

- **Nursery** (proposed to be approx. m x m (no plans provided – can be conditioned on permit). The proposed nursery is to be setback approx. 65m from the overhead transmission line.
- **Rainwater storage dam** (to be same size as previous storage dams.)

#### **SUBJECT LAND:**

The subject site is situated on the corner of Joel Forest Road and Vances Crossing Road, Joel Joel, being Crown Allotments 119, 120, 121 and 122 Parish of Joel Joel.

The subject land is rectangular in shape and comprises a total of approx. 130ha. The subject land has previously been used for high productive farm land, for cropping and grazing purposes.

The subject land is typical of cropping farming land in the area, and is reasonably sparse apart from an existing dam half way along the western boundary of the subject land and some scattered trees.

There is a slope that falls towards the north eastern corner of the land, which includes a natural drainage line from the Joel Joel Nature Conservation Reserve area to this corner, towards the waterway on the north eastern corner of the subject land.

There is also an overhead transmission line that intersects the northern portion of the site. Accordingly, there is an easement on Crown Allotments 119 and 122 respectively.

#### **Access**

Access to the subject land is to be from Joel Forest Road, which is currently a dirt road/track. The entrance to the site is situated close to the overhead transmission lines.

No access is to be obtained to the site from Vances Crossing Road, as per the restrictive covenant that was placed on title in March 2018.

Please refer to heading '**Key Issues**' for further information regarding access.

#### **The pattern of development in the area**

The subject land is mainly surrounded by other high productive farming land (cropping and grazing), apart from the western boundary which abuts the Joel Joel Nature Conservation Reserve.

## KEY ISSUES:

- **Aboriginal Cultural Heritage**

The Planning Department advised Nectar at its pre-application meeting in October that the subject land is within an area known as being culturally sensitive. And the works were considered 'high impact'. It was recommended that although the works were outside this area, that they seek advice as to whether or not a Cultural Heritage Management Plan was required or not.

Accordingly, Biosis were requested by Nectar to provide cultural heritage advice for their project at Joel Joel. Biosis advise that the development is south west of the Six Mile Creek, which is in an area of cultural heritage sensitivity. They advise that due to works being on the southern portion of the subject land, and although considered a 'high impact' activity, a Cultural Heritage Management Plan (CHMP) has not been triggered for this proposed development.



*Area of Aboriginal Cultural Sensitivity*

- **The purpose of the zone – Farming Zone**

This is outlined in further detail under the Zone Provisions under the heading of Farming Zone.

- **The potential for impact on the amenity of the area**

There is potential for impact on the amenity of the area, particularly to surrounding land owners & occupiers. Council together with Nectar have had a number of community consultation meetings with the neighbours.

Each of the following impacts are discussed in further detail below.:

- Access and Traffic Management
- Drainage and Stormwater management
- Volume of Earthworks
- Lighting



## ➤ Access & Traffic Management

### Access

Access to the subject land is from what is known as Joel Forest Road (which is currently a dirt track). Joel Forest Road runs north-south and derives off the Landsborough Road, which is a main / sealed road managed by Council and known as a Road Zone Category 2, which is in an east-west direction between Stawell and Landsborough.

- Joel Forest Road is to be constructed with construction of Stage 1 development. It is proposed to be 6.2m wide sealed road (1.5m shoulder).
- There will be a need for Native Vegetation Removal along Joel Forest Road and no information has been supplied in regards to native vegetation removal. For more information please refer to Clause 52.17 Native Vegetation under the heading of 'Particular Provisions'
- The application was also be referred to Governance due to road name clarification and the need for an address. No action is required at this stage.

### Traffic Impact

Landsborough Road is a pre-approved B-Double haulage route, so no approvals are required to use this section of the road as part of the heavy vehicle haulage route.

However, the Traffic Impact Assessment states that *"should the section of Landsborough Road between Slorach Road and Burke Street be required for haulage (refer to the yellow line above), then a permit/approval will be required from Council. We also expect that any intersection along the pre-approved haulage routes will be designed to physically cater for B-Double vehicles"*.

### Vehicle Movement

The Traffic Impact Assessment states that for each 10 hectare stage of the development, the following vehicle movements are anticipated:

- 8 x B-Doubles per week;
- 31 x 19m Articulated Vehicles per week; and
- 120 x light vehicles per day

Once the site has full developed, with 30 hectare of glasshouse, the daily traffic movement **is estimated** to be:

<b>Table 1</b>	<b>Estimated Site Traffic - Full Development</b>
Type of Vehicle	Peak Daily Movements
Heavy Vehicles	Peak of 17 daily HV movements
Light Vehicles	Peak of 720 daily LV movements
<b>Total</b>	<b>Peak of 737 daily movements</b>

The Traffic Impact Assessment also states that this traffic will be entirely accommodated along Joel Forest Road (between the site access and Landsborough Road) and Landsborough Road.

After concerns were raised regarding this number of traffic movement with neighbouring landholders, Nectar Farms advises that this number is not likely, but the assessment has been based on the worse case scenario. They expect traffic to be a lot less than reported.

**Landsborough & Joel Forest Road Impacts:**  
(Extract from the Traffic Impact Assessment)

*Joel Forest Road Impacts*

*Joel Forest Road is classified as a Rural Access Road and is currently constructed with an approximate 4.0 metre gravel road carriageway. This class of road has an environmental design capacity for up to 50 vehicles per day...*

*The upgraded section of Joel Forest Road is to be constructed with a 6.2 metre seal and 1.5 metre shoulders, in accordance with Councils requirements for a Rural Collector road..*

*The proposed development will yield more than 700 vehicles per day along Joel Forest Road. This level of traffic sits comfortably within the environmental capacity for a Rural Collector road. The proposed upgraded section of Joel Forest Road is therefore expected to be able to adequately cater for site generated traffic.*

*Landsborough Road Impacts*

*Landsborough Road currently carries in the order of 400 - 600 daily vehicle movements. The site is expected to add up to 737 additional vehicle movements each day to Landsborough Road following development, yielding 1,137 - 1,337 vehicles per day along Landsborough Road post development.*

*BAR and BAL treatments are recommended at the intersection of Joel Forest Road and Landsborough Road to ensure that inbound movements do not compromise performance and safety along Landsborough Road.*

Sheep 'highway'

An outcome from community consultation with neighbours is the 12m wide sheep 'highway' that is to be placed within the site, to accommodate safe movement of sheep between farming properties.

Nectar has also advised the Planning Department 20/12/18 that they propose to place a flashing sign 'sheep ahead' on Landsborough Road (at their cost) to warn oncoming traffic of the hazard ahead.

➤ **Drainage and stormwater management**

The Planning Report states that there is limited stormwater run-off resulting from the development due to the measures employed for on-site capture, harvesting and reuse.

A Stormwater Management Plan has been provided as part of the application. Please refer to this for further detailed information. This Management Plan also takes into consideration the earthworks required to develop the site as per the plans.

The application was been referred to Wimmera Catchment Management Authority for comment/ condition, as well as Council's internal departments for their comment and feedback.



➤ **Volume of Earthworks**

There will be **significant** earthworks on site. (Please refer to detailed plans on earthworks for further details). The applicant proposes a 6m cut battered in from the 'sheep highway' towards the western side of the Stage 1 glasshouse which occurs over a length of approx. 40m.

The proposed earthworks will be managed through a Construction Management Plan (to be requested via planning permit condition) which will also deal with dust and other offset impacts.

The application was referred to relevant external and internal departments for comment and feedback.

➤ **Lighting**

The applicant advises that artificial lighting may be used during times of low natural light for a maximum 12 hours a day. The greenhouse will not be lit at night. There will be internal lighting at night for the production and packaging hall for security purposes.

No other external lighting is proposed as part of the application. A condition will be placed on the proposed permit to provide a plan showing external or security lighting proposed. All lighting should be baffled and sited so as no illumination extends from the site to any surrounding properties.

• **The on-site treatment and disposal of waste water**

The applicant has advised that there will be a number of sewerage treatment systems and effluent disposal areas placed on site. They propose that the sewerage treatment systems will generate less than the 5,000 litres (which is EPA's limit before a Works Approval is required). The applicant has supplied a Land Capability Assessment and Council's Environmental Health Department has recommended standard conditions and has been in constant contact with the consultants, Osborn Engineering.

The application was also referred to the Environment Protection Authority. They have no objection to the proposal, subject to a condition relation to a secondary containment system. They also requested that a note be included in the permit to ensure that the applicant was aware that the planning permit, is not a EPA works approval or licence, and that they must ensure any obligations or duties that arise under the Environment Protection Act 1970 are met.

• **Water**

Nectar has advised that they have had discussions with GWMWater regarding water to the site. They also propose to recycle their water, as rain water run-off from the greenhouses will be captured and transported via pvc pipe into the rain water storage dams.

Plants will be grown on hanging gutters using a closed soilless cultivation technique (hydroponics) for efficient water and fertiliser capture and reuse. Please refer to Planning Report for further information.

The application was referred to GWMWater for comment/conditions, which offered no objection, subject to conditions

- **Power**

The applicant has advised that power will be generated / integrated off-grid renewable energy from Bulgana Wind Farm, with backup Tesla battery storage.

Nectar Farms and Neoen together with Council have been in discussions over the past couple of years regarding this proposal, being a world first.

Note: There is also the overhead transmission line easement on the northern section of the land. Accordingly, the application was referred to Powercor for comment/condition as a Section 55 Referral. Powercor has responded with no objection subject to conditions relating to easements and height restrictions.

- **Landscaping**

Landscaping is not a requirement, but it was raised as part of a 'visual' or 'dust' barrier that perhaps the applicant could plant some native vegetation as a buffer around the perimeter (or partly around perimeter). The applicant has addressed this by providing a buffer along the eastern boundary, where it is low lying compared the the remainder of the land. (Please refer to Concept Site Plan – Stage 1).

- **Native Vegetation**

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. There are some exemptions, for example, if the table Clause 52.17-7 specifically states that a permit is not required.

The applicant proposes to remove one scattered tree on the subject land and retain the rest.

However, Joel Forest Road requires a number of trees to be removed to gain access to the subject land, from Landsborough Road.

The Traffic Impact Assessment shows a number of trees that will be impacted (shown in grey). An Ecological Report was provided a few weeks after the application was lodged. The application was referred (section 55) to the Department of Environment Land Water and Planning as per the Northern Grampians Planning Scheme.

The report states that a total 13 large trees and understorey is to be removed. DELWP has advised that the native vegetation permitted to be removed, destroyed or lopped under this permit is 0.580 hectares of native vegetation, comprises of 0.580 hectares of native vegetation including 13 large trees, with a strategic biodiversity value of 0.316.

The applicant has secured through a BushBroker (Vegetation Link) to meet their offset requirements.

- **Storage of chemicals**

Chemicals are proposed to be stored in the 'Utility Shed' as stated earlier in the report. This item is also addressed under the heading of 'Particular Provisions' in the Preliminary Assessment – Planning Scheme Requirements below.

The application was referred to relevant government authorities, whereby Worksafe has responded and recommended a number of conditions to be inserted into the proposed planning permit.

- **Bushfire Management Overlay**  
This has been addressed in further detail under the heading 'Overlays' in the Preliminary Assessment - Planning Scheme Requirements below.  
The Country Fire Authority has been assisting 'Ferm Engineering' in developing the Bushfire Management Statement and Bushfire Management Plan to meet relevant requirements.
- **Floodplain and water quality management**  
This has been addressed in further detail under the heading 'Overlays' in the Preliminary Assessment - Planning Scheme Requirements below.

## FINAL ASSESSMENT – Planning Scheme Requirements

### ZONE

#### 35.07 Farming Zone

##### **Purpose**

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

##### **35.07-1 Table of Uses**

The proposed use has been defined by the Applicant as '**Rural Industry**'.

Rural Industry defined in the Planning Scheme as:

*"Land used to:*

- a) Handle, treat, process, or pack agricultural produce;*
- b) Service or repair plant, or equipment, used in agriculture; or*
- c) Manufacture mud bricks."*

##### Comment:

In this instance *a)* is applicable to this application.

Rural Industry is considered a **Section 1 Use** however **conditions must be met**. They are:

- Must not have a gross floor area more than 200 square metres.
- Must not be within 100 metres of a dwelling in separate ownership.
- Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 53.10.
- The land must be at least the following distances from land (not a road) which is in a residential zone or Rural Living Zone:
  - The threshold distance, for a purpose listed in the table to Clause 53.10.
  - 30 metres, for a purpose not listed in the table to Clause 53.10.

Comment:

The proposed 'Rural Industry' does not meet the first dot point, therefore becomes a Section 2 Use – permit required.

The second dot point was also considered as there is a building/structure within 100m (on Assess No.1074908) it does not appear to be a permanent dwelling, and there are no permits on record for this structure. It appears to be used as a 'weekender'.

The proposed use of '**Warehouse**' has also been included as part of the proposal, which is a **Section 2 Use – permit required**. 'Warehouse' is defined as:

*"Land used to store or display goods. It may include the storage and distribution of goods for wholesale and the storage and distribution of goods for online retail. It does not include premises allowing in-person retail or display of goods for retail, or allowing persons to collect goods that have been purchased online."*

Comment:

The applicant states that they propose the use of Warehouse, as the Packhouse consists of freezing and cold store storage.

### **35.07-4 Buildings and Works**

Comment:

Of relevance to this permit application, a permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.07-1.
- Earthworks specified in a schedule to this zone, if on land specified in a schedule.

### **Clause 35.07-6 Decision Guidelines – See later in Report**

## **OVERLAYS**

### **Clause 44.06 Bushfire Management Overlay**

#### **Purpose**

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.
- To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

#### **Permit requirement - Buildings and works**

A permit is required to construct a building or construct or carry out works associated with the following uses:

- Office
- Warehouse

#### **Application requirements**

Unless a schedule to this overlay specifies different requirements, an application must be accompanied by:

- A bushfire hazard site assessment including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard must be prepared in accordance with Sections 2.2.3 to 2.2.5 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2. Photographs or other techniques may be used to assist in describing the bushfire hazard.
- A bushfire hazard landscape assessment including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site. Photographs or other techniques may be used to assist in describing the bushfire hazard. This requirement does not apply to a dwelling that includes all of the approved measures specified in Clause 53.02-3.
- A bushfire management statement describing how the proposed development responds to the requirements in this clause and Clause 44.06. If the application proposes an alternative measure, the bushfire management statement must explain how the alternative measure meets the relevant objective.

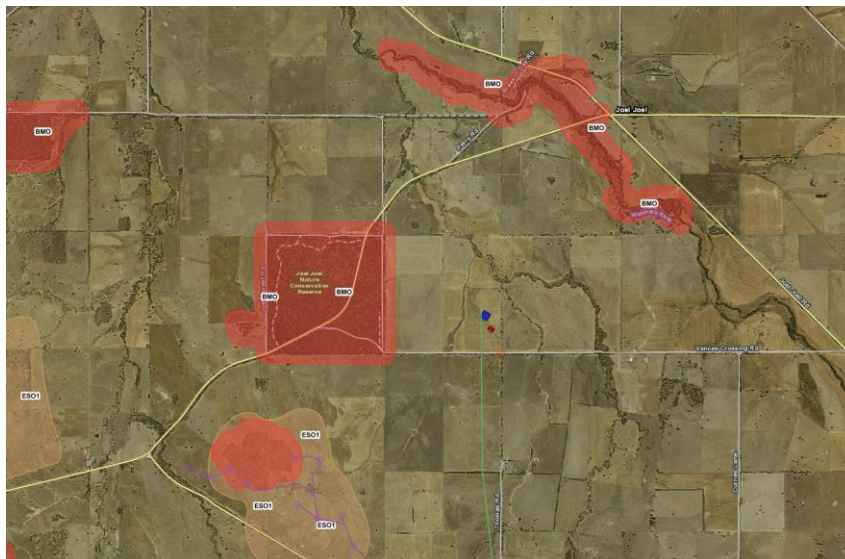
Comment:

The applicant supplied a Bushfire Hazard Assessment which was prepared by Ferm Engineering on behalf of Osborn Consulting. This document was referred to the Country Fire Authority (CFA) for comment / condition.

The Country Fire Authority advised in their initial response to the referral, that they required further information in the form of a Bushfire Management Statement and Bushfire Management Plan. After numerous attempts by the consultancy firm this was finally produced the day of this report.

In regards to their Risk Management Strategy, their protection methods include:

- slashing program, both mechanical and animals based reduction
- burn program, where permitted
- spraying and wetting sprinkler program
- consideration of building separations



*Location of Bushfire Management Overlay*

**44.06-8 Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 53.02 and Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.

- Any other matters specified in a schedule to this overlay.

Comments:

The application was referred to the Country Fire Authority whereby their initial response was to request further information as the applicant had not submitted a Bushfire Management Statement. The Bushfire Hazard Assessment did not have the correct information that they require to assess under this Clause.

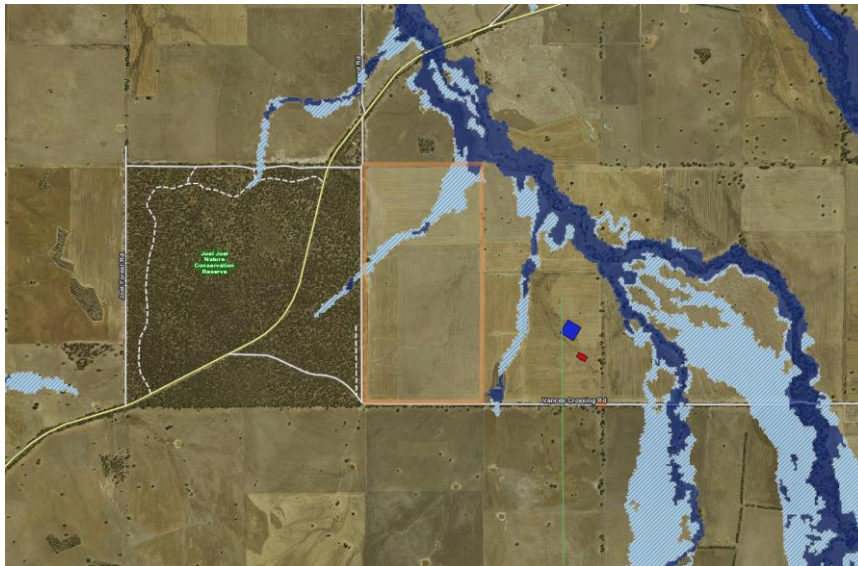
Accordingly, the applicant, with the assistance of the Country Fire Authority, provided a Bushfire Management Statement and Bushfire Management Plan, to the satisfaction of the Responsible Authority. The CFA had no objection, subject to conditions.

**Proposed Flooding or Land Subject to Inundation Overlay**

Part of the subject land will be subject to the proposed Flooding or Land Subject to Inundation Overlay in coming months once it has been gazetted by the Minister.

Comment:

The application was referred to the Wimmera Catchment Management Authority (WCMA) for comment/condition. WCMA offered no objection, subject to conditions.



*Proposed Flood Overlay and Land Subject to Inundation Overlay*

**PARTICULAR PROVISIONS**

➤ **52.02 Easements, Restrictions and Reserves**

**Purpose**

To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider the interests of affected people.

### Comment:

The applicant does not wish to remove or vary the easement, but the easement is of note. It is the overhead transmission line that runs through the northern part of the subject land. The application was referred to Powercor for their comment/condition, and they have advised that they do not have any objection to the propose, subject to conditions relating to placing an easement, and to height restrictions.

### ➤ **52.06 Car parking**

#### **Purpose**

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

#### **Scope**

Clause 52.06 applies to - a new use.

#### **Provision of car parking spaces**

Before: a new use commences;

#### **Permit requirement**

A permit is required to *Reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.*

Table 1 to Clause 52.06-05 of the Northern Grampians Shire Planning Scheme provides rates for various land uses.

The Planning Report outlines the carparking requirements as follows:

- The packhouse (or rural store) component of the site therefore generates a statutory requirement for parking at the following rate:
  - 10 per cent of the site area.
  - Application of this rate to the proposed 6,000m<sup>2</sup> packhouse yields a requirement for at least 600m<sup>2</sup> of parking areas.
  - We note however that no statutory car parking rate is provided for the farming / crop raising component of the site.

In this scenario, Clause 52.06-5A requires that 'where a use of land is not specified in Table 1 - car parking spaces must be provided to the satisfaction of the Responsible Authority.

### Comment:

The Traffic Impact Assessment states that during peak periods a maximum of 120 light vehicles are expected on-site across a day, assuming they are all on-site at the same time, this equates to a demand for 120 car parking spaces.

The plans provided show that the parking area has sufficient space to accommodate 73 car parking spaces (plus 2 disabled). There is also the provision of an additional parking area, should demand be required.

The proposed parking provision is therefore considered satisfactory to meet the anticipated parking demands for Stage 1 as the applicant is providing:

- A formal parking area for Stage 1 is proposed to contain sufficient space for in the order of 73 spaces - sufficient room has been provided to allow for 73 car parking.
- A maximum of 120 cars are expected on-site at any one time.
- At times of surplus activity, an additional overflow parking area is available to accommodate parking towards the southern side of the site.

### **Decision guidelines**

Before deciding that a plan prepared under Clause 52.06-8 is satisfactory the responsible authority must consider, as appropriate:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people. The protection and enhancement of the streetscape.
- The provisions of landscaping for screening and shade.
- The measures proposed to enhance the security of people using the parking area particularly at night.
- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
- The workability and allocation of spaces of any mechanical parking arrangement.
- The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
- The type and size of vehicle likely to use the parking area. Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
- The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier.
- Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).
- The relevant standards of Clauses 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 for residential developments with accessways longer than 60 metres or serving 16 or more dwellings.
- Any other matter specified in a schedule to the Parking Overlay.

### Comments:

These guidelines have been considered and the application was referred to Council's Infrastructure Services Department and VicRoads for comment / condition.

VicRoads offered no comment or objection, and Council's Infrastructure Services Department has recommended a number of conditions.



## ➤ **52.17 Native Vegetation**

### **Purpose**

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

### **Permit requirement**

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. There are some exemptions, for example, if the table Clause 52.17-7 specifically states that a permit is not required.

### **Application requirements**

An application to remove, destroy or lop native vegetation must comply with the application requirements specified in the *Guidelines*.

### **Decision guidelines**

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

### **Offset requirements**

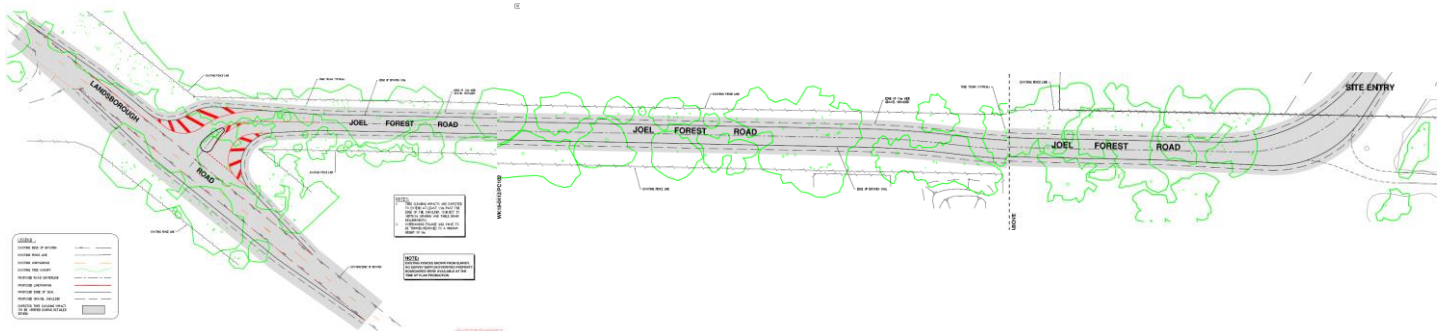
If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset, in accordance with the Guidelines. The conditions on the permit for the removal, destruction or lopping of native vegetation must specify the offset requirement and the timing to secure the offset.

### **Comment:**

As noted above, there is one small tree that is proposed to be removed from the subject land itself.

However, Joel Forest Road requires a number of trees to be removed to gain access to the subject land, from Landsborough Road.

The Traffic Impact Assessment shows a number of trees that will be impacted (shown below – those affected are identified in shaded grey area). Further information was sought seeking clarification on native vegetation removal and the requirements of Clause 52.17. Subsequently an Ecological Report was submitted and referred to Department of Environment Water Land and Planning. Please refer to the heading of Key Issues for further information relating to native vegetation removal.



*Green highlights tree canopy; grey area - native vegetation removal*

➤ **Clause 52.29 Land Adjacent to a Road Zone Category 1**

**Purpose**

- To ensure appropriate access to identified roads.
- To ensure appropriate subdivision of land adjacent to identified roads.

Comment:

The subject land is not adjacent to, and the Landsborough Road is not a 'Road Zone Category 1' however, the application was still referred to VicRoads for comment due to the amount of traffic that is to occur on this road.

As stated earlier in the report under Key Issues, the Traffic Impact Assessment states that for each 10 hectare stage of the development, the following vehicle movements are anticipated:

- 8 x B-Doubles per week;
- 31 x 19m Articulated Vehicles per week; and
- 120 x light vehicles per day

Council's internal Infrastructure team has been in constant contact with Nectar and their Consultants 'Osborn Consulting' in the past months. A Traffic Impact Assessment has been done and this has been referred to both Council and VicRoads for comment / conditions.

VicRoads offered no comment or condition, and Council's Infrastructure Services Department has recommended a number of conditions.

➤ **53.10 Uses with Adverse Amenity Potential**

**Purpose**

To define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood.

NOTE 2 of the table: An assessment of risk to the safety of people located off the land may be required.

Type of production, use or storage	Threshold Distance (m)	Notes
Biocides production and storage	1,000	
Chemical products other than those listed within this group	300	Note 2
Freezing and cool storage	150	

Comment:

The proposal of Stage 1 includes a Utility Shed, which includes an area for chemical storage. In the Planning Report it states that there are small quantities of acid or lye (20lt drums). Also stored in are 25kg bags of fertilisers used to feed the plants. In addition to this, there may also be some organic crop protection products stored in secure lockers in the fertigation room.

The proposed site is also well in excess of the threshold distance as sated in the table as noted above.

The application was referred to Worksafe for comment/condition. Accordingly, they have no objection, subject to conditions.

➤ **53.13 Renewable Energy Facility**

**Purpose**

To facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

Comment:

Although not a renewable energy facility itself, the Nectar Farms is going 'off grid' and using power generated by the Bulgana Wind Farm, being a world first and worth noting.

**CONSULTATION**

**Notice**

Notice was given by Council pursuant to Section 52 of the *Planning and Environment Act 1987* by:

Notice Type	Date of Notice	Period Ends
mail to immediate and adjoining owners and occupiers	19/12/2018	11/01/2019
a sign on the land	20/12/2018	11/01/2019
advertisement in the <a href="#">Weekly Advertiser</a>	19/12/2018	11/01/2019
Customer Service Offices - Stawell	19/12/2018	11/01/2019
<b>Invoice raised for advertising costs</b>	<b>Status</b>	<b>Amount</b>
Letter Sent	n/a	n/a
<b>DO NOT ISSUE PERMIT PRIOR TO RECEIPT OF ADVERTISING FEE PLEASE ENSURE THAT THE REQUEST IS SENT AS SOON AS ADVERTISED</b>		

As a result of public notice, two submissions were received:

Submissions

The two submissions received were not objecting to the proposal itself, but raised the following concerns:

- The effect that increased traffic would have on local farmers in the area, and the flow on effect it would have on sheep movement.
- Construction of Joel Forest Road. While Joel Forest Road is being constructed, it means farmers in the district would have to travel many kilometres around the site to move stock, which is not ideal. Therefore the introduction of the sheep laneway or 'sheep highway' as identified on the Nectar plans was developed, at the goodwill of Nectar Farms.

- Signage was also raised and it was suggested that some signage be placed on Landsborough Road to warn oncoming traffic of sheep movement. Accordingly, a condition in the proposed permit will

#### Meetings between Council, Nectar & Landowners

Over the past twelve months or more, Council and Nectar have held meetings with the local community and information sessions to find out from local farmers in the area what they had concerns about and what they would like to see if improvements were required.

As part of these meetings, Nectar Farms agreed to insert a 'sheep highway' on their subject land (please refer to plans). This 'highway' is being provided to ensure the safe movement of stock by the local farmers in the district. Neighbouring landowners also propose to have a similar sheep laneway / highway on their property so that it too would ensure that there was safe movement of stock.

The most recent of meetings was held between the Planning Department and the concerned neighbouring landowners. At this meeting they advised once again that they did not object to the proposal itself, but had concerns around the safety of theirs (and others) sheep when they go to move them. The Traffic Management Plan does not state anything in regards to sheep movement like they thought it would be. It only relates to traffic movement to and from the site and the impact it will be on the roads. Which is normal for a Traffic Impact Assessment.

After meeting with the concerned landholders, and going through the finer details with them, they were willing to withdraw their submissions.

The details discussed related:

- to the sheep highway on neighbouring property, not Nectar land. Note: Nectar Farms had offered to pay for fencing materials and put gates in where needed to ensure the safe movement of sheep. This gesture is of a good will gesture, and not a planning requirement.
- the construction of Joel Forest Road. Advice was sought in regards to what happens to local farmers when they are trying to move their sheep, as they won't be able to use Joel Forest Road while its being constructed. Nectar and neighbouring farm advise they are willing for other farmers in the area to use their land, in the form of a 'sheep laneway or highway'.
- possible sheep crossing /flashing lights on Landsborough Road. Nectar has advised that they are willing to assist with some of the costs to install these signs. Council has requested that signs similar to 'crossing' signs, be installed and placed on Landsborough Road, either side of Joel Forest Road, as part of the intersection upgrade. Provision will be made on the signs to attach independent flashing lights.
- an agreement between Nectar Farms and local farmers in regards to traffic management and sheep movement.

#### Special Council Meeting

Based on Council's Planning Delegation Policy, the nature and type of application, the decision for this particular application must be referred to Council.

#### **Referral Authorities**

Section 55(1) of the *Planning and Environment Act 1987* states that Council must give a copy of an application to every person or body that the Planning Scheme specifies as a referral authority. Clause 66 of the Northern Grampians Planning Scheme requires such a planning permit application to be referred to the following referral authorities.

<b>Section 55 to Servicing Authorities</b>	<b>Date Sent</b>	<b>Date Received</b>
CFA <a href="mailto:firesafetyreferrals@cfa.vic.gov.au">firesafetyreferrals@cfa.vic.gov.au</a> <b>Clause 66.03</b>	21/12/18	3/1/19 Further Information Required
Rec'd updated BMS	31/1/19	4/2/19 further information still required. Wrong template used. 5/2/19 template provided to applicant for their use.
Amended BMS supplied	5/2/19	6/2/19 amended BMS received – further information still required in form of Bushfire Management Plan. 7/2/19 need amended plan – not clear.
BMP provided	7/2/19	7/2/19 – plan not clear – CFA still requires further info.
		9/2/19 – no objection subject to condition & bushfire management plan
DELWP <a href="mailto:grampians.planning@delwp.vic.gov.au">grampians.planning@delwp.vic.gov.au</a>	09/01/19	7/2/19 No objection subject to conditions / notes.
Powercor <b>Clause 66.02-4 Major electricity line or easement</b>	21/12/18	2/1/19 request for information on site. 2/1/19 no objection subject to conditions.
		8/2/19 <b>Amended</b> No objection subject to conditions.
GWM Water <b>Clause 66.02-5 Potable water supply catchment</b>	21/12/18	11/2/19 no objection subject to conditions relating to ground water and surface water.
The Victorian WorkCover Authority <b>Clause 66.02-7 Industry or Warehouse refer to Clause 53.10 Note 2</b>	21/12/18	10/1/2019 no objection to the granting of a permit subject to one condition.

<b>Sec 52 to Authorities (Comment)</b>	<b>Date Sent</b>	<b>Date Received</b>
Wimmera CMA	21/12/18	10/1/2019 no objection subject to conditions.
VicRoads	21/12/18	15/1/2019 no objection or condition.
EPA <a href="mailto:northwest.mailbox@epa.vic.gov.au">northwest.mailbox@epa.vic.gov.au</a> (Note: Works Approval not required at this stage – waste less than 5,000l) (Note: Clause 52.10 – chemical storage – Note 2)	21/12/18	2/1/19 Request for extension of time. 17/01/2019 no objection subject to conditions. (Note that this applied to Stage 1 only. Council requested a revised version based on whole development).
DEDJTR – Ag Vic (advised by Ag Vic to send via customer.service@delwp.vic.gov.au)	27/12/18	No comments received as at 8/2/19

<b>Internal Business Unit (Comment)</b>	<b>Date Sent</b>	<b>Date Received</b>
Building	31/12/18	8/1/19 & 21/1/19 building permit required.
Infrastructure	31/12/18	7/2/19 no objection subject to conditions.
Environmental Health	31/12/18	22/1/19 no objection subject to conditions.
Economic Development	31/12/18	4/2/19 no objection.
Governance – Road Name	31/12/18	7/1/19 no objection.
Management/CEO	31/12/18	CEO 9/1/19 comments. Evert 25/1/19 no comments.

## **FURTHER INFORMATION**

The following further information is required before the application can be considered further (finalised):

Please refer to Infoxpert for Further Information Letter. In brief it relates to the following items :

- Clause 52.17 Native Vegetation requirements & offsets (as per discussion with Marcel of Osborn Consulting 5/12/18) - Native Vegetation Assessment / Ecological Report **supplied 8 January, 2019.**
- "Attachment D" (Native Vegetation Assessment) was referred to in the Planning Report prepared by Energy Forms. This document is yet to be submitted (subject to final request) As above – **supplied 8 January, 2019**
- Clause 52.05 Signs – further details regarding proposed Business Identification Sign – details **supplied 16 January, 2019** – signage to be taken out and no longer included as part of the application.
- Details regarding external / security lighting (provide plan – possible condition) – **provided 16 January, 2019**
- Details regarding depth of rainwater storage dams. **Provided 16 January, 2019**
- Clarification on measurements for Utility Shed – WK18-0412 – B-101 shows the shed as 58.5m x 30m where as WK18-0412/PC2 for example shows it as 51.6m x 30m. **Provided 16 January, 2019**
- Clarification of the meaning of 'tank farms' that are shown on the site plans and what sizes are they, and is this area fenced/secured? **Provided 16 January, 2019**
- Clarification on Tesla battery storage – is this held on Bulgana site or subject land? **Provided 16 January, 2019**
- Notes - Planning Report refers to Vineyard Road (pg12) **provided 16 January, 2019**
- Construction Management Plan to be requested via planning permit condition – **permit condition**
- Bushfire Management Statement – amended BMS **supplied 8 February, 2019.**
- Bushfire Management Plan – **provided 8/2/2019.**

## **SATISFACTION OF THE FURTHER INFORMATION REQUEST**

The above information request was satisfied on **8 February, 2019.**

## ASSESSMENT OF PLANNING SCHEME REQUIREMENTS:

### ***Relevant Zone, Overlay and Particular Provisions***

Before deciding on an application, Council must consider the relevant provisions of the Planning Scheme, including the zone, overlay and particular provisions. All relevant Decision Guidelines must be considered.

### **State Planning Policy Framework**

Pursuant to the *Planning Policy Framework*, and of relevant to this application, Council has considered relevant clauses and objectives.

#### **11 – Settlement**

Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Planning is to recognise the need for, and as far as practicable contribute towards:

- Health, wellbeing and safety.
- Diversity of choice.
- Adaptation in response to changing technology.
- Economic viability.
- A high standard of urban design and amenity.
- Energy efficiency.
- Prevention of pollution to land, water and air.
- Protection of environmentally sensitive areas and natural resources.
- Accessibility.
- Land use and transport integration.

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

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.

#### **11.01 Victoria**

#### **11.01-1R Settlement – Wimmera Southern Mallee**

#### **Strategies:**

- Support the ongoing growth and development of Edenhope, Hopetoun, Nhill, St Arnaud, Stawell and Warracknabeal as the key service hubs in their sub-regional communities of interest.
- Recognise the close relationship between Stawell and Ararat and plan for these towns as a cohesive sub-regional cluster of housing, employment and services.

#### **11.03 Planning for Places**

#### **11.03-2S Growth areas**

#### **Objective**

To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.

Strategies (of relevance to this application)

- Provide for significant amounts of local employment opportunities and in some

areas, provide large scale industrial or other more regional employment generators.

- Retain unique characteristics of established areas impacted by growth.
- Protect and manage natural resources and areas of heritage, cultural and environmental significance.

### **11.03-5S Distinctive areas and landscapes**

#### **Objective**

To protect and enhance the valued attributes of identified distinctive areas and landscapes.

#### **Strategies**

- Recognise the significant geographic and physical features of these areas.
- Protect the identified key values and activities of these areas.
- Support use and development where it enhances the valued characteristics of these areas.
- Avoid use and development that could undermine the long-term natural or non-urban use of land in these areas.
- Protect areas that are important for food production.

### **12 – Environmental and Landscape Values**

Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.

Planning must implement environmental principles for ecologically sustainable development that have been established by international and national agreements. Foremost amongst the national agreements is the Intergovernmental Agreement on the Environment, which sets out key principles for environmental policy in Australia. Other agreements include the National Strategy for Ecologically Sustainable Development, National Greenhouse Strategy, the National Water Quality Management Strategy, the National Strategy for the Conservation of Australia's Biological Diversity, the National Forest Policy Statement and National Environment Protection Measures.

Planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.

#### **12.01 Biodiversity**

##### **12.01-1S Protection of biodiversity**

#### **Objective**

To assist the protection and conservation of Victoria's biodiversity.

#### **Strategies**

- Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites.
- Strategically plan for the protection and conservation of Victoria's important areas of biodiversity.
- Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of:
  - Cumulative impacts.
  - Fragmentation of habitat.
  - The spread of pest plants, animals and pathogens into natural ecosystems.



- Avoid impacts of land use and development on important areas of biodiversity.
- Consider impacts of any change in land use or development that may affect the biodiversity value of national parks and conservation reserves or nationally and internationally significant sites..
- Assist in the identification, protection and management of important areas of biodiversity.
- Assist in the establishment, protection and re-establishment of links between important areas of biodiversity, including through a network of green spaces and large-scale native vegetation corridor projects.

### **12.01-1R Protection of biodiversity - Wimmera Southern Mallee**

#### **Strategies**

- Facilitate greater connectivity between areas of medium to high natural value to improve ecosystem resilience.
- Protect and manage environmental assets as cropping expands in the southern parts of the region.

### **12.01-2S Native vegetation management**

#### **Objective**

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

#### **Strategies**

- Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017):
  - Avoid the removal, destruction or lopping of native vegetation.
  - Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
  - Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

### **12.03 Water Bodies and Wetlands**

#### **12.03-1S River corridors, waterways, lakes and wetlands**

#### **Objective**

To protect and enhance river corridors, waterways, lakes and wetlands.

#### **Strategies** (of relevance to this application)

- Protect the environmental, cultural and landscape values of all water bodies and wetlands.
- Ensure development responds to and respects the significant environmental, conservation, cultural, aesthetic, open space, recreation and tourism assets of water bodies and wetlands.
- Ensure development is sensitively designed and sited to maintain and enhance environmental assets, significant views and landscapes along river corridors and waterways and adjacent to lakes and wetlands.
- Ensure development does not compromise bank stability, increase erosion or impact on a water body or wetland's natural capacity to manage flood flow.

## **12.05 Significant Environments and Landscapes**

### **12.05-2S Landscapes**

#### **Objective**

To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

#### **Strategies**

- Ensure significant landscape areas such as forests, the bays and coastlines are protected.
- Ensure development does not detract from the natural qualities of significant landscape areas.
- Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.
- Recognise the natural landscape for its aesthetic value and as a fully functioning system.
- Ensure important natural features are protected and enhanced

## **13 –Environmental Risks and Amenity**

Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.

Planning should aim to avoid or minimise natural and human-made environmental hazards, environmental degradation and amenity conflicts.

Planning should identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.

Planning should ensure development and risk mitigation does not detrimentally interfere with important natural processes.

Planning should prepare for and respond to the impacts of climate change.

## **13.01-1S Natural hazards and climate change**

#### **Objective**

To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.

#### **Strategies**

- Consider the risks associated with climate change in planning and management decision making processes.
- Identify at risk areas using the best available data and climate change science.
- Integrate strategic land use planning with emergency management decision making.
- Direct population growth and development to low risk locations.
- Develop adaptation response strategies for existing settlements in risk areas to accommodate change over time.
- Ensure planning controls allow for risk mitigation or risk adaptation strategies to be implemented.
- Site and design development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards.

## **13.02 Bushfire**

### **13.02-1S Bushfire planning**

#### **Objective**

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

#### **Strategies**

- Protection of human life
- Bushfire hazard identification and assessment
- Settlement planning
- Areas of biodiversity conservation value
- Use and development control in a Bushfire Prone Area

## **13.03 Flood plains**

### **13.03-1S Floodplain management**

#### **Objective**

To assist the protection of:

- Life, property and community infrastructure from flood hazard.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.
- Floodplain areas of environmental significance or of importance to river health.

#### **Strategies**

- Identify land affected by flooding, including land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority in planning schemes.
- Avoid intensifying the impact of flooding through inappropriately located use and development.
- Locate emergency and community facilities ... outside the 1 in 100 year floodplain and, where possible, at levels above the height of the probable maximum flood.
- Locate use and development that involve the storage or disposal of environmentally hazardous industrial and agricultural chemicals or wastes and other dangerous goods (including intensive animal industries and sewage treatment plants) outside floodplains unless site design and management is such that potential contact between such substances and floodwaters is prevented, without affecting the flood carrying and flood storage functions of the floodplain.

## **13.04 Soil Degradation**

### **13.04-1S Contamination and potentially contaminated land**

#### **Objective**

To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

#### **Strategies**

- Require applicants to provide adequate information on the potential for contamination to have adverse effects on future land use if the subject land is known to have been used for industry, mining or the storage of chemicals, gas, wastes or liquid fuel.
- Facilitate the remediation of contaminated land, particularly on sites in developed areas with potential for residential development.

### **13.05 Noise**

#### **13.05-1S Noise abatement**

##### **Objective**

To assist the control of noise effects on sensitive land uses.

##### **Strategy**

- Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

### **13.06 Air Quality**

#### **13.06-1S Air quality management**

##### **Objective**

To assist the protection and improvement of air quality.

##### **Strategies** (of relevance to this application)

- Ensure that land use planning and transport infrastructure provision contribute to improved air quality by:
  - Integrating transport and land use planning to improve transport accessibility and connections.
- Providing infrastructure for public transport, walking and cycling.
- Ensure, wherever possible, that there is suitable separation between land uses that reduce air amenity and sensitive land uses.

### **13.07 Amenity and safety**

#### **13.07-1S Land use compatibility**

##### **Objective**

To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

##### **Strategies**

- Ensure the compatibility of a use or development as appropriate to the land use functions and character of the area by:
  - Directing land uses to appropriate locations.
  - Using a range of building design, urban design, operational and land use separation measures.

#### **13.07-2S Major hazard facilities**

##### **Objective**

To minimise the potential for human and property exposure to risk from incidents that may occur at a major hazard facility and to ensure the ongoing viability of major hazard facilities.

##### **Strategies**

- Ensure major hazard facilities are sited, designed and operated to minimise risk to surrounding communities and the environment.
- Consider the risks associated with increasing the intensity of use and development within the threshold distance of an existing major hazard facility.
- Apply appropriate threshold distances from sensitive land uses for new major

hazard facilities and between major hazard facilities.

- Protect registered or licenced major hazard facilities as defined under Regulation 5 of the Occupational Health and Safety Regulations 2017 from encroachment of sensitive land uses.

#### **14 – Natural Resource Management**

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

Planning should ensure agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production.

##### **14.01 Agriculture**

##### **14.01-01S Protection of agricultural land**

###### **Objective**

To protect the state's agricultural base by preserving productive farmland.

###### **Strategies** (of relevance to this application.

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.
- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.
- In considering a proposal to use, subdivide or develop agricultural land, consider the:
  - Desirability and impacts of removing the land from primary production, given its agricultural productivity.
  - Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
  - Compatibility between the proposed or likely development and the existing use of the surrounding land.
  - The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
  - Land capability.
- Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

##### **14.01-02S Sustainable agricultural land use**

###### **Objective**

To encourage sustainable agricultural land use.

### **Strategies**

- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
- Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.
- Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.
- Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.
- Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.
- Support agricultural investment through the protection and enhancement of appropriate infrastructure.
- Facilitate ongoing productivity and investment in high value agriculture.
- Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.
- Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.

### **14.02-2R Agricultural productivity – Wimmera Southern Mallee**

#### **Strategies**

- Support local industries, activities and infrastructure that complement and enhance the region's agricultural sector.
- Facilitate the economic opportunities presented by the Wimmera Mallee Pipeline taking advantage

### **14.02 Water**

#### **14.02-1S Catchment planning and management**

#### **Objective**

To assist the protection and restoration of catchments, water bodies, groundwater, and the marine environment.

#### **Strategies**

- Ensure the continued availability of clean, high-quality drinking water by protecting water catchments and water supply facilities.
- Consider the impacts of catchment management on downstream water quality and freshwater, coastal and marine environments.
  - Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:
  - Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,
  - Minimise erosion of stream banks and verges, and
- Reduce polluted surface runoff from adjacent land uses.
- Undertake measures to minimise the quantity and retard the flow of stormwater from developed areas.
- Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other

land for wetlands and retention basins.

- Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.
- Ensure land use and development minimises nutrient contributions to water bodies and the potential for the development of algal blooms.
- Require appropriate measures to restrict sediment discharges from construction sites.
- Ensure planning is coordinated with the activities of catchment management authorities.

#### **14.02-2S Water quality**

##### **Objective**

To protect water quality.

##### **Strategies**

- Protect reservoirs, water mains and local storage facilities from potential contamination.
- Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.
- Discourage incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.
- Prevent the establishment of incompatible land uses in aquifer recharge or saline discharge areas and in potable water catchments.
- Encourage the siting, design, operation and rehabilitation of landfills to reduce impact on groundwater and surface water.
- Use the mapped information available from the Department of Environment, Land, Water and Planning to identify the beneficial uses of groundwater resources and have regard to potential impacts on these resources from proposed land use or development.

#### **15 Built Environment and Heritage**

Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.

Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.

Planning should promote excellence in the built environment and create places that:

- Are enjoyable, engaging and comfortable to be in.

- Accommodate people of all abilities, ages and cultures.
- Contribute positively to local character and sense of place.
- Reflect the particular characteristics and cultural identity of the community.
- Enhance the function, amenity and safety of the public realm.

## **15.02 Sustainable Development**

### **15.02-1S Energy and resource efficiency**

#### **Objective**

To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

#### **Strategies**

- Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development.
- Promote consolidation of urban development and integration of land use and transport.
- Improve efficiency in energy use through greater use of renewable energy technologies and other energy efficiency upgrades.
- Support low energy forms of transport such as walking and cycling.
- Reduce the urban heat island effect by greening urban areas, buildings, transport corridors and open spaces with vegetation.
- Encourage retention of existing vegetation and planting of new vegetation as part of development and subdivision proposals.

## **15.03 Heritage**

### **15.03-2S Aboriginal cultural heritage**

#### **Objective**

To ensure the protection and conservation of places of Aboriginal cultural heritage significance.

#### **Strategies**

- Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.
- Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.
- Ensure that permit approvals align with the recommendations of any relevant Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.

## **17 Economic Development**

Planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.

Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.

### **17.01 Employment**

#### **17.01-01S Diversified economy**

#### **Objective**

To strengthen and diversify the economy.



### **Strategies**

- Protect and strengthen existing and planned employment areas and plan for new employment areas.
- Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.
- Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.
- Improve access to jobs closer to where people live. Support rural economies to grow and diversify.

### **17.01-1R Diversified economy – Wimmera Southern Mallee**

#### **Strategies**

- Capitalise on economic development opportunities through building on the region's assets, particularly agriculture, energy, mining and tourism.
- Facilitate the use of secure water supplies to develop the region's economy.

### **17.02 Commercial**

#### **17.02-01S Business**

#### **Objective**

To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

#### **Strategies** (of relevance to this application)

- Plan for an adequate supply of commercial land in appropriate locations.
- Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.
- Locate commercial facilities in existing or planned activity centres.

### **18 Transport**

Planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.

### **18.02 Movement networks**

#### **18.02-3S Road system**

#### **Objective**

To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

#### **Strategies** (of relevance to this application)

- Plan and regulate the design of transport routes and nearby areas to achieve visual standards appropriate to the importance of the route with particular reference to landscaping, the control of outdoor advertising and, where appropriate, the provision of buffer zones and resting places.
- Make better use of roads for all road users through the provision of wider footpaths, bicycle lanes, transit lanes (for buses and taxis) and specific freight routes.
- Selectively expand and upgrade the road network to provide for:

- Upgrading of key freight routes.
- Ongoing development in outer suburban areas.
- Higher standards of on-road public transport.
- Ensure access to jobs and services in growth areas and outer suburban areas by improving roads for all road users.
- Improve the management of key freight routes to make freight operations more efficient while reducing their external impacts.
- Ensure that road space complements land use and is managed to meet community and business needs.

### **18.02-4S Car parking**

#### **Objective**

To ensure an adequate supply of car parking that is appropriately designed and located.

#### **Strategies** (of relevance to this application)

Allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.

### **19 Infrastructure**

Planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely.

Planning is to recognise social needs by providing land for a range of accessible community resources, such as education, cultural, health and community support (mental health, aged care, disability, youth and family services) facilities.

Planning should ensure that the growth and redevelopment of settlements is planned in a manner that allows for the logical and efficient provision and maintenance of infrastructure, including the setting aside of land for the construction of future transport routes.

Planning should facilitate efficient use of existing infrastructure and human services. Providers of infrastructure, whether public or private bodies, are to be guided by planning policies and should assist strategic land use planning.

Planning should minimise the impact of use and development on the operation of major infrastructure of national, state and regional significance, including communication networks and energy generation and distribution systems.

Planning authorities should consider the use of development and infrastructure contributions in the funding of infrastructure.

### **19.01 Energy**

#### **19.01-01S Energy supply**

#### **Objective**

To facilitate appropriate development of energy supply infrastructure.

#### **Strategies**

- Support the development of energy facilities in appropriate locations where they take advantage of existing infrastructure and provide benefits to industry and the community.
- Support transition to a low-carbon economy with renewable energy and greenhouse emission reductions including geothermal, clean coal processing and carbon capture and storage.

- Facilitate local energy generation to help diversify the local economy and improve sustainability outcomes.

### **19.01-02S Renewable energy**

#### **Objective**

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

#### **Strategies**

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

### **19.01-2R Renewable energy – Wimmera Southern Mallee**

#### **Strategy**

Support the development of locally generated renewable energy, including bioenergy clusters.

### **19.03 Development Infrastructure**

#### **19.03-03S Integrated water management**

#### **Objective**

To sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.

#### **Strategies** (of relevance to this application)

- Plan and coordinate integrated water management, bringing together stormwater, wastewater, drainage, water supply, water treatment and re-use, to:
  - Take into account the catchment context.
  - Protect downstream environments, waterways and bays.
  - Manage and use potable water efficiently.
  - Reduce pressure on Victoria's drinking water supplies.
  - Minimise drainage, water or wastewater infrastructure and operational costs.
  - Minimise flood risks.
  - Provide urban environments that are more resilient to the effects of climate change.
- Facilitate use of alternative water sources such as rainwater, stormwater, recycled water and run-off from irrigated farmland.
- Ensure that development protects and improves the health of water bodies including creeks, rivers, wetlands, estuaries and bays by:
  - Minimising stormwater quality and quantity related impacts.
  - Filtering sediment and waste from stormwater prior to discharge from a site.
  - Managing industrial and commercial toxicants in an appropriate way.
  - Requiring appropriate measures to mitigate litter, sediment and other

discharges from construction sites.

- Manage stormwater quality and quantity through a mix of on-site measures and developer contributions at a scale that will provide greatest net community benefit.
- Provide for sewerage at the time of subdivision or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.
- Ensure land is set aside for water management infrastructure at the subdivision design stage.
- Minimise the potential impacts of water, sewerage and drainage assets on the environment.
- Protect significant water, sewerage and drainage assets from encroaching sensitive and incompatible uses.
- Protect areas with potential to recycle water for forestry, agriculture or other uses that can use treated effluent of an appropriate quality

### **Local Planning Policy Framework**

Pursuant to the *Local Planning Policy Framework, Municipal Strategic Statement* and the *Council Plan*, Council has considered relevant clauses and objectives to this application.

## **21 Municipal Strategic Statement**

### **21.01 Northern Grampians Shire Strategic Themes and Vision**

Key strategies developed to deliver the vision, include:

- Economic strategy
- Social, community and environment strategy
- Emergency and risk strategy
- Data & information strategy
- Waste strategy
- Asset strategy
- Red tape reduction strategy

### **21.02 Settlement, Housing, Built Environment and Heritage**

- Key issues (of relevance to this application)
- Promoting the growth of Stawell as the shire's largest town.
- Bushfire hazards around the shire's towns.
- Managing the interface between rural and urban land use including protecting agricultural and industrial land uses on the edges of townships.
- The need to maximise the use of existing infrastructure.

#### **Objective 2 To minimise the potential for future land use conflicts.**

- **Strategy 2.4** Ensure new industries are established with regard to the proximity of sensitive uses, such as dwellings.

#### **Objective 3 To reduce the risk to life, property and community infrastructure from bushfire at a municipal and local scale.**

- **Strategy 3.2** Support future development which can provide defensible space to improve the township resilience during a bushfire.
- **Strategy 3.3** Ensure new development implements bushfire compliant subdivision design.
- **Strategy 3.4** Ensure development is managed in the areas where the settlement scale defensible space needs to be protected.
- **Strategy 3.5** Support new development adjoining the established built up areas to

reduce the potential exposure to bushfire.

- **Strategy 3.6** Encourage access around settlements to facilitate fire suppression activities.
- **Strategy 3.7** Encourage implementation of fuel management treatments around settlements.

### **21.02-3 Built environment and heritage**

Key issues:

- The abundance of natural, cultural and historically significant places in the shire.
- Recognising, protecting and conserving the shire's natural, spiritual, cultural and built

#### **Objective 1 To conserve and protect sites and precincts of architectural, cultural and historic significance.**

- **Strategy 1.1** Protect individual places and precincts of significance.
- **Strategy 1.2** New development should minimise the impact on identified heritage places, precincts and landscapes.
- **Strategy 1.3** Ensure that development on or neighbouring a site or precinct which is considered to have natural, archaeological, architectural, cultural or historic significance will not have a detrimental impact on the significance of the site.
- **Strategy 1.5** Enable development and use that complements and enhances significant items, places and areas of natural and cultural heritage.

### **21.03 Environmental Risk and Landscape Values**

Key issues:

- Habitat loss caused by the removal of remnant vegetation is a key environmental issue.
- Integrated management of environmental assets across the shire, with the shire crossing three Catchment Management Authority boundaries.
- Bushfire is a hazard in the shire and around townships, with Halls Gap and land around Kara Kara State Forest being at high risk.
- Flooding occurs along the river systems in the alluvial plains and sheet flooding also occurs in parts of the shire creating overland flow paths.
- Gully, soil erosion and sedimentation causing downstream impacts contribute towards the poor to moderate condition of the 'shires rivers.
- Salinity and erosion occur in the more elevated discharge areas.

#### **Objective 1 To ensure land use and development does not increase the level of bush fire risk and includes adequate fire protection measures.**

- **Strategy 1.1** To identify areas in the shire that are at risk from bushfire.
- **Strategy 1.2** To limit development in areas subject to extreme bushfire.

#### **Objective 2 To protect local flora and fauna.**

- **Strategy 2.1** Reinforce existing wildlife corridors along road and railway reserves with supplementary revegetation in adjacent private lands to establish strong biolinks between important habitats.
- **Strategy 2.2** Protect and reinforce significant environmental nodes or biolinks on private land.
- **Strategy 2.3** Support the location of services on private cleared land rather than on roadsides.

- **Strategy 2.4** Support future development on land within the shire that is already cleared to avoid and minimise the removal of remnant vegetation.

**Objective 3 To manage salinity and erosion.**

- **Strategy 3.1** Reduce salinity risk by reducing ground water accessions, preventing development within high risk salinity areas and stabilising salinised areas.
- **Strategy 3.2** Encourage use and development that may impact on salinity to take into consideration Salinity Management Plans, where relevant to ensure impacts are minimised and appropriately addressed.
- **Strategy 3.3** Minimise land disturbance and inappropriate development in areas identified as being susceptible to erosion.

**21.04 Economic Development**

Key Issues (of relevance to this application)

- The importance of agriculture to the shire's economy.
- Protecting high quality agricultural land.
- Supporting sheep, cattle and cropping as the dominant agricultural activities of the shire and encourage the continued growth of intensive agricultural industry such as viticulture, poultry and pigs.
- Supporting the diversification of rural land use through expansion of renewable energy generation in appropriate locations.

**Objective 1 To support the development of sustainable agriculture and horticultural industries, as the foundation to a strong and prosperous economy.**

- **Strategy 1.1** Protect productive agricultural land for the purposes of agricultural production and value-adding industries.
- **Strategy 1.2** Ensuring agricultural land is managed in an environmentally sustainable and responsible manner in order to protect its productive use.
- **Strategy 1.3** Supporting sheep, cattle and cropping as the dominant agricultural activities of the shire and encourage the continued growth of intensive agricultural industry such as viticulture, poultry and pigs.
- **Strategy 1.5** Support existing and emerging agricultural activities such as viticulture, intensive horticulture and animal industries in locations, and on land that is suited to such enterprises.
- **Strategy 1.6** Discourage the creation of small rural lots outside of areas not zoned for rural residential purposes.
- **Strategy 1.7** Protect rural and agricultural infrastructure such as roads, drainage channels and water supply.

**21.05 Infrastructure and Community Development**

**21.05-1 Electricity generation and distribution**

Key Issues

- Opportunities to establish renewable energy resources as a key local infrastructure assets.
- Regional wind resources provide an increased opportunity for rural areas to support innovative energy or alternative renewal energy developments.

**Objective 1 To reduce the municipality's reliance on non-renewable energy.**

- **Strategy 1.1** Support the development of locally generated renewable energy.

- **Strategy 1.2** Encourage landowners, developers and builders to incorporate renewable energy systems.
- **Strategy 1.3** Promote use and development that reduces energy consumption and

### 21.05-3 Waste and resource recovery infrastructure

#### Key Issues

- Protecting waste and resource recovery assets from encroachment from sensitive uses.
- Providing adequate buffers to protect the operation of waste and resource recovery infrastructure.
- Identifying appropriate locations for future waste and resource recovery infrastructure.

#### **Objective 1 To promote and facilitate the establishment and protection of appropriate waste and resource recovery infrastructure.**

- **Strategy 1.1** Ensure that the role and function of the Statewide landfill at Bellellen is not prejudiced by directing sensitive uses a suitable distance away from the landfill.
- **Strategy 1.2** Provide adequate separation and buffer zones between sensitive land uses and waste and resource recovery infrastructure in the shire.
- **Strategy 1.3** Support the relevant regional waste and resource recovery group in the identification of new, and protection of existing waste and resource recovery infrastructure in the shire, to meet the shire's waste and resource recovery needs.
- **Strategy 1.4** Support sustainable wastewater management and drainage practices with waste water collection and treatment systems, appropriate lot sizes to accommodate on-site treatments and best management practice for on-site stormwater management.

### Council Plan 2017-2021

The following Council Plan strategies are applicable to planning and have been considered in this application as far as they are applicable.

<b>Council Plan Objective</b>	<b>Strategies for achieving</b>
<b>Enhance lifestyles and Community</b>	<ul style="list-style-type: none"> <li>• Building community pride by engaging residents in our towns to participate in events and activities which will build a sense of pride.</li> <li>• Creating happy, healthy and vibrant communities by providing opportunities and encouraging participation in healthy activities.</li> <li>• Advocacy for increased education and training opportunities.</li> <li>• Work with agencies to promote the benefits and value of recreational water.</li> </ul>
<b>Boost Economic Growth</b>	<ul style="list-style-type: none"> <li>• Increase new investment into the shire.</li> <li>• Provide support to existing businesses to ensure long term sustainability.</li> <li>• Workforce and investment attraction.</li> <li>• Advocacy for regional development.</li> </ul>
<b>Provide Sustainable Infrastructure</b>	<ul style="list-style-type: none"> <li>• Enhance the natural and built environment to improve lifestyles and visitation.</li> <li>• Advocating for better telecommunication for the region.</li> </ul>

	<ul style="list-style-type: none"> <li>• Advocate for better transport links for the region.</li> <li>• Advocacy for new and existing infrastructure.</li> </ul>
<b>Improve Organisational Effectiveness</b>	<ul style="list-style-type: none"> <li>• Streamline processes by reviewing internal processes to reduce red tape and increase efficiency</li> <li>• Public information and transparency by developing a plan for improved community engagement.</li> <li>• Be more customer-focused by developing a plan to improve community interactions with council.</li> <li>• Organisation viability by reviewing all services</li> </ul>

## CONSIDERATION OF DECISION GUIDELINES:

### ZONE

#### **Clause 35.07-6 Decision Guidelines**

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

#### **General issues**

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

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

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

#### **Environmental issues**

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



### **Design and siting issues**

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

### **ZONE & OVERLAY**

The Decision Guidelines for the Zone and Overlay have been considered earlier in the Assessment Report.

### **GENERAL PROVISIONS**

#### **Clause 65.01 Approval of an Application or Plan**

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

<b>Decision Guidelines</b>	<b>Comment</b>
The matters set out in section 60 of the Act.	Have been considered.
The Municipal Planning Strategy and the Planning Policy Framework.	The relevant policies have been considered. Please refer to comments above.
The purpose of the zone, overlay or other provision.	The report has considered the purpose of the zone, overlays and particular provisions.
Any matter required to be considered in the zone, overlay or other provision.	The zone, overlay and particular provisions have been considered and are addressed earlier in the assessment report.
The orderly planning of the area.	The proposal is considered to be appropriate use and development for this parcel of land.
The effect on the amenity of the area.	The proposed use and development will have some impact on the amenity of the area, in the way of increased traffic to and from the land, as well as visual impact with 6 x 5ha glasshouses being constructed on the land. Construction phase is likely to see issues such as dust and traffic, but these matters are to be conditioned as much as possible to ensure the safety and concerns of nearby residences.
The proximity of the land to any public land.	The Joel Joel Nature Conservation Reserve is situated on the western boundary of the subject land, with Joel Forest Road (track) running along the western fenceline of the subject land. The proposed use and development is not likely to have an impact. DELWP have made comments/notes in regards to ensure there is no sediment or pollution entering the subject land. A copy of

	these notes was made available to the applicant.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	The proposal is not likely to contribute to land degradation, salinity or reduction of water quality, subject to complying with relevant conditions. The application was referred to relevant government authorities for comment/feedback and/or conditions. These will be inserted into the proposed planning permit.
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	The proposal has been designed to maintain, improve and reuse stormwater within the site. The application includes a number of retention dams as well as a 'tank farm' where they treat and reuse the water. Relevant conditions also apply.
The extent and character of native vegetation and the likelihood of its destruction.	The applicant proposes to remove 1 tree from the site, and also native vegetation along Joel Forest Road so that it can be constructed (including 13 large trees). Please refer to details above for further information, or refer to the Ecological Report supplied as part of the application.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	Please refer to comments above.
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.	The risk of fire is paramount due to the location of the subject land. The proposal itself will not increase hazard for flood, erosion or fire.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	These matters have been considered by the applicant. There are internal roads, loading bays identified on the plan, and in the traffic management plan.

## CONCLUSION:

The proposed use meets the requirements of the Northern Grampians Planning Scheme subject to conditions.

This report represents the assessment of the application in accordance with the *Planning and Environment Act, 1987*.

The Planning Department recommends that a Notice of Decision to Grant a Permit subject to appropriate conditions.

## PLANNING DEPARTMENT'S RECOMMENDATION

The provisions of the Northern Grampians Planning Scheme and the submitted information have been considered by the Planning Department which intends to issue a **Planning Permit** subject to appropriate conditions.

Recommendation : to Issue a Planning Permit for **Use and Staged Development of a Rural Industry (Nectar Farms - comprising a total 30 hectares of high technology closed glasshouses), Warehouse (freezing and cold store), Native Vegetation Removal, Earthworks and associated works** subject to the following Conditions:

### Endorsed Plans

1. The layout of the site and size of proposed use and development hereby permitted must be generally in accordance with the plans submitted with the application and endorsed as follows:
  - Site Plan (endorsed as Sheet XX dated XX)
  - Concept Drawings (endorsed as Sheets XX dated XX)
  - Floor and Elevation Plans (endorsed as Sheet XX dated XX)
  - Planning Report (endorsed as Sheet XX dated XX)
  - Attachment A – Land Capability Assessment 23-11-2018 (endorsed as Sheet XX dated XX)
  - Attachment B – On Site Waste Water Disposal 3-12-2018 (endorsed as Sheet XX dated XX)
  - Attachment C - Stormwater Management Plan 23/11/2018 (endorsed as Sheet XX dated XX)
  - Attachment D – Native Vegetation Assessment – Ecological Report 21-12-18 ((endorsed as Sheet XX dated XX)
  - Attachment E – Bushfire Hazard Assessment V2 15-12-18 (endorsed as Sheet XX dated XX)
  - Attachment F – Traffic Impact Assessment 13-12-18 (endorsed as Sheet XX dated XX)
  - Attachment G – Cultural Heritage Info 6-12-18 (endorsed as Sheet XX dated XX)

### Staged Plans

2. The stage of the works must be to the satisfaction of the Responsible Authority.
3. Prior to the development of each new stage (Stage 2 and Stage 3) the owner/applicant must provide an updated version of each plan (where required) as listed in Condition 1 above and must be approved to the satisfaction of the Responsible Authority.

### Construction and Site Management Plan

4. The owner/applicant must submit a Construction and Site Management Plan within three (3) months of the issue of this permit. When approved, the plan will be endorsed and will then form part of the permit. The Construction and Site Management Plan must include, but not be limited to:
  - a) details and timeframes for staged development; also stating that all plans endorsed will be reviewed for each stage of development.
  - b) hours of operation and hours of construction.
  - c) Type of equipment and expected traffic movement.
  - d) bulk earthworks and volume calculations.
  - e) methods for management of earthworks and dust suppression.

- f) parking and traffic movement of all workers vehicles and construction vehicles.
  - g) allocated areas for loading and unloading.
  - h) site evacuation plan and procedure.
  - i) occupational health and safety policy.
  - j) hazard identification and control, including chemical storage.
  - k) environmental management and waste minimisation.
  - l) management of onsite stormwater and contamination: measures to be taken to prevent litter, sediments and pollution from entering the waterways.
  - m) complaints register.
  - n) number of workers expected to work on the site at any one time.
5. Once submitted and approved the works detailed by the Construction and Site Management Plan must be carried out to the satisfaction of the Responsible Authority. The Construction Management Plan may be amended from time to time with the consent in writing of the Responsible Authority.
  6. The Construction and Site Management Plan must be in accordance with the Environmental Guidelines for Major Construction Sites, Environment Protection Authority (EPA) February 1996.

### **Consolidation**

7. The owner/applicant must consolidate the subject land as described in the land description, into one lot, to the satisfaction of the Responsible Authority.

### **Sheep Crossing Signage**

8. That signage must be installed and placed on Landsborough Road, either side of Joel Forest Road, as part of the intersection upgrade. Provision must be made on the signs to attach independent flashing lights, to the satisfaction of the Responsible Authority.

### **Mandatory Condition**

9. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

### **Amenity**

#### General Amenity

10. The development hereby permitted 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; and
  - d) presence of vermin.

to the satisfaction of the Responsible Authority.

#### Dust Suppression

11. Despite the hours of operation below, the permit holder must maintain emergency dust suppression measures within the site at all times in the event of raised dust due to adverse weather conditions to the satisfaction of the Responsible Authority. All such activities must be reported to the Responsible Authority immediately.

#### Noise

12. Noise emissions from the site must not exceed the standards set out in State Environment Protection Policies to the satisfaction of the Responsible Authority.

#### Maintenance

13. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

#### External lighting

14. All external lighting of the site must be located, directed and shielded, and of such limited intensity so that no nuisance is caused to nearby residents and motorists to the satisfaction of the Responsible Authority.

#### Wastes

15. All wastes and the remnants of solid waste materials used or produced on the site must be stored and removed from the site and disposed of in such a manner as to avoid any nuisance, pollution or offence to the satisfaction of the Responsible Authority.

#### Storage of good, materials and waste

16. All goods, materials and waste stored on the site must be stored out of view in an appropriate place of storage and in such a manner so as not to cause unsightliness to persons on nearby lands and must not be visible from outside the land.

#### Hours of Operation

17. Unless otherwise approved by the Responsible Authority in writing, the use and development hereby permitted must only operate between the hours of 6:00am and 7:00pm Monday to Saturday.

#### Minimise soil erosion

18. All works must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Responsible Authority.

#### Advertising Signage

19. Advertising signage must comply with *Clause 52.05 Signs* of the Northern Grampians Planning Scheme. No further advertising signs may be erected or displayed without the further permission of the Responsible Authority.

### **Council's Environmental Health Department Conditions**

20. The development must be connected to a reticulated sewerage system or if not available, the wastewater must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970 to the satisfaction of the Responsible Authority.

Note:

Where reticulated sewerage is not available, the applicant must demonstrate to the satisfaction of the Responsible Authority that the land is capable of treating and maintaining the wastewater reasonably expected to be generated by the development.

Note:

Any wastewater disposal system must be located more than 60 metres from any dam, gully or watercourse and at least 100 metres from any watercourse or water supply channel used to source drinking water in accordance with the Code of Practice - Onsite Wastewater Management.

Note:

That the Environment Protection Authority (EPA) is responsible for any wastewater treatment and disposal system treating more than 5000 litres per day.

### **Council's Infrastructure Department Conditions**

Entry Works:

21. Access to the property must be provided from Joel Forest Road via an all-weather driveway with dimensions adequate to accommodate emergency vehicles to the satisfaction of the Responsible Authority.
22. Any new 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 must be constructed to the satisfaction of the Responsible Authority.
23. If the developer undertakes any works on the Road Reserve area, prior to commencement the developer must obtain a Works in Road Reserve Permit from Councils Infrastructure Department. Works must not commence until Councils Infrastructure team has given consent to conduct the works within the road reserve.

Note:

A copy of this permit can be obtained from Councils website or customer service team

Access Roads & Carparking:

24. Before the use begins and/or the buildings are occupied all external and internal road works, drainage and other civil works, in accordance with plans and specifications approved by the Responsible Authority must be completed to the satisfaction of the Responsible Authority. This includes but is not limited to:

- a) fully sealed pavement on Joel Forest Road from Landsborough Road to the access point including vehicular crossings;
  - b) Internal access roads
  - c) underground drainage;
  - d) open rural drains
  - e) stormwater storage/retention dams
  - f) Internal road, loading and parking area lighting
  - g) loading/unloading zones
  - h) heavy vehicle turning areas and parking bays
  - i) Signage
25. Before the use begins and/or the buildings are occupied no fewer than 120 car spaces must be provided on the land for the use and development including two (2) spaces clearly marked for use by persons with disabilities. The carparks are to be delineated by pavement markers.
26. All vehicles associated with accessing the site are to enter the site only by routes approved by the Responsible Authority.
27. All access roads, truck parking areas and turning areas are to be designed and constructed to accommodate the use by heavy vehicles, with all swept paths suitable for all future heavy vehicle sizes that are proposed to access the site (ie 36.5m long A-double)

#### Stormwater Drainage:

28. All onsite stormwater infrastructure including onsite storage dams are to be constructed in accordance with the endorsed 'STORMWATER MANAGEMENT PLAN' which was prepared by Osborn Consulting Engineers Pty Ltd to the satisfaction of the Responsible Authority.
29. Stormwater from the property must be drained to the satisfaction of the Responsible Authority.
30. No effluent or polluted water of any type will be allowed to enter the stormwater drainage system to the satisfaction of the Responsible Authority.

#### Landsborough Road Construction Plans required

31. Before the commencement of works, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a digital copy must be provided. Plans to be endorsed:
- Detailed construction plans of the Landsborough Road - Joel Forest Road intersection and Joel Forest Road upgrade generally in accordance with the 'Functional Layout Plans WH18-0412/PC100 & WH18-0412/PC101'. These plans should provide enough detail to be able to construct the required upgrade works and should include:

- 3D plans of the Joel Forest Road from Landsborough Road to the access point of the lot. This is to include intersection upgrade works on the Landsborough Road - Joel Forest Road intersection.
- The location of any general road infrastructure (eg. road linemarking, signage, drainage, native vegetation removal)
- Pavement design details of Joel Forest Road and the widening of Landsborough Road
- Swept path analysis as shown in the endorsed plans prepared by Osborn Consulting Engineers Pty Ltd in achieved;
- safe intersection sight distances (SISD). SISD is to be achieved and maintained on all bends and intersections within the site along with any external intersections or bends from the Landsborough Road to the site to the satisfaction of the Responsible Authority.
- any security gate, barrier or similar device controlling vehicle access to the premises is located a minimum distance inside the property so that no part of any stationary vehicle remains on the public sealed road surface;
- all vehicular access ways illuminated and that lighting installed will not cause a nuisance to nearby residents and motorists to the satisfaction of the Responsible Authority.

#### Emissions and Discharges during Construction:

32. The developer must restrict emissions and discharges from any construction sites within the land in accordance with the best practice environmental management techniques and guidelines contained in the Environment Protection Authority publications for sediment pollution control and Environmental Guidelines for major construction sites to the satisfaction of the Responsible Authority.

#### **Country Fire Authority**

*(pursuant to Section 55 of the Planning and Environment Act 1987)*

#### Bushfire Management Plan endorsed

33. The Bushfire Management Plan F18230 – Bushfire Management Plan (Revision 1; dated 8/2/2019); prepared by FERM Engineering must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority. (Endorsed as Sheet XX dated XX)

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

*(pursuant to Section 55 of the Planning and Environment Act 1987)*

#### Notification of permit conditions

34. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

#### Protection of retained vegetation

35. Except with the written consent of the responsible authority, within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, 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 the provision of underground services
- e) any other actions or activities that may result in adverse impacts to retained native vegetation.

#### Native vegetation permitted to be removed, destroyed or lopped

36. The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.580 hectares of native vegetation, which is comprised of 0.580 hectares of native vegetation including 13 large trees, with a strategic biodiversity value of 0.316.

#### Native vegetation offsets

37. To offset the removal of 0.580 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure the following offsets: A general offset of 0.285 general habitat units with the following attribute: i) located within the Wimmera Catchment Management boundary or Northern Grampians municipal area ii) with a minimum strategic biodiversity value of at least 0.316.
38. Before any native vegetation is removed, evidence that the required offset by this permit has been secured must be provided to the satisfaction of Northern Grampians Shire Council.

#### Note:

No polluted and or sediment laden water is to be discharged directly or indirectly into the Joel Joel Nature Conservation Reserve.

#### **GMMWater**

*(pursuant to Section 55 of the Planning and Environment Act 1987)*

39. The use of groundwater or surface water (excluding rainwater runoff from buildings) for commercial or irrigation purposes will need to be licenced.
40. The construction of works associated with capturing or using surface water (excluding rainwater runoff from buildings) for commercial or irrigation purposes will need to be licenced.
41. The ability of GMMWater to issue licences for irrigation or commercial purposes may be limited by surface water or groundwater caps.

#### Note:

Nectar Farms will be responsible for the installation at their expense of the water supply infrastructure required to deliver water to the site from the Landsborough Valley pipeline system.

#### **Worksafe Victoria**

*(pursuant to Section 55 of the Planning and Environment Act 1987)*

42. Dangerous Goods will need to be stored in accordance with the Dangerous Goods (Storage and Handling) Regulations 2012.

Note:

Gas will be utilised in a gas burner to generate hot water for the climate controlled glasshouses. Warehouse cooling may utilise refrigerants. Small quantities of acid and lyre will be used to pH control the fertiliser solutions and 25kg bags of fertiliser will be utilised to feed the plants. Small quantities of organic crop protection products will be stored in secure lockers in the fertigation room. Some of the fertilisers and pesticides may be expected to be Dangerous Goods.

**Powercor Australia Ltd Conditions**

*(pursuant to Section 55 of the Planning and Environment Act 1987)*

43. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

Note:

Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

44. The applicant shall establish easements for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

Notes:

- Existing easements may need to be amended to meet the Distributor's requirements
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 – Electricity Industry Act 2000	Powercor Australia Ltd

45. Any buildings/construction must comply with the clearances required by the Electricity Safety (Installations) Regulations.
46. Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.

**Environmental Protection Authority (EPA)**

*(pursuant to Section 52 of the Planning and Environment Act 1987)*

47. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard.

Notes:

- EPA Publication 1698, Liquid storage and handling guidelines, 2018 provides information on proper storage and handling methods for liquids and how you can reduce and control risks to the environment and human health.
- The applicant should note that subsequent stages of the proposal may require works approval. Prior to applying for a planning permit for subsequent stages, the applicant should submit an Approvals proposal pathway form to EPA's Development Assessment Unit.

48. Before the use or development authorised under this permit starts, the permit holder must ensure that any obligations or duties that arise under the Environment Protection Act 1970 are met.

Notes:

- This may include obtaining a works approval or licence.
- This permit is not an EPA works approval or licence.

**Wimmera Catchment Management Authority**

*(pursuant to Section 52 of the Planning and Environment Act 1987)*

49. Water released in the process water application area is to be released at a rate no higher than 5m<sup>3</sup> per day.

50. Water releases in the process water application area are not to occur more than 5 times per month.

Note:

The 1% AEP flood is not the maximum possible flood. A flood larger in height and extent, than the 1% AEP flood, may occur in the future.

**End of Conditions.**

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**Expiry of Permit**

In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:-

- a) The development is not completed within five (5) years of the date of this permit.
- b) The use does not start within five (5) years after completion of the development.
- c) The use is discontinued for a period of five (5) years.

In accordance with section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the periods referred to if a request is made in writing.

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**Permit Notes:**

**Nectar Agreement**

- The owner/applicant must consult with the neighbouring landowners/occupiers in regards to farming practices, in particular sheep movement, in the form of advanced notice when moving sheep.

**4. Close**

**There being no further business the Mayor declared the meeting closed at 12.39pm.**

Confirmed

A handwritten signature in black ink, appearing to read "Kevin Erwin". The signature is written in a cursive style with a large initial 'K' and 'E'.

CR KEVIN ERWIN  
MAYOR