

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna

Disclosures of conflicts of interest in relation to advice provided in this report

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

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

Council Officers involved in producing this report

Author: Statutory Planner

Proof reader(s): Manager Planning

Approved by: Director Sustainable Development

Executive Summary

The application seeks planning approval to use and develop land at 1090 Lemnos North Road, Congupna for a 68MW renewable energy facility (solar farm). The proposed development includes the removal of six scattered paddock trees and business identification signage. The application represents a development of \$48 million in the municipality.

- The land is within the Farming Zone (FZ). The land is within an area of cultural heritage significance and as a result the proposed development triggers the need for a cultural heritage management plan (CHMP). An approved CHMP was provided to officers on 22 January 2018.

Officers have advertised the application and three objections to the proposal have been lodged with Council. The objections largely relate to the following issues:

- Loss of productive agricultural land
- Conflict between agricultural activities and the operation of the solar farm i.e. dust caused by farming and then settling on the solar panels
- Devaluation of land
- Impact on flood flows
- Fire risk

The key issue for consideration is whether the loss of productive agricultural land in a food bowl of national significance for a solar farm is acceptable.

The Greater Shepparton Planning Scheme (the scheme) places a strong emphasis on the retention of agricultural land and the discouragement of non-agricultural uses in farming areas. This application proposes to remove about 160 hectares from agriculture for at least 25 years.

The Rural Regional Land Use Strategy (Rural Strategy) identifies that agriculture within the study region (Campaspe, Moira and Shepparton) consists of about 500,000ha of which 317,000ha is irrigated with about 1.5 million megalitres of water used. Agriculture is without question the main economic driver of the region.

The FZ does not prohibit renewable energy facilities such as solar farms.

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The state planning policy seeks to promote and facilitate renewable energy facilities. Clause 19.01-1 (provision of renewable energy) objective is:

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

e) Clause 52.42 (renewable energy facility) of the scheme seeks to 'facilitate the establishment and expansion of renewable energy facilities, in appropriate locations, with minimal impact on the amenity of the area'.

In this instance officers are required to consider conflicting policies between agriculture and state policy support for renewable energy facilities and decide in the favour of the net community benefit and sustainable development for the benefit of present and future generations.

Officers note that it is a difficult task in determining this matter, both food and energy production is of fundamental importance to all Victorians.

Officers recommended that a notice of decision to grant a permit be issued for the proposed solar farm for the following reasons:

- Officers acknowledge that this proposal will result in the loss of productive agricultural land. Officers also acknowledge that the land is identified as being strategic agricultural land and that agriculture is the driver of the region's economy. Despite this, a solar farm is not a prohibited use and the generation of electricity like food production is essential to the lives of Victorians. Officers note there are other non-agricultural uses in FZ such as mines, quarries and schools. Whilst reducing valuable agricultural land is not an ideal outcome, the proposed solar farm is an acceptable outcome, the loss of 160ha in a food bowl of 317,000ha does not warrant refusal of the application. The solar farm will produce power to assist in the meeting of future electricity demands;
- Generation of solar energy will assist in achieving the Victorian Governments renewable energy target being 25% of generation by 2020 and 40% generation by 2025;

Officers engaged Sustainable Energy Transformation to undertake an expert review of the grounds of objection. The conclusion of this expert review is:

The technical aspects raised in the objections have been reviewed. Some aspects have been found to be without a technical basis and others can be adequately addressed with appropriate requirements in management plans for the site development.

Based on this expert assessment officers are satisfied that there is no technical energy basis to refuse the application.

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Wangaratta

A state government advisory committee considered an expansion of the Countrywide Energy Solar Farm at Wangaratta North. Whilst the issues were different in the Wangaratta case, the advisory committee did support the solar farm application and made the following comments:

Having considered all matters and material that it is required to consider, the Committee concludes that an amended planning permit should be issued. The proposed expansion of the solar farm represents a significant investment in the Wangaratta area, and will provide economic stimulation to the region, and increased energy security for other businesses and industries in the region, as well as the broader regional community. The solar farm will also assist Victoria to reduce its overall carbon emissions, and contribute to reaching the State's renewable energy generation targets. These are positive environmental and social outcomes for the region, and for the State more broadly.

Officers having undertaken an assessment of the application and recommend that notice of decision to grant a permit be issued by Council.

RECOMMENDATION

In relation to Planning Application 2017-344, on the basis of the information before Council and having considered all relevant matters as required by the *Planning and Environment Act 1987*, Council resolves to issue a notice of decision to grant a planning permit subject to the following conditions:

Plans Required

Before the development starts, plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies (or as specified) must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to include any necessary information listed in Council's Infrastructure Design Manual.

- a) Plans to show the solar arrays are setback at least 50 metres from the lands boundary
- b) A detailed fencing plan that achieves compliance with the GBCMA conditions
- c) Floor and elevation plans of all proposed buildings
- d) Setbacks of buildings and solar panel to comply with GMW conditions
- e) Details of the business identification signage

Section 173 Agreement

Prior to the use commencing, the owner must enter into an agreement with the Responsible Authority, pursuant to Section 173 of the *Planning and Environment Act 1987* (the Act). This agreement must be registered on the title to the land pursuant to Section 181 of the *Planning and Environment Act 1987*. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement. The agreement must provide for:

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- a) Within three months of the solar farm use ending a decommissioning and rehabilitation management plan prepared by a suitably qualified person must be submitted to the responsible authority for approval. The plan must include but is not limited to:
1. identification of structures, including but not limited to all solar panels, substation, buildings and electrical infrastructure, including underground infrastructure to be removed and how they will be removed;
 2. details of how the land will be rehabilitated back to its pre-development condition, including irrigation layout and soil profile

Within 12 months of the endorsement of the decommissioning and rehabilitation management plan all the decommissioning and rehabilitation must be completed to satisfaction of the responsible authority.

- b) The photovoltaic arrays (solar panels) must be orientated so that the panels are perpendicular to the ground within 30 minutes of sunset until within 30 minutes of sunrise to facilitate night radiant cooling.
- c) The operator of the solar farm accepts and acknowledges that the use and development may be subject to disturbance from agricultural activities including but not limited to spray drift, dust emissions and heavy machinery use

The said agreement is to be prepared by Council. Council will undertake to have the agreement prepared upon written notification from the applicant. All costs associated with the preparation and registration of the agreement shall be borne by the applicant including Council's administration fee. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

Civil Construction Requirements

Before any of the development starts, detailed plans with computations to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The information submitted must show the details listed in the Council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual.

- a) details (and computations) of how the works on the land are to be drained including drains conveying stormwater to the legal point of discharge;
- b) details of how the drainage design allows for the continuation of existing overland flow paths across the land;
- c) documentation demonstrating approval from the relevant authority for the legal point of discharge;
- d) maximum discharge rate shall not be more than 1.2 l/sec/ha;
- e) detailed plans of the vehicle crossing from Lemnos North Road to the site office area;
- f) carparking areas, circulation lanes and access shall be designed and constructed in accordance with AustRoads Publication 'Guide to Traffic

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Engineering Practice : Part 11 Parking,' 'Australian Standard AS2890.1-2004 (Off Street Parking)' & 'AS2890.6 (Off Street Parking for People with Disabilities);'

- g) the site shall be properly illuminated with lighting designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land;

- h) details of the perimeter fencing of the land

to the satisfaction of the responsible authority.

All parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

The access and parking areas must be constructed and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the responsible authority.

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

Before the operation of the solar farm commences all buildings and works as shown on the endorsed plans must be constructed in accordance with the endorsed plans to the satisfaction of the responsible authority.

Landscape Plan

Before the development starts a landscape plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided;

- a) a survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed;
- b) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- c) how the land under the solar arrays maintains ground cover at a reasonable level and the management of fire risk
- d) details of permanent screening trees and shrubs with a minimum of six rows using a mixture of local trees and understorey species

All species selected must be to the satisfaction of the responsible authority.

Before the commencement of the use or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

Once the landscaping planting is carried out the landscaping must be maintained including the replacement of any dead or diseased plants to the satisfaction of the responsible authority.

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Construction Management Plan

Prior to commencement of works, a Construction Site Management Plan in accordance with Council's Infrastructure Design Manual must be prepared, approved and implemented to the satisfaction of the responsible authority. The plan must show:

- a) measures to control erosion and sediment and sediment laden water runoff, including the design details of structures;
- b) measures to retain dust, silt and debris onsite, both during and after the construction phase;
- c) locations of any construction wastes and the method of disposal, equipment, machinery and/or earth storage/stockpiling during construction;
- d) where access to the site for construction vehicle traffic will occur;
- e) tree protection zones;
- f) the location of trenching works, boring, and pits associated with the provision of services;
- g) the location of any temporary buildings or yards.

General Amenity

The use and development permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

Prior to the use commencing any security alarm installed on the premises must be 'silently wired' to a security firm or the Victoria Police.

Prior to the use commencing any lighting within the site must be designed, baffled and located in such positions so as to effectively illuminate all pertinent public areas, without spilling onto the road reserve or adjoining land, and must be connected to a time clock switch or other approved system to the satisfaction of the responsible authority.

Native Vegetation Offsets

Native vegetation offsets are required to offset the removal of six native scattered trees approved as part of this permit. The applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual (Department of Environment and Primary Industries)*:

The offset must:

- a) contribute gain of at least 0.101 biodiversity equivalence units
- b) be located within the Goulburn Broken Catchment Management Authority boundary or Greater Shepparton City Council Municipal district
- c) have a strategic biodiversity score of at least 0.406

Native Vegetation Offset Evidence

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of and approved by the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in

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accordance with the requirements of the Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual (Department of Environment and Primary Industries).

Offset evidence can be either:

- a) An allocated native vegetation credit register extract from the Native Vegetation Credit Register; or
- b) A security agreement to the required standard for the offset site or sites, including a 10-year Offset Management Plan to the satisfaction and approval of the Responsible Authority.

Every year, for ten years from the date of approval of the Offset Management Plan, the applicant must provide to the Responsible Authority, notification of actions undertaken towards implementation of the Offset Management Plan, an offset site condition statement and site monitoring photographs.

The Offset Management Plan must be in accordance with Permitted clearing of native vegetation; First party general offset kit (Department of Environment and Primary Industries) and include:

- i. The gain in biodiversity equivalence units and strategic biodiversity score to be achieved by the offset actions
- ii. Location of where offsets are to be provided and size of area (to be drawn to scale)
- iii. Type of offsets to be provided
- iv. If applicable, revegetation details including the method(s), number of trees, shrubs and other plants, species, mix and density
- v. Activities that will be forgone within the offset area, such as grazing, removal of fallen timber and standing trees and other development/uses
- vi. Management actions that will be undertaken to ensure long term sustainability of offset(s) such as permanent fencing, weed control, revegetation maintenance, retention of timber/branches and other habitat management actions
- vii. Method of permanent protection for offset(s) such as a formal agreement
- viii. Person(s) responsible for implementing and monitoring the Offset Management Plan
- ix. Time frame for implementing the Offset Management Plan

No alteration to Offset requirements

The requirements noted in an approved and endorsed Offset Plan must not be altered without the written consent of the responsible authority.

Country Fire Authority Requirements

Before the development starts, plans to the satisfaction of CFA must be submitted and approved by CFA and the responsible authority. When approved, the plans will be endorsed and then form a part of the permit. The plans mentioned above must include the following:

- a) Fire Management Plan;
- b) Bushfire Risk Assessment, incorporating water supply requirements;
- c) Fuel Reduction and Maintenance Plan;
- d) Emergency Management Plan; and
- e) Any other risk management information for the site.

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Goulburn Murray Water Requirements

- a) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- b) No buildings and solar panels (including works associated with solar panels) are to be constructed within 30 metres of the Congupna Creek or within the Floodway Overlay.

Goulburn Broken Catchment Management Authority Requirements

- a) The finished floor levels of the proposed substation and site office must be constructed at least 300 millimetres above the adjacent centreline road levels of the Katamatite-Shepparton Main Road, or higher level deemed necessary by the responsible authority.
- b) The Floodway Overlay at the north-east corner of the property may be fenced on the Overlay's western boundary only.

Powercor Requirements

The applicant shall:

- a) Negotiate with Powercor for the connection of the development, to the existing power distribution network.
- b) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- c) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- d) Set aside for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required.

Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- e) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
- f) Obtain for the use of Powercor Australia Ltd any other easement external to the development.

Time for Starting and Completion

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

- a) the development and use has not started within **two (2) years** of the date of this permit;
- b) the development is not completed within **four (4) years** of the date of this permit.

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Moved by Cr Adem
Seconded by Cr Patterson

That the Council resolve to:

1. Note that by letter dated 13 February 2018 the Minister for Planning gave notice that the Minister:
 - a. has agreed to the Council's request under section 97C of the Planning and Environment Act 1987 that the Minister for Planning decide the following solar farm planning permit applications: 2017-162; 2017-274; 2017-301; 2017-344;
 - b. intends to establish a combined Panel to consider those planning permit applications.
2. Note that as a result the Council is no longer the decision maker for the planning permit applications that were referred to the Minister and the Council must not proceed further with the applications.
3. Through its representatives, appear and make submissions at the hearing(s) by a combined Panel appointed by the Minister for Planning for planning permit application 2017-344 and make available Council Planning Officer's reports.
4. Note the complexities of planning permit application 2017-344 and that there are community concerns in relation to that application.
5. Write to the Panel and request that the hearing(s) be held in Shepparton
6. Authorise the Chief Executive Officer (who may in turn delegate these authorisations to any of his or her delegates) to:
 - a. take whatever steps as they see fit so as to implement this resolution, including but not limited to engaging legal representatives and appointing expert witnesses;
 - b. comply with any directions of the Minister for Planning given to the Council as the referring responsible authority; and
 - c. instruct the Council's legal representatives regardless of Council's position to provide the following draft conditions to the Panel:

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- a) Plans to show the solar arrays are setback at least 50 metres from the lands boundary
- b) A detailed fencing plan that achieves compliance with the GBCMA conditions
- c) Floor and elevation plans of all proposed buildings
- d) Setbacks of buildings and solar panel to comply with GMW conditions
- e) Details of the business identification signage

Section 173 Agreement

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- a) Within three months of the solar farm use ending a decommissioning and rehabilitation management plan prepared by a suitably qualified person must be submitted to the responsible authority for approval. The plan must include but is not limited to:

1. identification of structures, including but not limited to all solar panels, substation, buildings and electrical infrastructure, including underground infrastructure to be removed and how they will be removed;
2. details of how the land will be rehabilitated back to its pre-development condition, including irrigation layout and soil profile

Within 12 months of the endorsement of the decommissioning and rehabilitation management plan all the decommissioning and rehabilitation must be completed to satisfaction of the responsible authority.

- b) The photovoltaic arrays (solar panels) must be orientated so that the panels are perpendicular to the ground within 30 minutes of sunset until within 30 minutes of sunrise to facilitate night radiant cooling.
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Civil Construction Requirements

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- a) details (and computations) of how the works on the land are to be drained including drains conveying stormwater to the legal point of discharge;
- b) details of how the drainage design allows for the continuation of existing overland flow paths across the land;
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- d) maximum discharge rate shall not be more than 1.2 l/sec/ha;
 - e) detailed plans of the vehicle crossing from Lemnos North Road to the site office area;
 - f) carparking areas, circulation lanes and access shall be designed and constructed in accordance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking,' 'Australian Standard AS2890.1-2004 (Off Street Parking)' & 'AS2890.6 (Off Street Parking for People with Disabilities);'
 - g) the site shall be properly illuminated with lighting designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse effect on adjoining land;
 - h) details of the perimeter fencing of the land
- to the satisfaction of the responsible authority.

All parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

The access and parking areas must be constructed and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the responsible authority.

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

Before the operation of the solar farm commences all buildings and works as shown on the endorsed plans must be constructed in accordance with the endorsed plans to the satisfaction of the responsible authority.

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Before the development starts a landscape plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided;

- a) a survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter) to be removed;
- b) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
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- d) details of permanent screening trees and shrubs with a minimum of six rows using a mixture of local trees and understorey species

All species selected must be to the satisfaction of the responsible authority.

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- c) locations of any construction wastes and the method of disposal, equipment, machinery and/or earth storage/stockpiling during construction;
- d) where access to the site for construction vehicle traffic will occur;
- e) tree protection zones;
- f) the location of trenching works, boring, and pits associated with the provision of services;
- g) the location of any temporary buildings or yards.

General Amenity

The use and development permitted by this permit must not, in the opinion of the responsible authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of materials, goods or commodities to or from the subject land; the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

Prior to the use commencing any security alarm installed on the premises must be 'silently wired' to a security firm or the Victoria Police.

Prior to the use commencing any lighting within the site must be designed, baffled and located in such positions so as to effectively illuminate all pertinent public areas, without spilling onto the road reserve or adjoining land, and must be connected to a time clock switch or other approved system to the satisfaction of the responsible authority.

Native Vegetation Offsets

Native vegetation offsets are required to offset the removal of six native scattered trees approved as part of this permit. The applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual (Department of Environment and Primary Industries)*:

The offset must:

- a) contribute gain of at least 0.101 biodiversity equivalence units
- b) be located within the Goulburn Broken Catchment Management Authority boundary or Greater Shepparton City Council Municipal district
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Native Vegetation Offset Evidence

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Offset evidence can be either:

- c) An allocated native vegetation credit register extract from the Native Vegetation Credit Register; or
- d) A security agreement to the required standard for the offset site or sites, including a 10-year Offset Management Plan to the satisfaction and approval of the Responsible Authority.

Every year, for ten years from the date of approval of the Offset Management Plan, the applicant must provide to the Responsible Authority, notification of actions undertaken towards implementation of the Offset Management Plan, an offset site condition statement and site monitoring photographs.

The Offset Management Plan must be in accordance with Permitted clearing of native vegetation; First party general offset kit (Department of Environment and Primary Industries) and include:

- x. The gain in biodiversity equivalence units and strategic biodiversity score to be achieved by the offset actions
- xi. Location of where offsets are to be provided and size of area (to be drawn to scale)
- xii. Type of offsets to be provided
- xiii. If applicable, revegetation details including the method(s), number of trees, shrubs and other plants, species, mix and density
- xiv. Activities that will be forgone within the offset area, such as grazing, removal of fallen timber and standing trees and other development/uses
- xv. Management actions that will be undertaken to ensure long term sustainability of offset(s) such as permanent fencing, weed control, revegetation maintenance, retention of timber/branches and other habitat management actions
- xvi. Method of permanent protection for offset(s) such as a formal agreement
- xvii. Person(s) responsible for implementing and monitoring the Offset Management Plan
- xviii. Time frame for implementing the Offset Management Plan

No alteration to Offset requirements

The requirements noted in an approved and endorsed Offset Plan must not be altered without the written consent of the responsible authority.

Country Fire Authority Requirements

Before the development starts, plans to the satisfaction of CFA must be submitted and approved by CFA and the responsible authority. When approved, the plans will be endorsed and then form a part of the permit. The plans mentioned above must include the following:

- a) Fire Management Plan;
- b) Bushfire Risk Assessment, incorporating water supply requirements;

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- c) Fuel Reduction and Maintenance Plan;
- d) Emergency Management Plan; and
- e) Any other risk management information for the site.

Goulburn Murray Water Requirements

- a) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- b) No buildings and solar panels (including works associated with solar panels) are to be constructed within 30 metres of the Congupna Creek or within the Floodway Overlay.

Goulburn Broken Catchment Management Authority Requirements

- a) The finished floor levels of the proposed substation and site office must be constructed at least 300 millimetres above the adjacent centreline road levels of the Katamatite-Shepparton Main Road, or higher level deemed necessary by the responsible authority.
- b) The Floodway Overlay at the north-east corner of the property may be fenced on the Overlay's western boundary only.

Powercor Requirements

The applicant shall:

- a) Negotiate with Powercor for the connection of the development, to the existing power distribution network.
- b) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- c) Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- d) Set aside for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required.

Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- e) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
- f) Obtain for the use of Powercor Australia Ltd any other easement external to the development.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Time for Starting and Completion

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

- d) the development and use has not started within **two (2) years** of the date of this permit;
- e) the development is not completed within **four (4) years** of the date of this permit.

CARRIED.

Property Details

Land/Address	1090 Lemnos North Road, Congupna. The land is 160ha in size. The proposed solar farm develops about 102ha of the land. The land contains a large stand of native vegetation which is about 5ha in size. The layout of the solar farm avoids this vegetation. Congupna Creek crosses the edge of the land.
Zones and Overlays	Farming Zone Abuts Road Zone Category 1 and 2 Floodway Overlay Land Subject to Inundation Overlay
Why is a permit required	Use of land for a renewable energy facility under 35.07-1 Buildings and works in the FZ under 35.07-4 Buildings and works in the FO under 44.03-1 Buildings and works in the LSIO under 44.04-1 Erection and display business identification signage (not more than 3sqm) under 52.05-10 Removal of six native trees under 52.17-2
Covenants	No. Crown Grants do apply to the land and relate to mining; therefore the grants do not impact on the solar farm proposal.
Area of cultural heritage sensitivity	Yes. A CHMP has been approved.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

The subject site



Proposal in Detail

The planning application describes the proposal as '*use and development for land for a renewable energy facility (solar farm), installation of a business identification sign and removal of native vegetation*'. The application was lodged on 3 November 2017.

The application consists of:

- Planning Report prepared by Spiire
- General Layout of the proposed solar farm
- Biodiversity report associated with the tree removal (six trees)
- Concept drainage plan prepared by Spiire
- Technical drawings prepared by X-Elio

The application explains the proposal as follows:

- the panels will track the path of the sun over the period of the day
- a total of 196,080 solar panels are proposed
- at their highest point the panels will be 3.03 metres in height
- 19 inverters will be constructed on the land and each inverter will be housed within a shipping container
- a small office will be constructed on the land
- the applicant anticipates that the solar farm will generate 10 – 15 jobs

A plan of the proposed development is below.

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10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Summary of Key Issues

- The application has been advertised and three objections received. Grounds of objection relate to loss of productive agricultural land, conflict between the solar farm and agricultural activities, devaluation of land, impact on flood flows and fire risk.
- Officers engaged Sustainable Energy Transformation an expert solar consultant to review technical matters raised in the grounds of objection. The expert review concluded the following:
The technical aspects raised in the objections have been reviewed. Some aspects have been found to be without a technical basis and others can be adequately addressed with appropriate requirements in management plans for the site development.
- The main assessment concern associated with the application and raised by objectors is the loss of productive agricultural land. Officers acknowledge the importance of agriculture to the region, despite this it is considered the loss of 160ha of agricultural land in a food bowl of 317,000ha is an acceptable outcome. Officers also note that the solar farm has a limited life of 25 to 30 years and that rehabilitation of the site can allow future farming of the land.
- Officers are concerned about the possibility that the solar farm could increase temperatures in the locality which could detrimentally impact on agriculture. Scientific research on this issue is not yet conclusive.
- Despite this given the importance of agriculture to the region, officers require that night time cooling be provided for by turning the panels perpendicular to the ground. Additionally a condition will require that the solar arrays be setback not less than 50 metres from property boundaries to minimise heat spill to neighbouring land.

Background

Planning officers met with the applicant prior to the application being lodged and informed of the application requirements.

At the November 2017 Ordinary Council Meeting Council resolved the following:

That the Council direct the Chief Executive Officer to write to the Minister of Planning:

- *requesting under section 97C of the Planning and Environment Act 1987 that the Minister for Planning decide the solar farm planning applications referred to the Minister in the Greater Shepparton City Council local government area*
- *inviting the Minister for Planning to establish a process that provides a fair and proper opportunity for all affected stakeholders to be heard.*

Subsequently officers formally requested that the Minister for Planning call in the solar applications to a Panel Hearing. In addition to this written request a meeting was held between the Minister for Planning, the Mayor, Chief Executive Officer and Manager of Planning to discuss the referral of the solar applications.

Despite these efforts the Minister for Planning has decided not to accept Council's invitation to refer the solar applications to an independent planning panel. Consequently Council is required to decide on this application.

Assessment under the Planning and Environment Act

Planning permission is required to use and develop the land for a solar farm in the FZ and LSIO.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

The scheme has two themes which form the basis of this assessment being support for agriculture and renewable energy production.

Examples of this policy direction are below:

11.12-5 Hume Regional Growth Plan

This growth plan identifies the subject site as 'strategic agricultural land'.

A strategy for the Hume region is:

- *Support agricultural production through the protection and enhancement of infrastructure and strategic resources such as water and agricultural land, including areas of strategic agricultural land.*

The Hume strategy also includes:

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

14.01-1 Protection of agricultural land

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

19.01-1 Provision of renewable energy

Provision of renewable energy

Objective

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

Strategies

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

21.06-1 Agriculture

Irrigated primary production and the processing of that product underpin the municipality and the Region's economy. The level of production is nationally important and the region is responsible for significant parts of the nation's milk production, deciduous canned fruit production, stone fruit crop and tomato processing production.

The land is within a consolidation area.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Consolidation areas being areas that support existing farm businesses to operate and expand. Consolidation areas typically include land with good soils and include many of the former closer settlement areas, but their lot sizes are no longer reflective of current farm sizes. Consolidation areas are considered to provide opportunities for development of growing agricultural enterprises that can, over time, expand and consolidate through a process of property restructure. In this regard 'consolidation' includes the consolidation of land or the consolidation of farming enterprises through acquisition of non-contiguous land to increase farm size.

The development of additional dwellings threatens expanding agricultural enterprises and accordingly, new dwellings within these areas are discouraged. The use of re-subdivision and excisions within consolidation areas will be considered in recognition that the excision of a dwelling from a farm can provide businesses an opportunity to consolidate property holdings based on the value of land for agriculture. The minimum subdivision size in these areas has been set at 40ha and a dwelling needs a planning permit on all land less than 60ha in area.

Rural Regional Land Use Strategy

The key objective of this rural strategy is to secure and promote the future of agriculture across the region through the respective Council planning schemes. This strategy will ensure that the planning schemes of the three municipalities are responsive to rural issues, and in particular support agricultural growth and change.

Irrigated primary production and the processing of that product underpin the Region's economy. The level of production is nationally important; for instance the region is responsible for

- *25% of the nation's milk production*
- *90% of the national deciduous canned fruit production*
- *45% of Australia's stone fruit crop*
- *90% of the national tomato processing production.*

Clause 10.04 Integrated decision making

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

Officers Assessment

In principle, a proposal for the generation of renewable energy that reduces fossil fuel dependency is worthwhile. The assessment difficulty with this application is considering if agricultural land of strategic importance should be made unproductive for at least 25 years for a solar farm.

A renewable energy facility is a section 2 use in the FZ subject to the following condition which the application complies with:

Must meet the requirements of clause 52.42

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Officers acknowledge that the scheme provides strategic direction to protect strategic agricultural land from non-agricultural uses.

Throughout the FZ there are non-agricultural uses such as quarries, mines, dwellings and jails. Whilst these uses do not contribute to primary production they are allowable uses in the FZ. Likewise the scheme provides discretion to allow renewable energy facilities like solar farms in the FZ.

Clause 21.06-4 provides the following policy guidelines which provide an assessment guide for this application.

It is policy to:

Discourage industrial use and development (other than rural industry) in rural areas, except where:

Decision Guideline	Officers Response
It is unable to be accommodated in existing industrial zoned areas;	The substantial land size required for solar farms means that insufficient land is available in zones other than the FZ.
It does not compromise the surrounding existing and future agricultural practices;	Council's expert review by Sustainable Energy Transformation has considered impacts on surrounding agricultural land in relation to heat islands and decline of insects. To protect existing and future fruit trees a permit condition will require mitigation of the heat island effect by turning the PV arrays at night to a vertical position to allow night radiant cooling.
It adds value to the agricultural base of the municipality	The proposed solar farm removes land from production for at least 25 years; as a result the solar farm does not add value to the agricultural base.
It is a rural-based enterprise	A solar farm is a rural based enterprise as the only practical location that large scale solar farms can be located is within a non-urban area.
It provides for the reuse of existing large scale packing sheds and cool stores.	The proposal does not reuse a vacant cool store type building.

The FZ contains various decision guidelines. Officers consider compliance with these decision guidelines is achieved as:

- The solar farm subject to appropriate conditions such as landscape screening and measures to mitigate potential heat islanding is compatible with adjoining and nearby land uses;
- The proposal is located to connect to existing electricity transmission infrastructure;
- Unlike occupants of a dwelling, the solar farm does not limit intensive agricultural uses that could impact on the amenity of the locality such as spray drift, scare guns and heavy vehicle movements.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Permission is sought to remove six scattered paddock trees under 52.17-2 (the old provisions as the application was lodged before the commencement of VC138).

The removal of the six trees is assessed under the low risk based pathway. As offsets can be secured for the loss of native vegetation officers are satisfied that the removal of six trees is acceptable. Officers also acknowledge that the applicant has proposed a solar layout that allows most of native vegetation on the land be retained which is a positive landscape outcome.

52.42-3 (renewable energy facility) includes the following decision guidelines:

Decision Guideline	Officers Response
The effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference	Council's expert technical advisor has advised that the proposed solar farm will not result in unacceptable amenity impacts to neighbouring properties.
The impact of the proposal on significant views, including visual corridors and sightlines.	The locality is a flat agricultural landscape. The solar panels are about three metres above nature surface level which ensures the panels will not overwhelm the landscape.
The impact of the proposal on the natural environment and natural systems.	The land has a significant patch of native vegetation which has been retained as part of this application.
Whether the proposal will require traffic management measures.	The development site is accessed by sealed roads which removes dust emissions as an issue. Officers do not consider specific traffic management conditions are necessary as part of a planning permission.

Based on this assessment officers are satisfied that the proposal complies with the decision guidelines under 52.42-3.

2017-2021 Council Plan/Key Strategic Activity

Council Vision

Greater Shepparton, Greater Future.

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

Environment

An objective under this section of the report is:

Alternative energy sources with both environmental and economic gains are promoted and encouraged.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Risk Management

Risks	Likelihood	Consequence	Rating	Mitigation Action
Incorrect notification	A	5	Low	The application has been properly advertised which allowed objections to be lodged with the Council. These objectors will be informed of Council's decision on the application.

Policy Considerations

The application has been considered against the policies contained within the Greater Shepparton Planning Scheme and found to achieve acceptable planning outcomes.

Financial Implications

This planning application has no significant financial implications on Council.

Legal/Statutory Implications

Should either the applicant or objector be dis-satisfied with Council's decision an application for review can be lodged at VCAT.

Cultural Heritage

The *Aboriginal Heritage Act 2006* provides protection for all Aboriginal places, objects and human remains in Victoria, regardless of their inclusion on the Victorian Aboriginal Heritage Register or land tenure.

The *Aboriginal Heritage Act 2006* introduces a requirement to prepare a Cultural Heritage Management Plan (CHMP) if all or part of the activity is a listed high impact activity, resulting in significant ground disturbance, and all or part of the activity area is an area of cultural heritage sensitivity, which has not been subject to significant ground disturbance.

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

Environmental/Sustainability Impacts

The use has no detrimental impact on the environment subject to the inclusion of appropriate drainage conditions should it be decided to grant a permit.

Social Implications

Section 60(1)(f) of the Act states the following:

Before deciding on an application, the responsible authority, if the circumstances appear to so require, must consider—

- *Any significant social effects and the economic effects which the responsible authority considers the use or development may have.*

This application does not raise social issues that warrant the refusal of the application.

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Economic Impacts

Approval of the use and development will see new investment within the municipality and associated job creation.

Referrals/Public Notice

External Referrals Required by the Planning Scheme:

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

External Notice to Authorities:

Section 52 - Notice Authority	Response
GMW	GMW consents to the application subject to siting and drainage conditions.
Powercor	Powercor have consented to the application subject to six conditions all of which are recommended to be included in a notice of decision to grant a permit.
CFA	CFA have consented to the proposal subject to conditions relating to fire management plans.

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

- Sending notices to the owners and occupiers of adjoining land
- Placing a sign on site
- Notice in the Shepparton News on 17 November 2017

Council received three objections to the application. As the application has not received six or more objections the file could be considered by the Development Hearing Panel. Despite this, officers have referred the application to Council for the following reasons:

- The three other solar farm applications are being decided by Council, therefore for consistency purposes this file should also be decided by Council;
- The application raises important policy considerations relating to the siting of large scale solar farms on productive agricultural land;
- The substantial level of investment being \$48 million.

All objectors were issued with an acknowledgment letter.

The key issues that were raised in the objections are as follows:

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Ground of Objection	Response to Objection
Loss of productive agricultural land	Officers acknowledge that this proposal will result in the loss of productive agricultural land. Officers also acknowledge that the land is identified as being strategic agricultural land and that agriculture is the driver of the region's economy. Despite this, a solar farm is not a prohibited use and the generation of electricity like food production is essential to the lives of Victorians. Officers note there are other non-agricultural uses in FZ such as mines, quarries and schools. Whilst reducing valuable agricultural land is not an ideal outcome, the proposed solar farm is an acceptable outcome, the loss of 160ha in a food bowl of 317,000ha does not warrant refusal of the application.
Conflict between agricultural activities and the operation of the solar farm i.e. dust caused by farming and then settling on the solar panels	Officers consider this is a relevant issue that needs to be managed. Officers recommend that a Section 173 be used to require the solar farm operator to acknowledge and accept that impacts from agricultural operations such as dust from laser grading.
Devaluation of land	Property devaluation is not a relevant planning consideration.
Impact on flood flows	Permit conditions require that buildings and solar panels be setback at least 30 metres from Congupna Creek or the Floodway Overlay. This setback provides an unobstructed area for flood flows in times of flood.
Fire risk	The application has been reviewed by the CFA. The CFA have required that before the development starts a number of fire plans be submitted and approved by the CFA. Based on consent from the CFA officers are satisfied that fire risk can be managed through permit conditions.

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

Strategic Links

a) Greater Shepparton 2030 Strategy (GS2030)

Environment

At 6.4 of GS2030 the below two strategic objectives are identified:

- To manage irrigated and non-irrigated land for long-term sustainable production purposes.
- To reduce greenhouse gas emissions by local actions, in the interests of current and future generations

10. SUSTAINABLE DEVELOPMENT DIRECTORATE

10.6 To Use and Develop Land for a Solar Farm at 1090 Lemnos North Road, Congupna (continued)

Conclusion

Officers in making this recommendation are in no way underplaying the significance of agriculture to the region; the Goulburn Valley is a food bowl of national importance, so much so that Governments have invested more than 2 billion dollars to modernise the irrigation network.

Despite this, it is recommended that permission be granted to use and develop the land for a solar farm on the basis that the development will assist in providing clean power generation.

Attachments

Nil



16 November 2017

Our Reference: 500000233314

Your Reference: 2017-344

Manager Planning
Greater Shepparton City Council
Locked Bag 1000
SHEPPARTON 3632

Dear Sir/Madam

APPLICATION NO: 2017-344

DESCRIPTION OF LAND: SHEPPARTON SOLAR FARM - CONGUPNA

CONDITIONAL CONSENT TO ISSUE OF PLANNING PERMIT

Powercor Australia Ltd does not object to the issue of a planning permit in respect of the above-mentioned application if the permit is subject to the following conditions:

CONDITIONS REQUIRED BY POWERCOR AUSTRALIA LTD

1. The applicant shall:-

- Negotiate with Powercor for the connection of the development, to the existing power distribution network.
- Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.
- Any construction work must comply with Energy Safe Victoria's "No Go Zone" rules.
- Set aside for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required.

Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

CitiPower Pty Ltd
Powercor Australia Ltd

ABN 76 064 651 056
ABN 89 064 651 109

REGISTERED OFFICE: 40 Market Street, Melbourne VIC Australia

General Enquiries: **1300 301 101**
General Enquiries: **1300 301 101**

www.citipower.com.au
www.powercor.com.au

Address all correspondence to: **Locked Bag 14090, Melbourne VIC 8001, Australia**

- Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Power Line" pursuant to Section 88 of the Electricity Industry Act 2000.
- Obtain for the use of Powercor Australia Ltd any other easement external to the development.

***** END OF CONDITIONS *****

Yours faithfully

Michael Patten

Michael Patten
Customer Requests Officer

Telephone: (03) 5440 5767

(Office Use Only: CR 306319581)

GBCMA Ref: F-2017-0656
Document No: 3
Council Ref: 2017-344

Date: 21 November 2017

Mr Ronan Murphy
Senior Planner
Greater Shepparton City Council
Locked Bag 1000
Shepparton Vic 3632

Dear Mr Murphy

**Planning Permit Application No. 2017-344
Proposed Solar Farm
1090 Lemnos North Road, Congupna
Ingeteam**

Thank you for your referral under Section 55 of the *Planning and Environment Act, 1987*, received 15 November 2017, regarding the above matter.

The Goulburn Broken CMA's assessment of the above information has determined that the proposed development location is covered by the Farming Zone - Schedule 1 (FZ1), Floodway Overlay (FO) and Land Subject To Inundation Overlay (LSIO) in the Council's Planning Scheme.

The 100-year ARI (1% AEP) flood levels have not been declared for this area under the *Water Act, 1989*, or designated under the *Drainage of Land Act, 1975*.

The Authority's best estimates of the 100-year ARI flood levels for the location described above range from 111.2 metres AHD, at the south-east corner of the property, to 110.2 metres AHD, at the north-wester boundary. These levels were established from recorded historic flood levels.

Pursuant to *Section 56* of the *Planning and Environment Act 1987*, the Goulburn Broken CMA **does not object** to the granting of a permit **subject to the following condition**:

1. The finished floor levels of the proposed substation and site office must be constructed at least 300 millimetres above the adjacent centreline road levels of the Katamatite-Shepparton Main Road, or higher level deemed necessary by the responsible authority.
2. The Rural Floodway Overlay at the north-east corner of the property may be fenced on the Overlay's western boundary only.

Please note that the 100-year ARI flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 100-year ARI flood, may occur in the future.

In accordance with Section 66 of the *Planning and Environment Act 1987*, please provide a copy of the outcome of this proposal to the Authority for our records.

If you have any queries, please contact me on **(03) 5822 7700**. To assist in handling any enquiries please quote **F-2017-0656** in your correspondence. Please note that all electronic correspondence should be directed to planning@gbcma.vic.gov.au.

Yours sincerely

Guy Tierney
**Statutory Planning and
Floodplain Manager**

Information contained in this correspondence is subject to the definitions and disclaimers below.

Definitions and Disclaimers

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or local government authority.
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).
4. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100-year ARI flood will occur on average once every 100 years.
5. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
6. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
7. This letter has been prepared at the request of local government authority for the purpose of a Section 55 referral under the *Planning and Environment Act 1987*, for a proposed **Solar Farm** and is for the use only of the party to whom it is addressed and no responsibility is accepted to any third party for the whole or any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it will appear.
8. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.



GMW Ref: PP-17-00840
File Ref: 2017/58/1
DM Ref: 451684

Greater Shepparton City Council
Planning Department
council@shepparton.vic.gov.au

30 November 2017

Dear Sir and/or Madam,

Planning Permit Application - Utility Installation - Solar Farm and Removal of Native Vegetation

Application No: 2017-344
Applicant: Solar Steel
Location: 1090 Lemnos North Rd CONGUPNA
V 1710 F 836 CA 8 Sect B Congupna

Thank you for your letter and information received 15 November 2017 in accordance with Section 52 of the *Planning and Environment Act 1987*.

Goulburn-Murray Water's (GMW) areas of interest are surface water and groundwater quality, use and disposal. GMW requires that development proposals do not impact detrimentally on GMW's infrastructure and the flow and quality of surface water and groundwater. Applicants must ensure that any required water supplies are available from an approved source.

Based on the information provided and in accordance with Section 56 (b) of the *Planning and Environment Act 1987*, GMW has no objection to this planning permit being granted subject to the following conditions:

1. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
2. No buildings and solar panels (including works associated with solar panels) are to be constructed within 30 metres of the Congupna Creek or within the Floodway Overlay.

Planning Note:

- Application must be made to Goulburn-Murray Water prior to construction of any dams on the subject land. A licence must be obtained where surface or groundwater supplies are taken and used for commercial irrigation purposes or if a dam is to be constructed on a waterway as defined under the Water Act 1989. For further information, the applicant should contact Goulburn-Murray Water Diversion Operations on 1800 013 357.

- The subject property is located within an area of Cultural Heritage Sensitivity. Should the activity associated with proposed development require a Cultural Heritage Management Plan (CHMP), planning permits, licences and work authorities cannot be issued unless a CHMP has been approved for the activity.

If you require further information please e-mail planning.referrals@gmwater.com.au or contact 1800 013 357.

Yours sincerely

(Original signed by Ranine McKenzie)

Ranine McKenzie
SECTION LEADER STATUTORY PLANNING



Fire Safety Referrals
Fire & Emergency Management
Email: firesafetyreferrals@cfa.vic.gov.au
Telephone: 03 9262 8578

CFA Ref: 22000-61308-76127
Council Ref: 2017-344

4 December 2017

Ronan Murphy
Greater Shepparton City Council
90 Welsford Street
SHEPPARTON VIC 3630

Dear Ronan,

**COMMENT ON SECTION 52 REFERRAL
FOR A PLANNING PERMIT**

Application No: 2017-344
Applicant: Brad George C/- GHD Pty Ltd
Site Name: Solar Farm
Address: 1090 Lemnos North Road CONGUPNA
Purpose: Development of a Solar Farm

I refer to correspondence dated 15th November 2017 seeking comments on the above application.

CFA acting under a notice in accordance with the provisions of Section 52 of the *Planning and Environment Act, 1987 (Act)* has considered the included documentation and makes the following recommendations:

Vegetation Management

CFA recommends ensuring that vegetation within the property, and at property boundaries, is appropriately managed to mitigate risk in the event of a fire; CFA recommends ensuring that vegetation be maintained between 5-10 centimetres during the fire danger period, and that vegetation does not obstruct access on site at any time.

Access

CFA recommends the following access requirements:

- All weather construction;
- A load limit of at least 15 tonnes;
- Provide a minimum trafficable width of 4mts; and
- Be clear of encroachments for at least 0.5mts on each side and at least 4mts vertically.

Building

All proposed building plans are to be referred to CFA for comment prior to any building permit approval.

Submission of Plans to CFA

Before the development starts, plans to the satisfaction of CFA must be submitted and approved by CFA and the responsible authority. When approved, the plans will be endorsed and then form a part of the permit. The plans mentioned above must include the following:

- Fire Management Plan;
- Bushfire Risk Assessment, incorporating water supply requirements;
- Fuel Reduction and Maintenance Plan;
- Emergency Management Plan; and
- Any other risk management information for the site.

If you wish to discuss this matter in more detail, please do not hesitate to contact Cindy Harrison-Roberts on 5240 2918.

Yours sincerely



Cindy Harrison-Roberts
Fire Safety Officer
FIRE & EMERGENCY MANAGEMENT

From: [thornwm thornwm](#)
To: [Council](#)
Subject: ATTENTION PLANNING DEPARTMENT - Objection to Application for a Planning Permit - 1090 Lemnos North Road Congupna Ref No 2017-344
Date: Monday, 27 November 2017 5:10:38 PM
Attachments: [OBJECTION PLANNING PERMIT 2017-344.docx](#)

Hi,

Please find attached our objection to Application for a Planning Permit - 1090 Lemnos Road Congupna Ref No 2017-344 - re solar farm.

Unfortunately when we tried to attach through the appropriate website we kept getting an error, hence sending the objection through email.

If you have any queries in relation to this please sent to this email address.

Regards

Marg Thorn

27th November 2017

Objection to Application for a Planning Permit – 1090 Lemnos North Road Congupna

Use and development of land for a solar farm, business identification signage and removal of native vegetation

Application Reference Number 2017 – 344

We strongly object against this solar farm going ahead. First and foremost, this is prime farming land and by placing a solar farm on it the area will become industrial. Australia is a very large land mass, there must be a significant amount of arid land in this country that can be used for solar energy generation not on prime farming land close to a major regional city. This area is an agriculture area and a solar farm in the area will change the aesthetics of the area.

Listed are other major reasons why we are against this development going ahead. We spoke to Ronan Murphy, Responsible Officer, Planning Department, Greater Shepparton City Council, and it seems there are a lot of questions that cannot be answered in relation to this matter - for example –

- Will this affect the valuation of our land
- Will this affect the quality of our power supply
- What will the affects be on the immediate environment, animals and crops that grow in this area
- This is a flood plain, will the earthworks being undertaken in the area affect the farms around it
- Will it affect the health of humans and animals living close by
- Told there is to be a buffer of vegetation and fencing around the whole area, this is not shown on the plans and if this is to happen the vegetation will take time to grow and the fence will need to be such that it does not retard any water flow coming into area in time of flooding
- Katamatite/Shepparton Road is a major road to Shepparton with considerable traffic flow; this road along with Lemnos North Road will need major upgrading and turning lanes to cope with the extra activity.
- Believe the land is to be leased for 25 years; is there to be a water tight contract that all structures are to be cleared if the solar farm does not continue or during these 25 years if not successful will be cleared back to farming land
- If farmers around the solar farm continue with normal farming activities ie lasering, ploughing, cropping, spraying thereby raising dust and spray residuals will they be subjected to legal action if this affects the solar farm?
- Will other utilities ie TV, radio, telephone be affected.

These are all questions that we are very concerned about and seems not too many questions in relation to this matter can be answered; do we really need this in this area!

W. R. & M.R. Thorn , 160 O'Sheas Road, Congupna. Telephone 0358298329.

Objection to solar farm - location not suitable, fire risk, close to 12 residential houses, primary production - irrigation farming. Also concerned about property valuations.

Surname: Martin

Given Names: Ken

Address Line 1: 195 Tank Corner East Road

Suburb: CONGUPNA

State Code: VIC

Postcode: 3633

Email Address: kenm31@optusnet.com.au

Greater Shepparton City Council

File No: _____
Record No: _____

05 DEC 2017

GREATER SHEPPARTON

Referred to: _____

Copies To: _____

Planning Enquiries
Phone: (03) 5832 9730
Web: greater-shepparton.com.au

Objection to grant a Planning Permit

This form is to assist in making an objection as outlined in the Planning and Environment Act 1987.

Privacy notice

I Council is collecting the information on this form so that it may consider your objection in accordance with its legislative powers and functions and it will only be disclosed in accordance with these powers and functions. You may access the information by contacting Council.

*Please be aware that in accordance with Part 4, Section 57(5) of the *Planning and Environment Act 1987* the Responsible Authority must make a copy of every objection (including personal information of the objector) available for public inspection at its office during office hours free of charge until the end of the period for which an application may be made for review of a decision on an application'..

Any person who may be affected by the granting of a permit may object.

- If you object the Council must consider the objection unless you withdraw it.
- If you object you must state the reasons why and say how you would be affected by the grant of a permit.
- The Council may reject an objection that it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector.
- The Council must make a copy of every objection available at its office for any person to inspect during office hours.
- If you object prior to the Council making a decision, you will be notified of the Council's decision.
- If you object and are not satisfied with the Council's decision you must appeal within 21 days of the notice of the decision to the Victorian Civil and Administrative Tribunal.
- If the Council refuses the application, the applicant can also appeal.

Please contact the Council on (03) 5832 9730 should you require any further assistance.

Objector details

Provide details of the objector

The person you want council to communicate with about your objection

Name: <u>TONY FARRELL</u>	
Organisation:	
Postal Address: <u>PO BOX 47</u>	
<u>TALLYGAROOD PNA</u>	Postcode: <u>3634</u>
Contact phone:	
Mobile phone: <u>0412 878262</u>	
Email: <u>tonyfarrell@sonwell.com</u>	
Fax:	

Please indicate your preferred contact method by numbering in order of preference

Planning Application details

Provide the Planning Application Number and the details of the proposed application:

Planning Application Number	<u>2017-399</u>
Application Proposal	<u>SOLAR FARM</u>

The land

Address of the land

Street No: <u>1090</u>	Street Name: <u>LEMNOS RD</u>	
Suburb: <u>CONGUPNA</u>		Postcode: <u>3633</u>

How will you be affected if a permit is granted?

Attach an additional page if there is insufficient room.

What changes would you like to see to the Application to satisfy your concerns

Attach an additional page if there is insufficient room.

Reason for Objection

Clearly state your reasons for objection

Attach an additional page if there is insufficient room.

DO YOU OBJECT? ☒ YES (Tick Box)

The land for the proposed solar farm is productive farm land and its continued use as farm land would be of more benefit to the local economy than turning it into a solar farm. With the demand for agriculture products on the rise it would be a loss to the Shepparton district to lose the production from a property of this size.

There are large tracts of land on the eastern side of the East Goulburn Main Channel that are of much less productive farm land than the land closer to Shepparton, which comprises mainly Lemnos loam type soils. Large scale solar farms could be built in that area without causing impact on higher productive land.

Objectors Signature

Signature:

Tony Farrell

Date:

02/11/2017

Lodgement

To ensure the Responsible Authority considers your objection, ensure the authority received it by the due date on the notice.

Lodge the completed and signed
form and all documents with:

Mail: ✉

Greater Shepparton City Council
Locked Bag 1000
SHEPPARTON, 3632

In Person: †

Greater Shepparton City Council
90 Welsford Street
SHEPPARTON

For help or more information

Telephone: ■ Planning Department (03) 5832 9730 and Fax: (03) 5831 1987

INTERNATIONAL DEMAND

Vic farm exports

By KATH SULLIVAN

VICTORIAN farmers grew a record \$12.8 billion worth of exports last financial year.

The latest food and fibre export figures, released by the Victorian Government today, show exports rose by 6 per cent, or \$720 million, in 2016-17.

Food exports accounted for \$9 billion of the total, and fibre the rest, as Victoria accounted for a quarter of Australian farm exports.

Victorian Agriculture Minister Jaala Pulford said key export markets in Asia continued to grow and while the value of the state's export red meat, dairy, horticulture, skins and hides fell, grain, seafood and wool exports increased.

Although falling 11 per cent, or \$311 million, on the previous year, meat remained Victoria's biggest farm-produced export earner, worth \$2.44 billion in 2016-17.

The biggest customer was the US, which bought \$623 million worth of Victorian meat, followed by China with \$226 million. The state's record grain harvest was worth \$1.8 billion in exports — up 87

EXCLUSIVE

per cent or \$839 million on the previous year's figures.

Dairy exports fell 6 per cent by volume — a decrease of 35,000 tonnes — or by \$114 million to be valued at \$1.7 billion.

The state remains responsible for almost 80 per cent of Australia's dairy exports.

Horticulture exports were down \$374 million, or 7 per cent, valued at \$1.1 billion.

And wine exports increased 16 per cent, a \$39 million increase, with red wine accounting for three quarters of the sales.

Seafood exports grew by \$12 million, or 4 per cent, to be valued at \$204 million.

Ms Pulford said farmers, manufacturers and exporters needed to be congratulated for their "hard work and significant contribution to the state of Victoria".

"The resilience and ingenuity of our primary producers and food manufacturers continues to make Victoria the top food and fibre exporting state in the nation," she said.

FLYING HIGH

Victoria's top food and fibre exports for 2016-17



ON THE RISE

Victoria's best performers (Annual growth rate over the past five years)



SOLAR FARM DEVELOPMENT TOWN PLANNING REPORT

1090 LEMNOS NORTH ROAD, CONGUPNA
NOVEMBER 2017

PREPARED FOR X-ELIO

This report has been prepared by the office of Spiire
144 Welsford Street PO Box 926 **Shepparton** Victoria 3632

Issue Date	Rev No	Authors	Checked	Approved
20/09/17	A	BB		
25/10/17	B	BB	CC	2/11/17

Spiire Job Number: 304045

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1. INTRODUCTION

Spiire has been engaged by X-Elio to prepare a Town Planning Report in support of a planning permit application for the ***“use and development of land for a renewable energy facility (solar farm), installation of a business identification sign and removal of native vegetation.”***

This Town Planning Report accompanies the application and addresses the following matters:

- ▶ The site context;
- ▶ The proposed development;
- ▶ The relevant State and local planning policies and Planning Scheme provisions; and
- ▶ The merits of the proposal.

This Report should be read in conjunction with the following documentation submitted as part of the application:

- ▶ Planning Permit Application Form;
- ▶ Copy of titles;
- ▶ Site Plan and Drainage Plan prepared by Spiire;
- ▶ Technical Site Plan prepared by X-Elio;
- ▶ Technical Drawings, prepared by X-Elio; and
- ▶ NVIM Report, prepared by Spiire.

1.1 OVERVIEW

X-Elio is a Spanish based company whose primary development market is in solar farms. X-Elio have established many solar farms in many places around the world including Japan, South America, the Middle East, South Africa, USA and Mexico. With Northern Victoria having a high amount of solar exposure, X-Elio has identified the area as a suitable location to develop renewable energy facilities.

The Planning Permit Application seeks planning approval for the use and development of land at 1090 Lemnos North Road, Congupna for a solar farm.

The site will be interconnected to the electricity grid by approved means, as negotiated with the electrical distributor or other electric asset controller.

Overall the site has a total area of 160 hectares. Solar panels will cover the majority of the site, with the exception of the stands of native vegetation, the areas reserved for landscaping, and land required to be set aside for drainage infrastructure.

The Greater Shepparton Planning Scheme outlines the planning provisions for this site. The land is contained within the Farming Zone and is in part affected by the Floodway Overlay and the Land Subject to Inundation Overlay.

This report assesses the proposal's consistency with the Greater Shepparton Planning Scheme, the *Planning and Environment Act 1987*, and the *Aboriginal Heritage Act 2006*.

As evidenced throughout this report, it is submitted the proposal is an appropriate outcome for the site and should be supported by Council for the following reasons:

- ▶ The proposal will result in a net community benefit for the area through local employment, local purchase of construction and maintenance materials, and the generation of clean energy which can be provided back into the electricity grid network, thereby providing more certainty of supply for local users;
- ▶ There is Local, State and Federal Government policies in place to support the development of renewable energy facilities;
- ▶ The proposal is consistent with the relevant provisions of the Greater Shepparton Planning Scheme;
- ▶ The site is relatively unconstrained, not used for intensive agricultural production and the design of the solar farm has responded appropriately to the attributes of the site; and
- ▶ It is not anticipated the solar farm will adversely affect the site itself or adjoining properties in regard to their land use activity or their residents. The solar farm is a relatively peaceful operation with the panels slowly moving along the trackers to follow the movement of the sun throughout the day.

1.2 PERMIT TRIGGERS

The proposal triggers the need for a planning permit under the following clauses:

- ▶ Clause 35.07-1 – Use of land for a renewable energy facility in the Farming Zone;
- ▶ Clause 35.07-4 – Development of land associated with a Section 2 use in the Farming Zone;
- ▶ Clause 44.03-1 – Development of land in the Floodway Overlay;
- ▶ Clause 44.04-1 – Development of land in the Land Subject to Inundation Overlay;
- ▶ Clause 52.05 – For the installation of a business identification sign; and
- ▶ Clause 52.17 – For the removal of native vegetation.

2. SITE CONTEXT

2.1 THE SITE

The site is located at 1090 Lemnos North Road, Congupna. The site can be more formally identified as:

- ▶ Crown Allotment 8, Section B, Parish of Congupna, Certificate of Title Volume 0170 Folio 836; and
- ▶ Crown Allotment 9, Section B, Parish of Congupna Certificate of Title Volume 01949 Folio 679.

There are no restrictions or easements on the title. The site is approximately 160 hectares in area.

The site is within the Farming Zone and is affected in part by the Floodway Overlay and the Land Subject to Inundation Overlay. Furthermore, the site is partly within an area of Cultural Heritage Sensitivity.

The site is irregular in shape and is flat in topography. The land has been laser levelled to create bays within the property suitable for cropping and irrigating. With the exception of small agricultural sheds central to the site, the land is clear of built form. The land has been used for cropping and agriculture for many years.

There are three large patches of trees in the north eastern and south western corners and along the eastern boundary of the property. There are a number of scattered paddock trees across the balance of the land. Well established native trees line the majority of all boundaries of the site.

The Congupna Creek traverses the site through the north-western corner of the property. Although this is a small creek, the banks of the creek are home to a range of flora and fauna.



Figure 1: Subject Site

2.2 SURROUNDING AREA

The site is located within a broad acre cropping area with the land surrounding the property being used for cropping. The site is bound by Shepparton-Katamatite Road to the north east, Lemnos North Road to the west, O'Shea's Road to the north, and farming properties to the east and south of the site.

There is a dwelling located approximately 300 metres north of the subject site at the property known as 2935 Shepparton-Katamatite Road, and one directly opposite the western corner of the subject site at the property known as 1 Edwards Road, Tallygaroopna.

The site is located in a typically flat area, with the Congupna Creek being the lowest point of the site and the immediate surrounding area.

The site is located approximately 4.5 kilometres north-east of the township of Congupna, and 12 kilometres north-east of Shepparton.

The nearest substation to the site is located approximately 9 kilometres south west of the subject site, located in the north of Shepparton.

The nearest commercial services such as accommodation, hospitals and education centres (with the exception of Congupna Primary School, approximately 4.5 kilometres south-west of the subject site) are located in Shepparton, approximately 12 kilometres south-west of the site.



Figure 2: Surrounding Area

3. THE PROPOSAL

This planning permit application is for the ***“use and development of land for a renewable energy facility (solar farm), installation of a business identification sign and removal of native vegetation”*** at 1090 Lemnos North Road, Congupna.

3.1 BUILT FORM

It is proposed to install solar panels, a site office and 19 inverters across 102 hectares of the subject site.

3.1.1 SOLAR PANELS

The solar panels will be constructed on long ‘trackers’ of approximately 36 metres in length. The trackers move to enable the panels to track the path of the sun throughout the day. Each tracker supports 60 individual panels, and is proposed to construct 3,268 trackers across the site, totalling 196,080 modules (panels).

To support the 60 panels, poles are placed in the ground every 6 metres, with the tracker located midway between the panels, thereby supporting 30 panels on either side. Each panel measures approximately 2 square metres.

When tilted at the highest point, the panels will be 3.03 metres high and have a clearance of 0.51 metres from the ground. Please refer to the technical plans submitted with this application for further information.

3.1.2 INVERTERS

The inverters which convert the energy generated by the solar panel into alternating current (AC) for input into the electrical grid, will be contained in a shipping container, approximately 12 metres in length, 2.5 metres in width and 2.6 metres in height. Nineteen such containers will be located throughout the site, as identified on the plans provided with the planning permit application.

3.1.3 SITE OFFICE

The site office will be located near the south-western corner of the site, as identified in the plans provided with the planning permit application. The office will be a small purpose built building, containing areas for storage of data output reports, maintenance schedules and work programs, table and chairs and a work station. It will not be operated every day, only accessed during maintenance visits.

Please refer to the site plan lodged with this application for further details of the layout of the built form.

3.2 EMPLOYEES

X-Elio will employ 10-15 people to maintain and operate this facility. During construction it is anticipated X-Elio will employ approximately 150-250 people.

3.3 VEHICULAR ACCESS

The proposed development will gain vehicular access via Lemnos North Road, as identified on the site plans submitted with the planning permit application.

A Construction Management Plan will be lodged prior to the commencement of construction to ensure appropriate vehicular access has been identified for construction related vehicles.

3.4 CONNECTION TO GRID

It is anticipated the solar farm will interconnect directly into new infrastructure along Shepparton-Katamatite Road which connects directly to existing electrical infrastructure.

Powercor is the electrical distributor for this area.

The site has access to the grid via the adjacent SHTS-NKA No 1 66kv sub transmission line located in the road reserve of Shepparton-Katamatite Road.

SHTS-NKA No 1 66 kV is one of two lines between the Shepparton Terminal Station and the Numurkah Zone Substation. Given generation output is to exceed 10MW the farm will need to be connected to the Grid at 66 kV.

3.5 NATIVE VEGETATION REMOVAL

To enable the development of the site for a solar farm, it is proposed to remove 6 scattered paddock trees. Through the careful design of the solar farm, X-Elio has avoided the removal of large areas of vegetation, and where not practical, the removal has been minimised.

As per the NVIM Assessment, the vegetation proposed to be removed has a strategic biodiversity score of 0.406. A general offset amount of 0.101 is required for this removal.

A third party offset equal to 0.101 general biodiversity equivalence units will be sought to ensure there is no net loss to Victoria's biodiversity.

3.6 SIGNAGE

Business identification signage is will be located on the Lemnos North Road boundary of the site. The sign is proposed to be no larger than 3 square metres.

3.7 SETBACKS AND LANDSCAPING

The development proposal includes a 10 metre landscape buffer from all boundaries around the site. This landscape buffer will include a range of indigenous species including, shrubs, trees and grasses to enhance the amenity of the area.

A 4 metre wide access track will be located along the inside of the landscape buffer, thereby providing a 14 metre wide buffer between the property boundary and the solar panels.

A typical cross section of the proposed landscape buffer and access track is included on the site plan submitted with the application documentation.

3.8 FENCING

The site will be securely fenced, with a chain mesh fence of 2 metres in height to be located on the inside of the landscape buffer. The fence will sit 0.2 metres off the ground to allow for the passage of water during a heavy rain or flood event.

3.9 CAR PARKING

An area for informal car parking has been provided on site, as shown on the site plan.

3.10 DRAINAGE

Given the tilting nature of the panels, it is not anticipated the development will result in adverse change to the run-off generated from the site currently. The subject site will utilise the existing farm drainage infrastructure, which may be modified as necessary due to the location

of the panels and poles. The site has two points of discharge for drainage; one in the north-west corner of the property and one in the south-west corner of the property. All water will be captured and drained to these points.

Please refer to the plans submitted with the application documentation for further information.

4. RENEWEABLE ENERGY TARGETS

Both the Victorian State Government, and the Federal Government currently have renewable energy targets in place to support and encourage the development of renewable energy facilities.

4.1 STATE GOVERNMENT

In June 2016, the Victorian Government committed to Victorian renewable energy generation targets by:

- ▶ 25 percent by 2020; and
- ▶ 40 percent by 2025.

The Government has a number of schemes and strategies in place to ensure these targets are met. These are designed to deliver up to 1500MW of new large-scale renewable energy capacity by 2020 and up to 5400MW by 2025.

This proposal will contribute **68MW** of energy capacity to the Goulburn Valley region, and will contribute to the State Government's targets.

4.2 FEDERAL GOVERNMENT

The Renewable Energy Target (RET) scheme was introduced by the Federal Government to reduce emissions of greenhouse gases in the electricity sector, and encourage the additional generation of electricity from sustainable and renewable sources.

The target for large-scale generation of 33,000GWh in 2020 will double the amount of large-scale renewable energy being delivered by the scheme compared to the current levels, resulting in approximately 23.5% of Australia's electricity generation in 2020 will be from renewable sources.

5. GREATER SHEPPARTON PLANNING SCHEME

The Greater Shepparton Planning Scheme guides the use and development of this land. There are a number of State and Local planning policies with the Greater Shepparton Planning Scheme applicable to this proposal. The merits of the proposal have been assessed against the relevant policies in Section 6 of this Report.

5.1 STATE PLANNING POLICY FRAMEWORK

- ▶ Clause 11.07 Regional Victoria
- ▶ Clause 11.12 Hume
- ▶ Clause 12.01 Biodiversity
- ▶ Clause 13.02 Floodplains
- ▶ Clause 17 Economic Development
- ▶ Clause 19.01 Renewable energy

5.2 LOCAL PLANNING POLICY FRAMEWORK

- ▶ Clause 21.05 Environment
- ▶ Clause 21.07 Infrastructure

5.3 ZONE

- ▶ Clause 35.07 Farming Zone

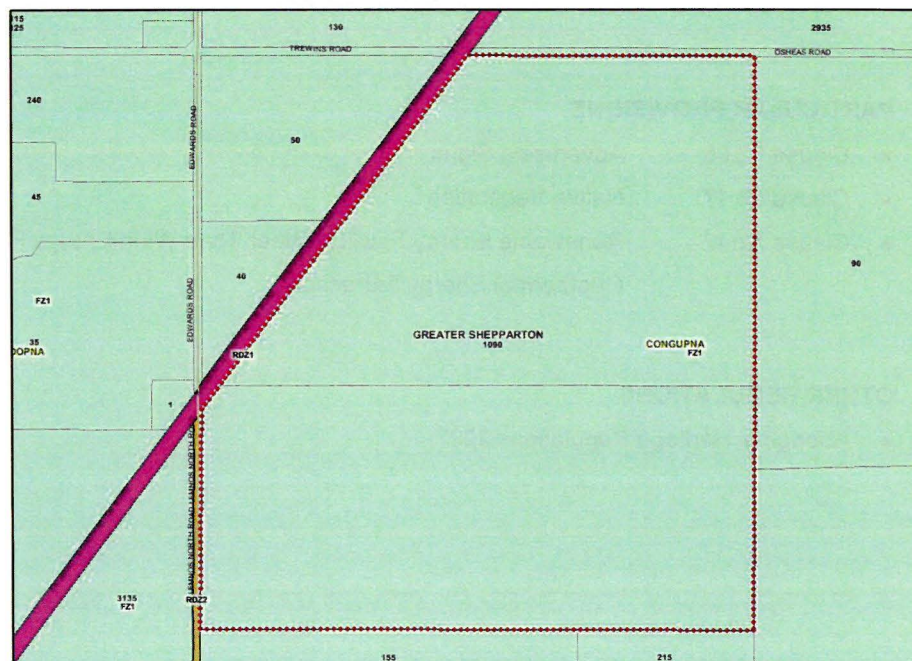


Figure 3: Zoning

5.4 OVERLAY

- ▶ Clause 44.03 Floodway Overlay

► Clause 44.04 Land Subject to Inundation Overlay

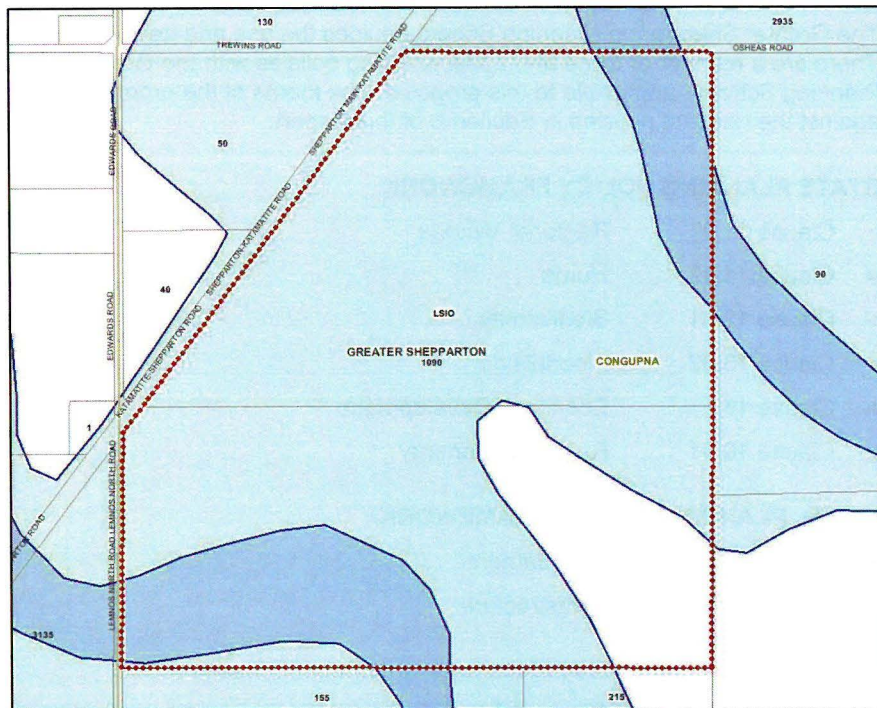


Figure 4: Overlays

5.5 PARTICULAR PROVISIONS

- Clause 52.05 Advertising Signs
- Clause 52.17 Native Vegetation
- Clause 52.42 Renewable Energy Facility (Other Than Wind Energy Facility and Geothermal Energy Extraction)

5.6 OTHER REGULATIONS

- Aboriginal Heritage Regulations 2007



Figure 5: Area of Cultural Heritage Sensitivity

6. MERITS OF THE PROPOSAL

The following provides an analysis of the proposal's consistency with State and Local planning policies, zone, overlay, particular provisions and regulations.

6.1 CONSISTENCY WITH STATE AND LOCAL PLANNING POLICY

The solar farm development of land is consistent with the State and Local planning policies which have been identified in Section 5 of this Report. In particular, the solar farm will provide a renewable source of electricity to the region, along with up to 250 jobs during construction and 10-15 jobs for the ongoing maintenance of the facility. X-Elio anticipates the development will contribute \$9.72 million to the local economy through employment and on-going sourcing of local materials for construction and maintenance.

Clause 11.12 of the State Planning Policy Framework details a number of strategies for development within the 'Hume region' of which Greater Shepparton is a part. This solar farm is anticipated to contribute to development in the region through job creation, provision of construction and maintenance materials, as well as the security of electricity supply with the on-going production of renewable energy.

The environmental values of the site will be retained through the carefully designed layout of the solar panels. The location of the panels has been designed to ensure no significant vegetation is required to be removed from the subject site. The only vegetation proposed to be removed from the site has been identified as low in value, and comprises six scattered paddock trees.

The development is likely to increase the biodiversity values of the site. As the development has been designed to ensure no significant native vegetation is being removed, and it is proposing to plant a number of buffer screens around the development with a range of indigenous species, the biodiversity values of the site are likely to increase through this development.

As the panels are built off the ground, the development is unlikely to impact the natural water flows across the site in flood events. Also, the security fencing will sit 0.2 metres off the ground to allow free passage of water during a flood event.

The development will contribute immensely into the local economy. It is anticipated at least 20% of the \$48,600,000 cost of construction will go directly back into the local economy through human and physical resourcing.

Clause 19.01-1 Provision of renewable energy details a number of strategies regarding renewable energy development. This proposal is consistent with this State policy as the development has been appropriately located within close proximity to existing electrical infrastructure and can readily connect to the electrical substation in Shepparton. The proposal will contribute to the high demand for renewable energy in Victoria and will contribute to the State Government's energy production targets. It is considered unlikely the development will detrimentally impact on the surrounding area and broader community.

The development is considered to be consistent with both **Clause 21.05 Environment** and **Clause 21.07 Infrastructure** of the Local Planning Policy Framework. The environmental values of the site will be increased by the amount of native vegetation proposed to be planted as part of the landscape buffers. The infrastructure proposed as part of this development will benefit the local area and is anticipated to become benchmark for high quality solar development in the region.

Given the above, the application is considered to be consistent with both the State and Local Planning Policy Frameworks in the Greater Shepparton Planning Scheme.

6.2 CONSISTENCY WITH ZONE PROVISIONS

The subject site is located within the Farming Zone pursuant to the Greater Shepparton Planning Scheme. The purposes of the Farming Zone is:

- ▶ *"To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- ▶ *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."*

A planning permit is required for the use and development of land for a renewable energy facility in the Farming Zone. The proposed use and development of this land for a solar farm will enable the production of renewable energy which is in increasing demand across Victoria. It is a use which cannot be provided at this scale within an urban area, and the provisions of the zone enable the consideration of such development proposals.

The proposed solar farm is unlikely to impact on surrounding properties or farming practices as it will not emit noise, dust, flare, odour or other nuisances. Once the solar farm is operational the number of vehicle movements into/from the site per week will be minimal as the only people visiting the site will be maintenance staff.

The development of the land for a solar farm will not adversely impact the visual character of the area. As stated previously the panels are designed to tilt so as to track the sun during the day. At their highest tilt the panels stand at approximately 3 metres in height. They will be at this height at the start of the day to capture the first easterly rays of light, and finish the day at the height to capture the last westerly rays of light. All other times during the day the panels will be less tilted, and therefore lower in height, being their flattest when the sun is directly overhead. During the darker hours of night the panels will move back to the highest tilt easterly facing, ready for the sunrise.

It is further noted, the highest tilt of the solar panels is not as high as other agricultural infrastructure and structures found in the area, including pivot irrigation systems, farm shedding and silos.

Although the land will be removed from its existing agricultural production for the lifespan of the solar farm, currently estimated at 25 years given current life expectancy of the trackers and panel infrastructure, the loss of traditional production from this property will not noticeably impact on the gross agricultural production of the area. The land was not used for intensive agricultural purposes, and the use of the land for a solar farm will benefit the surrounding area by providing a 'green' energy supply directly into the grid. With the State Government releasing high renewable energy targets for the short and medium term, this proposal is considered appropriate as it will result in a net community benefit for Congupna and the broader region.

To enhance the amenity of the surrounding properties, a 10 metre wide landscaping buffer will be put in place around the boundary of the development. This will ensure the environmental qualities of the landscape are sustained and enhanced along with providing an appealing outlook to residents surrounding the development site. Once the landscape buffers

mature, the mix of smaller and tall plantings will provide a visual screen to the solar farm from the adjoining road network and surrounding properties.

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:

Decision Guideline	Response
General Issues	
<ul style="list-style-type: none"> ▶ <i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i> ▶ <i>Any Regional Catchment Strategy and associated plan applying to the land.</i> ▶ <i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i> ▶ <i>How the use or development relates to sustainable land management.</i> ▶ <i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i> ▶ <i>How the use and development makes use of existing infrastructure and services.</i> 	<ul style="list-style-type: none"> ▶ As detailed in this section of the Report, the proposal is consistent with the relevant policies of the State and Local Policy Frameworks. ▶ The use is considered to be compatible with adjoining properties. The development in the area is typically agricultural. The use of the land for a solar farm is unlikely to detrimentally impact the amenity of the surrounding land users given it does not emit noise or odour, and will not have high traffic movements to and from the site for the operation of the farm.
Agricultural issues and the impacts from non-agricultural uses	
<ul style="list-style-type: none"> ▶ <i>Whether the use or development will support and enhance agricultural production.</i> ▶ <i>Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.</i> ▶ <i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i> ▶ <i>The capacity of the site to sustain the agricultural use.</i> ▶ <i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i> ▶ <i>Any integrated land management plan prepared for the site.</i> 	<ul style="list-style-type: none"> ▶ Although the land will not be used for agriculture, the solar farm is unlikely to impact on the surrounding agricultural uses. The panels will silently follow the path of the sun during the day, and will not emit noise to disturb nearby livestock, dust to affect fruit at the nearby orchard or odour to affect nearby landowners. ▶ The nature of the development should not limit the expansion of adjoining and nearby agricultural uses. ▶ Although the land may not be used for agriculture in the short term, the lifespan of solar farms is approximately 25 years. This provides the potential for this land to revert to productive agricultural use when the lifespan of the solar farm has ceased. ▶ The solar farm will create a net community benefit by providing a new

Decision Guideline	Response
	sustainable renewable energy source, both suitable for the environment and a sustainable method of energy production.
Dwelling issues	
<ul style="list-style-type: none"> ▶ <i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i> ▶ <i>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</i> ▶ <i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i> ▶ <i>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</i> 	<ul style="list-style-type: none"> ▶ There are no dwellings proposed as part of this development.
Environmental issues	
<ul style="list-style-type: none"> ▶ <i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i> ▶ <i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i> ▶ <i>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.</i> ▶ <i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i> 	<ul style="list-style-type: none"> ▶ The design of the solar farm has taken the environmental features of the site into careful consideration, including avoiding areas of remnant vegetation and limiting the removal of paddock trees. ▶ Areas on the site with significant native vegetation have been excluded from the development area. ▶ Other areas across the site have been excluded from the development to ensure the biodiversity of the area is protected and enhanced from this development. ▶ Appropriate offsets will be sought for vegetation proposed to be removed as part of this development.
Design and siting issues	
<ul style="list-style-type: none"> ▶ <i>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.</i> ▶ <i>The impact of the siting, design, height, bulk, colours and materials to be used, on</i> 	<ul style="list-style-type: none"> ▶ The buildings have been located appropriately on site to assist in the preservation of the landscape character of the area. ▶ The design and siting of the panels and buildings are unlikely to cause

Decision Guideline	Response
<p><i>the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</i></p> <ul style="list-style-type: none"> ▶ <i>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.</i> ▶ <i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i> ▶ <i>Whether the use and development will require traffic management measures.</i> 	<p>detrimental impacts to the amenity of the area.</p> <ul style="list-style-type: none"> ▶ The panels do not project glare or glint, given the operation of the panels and the manner in which they track with the movement of the sun. ▶ The area does not carry significant features nor does it have natural scenic beauty or importance in a planning context. Given this, the proposed built form is likely to complement the existing agricultural area with the provision of this renewable energy facility. ▶ A Cultural Heritage Management Plan is being prepared and will be submitted to Council upon completion. ▶ During the construction of the facility, traffic management measures will be put in place. The details of these traffic management measures will be provided to Council at the construction stage of the project through a Construction Management Plan. The ongoing operations of the facility is not likely to require permanent traffic management measures.

Given the above, the application is considered to meet the Decision Guidelines of the Farming Zone, and is therefore an appropriate development outcome for the subject site.

6.3 CONSISTENCY WITH OVERLAY PROVISIONS

The subject site is affected in part by the Floodway Overlay and the Land Subject to Inundation Overlay.

The purpose of the **Floodway Overlay** is:

- ▶ *“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- ▶ *To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.*
- ▶ *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*

- ▶ *To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.*
- ▶ *To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- ▶ *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health."*

The purpose of the **Land Subject to Inundation Overlay** is:

- ▶ *"To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- ▶ *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- ▶ *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- ▶ *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- ▶ *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- ▶ *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health."*

As demonstrated in this Section of the Report, the proposed use and development of the land for a solar farm is considered to be consistent with the relevant planning policies as detailed in the State and Local Planning Policy Frameworks in the Greater Shepparton Planning Scheme.

Given the solar panels will have a clearance of at least 0.5 metres from the ground at all times, and the poles being spaced at least 6 metres apart, the proposed development will not impede the natural flow of floodwater across the land.

The buildings on site have been sited appropriately outside of the Floodway Overlay to ensure there will be little to no flood impact on the buildings on site, and to increase safety to life in the event of a flood.

All electrical cabling will be at a height that is clear from floodwater to ensure risks to infrastructure from flooding is not being created by this development.

Security fencing will sit 0.2 metres off the ground to allow for the free passage of water during a flood or inundation event.

Given this, the application is considered to be consistent with the purposes of both the Floodway Overlay and the Land Subject to Inundation Overlay.

6.4 CONSISTENCY WITH PARTICULAR PROVISIONS

Clause 52.05 Advertising Signs

A planning permit is required for the display of a business identification sign pursuant to this particular provision.

The purpose of this particular provision is:

- ▶ *“To regulate the display of signs and associated structures.*
- ▶ *To provide for signs that are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- ▶ *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- ▶ *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.”*

This site is located in a Category 4 – Sensitive area, given the land is within the Farming Zone. The maximum size a business identification sign can be is 3 square metres.

Details of the signage will be provided to Council when available. The sign is proposed to be smaller than 3 square metres, and will be visible from the Lemnos North Road boundary of the site.

The size will be designed to reflect the rural character of the area and will not create visual clutter or distraction.

Clause 52.17 Native Vegetation

A planning permit is required to remove native vegetation on the site.

The purpose of this particular provision is:

- ▶ *“To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria’s biodiversity.*
- ▶ *This is achieved through the following approach:*
 - *Avoid the removal of native vegetation that makes a significant contribution to Victoria’s biodiversity.*
 - *Minimise impacts on Victoria’s biodiversity from the removal of native vegetation.*
 - *Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria’s biodiversity that is equivalent to the contribution made by the native vegetation to be removed.*
- ▶ *To manage native vegetation to minimise land and water degradation.*
- ▶ *To manage native vegetation near buildings to reduce the threat to life and property from bushfire.”*

The policy of avoiding and minimising native vegetation removal has been applied appropriately in this instance, with the aim of retaining as many trees as possibly to ensure the biodiversity of the area is not detrimentally impacted from the vegetation removal. Only six scattered paddock trees are proposed to be removed from the site.

A third-party offset will be sought to ensure that Victoria’s biodiversity is not at a net loss.

The native vegetation proposed to be removed is unlikely to adversely impact on land and water degradation given the low amount of trees proposed to be removed and the high amount of vegetation which will remain on site.

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

- ▶ *The contribution that native vegetation to be removed makes to Victoria's biodiversity. This is determined by:*
 - *The extent and condition of the native vegetation.*
 - *The biodiversity value of the native vegetation, including whether the native vegetation is important habitat for rare or threatened species."*

The vegetation proposed to be removed is limited to six trees. The trees are not of a local significance. The vegetation is in good condition, as is the balance of the vegetation which will remain on site.

The vegetation has not been identified as a habitat for rare or threatened species. The condition of and the amount of vegetation on site will provide habitat for any species which may need to relocate as a result of this native vegetation removal.

- ▶ *Whether the removal of native vegetation is defined as being in the low, moderate or high risk-based pathway, as defined in the Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013) and apply the decision guidelines accordingly.*

The vegetation has been mapped as a Low Category removal, in a Location 'A' area. As this is the lowest risk removal category on the Native Vegetation Information Management system, the removal of this small amount of vegetation is unlikely to decrease Victoria's biodiversity. A general offset amount of 0.101 will be secured prior to the removal of the vegetation.

Clause 52.42 Renewable Energy Facility (Other Than Wind Energy Facility and Geothermal Energy Extraction)

This clause applies to land used and developed or proposed to be used and developed for a renewable energy facility.

The purpose of this particular provision is:

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

The proposal is considered to meet the necessary requirements and purpose of this Clause. The solar farm layout has carefully considered the existing built form and environmental values of the site, especially by designing around the large stands of trees in the southern area of the site, through the central area of the site and to the north east corner of the site, and by providing landscaped setbacks from the site boundaries.

The solar farm itself has the capacity to produce 68MW of electricity, which will be provided back into the electricity grid network through existing infrastructure connecting to the Shepparton substation in Verney Road, Shepparton. The development will not produce waste, therefore a Works Approval is not required from the Environment Protection Authority.

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

- ▶ *The effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference.*

The proposed solar farm is unlikely to impact the surrounding area with regard to noise, glint, light spill, vibration, smell or electromagnetic interference as these nuisances will not be generated by or emitted from the development.

The design and orientation of the panels restricts glare and glint to zero. The panels have been designed to track the movement of the sun in order to capture the maximum amount of sunlight possible. Therefore, the angle at which the light hits the panel is the same as the angle at which the light is refracted from the panel. This is consistent with the purpose of the solar farm, which is to gather the light to produce energy, rather than to deflect it from the panels.

The panels do not make sound. The trackers will be well maintained (oiled) so they track effectively, and will therefore not emit any noise as they move in line with the path of the sun.

The only lighting will be security lighting for the inverter containers and site office. This will not create light spill, and will be similar to the lighting commonly found around farm buildings, including sheds, dairies and other agricultural buildings.

Similarly, the solar farms do not emit smell or vibration. They are generally peaceful places, with panels moving slowly to follow the alignment of the sun.

The source of potential electromagnetic emission is the inverters. As shown on the plans submitted with the permit application, the inverters are contained within insulated containers, constructed to required standards and specifications. In addition, the inverters are located away from nearby dwellings. In this regard, the proposed development is unlikely to cause electromagnetic interference on the property or its surrounds.

► *The impact of the proposal on significant views, including visual corridors and sightlines.*

The subject site, like the surrounding land, is generally flat in topography. There are no significant views or sightlines within vicinity of the site. The solar farm development will not detract from the rural landscapes, however will add visual interest and diversity to the view lines in this area of Congupna.

As shown on the development plans forming part of the planning permit application, a 10 metre wide landscape buffer will be planted along all boundaries of the site. This buffer will enhance the amenity of the site through the planting of indigenous trees, shrubs and grasses.

Along the Katamatite-Shepparton Road reserve boundary of the site is a number of established trees, shrubs and grasses which provide a screen between the site and the VicRoads road. In addition to the 10 metre landscape buffer that is proposed for the boundary of the site, this existing vegetation will contribute to the protection of the amenity in the area.

► *The impact of the proposal on the natural environment and natural systems.*

The site does not contain any significant natural environments. The development will not impact the natural flood carrying capacity of the site due to the nature of the built form proposed for the site.

The layout of the panels has avoided thick areas of native vegetation, and groups of paddock trees. The bulk of the environmental attributes of the site will be retained. Given this, the proposed solar farm is unlikely to cause adverse impact on the natural environment of the subject site and its surrounding area.

► *Whether the proposal will require traffic management measures.*

When the solar farm is operational, traffic entering and exiting the site will be minimal, generally being maintenance crews visiting as required. As such, traffic management measures are not required once the site is operational.

As common with infrastructure projects of this scale, traffic management will be required during the construction period. A construction management plan will be submitted to Council prior to the commencement of works.

Given the above, the application is considered to meet the relevant requirements and purpose of this particular provision.

6.5 **ABORIGINAL HERITAGE REGULATIONS 2007**

The north east portion of the subject site is located within an area of Cultural Heritage Sensitivity.

Any development which is classified as a *high impact activity* under Regulation 4 of the *Aboriginal Heritage Regulations 2007 (Regulations)* proposed on a property which contains an area of Aboriginal Cultural Heritage Sensitivity must have an approved Cultural Heritage Management Plan in place prior to the commencement of works, unless the works are exempt under Division 2 of the *Regulations*.

Whilst the development has avoided the land within an area of Cultural Heritage Sensitivity, the *Regulations* consider a solar farm a high impact use. Given this, a Cultural Heritage Management Plan is currently being prepared and will be submitted to Council shortly.

7. CONCLUSION

This Report establishes a sound planning basis for Greater Shepparton City Council to support the proposed ***“use and development of land for a renewable energy facility (solar farm), installation of a business identification sign and removal of native vegetation”*** at 1090 Lemnos North Road, Congupna.

This Report demonstrates there is consistency with:

- ▶ The relevant policies, objectives and strategies from the State and Local Planning Policy Frameworks;
- ▶ The provisions of the Farming Zone;
- ▶ The provisions of the Floodway Overlay and the Land Subject to Inundation Overlay;
- ▶ The provisions of:
 - Clause 52.05 Advertising Signs,
 - Clause 52.17 Native Vegetation, and
 - Clause 52.47 Renewable Energy Facility (Other than Wind Energy Facility and Geothermal Energy Extraction); and
- ▶ The sensitivity to the site and its environs, and the amenity of the adjoining properties.

It is submitted the application should be supported as:

- ▶ The proposal will result in a net community benefit for the area through local employment, local purchase of construction and maintenance materials, and the generation of clean energy which can be provided back into the electricity grid network, thereby providing more certainty of supply for local users;
- ▶ There is Local, State and Federal Government policies in place to support the development of renewable energy facilities;
- ▶ The proposal is consistent with the relevant provisions of the Greater Shepparton Planning Scheme;
- ▶ The site is relatively unconstrained, not used for intensive agricultural production and the design of the solar farm has responded appropriately to the attributes of the site; and
- ▶ It is not anticipated the solar farm will adversely affect the adjoining properties - their land use activity or their residents. The solar farm is a relatively peaceful operation with the panels slowly moving along trackers to follow the movement of the sun throughout the day.

For the above reasons, the proposal is commended to Council as one seeing to achieve the relevant outcomes promoted by the Greater Shepparton City Council, the State Government of Victoria and the Federal Government of Australia.

Accordingly, it is respectfully requested Council consider this application favourably.

Biodiversity assessment report

Biodiversity information for applications for permits to remove native vegetation under clause 52.16 or 52.17 of the Victoria Planning Provisions

Date of issue: 25 October 2017

Time of issue: 10:34:48

Property address 1090 LEMNOS NORTH ROAD CONGUPNA 3633

Summary of marked native vegetation

Risk-based pathway	Low
Total extent	6 trees
Scattered trees	6 trees
Location risk	A

See Appendix 1 for risk-based pathway details

Offset requirements

If a permit is granted to remove the marked native vegetation, a requirement to obtain a native vegetation offset will be included in the permit conditions. The offset must meet the following requirements:

Offset type	General offset
Offset amount (general biodiversity equivalence units)	0.101
Offset attributes	
Vicinity	Goulburn Broken Catchment Management Authority (CMA)
Minimum strategic biodiversity score	0.325
Strategic biodiversity score of marked native vegetation	0.406

See Appendix 2 for offset requirements details

Biodiversity assessment report

Next steps

This proposal to remove native vegetation must meet the application requirements of the low risk-based pathway and it will be assessed in the low risk-based pathway.

If you wish to remove the marked native vegetation you are required to apply for a permit from your local council.

The Biodiversity assessment report should be submitted with your application for a permit to remove native vegetation you plan to remove, lop or destroy.

The Biodiversity assessment report provides the following information that is required to be provided with your application for a permit to remove native vegetation:

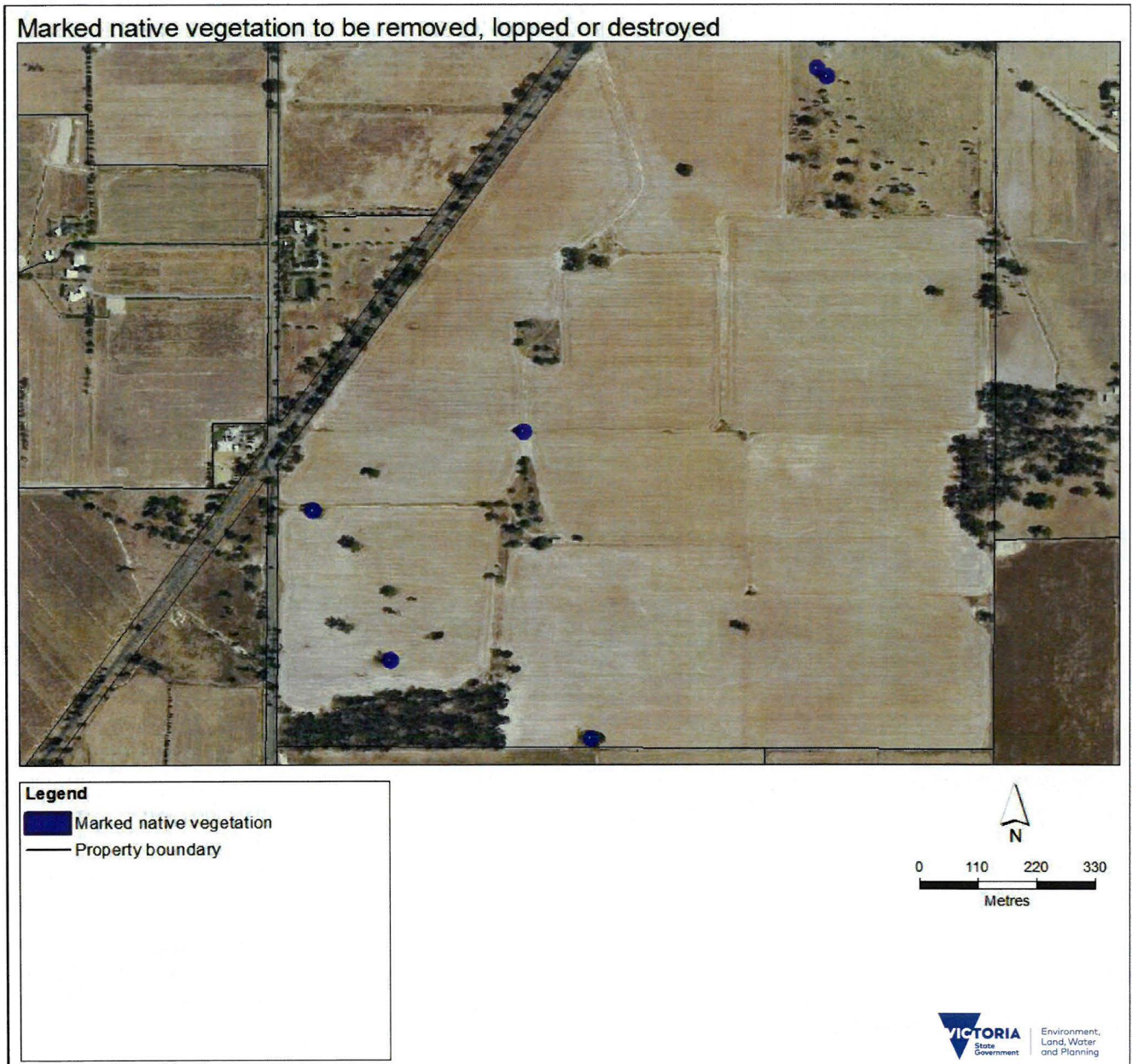
- The location of the site where native vegetation is to be removed.
- The area of the patch of native vegetation and/or the number of any scattered trees to be removed.
- Maps or plans containing information set out in the *Permitted clearing of native vegetation - Biodiversity assessment guidelines*.
- The risk-based pathway of the application for a permit to remove native vegetation.
- The strategic biodiversity score of the native vegetation to be removed.
- The offset requirements should a permit be granted to remove native vegetation.

If you have undertaken any permitted clearing on your property within the last five years contact DELWP to confirm offset requirements.

Additional information is required when submitting an application for a permit to remove native vegetation. Refer to the *Permitted clearing of native vegetation - Biodiversity assessment guidelines* for a full list of application requirements.

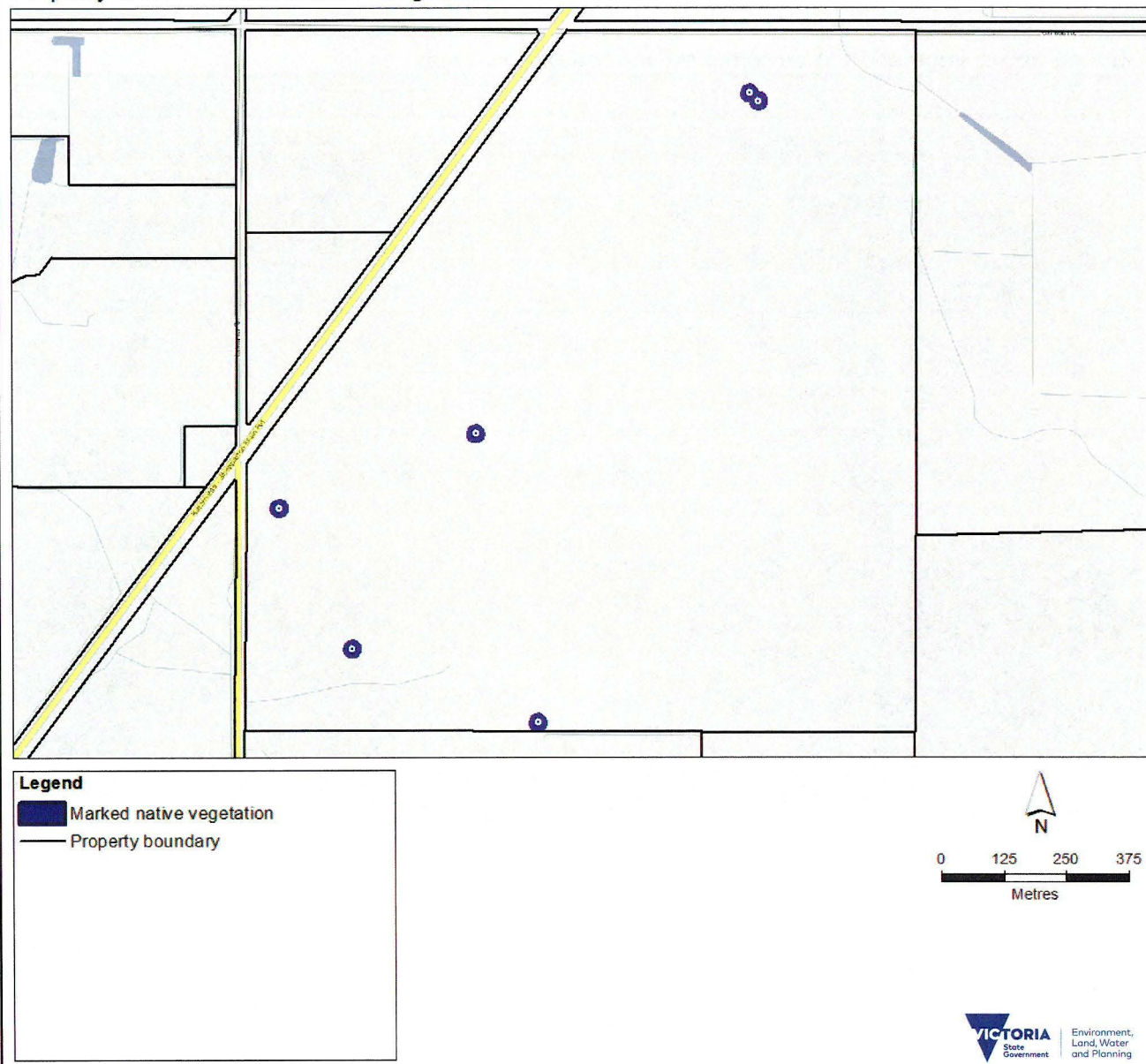
Biodiversity assessment report

Maps of marked native vegetation



Biodiversity assessment report

Property view of marked native vegetation



See Appendix 3 for biodiversity information maps

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Obtaining this publication does not guarantee that an application will meet the requirements of clauses 52.16 or 52.17 of the Victoria Planning Provisions or that a permit to remove native vegetation will be granted.

Notwithstanding anything else contained in this publication, you must ensure that you comply with all relevant laws, legislation, awards or orders and that you obtain and comply with all permits, approvals and the like that affect, are applicable or are necessary to undertake any action to remove, lop or destroy or otherwise deal with any native vegetation or that apply to matters within the scope of clauses 52.16 or 52.17 of the Victoria Planning Provisions.

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Environment,
Land, Water
and Planning

Biodiversity assessment report

Appendix 1 - Risk-based pathway details

Risk-based pathway	Low
Total extent	6 trees
Scattered trees	6 trees
Location risk	A

Why is the risk-based pathway low?

The following table explains how the risk-based pathway is determined:

Extent	Location A	Location B	Location C
< 15 scattered trees	Low	Moderate	High
≥ 15 scattered trees	Moderate	High	High

The marked native vegetation is located entirely within Location A and has a total extent of less than 15 scattered trees.

At this location, native vegetation removal of this size is not expected to have a significant impact on the habitat of any rare or threatened species. As a result, an application for the removal of this native vegetation must meet the requirements of, and will be assessed in, the low risk-based pathway.

For further information on location risk please see *Native vegetation location risk map factsheet*. For information on the determination of the risk-based pathway see *Permitted clearing of native vegetation – Biodiversity assessment guidelines*.

Have you received a planning permit to remove native vegetation in the last five years?

If you have undertaken any permitted clearing on your property within the last five years, the extent of this past clearing must be included in the total extent of your current permit application. The risk-based pathway for your application requirements and assessment pathway is determined using the combined extent of permitted clearing within the last five years and proposed clearing.

If the risk-based pathway determined from this combined extent is low, contact DELWP to confirm offset requirements.

Biodiversity assessment report

Appendix 2 - Offset requirements details

If a permit is granted to remove the marked native vegetation the permit condition will include the requirement to obtain a native vegetation offset. This offset must meet the following requirements:

Offset type	General offset
Offset amount (general biodiversity equivalence units)	0.101
Offset attributes	
Vicinity	Goulburn Broken Catchment Management Authority (CMA)
Minimum strategic biodiversity score	0.325
Strategic biodiversity score of marked native vegetation	0.406

Native vegetation to be removed

Total extent (hectares) for calculating habitat hectares	0.426	<p>This is the total area of the marked native vegetation in hectares.</p> <p>The total extent of native vegetation is an input to calculating the habitat hectares of a site and in calculating the general biodiversity equivalence score. Where the marked native vegetation includes scattered trees, each tree is converted to hectares using a standard area calculation of 0.071 hectares per tree.</p>
Condition score*	0.390	<p>This is the weighted average condition score of the marked native vegetation. This condition score has been calculated using the <i>Native vegetation condition map</i>.</p> <p>The condition score of native vegetation is a site-based measure of how close the native vegetation is to its mature natural state, as represented by a benchmark reflecting pre-settlement circumstances. The <i>Native vegetation condition map</i> is a modelled layer based on survey data combined with a benchmark model and a range of other environmental data.</p>
Habitat hectares	0.166	<p>Habitat hectares is a site-based measure that combines extent and condition of native vegetation. The habitat hectares of native vegetation is equal to the current condition of the vegetation (condition score) multiplied by the extent of native vegetation.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Habitat hectares = total extent x condition</p> </div>
Strategic biodiversity score	0.406	<p>This is the weighted average strategic biodiversity score of the marked native vegetation. This strategic biodiversity score has been calculated using the <i>Strategic biodiversity map</i>.</p> <p>The strategic biodiversity score of native vegetation is a measure of the native vegetation's importance for Victoria's biodiversity, relative to other locations across the landscape. The <i>Strategic biodiversity map</i> is a modelled layer that prioritises locations on the basis of rarity and level of depletion of the types of vegetation, species habitats, and condition and connectivity of native vegetation.</p>

Biodiversity assessment report

General biodiversity equivalence score	0.067	<p>The general biodiversity equivalence score quantifies the relative overall contribution that the native vegetation to be removed (the marked native vegetation) makes to Victoria's biodiversity. It is calculated as follows:</p> <div> <p>General biodiversity equivalence score = habitat hectares × strategic biodiversity score</p> </div>
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* Offset requirements for partial clearing: If your proposal is to remove parts of the native vegetation in a remnant patch (for example only understorey plants) the condition score must be adjusted. This will require manual editing of the *condition score*, and an update to the following calculations that the biodiversity assessment tool has provided: *habitat hectares*, *general biodiversity equivalence score* and *offset amount*.

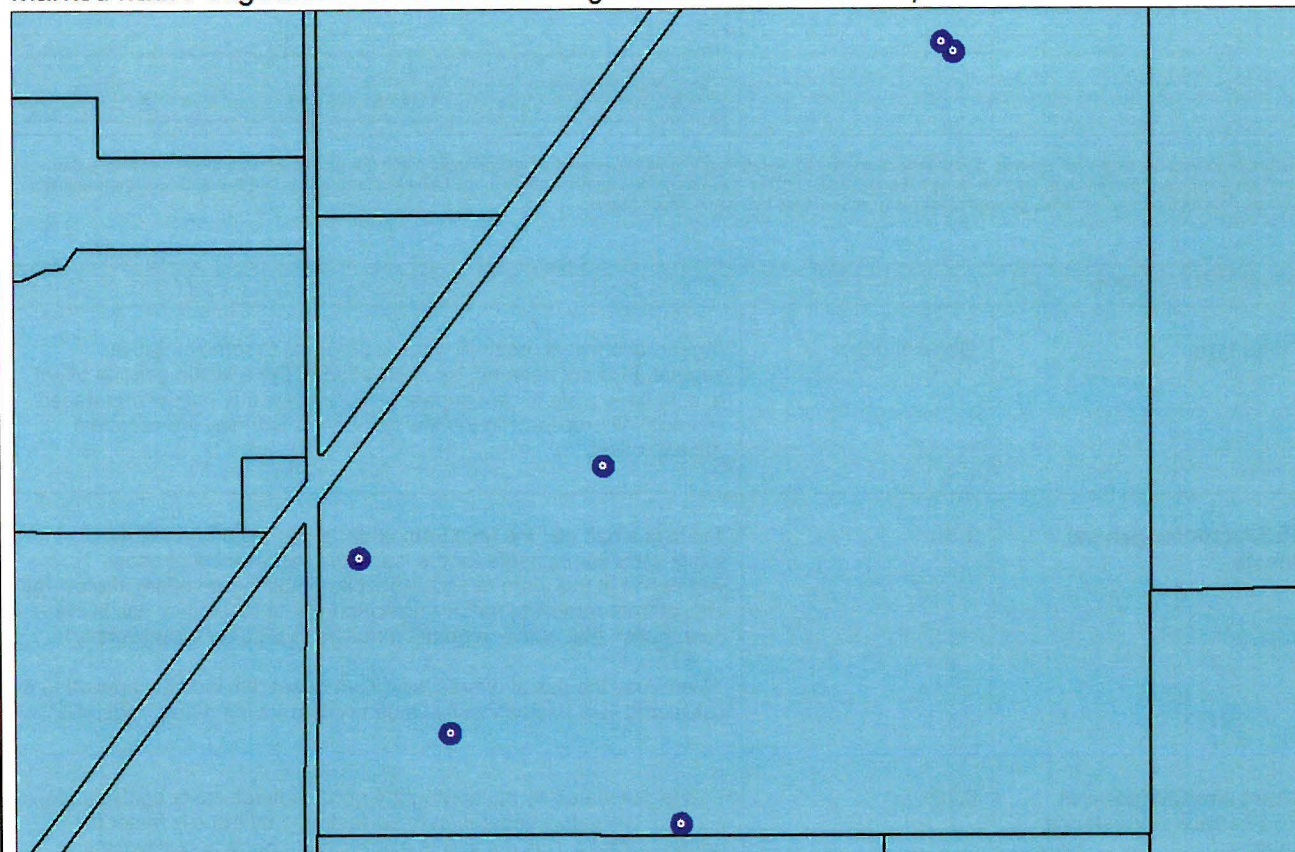
Offset requirements

Offset type	General offset	A general offset is required when a proposal to remove native vegetation is not deemed, by application of the specific-general offset test, to have a significant impact on habitat for any rare or threatened species. All proposals in the low risk-based pathway will require a general offset.
Risk factor for general offsets	1.5	<p>There is a risk that the gain from undertaking the offset will not adequately compensate for the loss from the removal of native vegetation. If this were to occur, despite obtaining an offset, the overall impact from removing native vegetation would result in a loss in the contribution that native vegetation makes to Victoria's biodiversity.</p> <p>To address the risk of offsets failing, an offset risk factor is applied to the calculated loss to biodiversity value from removing native vegetation.</p>
Offset amount (general biodiversity equivalence units)	0.101	<p>This is calculated by multiplying the general biodiversity equivalence score of the native vegetation to be removed by the risk factor for general offsets. This number is expressed in general biodiversity equivalence units and is the amount of offset that is required to be provided should the application be approved. This offset requirement will be a condition to the permit for the removal of native vegetation.</p> <div> <p>Risk adjusted general biodiversity equivalence score = general biodiversity equivalence score_{clearing} × 1.5</p> </div>
Minimum strategic biodiversity score	0.325	The strategic biodiversity score of the offset site must be at least 80 per cent of the strategic biodiversity score of the native vegetation to be removed. This is to ensure offsets are located in areas with a strategic value that is comparable to, or better than, the native vegetation to be removed.
Vicinity	Goulburn Broken CMA	The offset site must be located within the same Catchment Management Authority boundary as the native vegetation to be removed.

Biodiversity assessment report

Appendix 3 - Biodiversity information maps

Marked native vegetation and the *Native vegetation location risk map*

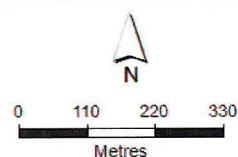


Legend

- Marked native vegetation
- Property boundary

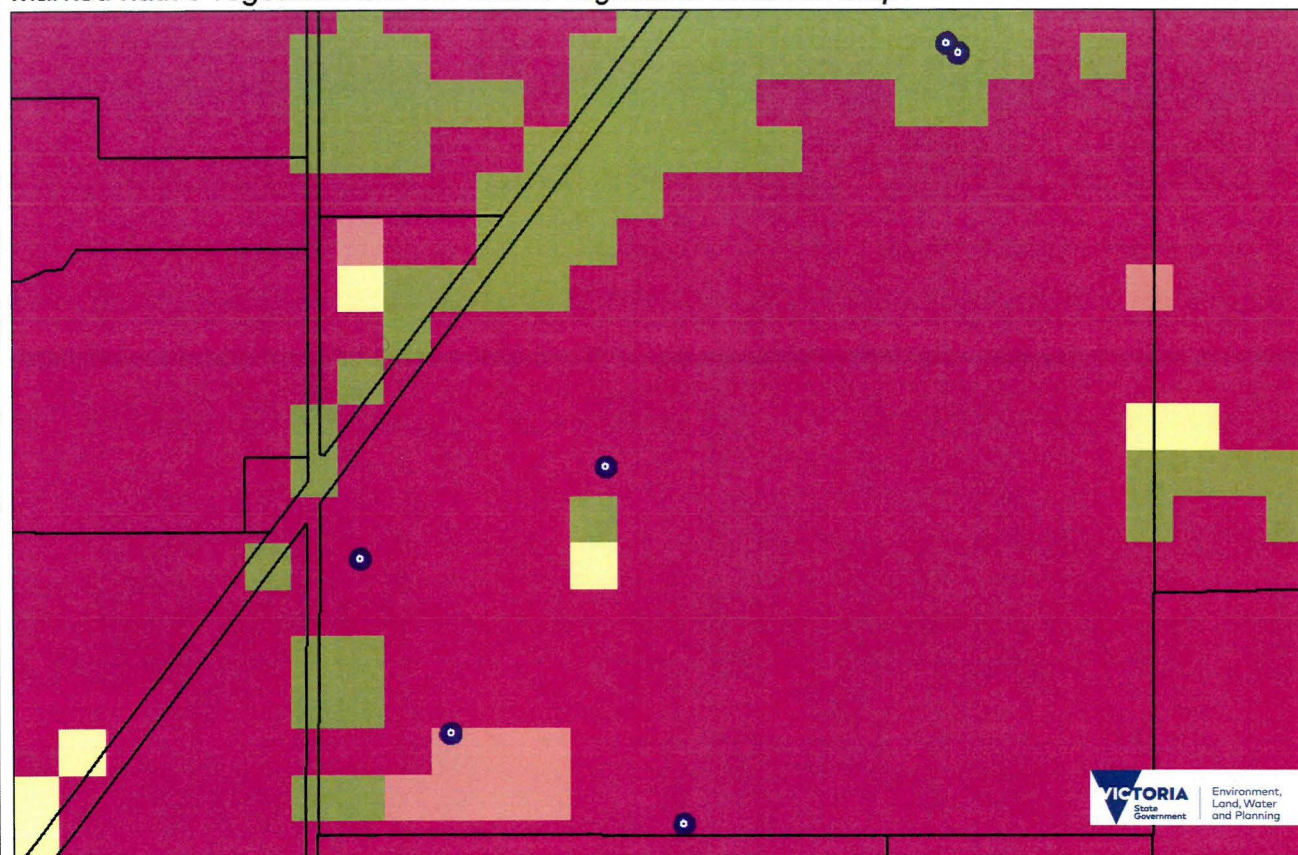
Native vegetation location risk

- Location C
- Location B
- Location A



Biodiversity assessment report

Marked native vegetation and the *Native vegetation condition map*



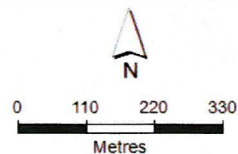
Legend

- Marked native vegetation
- Property boundary

Native vegetation condition*

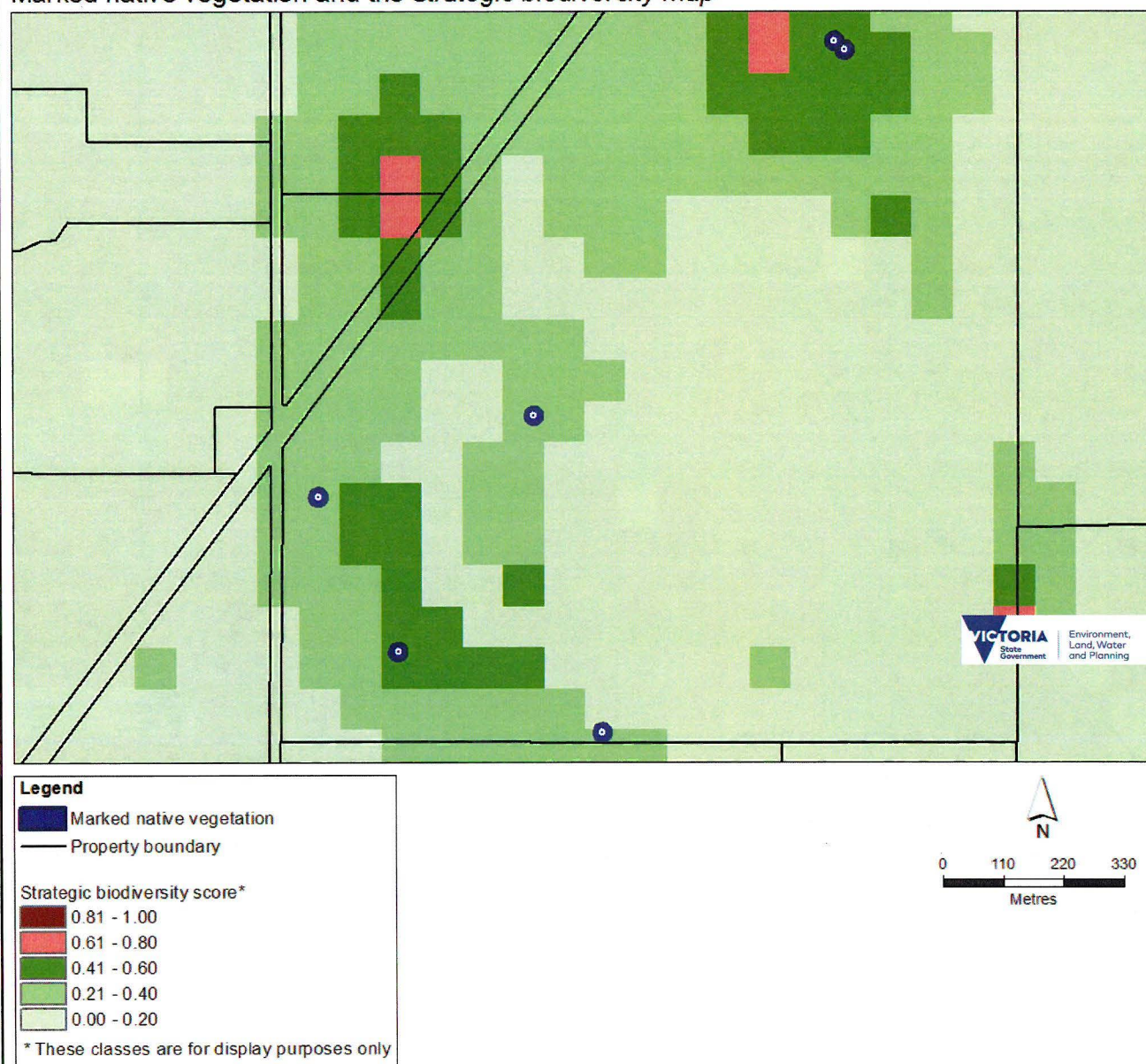
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- 0.61 - 0.80
- 0.41 - 0.60
- 0.21 - 0.40
- 0.00 - 0.20

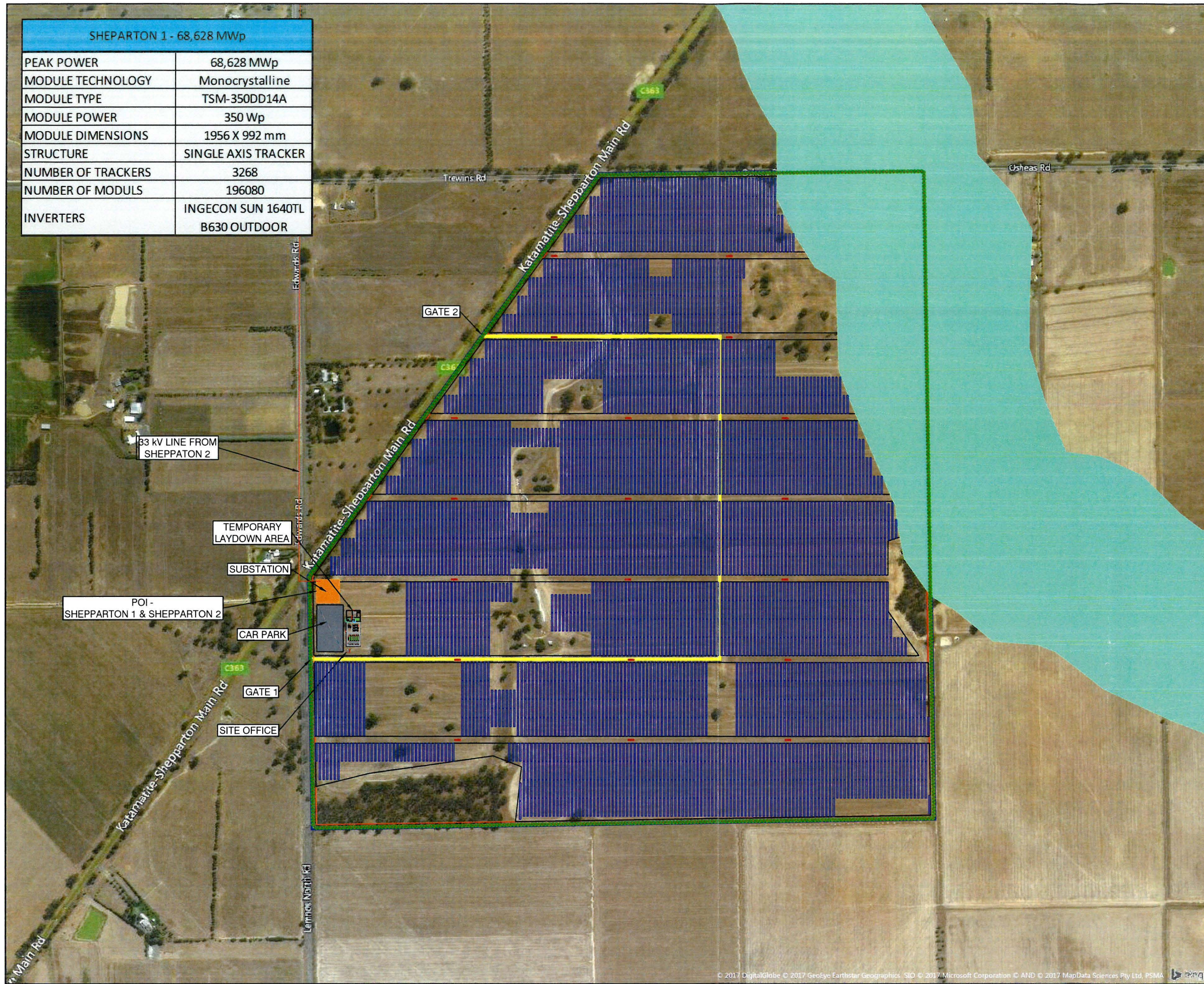
* These classes are for display purposes only



Biodiversity assessment report

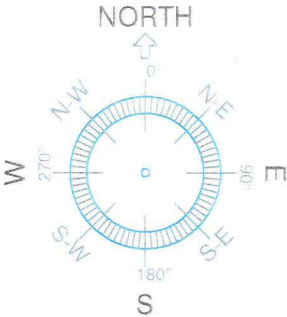
Marked native vegetation and the *Strategic biodiversity map*





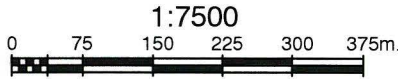
SHEPPARTON 1 - 68,628 MWp	
PEAK POWER	68,628 MWp
MODULE TECHNOLOGY	Monocrystalline
MODULE TYPE	TSM-350DD14A
MODULE POWER	350 Wp
MODULE DIMENSIONS	1956 X 992 mm
STRUCTURE	SINGLE AXIS TRACKER
NUMBER OF TRACKERS	3268
NUMBER OF MODULS	196080
INVERTERS	INGECON SUN 1640TL B630 OUTDOOR

NOTES:



LEGEND

- NARROW PLOT
- OFFSET
- FENCE
- GRAVEL ROAD
- SINGLE AXIS TRAKER (60 MODULES)
- INVERTERS / TRANSFORMER CENTER (TOTAL NUMBER: 19)
- SITE OFFICE



REV.	DATE	DESCRIPTION
02	17-10-2017	Optimization according to electric design
02	17-10-2017	New distance between rows, delete trees areas
01	31-08-2017	New position for Substation

DESIGNED	CHECKED	APPROVED	VS BY CUST.
GPS	LB	AMN	
DATE:	SCALE:		
10.2017	1:7500		



C/ Ombú 3, 2ª planta Tel.: +34 911770010
28045 Madrid Fax.: +34 911770025

CUSTOMER:

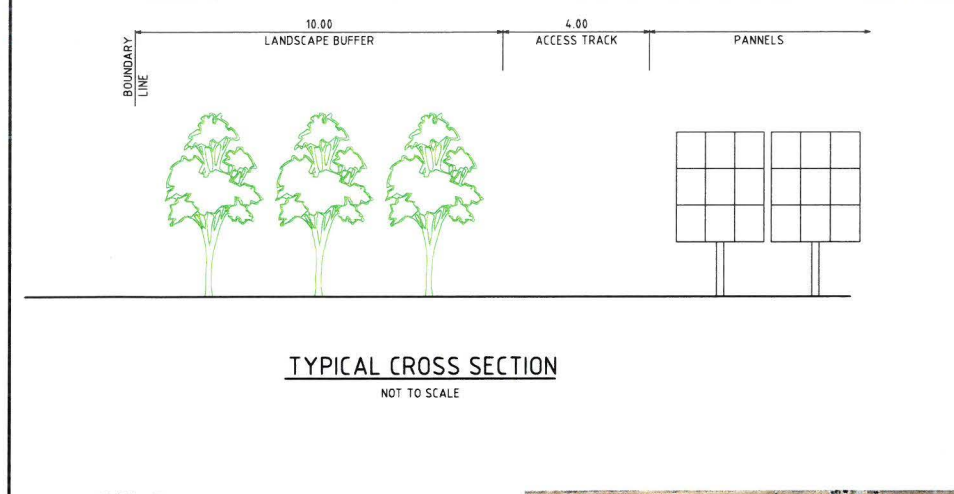
PROJECT: SOLAR PHOTOVOLTAIC PROJECT
WITH SINGLE AXIS TRACKER

LOCATION: SHEPPARTON - VICTORIA - AUSTRALIA

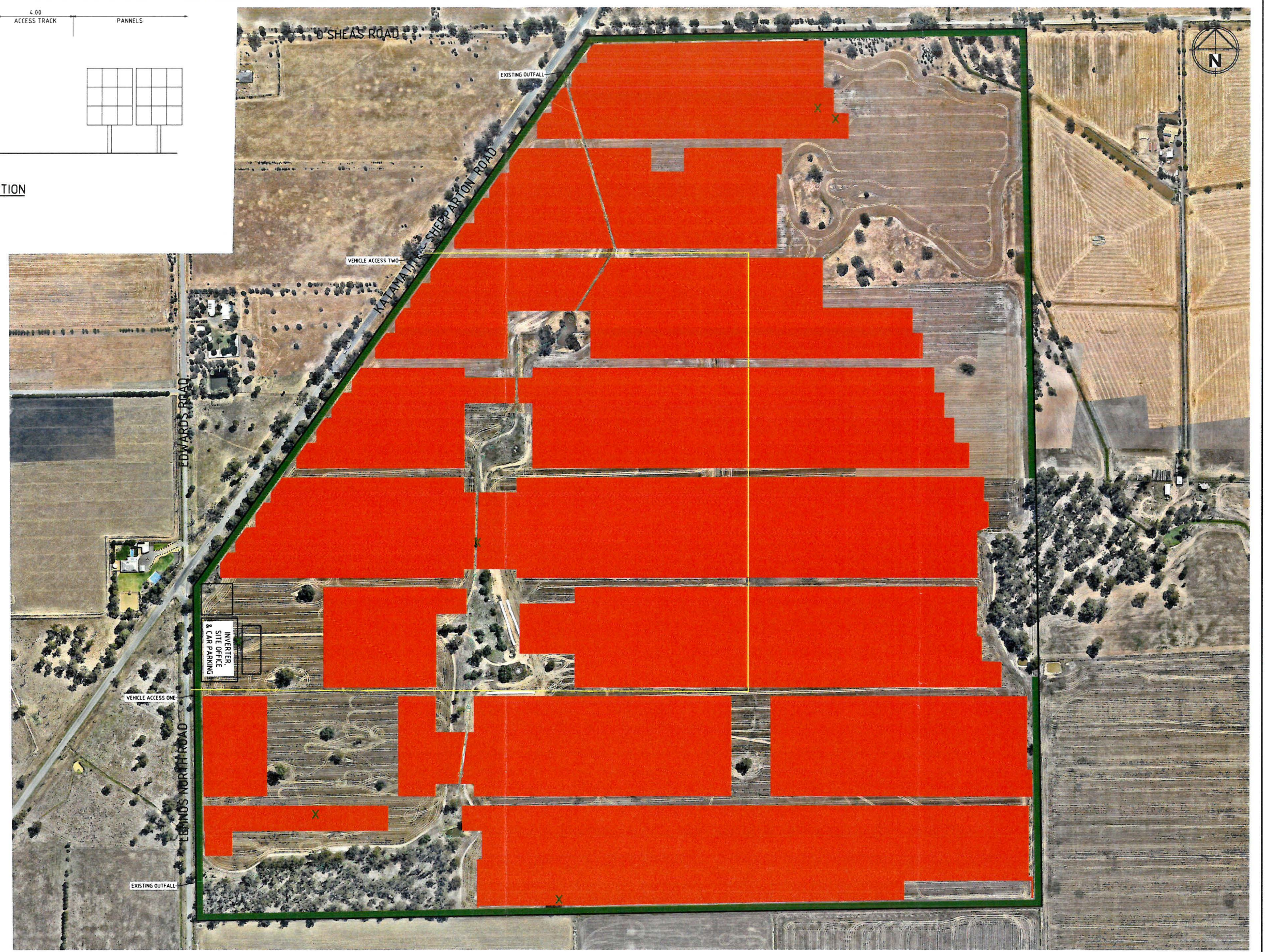
TITLE:

GENERAL LAYOUT

PROJ. NO.	SIZE	NO. PLANE	SHEET	REV.
DT_AUS_VIC004	A3	GE-DIS	01	03

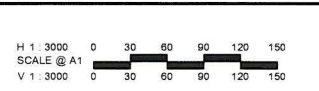


- LEGEND
- PANELS - AREA OF 102ha
 - 10m LANDSCAPE BUFFER
 - TREES TO BE REMOVED
 - AREA OF WORKS
 - LANDSCAPE BUFFER
 - GRAVEL ROAD
 - ACCESS TRACK
 - CATCH DRAIN EXISTING



file name 304045CG300.dwg layout name CG301 plotted by Maxwell Bailey
file location G:\30\304045\civil\ACAD plot date 02/11/2017 14:17 PM Sheet 1 of 1

Rev	Amendments	Approved	Date



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spiire

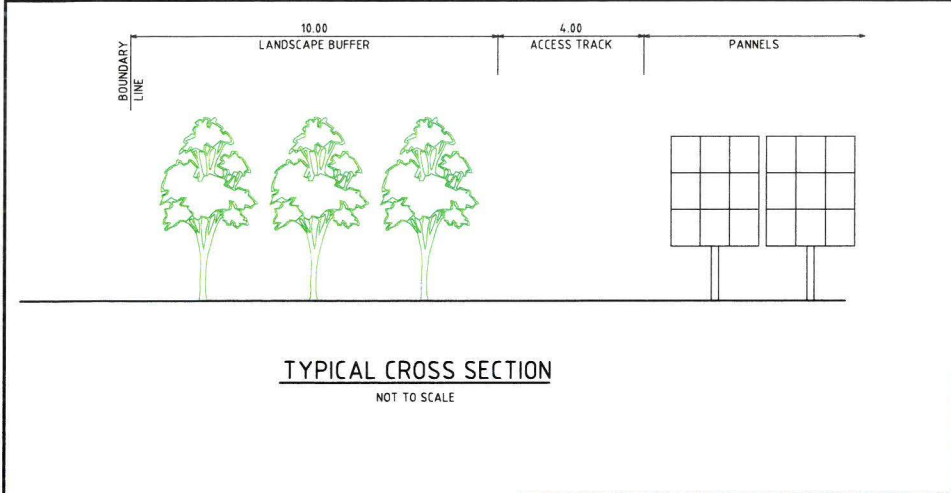
144 Welsford Street Shepparton
Victoria 3632 Australia T 61 3 5849 1000
spiire.com.au ABN 55 050 029 635

X-ELI+

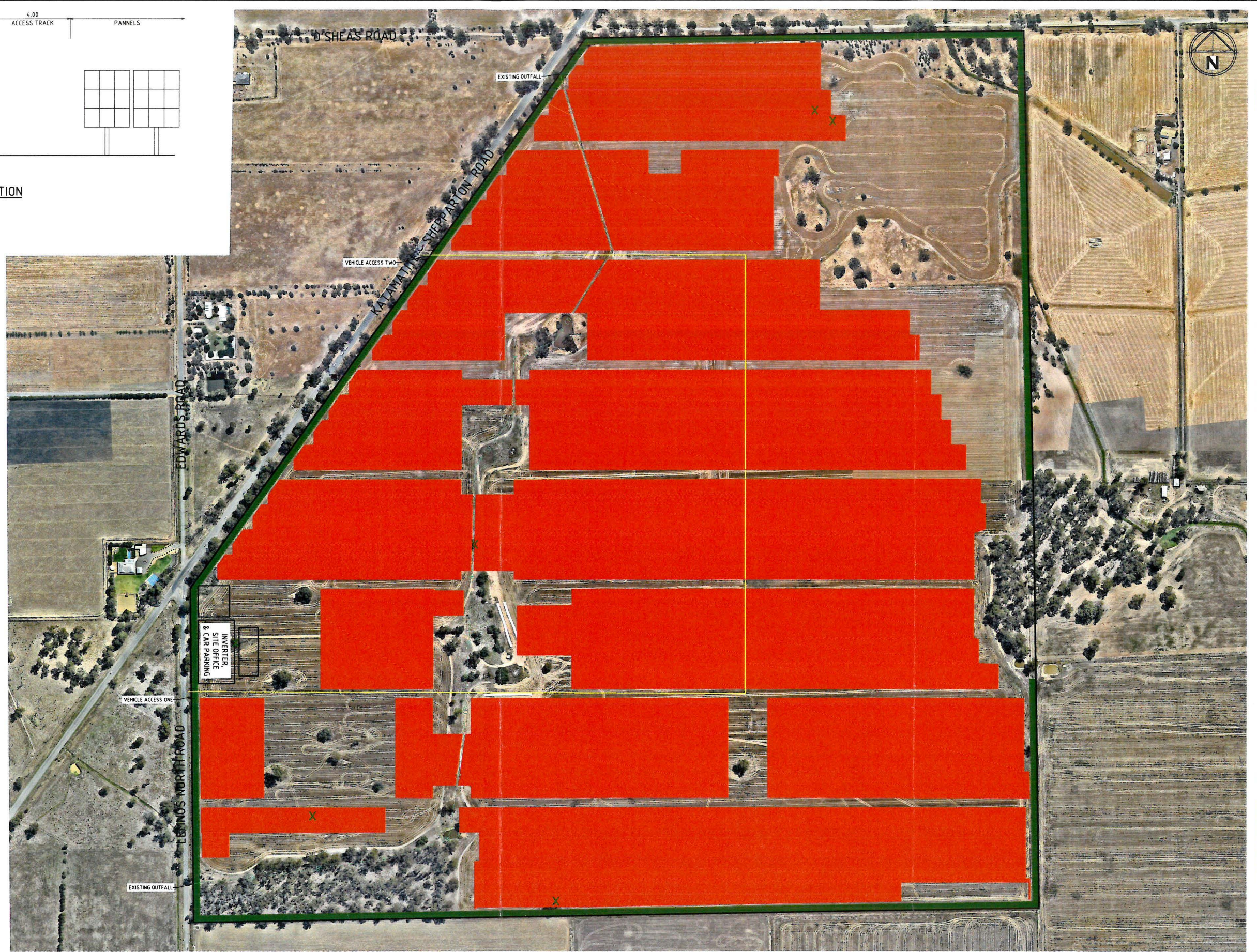
Designed	Checked
Authorised	Date

1090 LEMNOS NORTH ROAD, CONGUPNA
SOLAR FARM DEVELOPMENT
OVERLAY PLAN
DRAINAGE PLAN
CITY OF GREATER SHEPPARTON
X-ELIO

PRELIMINARY Drg No 304045CG301 Rev

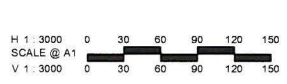


- LEGEND
- PANELS - AREA OF 102ha
 - 10m LANDSCAPE BUFFER
 - TREES TO BE REMOVED
 - AREA OF WORKS
 - LANDSCAPE BUFFER
 - GRAVEL ROAD
 - ACCESS TRACK
 - CATCH DRAIN EXISTING



file name: 304045CG301.dwg, layout name: CG301, plotted by: Maxwell Bailey
file location: G:\30\304045\civil\ACAD plot date: 02/11/2017 14:17 PM Sheet 1 of 1

Rev	Amendments	Approved	Date



AS/NZS 1546
AS/NZS 1546
AS/NZS 1546

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spiire

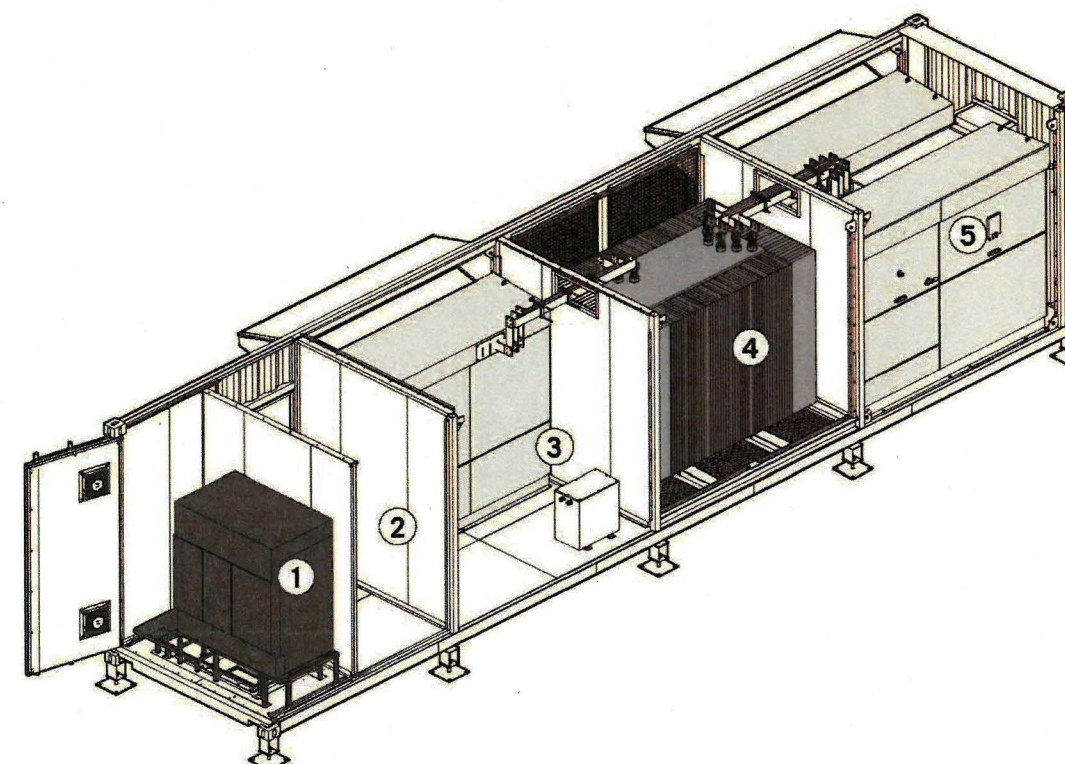
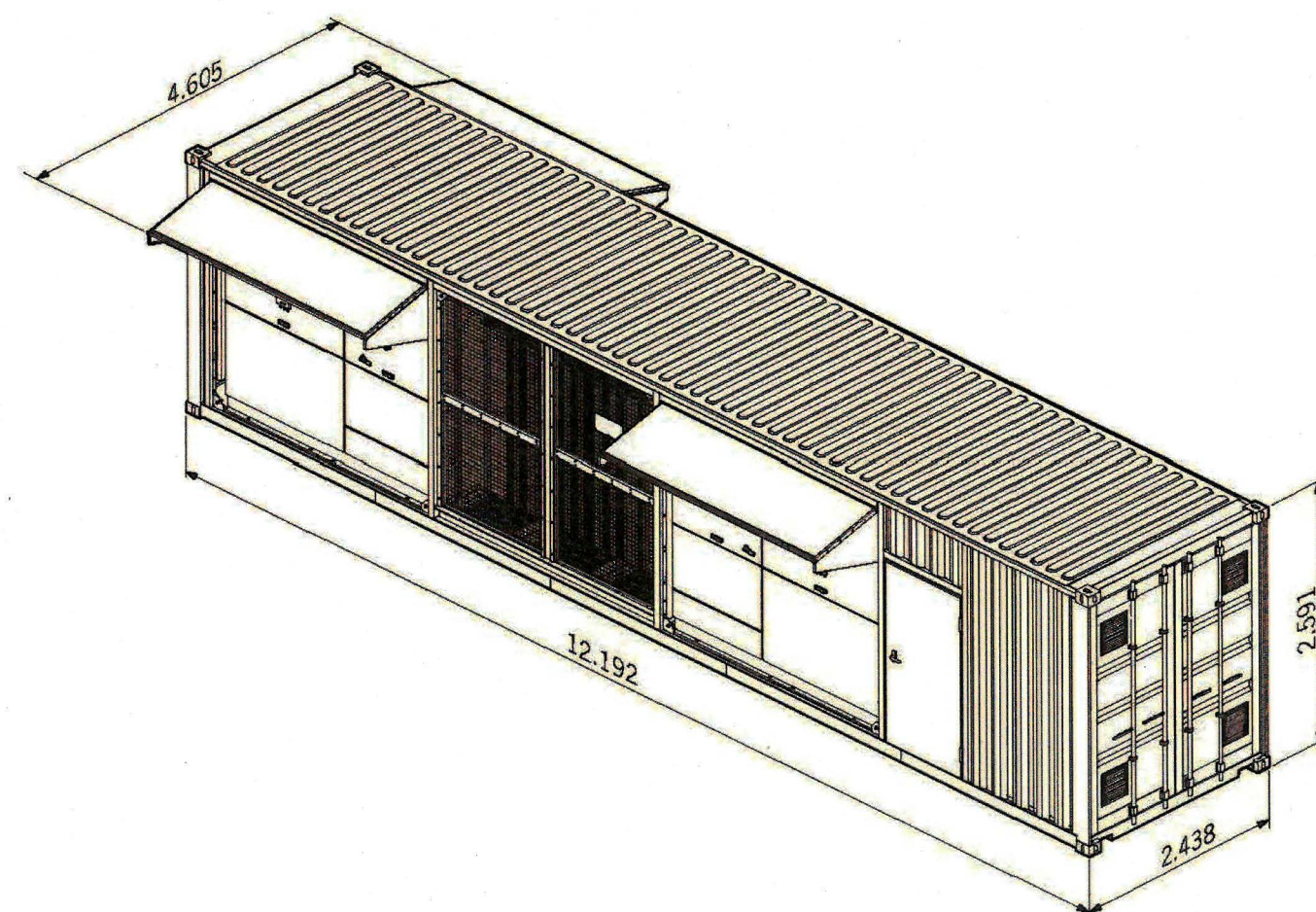
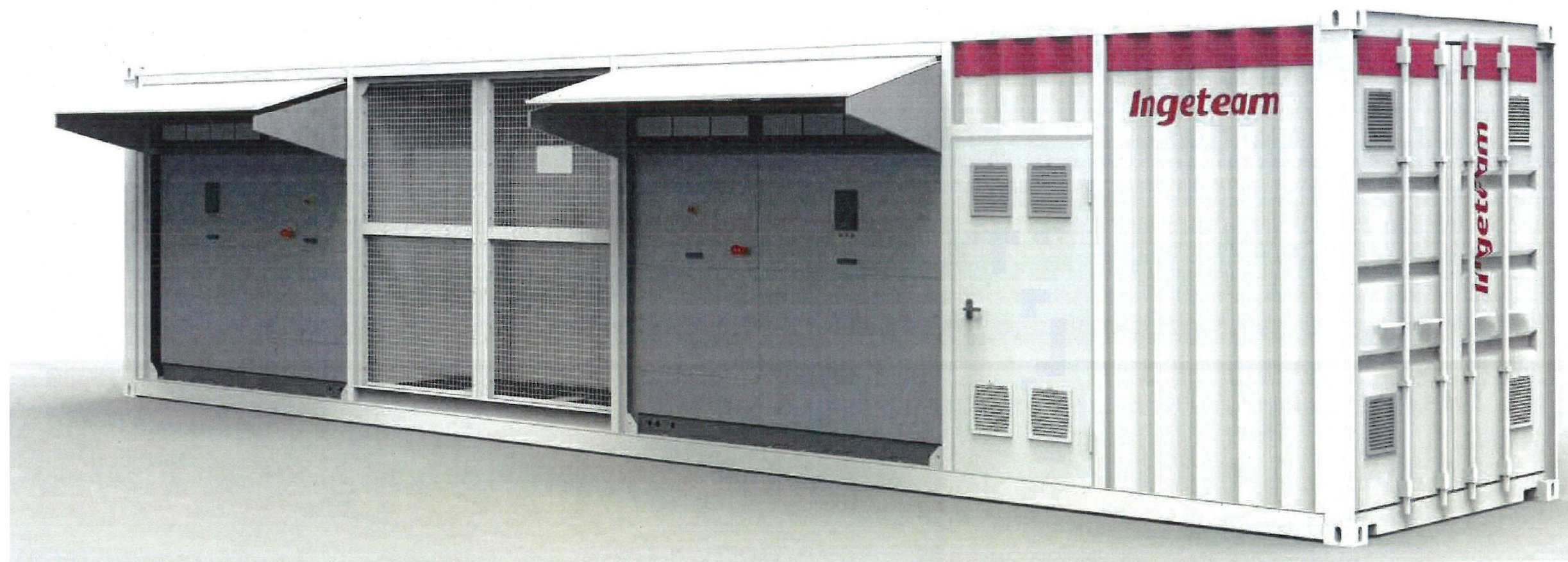
144 Welsford Street Shepparton
Victoria 3632 Australia T 61 3 5849 1000
spiire.com.au ABN 55 050 029 635

X-ELI+

Designed	Checked
Authorised	Date

1090 LEMNOS NORTH ROAD, CONGUPNA
SOLAR FARM DEVELOPMENT
OVERLAY PLAN
DRAINAGE PLAN
CITY OF GREATER SHEPPARTON
X-ELIO

PRELIMINARY Drg No 304045CG301 Rev ----



- | | |
|---|---|
| 1. Medium voltage switchgear, ancillary services and communications cabinet | 4. Power transformer |
| 2. Customizable Low Voltage compartment | 5. Inverters and ancillary services transformer |
| 3. Inverter and ancillary services transformer | |

NOTES

REV	DATE	DESCRIPTION

REVISIONS

DESIGNED	CHECKED	APPROVED	Vº Bº CUST
GPS	MNG	LFC	

DATE

03.2017

SCALE

NO SCALE

C/ Ombú 3, 2ª planta
28045 Madrid

Tel.: +34 911770010
Fax.: +34 911770025

CUSTOMER

PROJECT

SOLAR PHOTOVOLTAIC PROJECT
WITH SINGLE AXIS TRACKER

LOCATION

SHEPARTON - VICTORIA - AUSTRALIA

TITLE

INVERTER

PROJ Nº

DT_AUS_VIC004

SIZE

A3

Nº PLANE

ED-INV

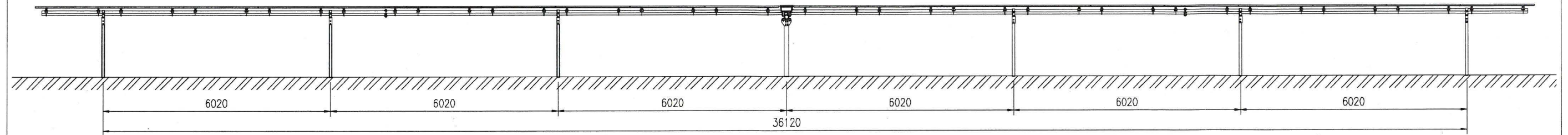
SHEET

03

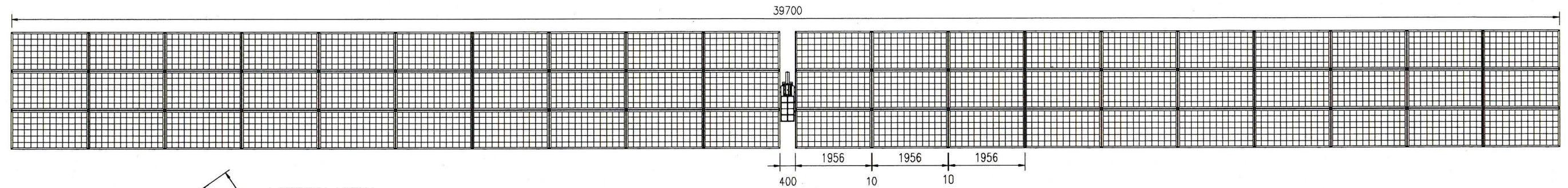
REV

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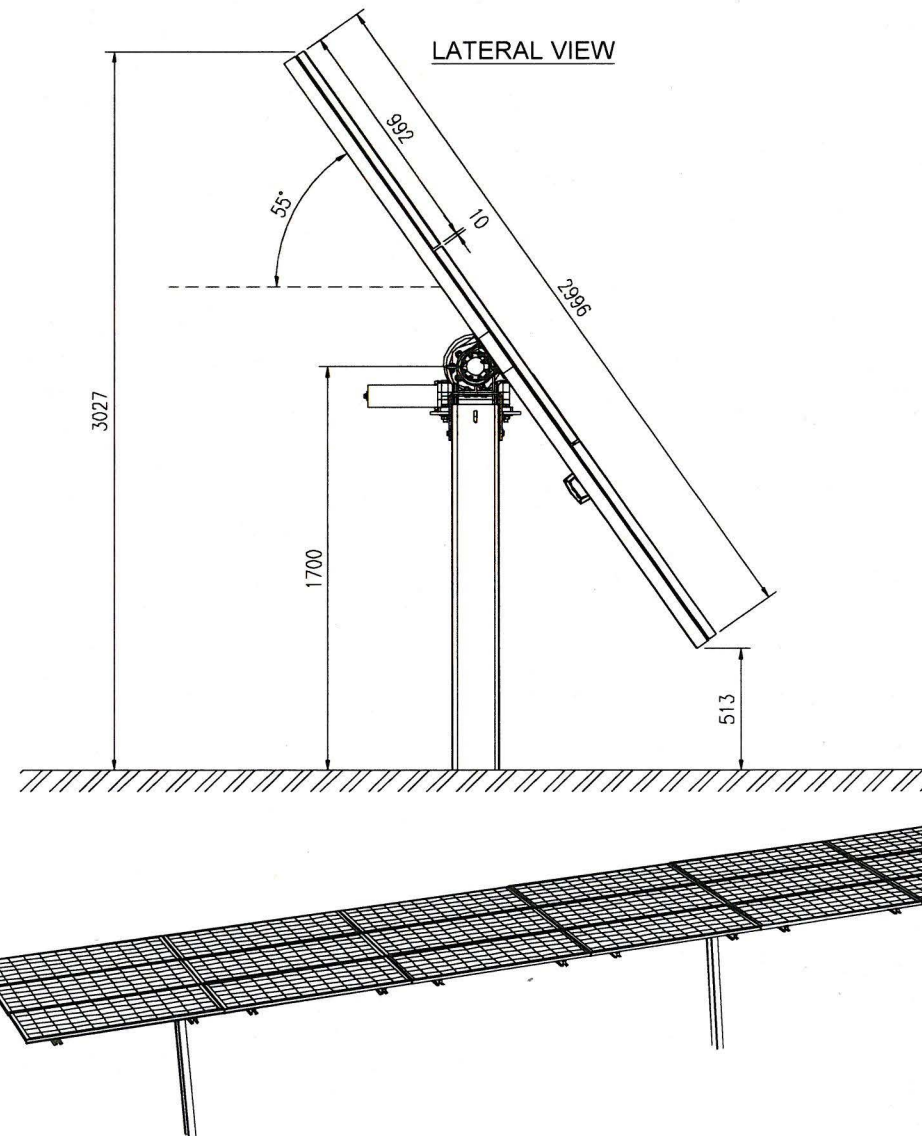
FRONT VIEW



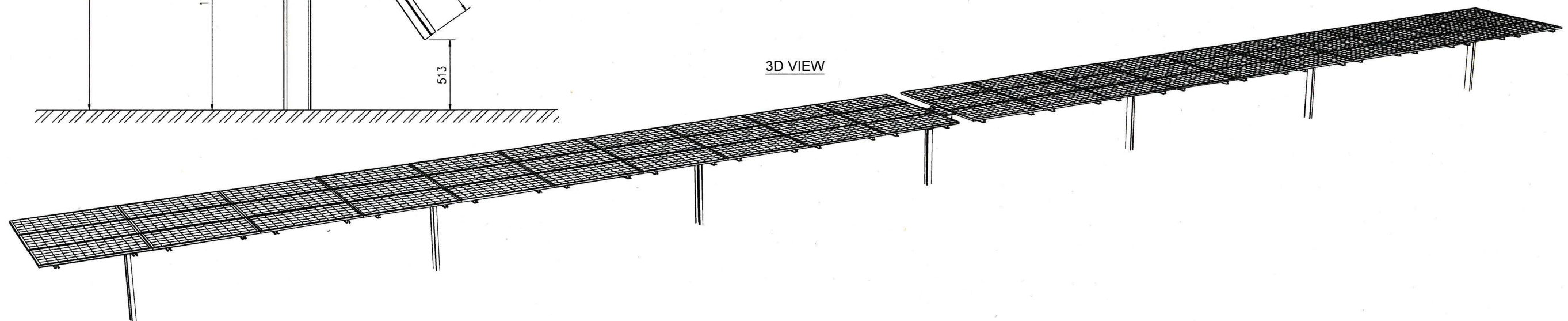
PLAN VIEW



LATERAL VIEW



3D VIEW



Measures in mm

DATE			
20-03-2017			
Format/Size	Drawn	Checked	Approved
A3			



SCALE

**TRACSMART
LOCALIDAD (PAIS)
GENERAL VIEW - 60 MODULES**

Drawing N°: HXXG0000-OF-001

Replaces:

Project N°: XXXX-GSS-0000



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 01949 FOLIO 679

Security no : 124068918348F

Produced 03/11/2017 09:41 am

CROWN GRANT

LAND DESCRIPTION

Crown Allotment 9 Section B Parish of Congupna.

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

EDWARD GEORGE MOORE

ALISON MAREE MOORE both of 235 VICTORIA ROAD TALLYGAROPNA VIC 3634

AF893478T 10/06/2008

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AK478064V 22/07/2013

AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

Any crown grant reservations exceptions conditions limitations and powers noted on the plan or imaged folio set out under DIAGRAM LOCATION below.

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP708685E FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 1090 LEMNOS NORTH ROAD CONGUPNA VIC 3633

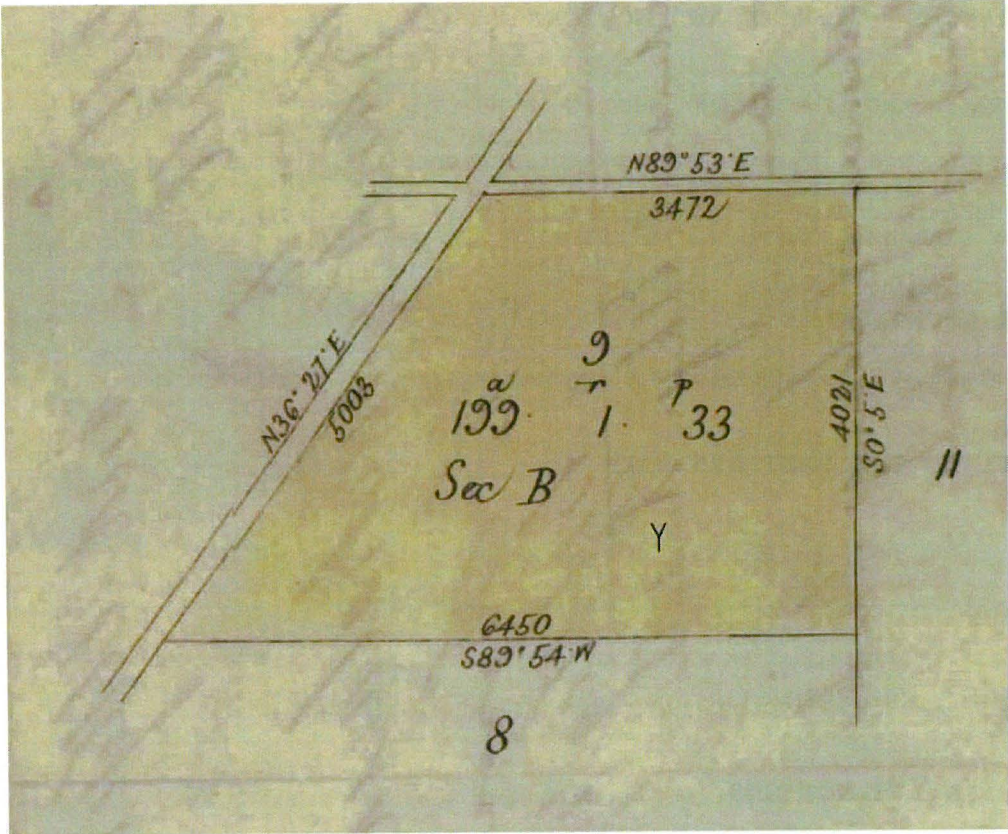
ADMINISTRATIVE NOTICES

NIL

eCT Control 16165A ANZ RETAIL AND SMALL BUSINESS

Effective from 22/10/2016

DOCUMENT END

TITLE PLAN		EDITION 1	TP 708685E
Location of Land Parish: CONGUPNA Township: Section: B Crown Allotment: 9 Crown Portion: Last Plan Reference: Derived From: VOL 1949 FOL 679 Depth Limitation: NIL		Notations SUBJECT TO THE RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS CONTAINED IN CROWN GRANT VOL. 1949 FOL. 679 AND NOTED ON SHEET 2 OF THIS PLAN ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	
Description of Land / Easement Information		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 06/12/2000 VERIFIED: G.B.	
<p>COLOUR CODE Y = YELLOW</p> 			
LENGTHS ARE IN LINKS		Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 2 sheets

196

TITLE PLAN

TP 708685E

LAND DESCRIPTION INCLUDING RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS SHOWN ON THE CROWN GRANT

ALL THAT PIECE OF LAND in the said Colony containing *one hundred and ninety nine acres one rood and thirty three perches more or less being allotment nine of Section B in the Parish of Langupna County of Mersey*

defined with the measurements and abatals thereof in the map drawn in the margin of these presents and therein colored yellow

RESERVING however unto us our heirs and successors all gold and auriferous earth or stone and all mines containing gold within the boundaries of the said land AND ALSO reserving to us our heirs and successors free liberty and authority for us our heirs and successors and our and their agents and servants at any time or times hereafter to enter upon the said land and to search and mine therein for gold and to extract and remove therefrom any gold and any auriferous earth or stone and for the purposes aforesaid to sink shafts erect machinery carry on any works and do any other things which may be necessary or usual in mining PROVIDED ALWAYS that it shall be lawful for us our heirs and successors at any time on paying full compensation to the said GRANTEE

his heirs executors administrators or assigns for the full value other than auriferous of the said piece of land or so much thereof as may be resumed as hereinafter mentioned and of the improvements upon the said piece of land or the part so resumed such value in case of disagreement to be ascertained by arbitration to resume the said piece of land or any part thereof for mining purposes

AND THAT the terms conditions and events upon which such land may be resumed and the manner in which such arbitration may be conducted may be determined by regulations in such manner as the Governor in Council may from time to time direct or if at any time no such regulations shall be in force then by the regulations concerning the resumption of land for mining purposes in force at the date of this Grant unless Parliament shall otherwise determine.

LENGTHS ARE IN
LINKS

Metres = 0.3048 x Feet
Metres = 0.201168 x Links

Sheet 2 of 2 sheets

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 01710 FOLIO 836 Security no : 124068981328Y
Produced 08/11/2017 01:19 pm
CROWN GRANT

LAND DESCRIPTION

Crown Allotment 8 Section B Parish of Congupna.

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
EDWARD GEORGE MOORE
ALISON MAREE MOORE both of 235 VICTORIA ROAD TALLYGAROPNA VIC 3634
AF893479R 10/06/2008

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AK478064V 22/07/2013
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

Any crown grant reservations exceptions conditions limitations and powers noted on the plan or imaged folio set out under DIAGRAM LOCATION below. For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP774338D FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 1090 LEMNOS NORTH ROAD CONGUPNA VIC 3633

ADMINISTRATIVE NOTICES

NIL

eCT Control 16165A ANZ RETAIL AND SMALL BUSINESS
Effective from 22/10/2016

DOCUMENT END

Delivered from the LANDATA System by URBIS PRO Pty Ltd

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Document Type	plan
Document Identification	TP774338D
Number of Pages (excluding this cover sheet)	2
Document Assembled	22/03/2017 09:15

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The document is invalid if this cover sheet is removed or altered.

TITLE PLAN		EDITION 1	TP 774338D
Location of Land Parish: CONGUPNA Township: Section: B Crown Allotment: 8 Crown Portion: Last Plan Reference: Derived From: VOL 1710 FOL 836 Depth Limitation: NIL		Notations SUBJECT TO THE RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS CONTAINED IN CROWN GRANT VOL. 1710 FOL. 836 AND NOTED ON SHEET 2 OF THIS PLAN ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	
Description of Land / Easement Information		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 04/03/2003 VERIFIED: RZ	
		COLOUR CODE Y = YELLOW	
LENGTHS ARE IN LINKS	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 2 sheets	

TITLE PLAN

TP 774338D

LAND DESCRIPTION INCLUDING RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS SHOWN ON THE CROWN GRANT

ALL THAT PIECE OF LAND in the said Colony containing *one hundred and ninety nine acres and three rods more or less being (Attachment eight of Section B in the Parish of Congupna County of Meria*

delimited with the measurements and abutments thereof in the map drawn in the margin of these presents and therein colored yellow

EXCEPTING however unto us our heirs and successors all gold and auriferous earth or stone and all mines containing gold within the boundaries of the said land AND ALSO reserving to us our heirs and successors free liberty and authority for us our heirs and successors and our and their agents and servants at any time or times hereafter to enter upon the said land and to search and mine therein for gold and to extract and remove therefrom any gold and any auriferous earth or stone and for the purposes aforesaid to sink shafts erect machinery carry on any works and do any other things which may be necessary or usual in mining. PROVIDED ALWAYS that it shall be lawful for us our heirs and successors at any time on paying full compensation to the said GRANTEE

his executors administrators or assigns for the full value other than auriferous of the said piece of land or so much thereof as may be resumed as hereinafter mentioned and of the improvements upon the said piece of land or the part so resumed such value in case of disagreement to be ascertained by arbitration to resume the said piece of land or any part thereof for mining purposes

AND THAT the terms conditions and events upon which such land may be resumed and the manner in which such arbitration may be conducted may be determined by regulations in such manner as the Governor in Council may from time to time direct or if at any time no such regulations shall be in force then by the regulations concerning the resumption of land for mining purposes in force at the date of this Grant unless Parliament shall otherwise determine.

LENGTHS ARE IN
LINKS

Metres = 0.3048 x Feet
Metres = 0.201168 x Links

Sheet 2 of 2 sheets

Planning Property Report

from www.planning.vic.gov.au on 11 April 2018 08:57 AM

Address: 1090 LEMNOS NORTH ROAD CONGUPNA 3633

Crown Description: Allot. 8 Sec. B PARISH OF CONGUPNA

Local Government (Council): GREATER SHEPPARTON **Council Property Number:** 176168

Directory Reference: VicRoads 32 J6

This property has 2 parcels.

For full parcel details get the free Basic Property report at [Property Reports](#)

See next page for planning information

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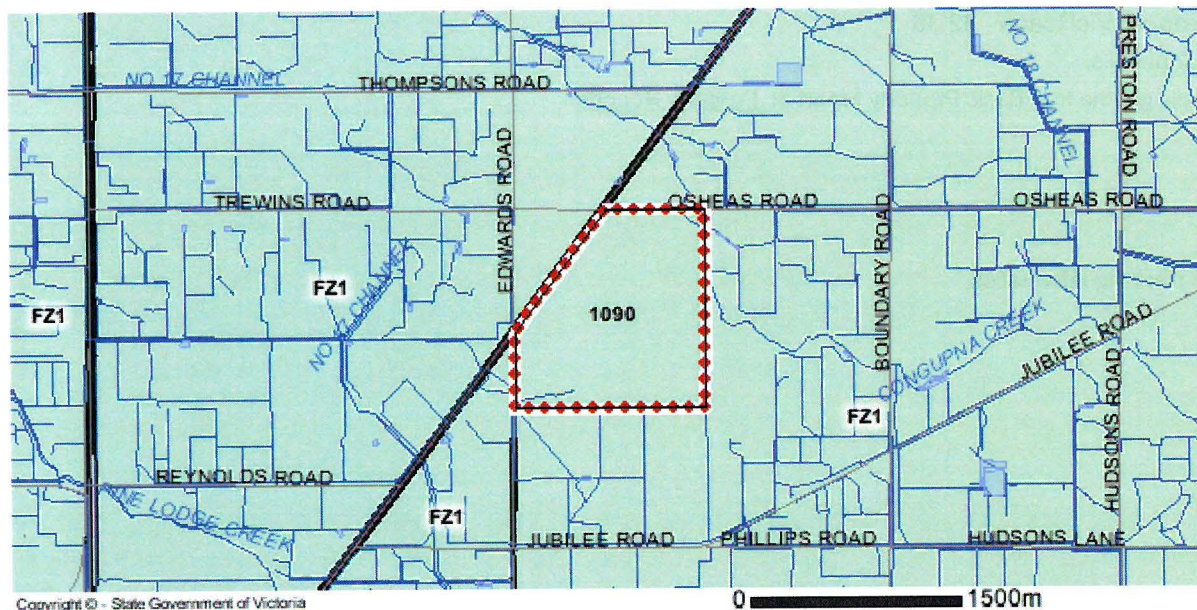
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Planning Zone

FARMING ZONE (FZ)

FARMING ZONE - SCHEDULE 1 (FZ1)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

Zones Legend

ACZ - Activity Centre	IN1Z - Industrial 1	R1Z - General Residential
B1Z - Commercial 1	IN2Z - Industrial 2	R2Z - General Residential
B2Z - Commercial 1	IN3Z - Industrial 3	R3Z - General Residential
B3Z - Commercial 2	LDRZ - Low Density Residential	RAZ - Rural Activity
B4Z - Commercial 2	MUZ - Mixed Use	RCZ - Rural Conservation
B5Z - Commercial 1	NRZ - Neighbourhood Residential	RDZ1 - Road - Category 1
C1Z - Commercial 1	PCRZ - Public Conservation & Resource	RDZ2 - Road - Category 2
C2Z - Commercial 2	PDZ - Priority Development	RGZ - Residential Growth
CA - Commonwealth Land	PPRZ - Public Park & Recreation	RLZ - Rural Living
CCZ - Capital City	PUZ1 - Public Use - Service & Utility	RUZ - Rural
CDZ - Comprehensive Development	PUZ2 - Public Use - Education	SUZ - Special Use
DZ - Dockland	PUZ3 - Public Use - Health Community	TZ - Township
ERZ - Environmental Rural	PUZ4 - Public Use - Transport	UFZ - Urban Floodway
FZ - Farming	PUZ5 - Public Use - Cemetery/Crematorium	UGZ - Urban Growth
GRZ - General Residential	PUZ6 - Public Use - Local Government	
GWAZ - Green Wedge A	PUZ7 - Public Use - Other Public Use	
GWZ - Green Wedge	PZ - Port	

- - - - - Urban Growth Boundary
 + + + + + Railway + + + + + Tram ——— River, stream Lake, waterbody

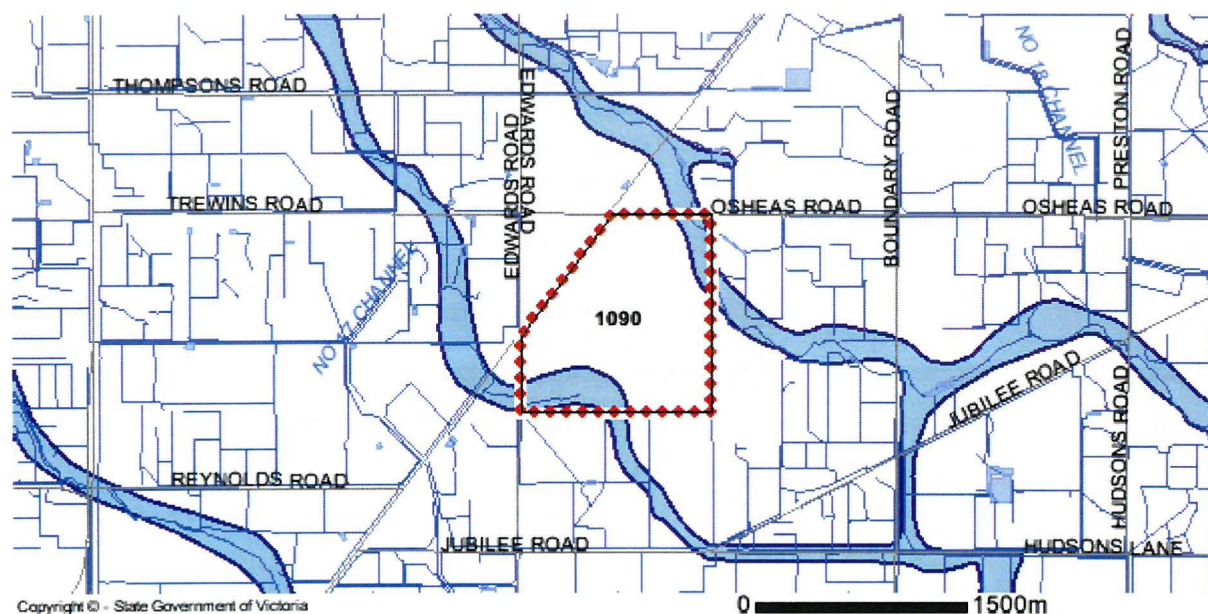
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Planning Overlays

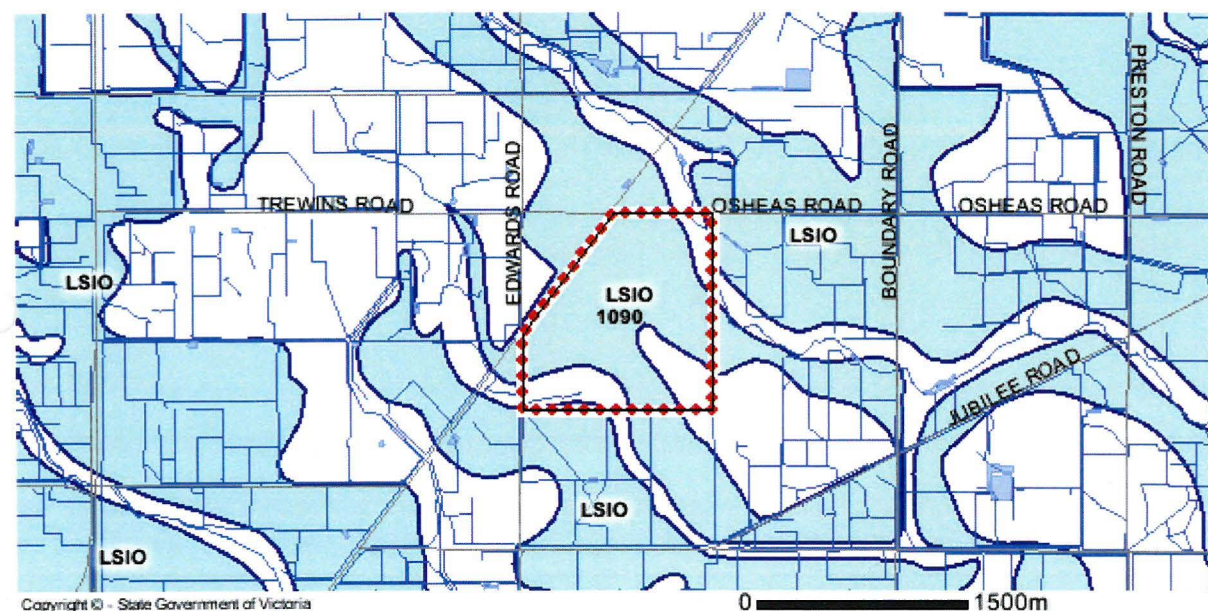
FLOODWAY OVERLAY (FO)

FLOODWAY OVERLAY SCHEDULE (FO)



LAND SUBJECT TO INUNDATION OVERLAY (LSIO)

LAND SUBJECT TO INUNDATION OVERLAY SCHEDULE (LSIO)


































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Planning Overlays Legend

Overlays Legend

	AEO - Airport Environs		IPO - Incorporated Plan
	BMO - Bushfire Management		LSIO - Land Subject to Inundation
	CLPO - City Link Project		MAED1 - Melbourne Airport Environs 1
	DCPO - Development Contributions Plan		MAED2 - Melbourne Airport Environs 2
	DDO - Design & Development		NCO - Neighbourhood Character
	DDOPT - Design & Development Part		PO - Parking
	DPO - Development Plan		PAO - Public Acquisition
	EAO - Environmental Audit		RO - Restructure
	EMO - Erosion Management		RCO - Road Closure
	ESO - Environmental Significance		SBO - Special Building
	FO - Floodway		SLO - Significant Landscape
	HO - Heritage		SMO - Salinity Management
	ICPO - Infrastructure Contributions Plan		SRD - State Resource
			VPO - Vegetation Protection
	Railway		Tram
	River, stream		Lake, waterbody

Note: due to overlaps some colours on the maps may not match those in the legend.

Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this property is an 'area of cultural heritage sensitivity'.

'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2007, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

Under the Aboriginal Heritage Regulations 2007, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

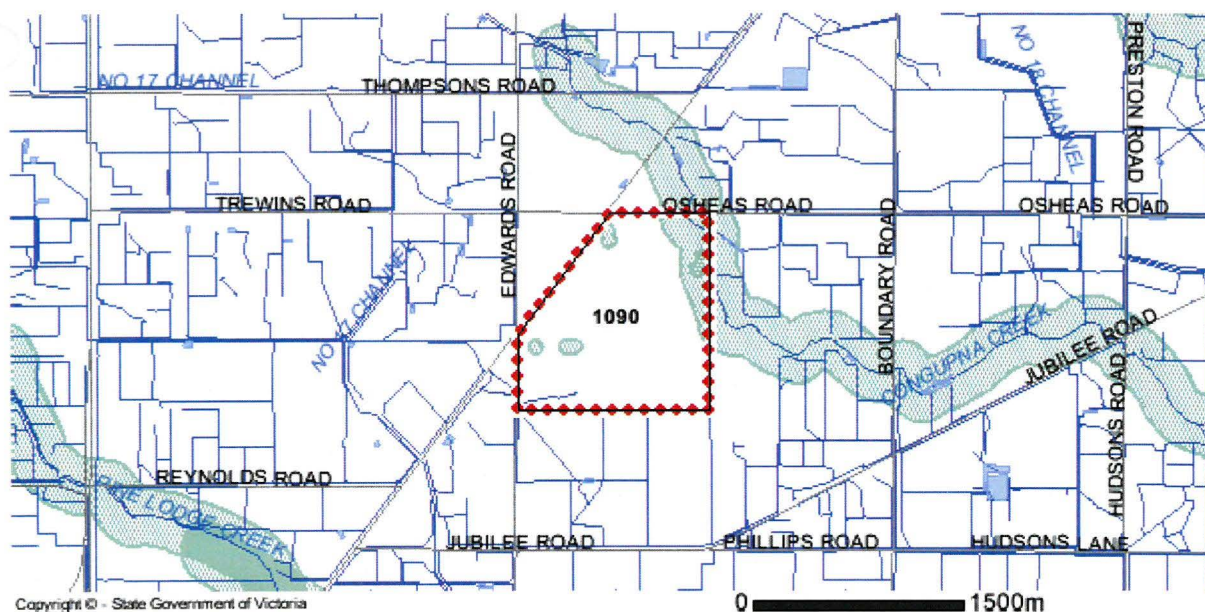
If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to

<http://www.aav.nrms.net.au/aavQuestion1.aspx>

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2007, can also be found here - <https://www.vic.gov.au/aboriginalvictoria/heritage/planning-and-heritage-management-processes.html>



Aboriginal Cultural Heritage Sensitivity Aboriginal Cultural Heritage Sensitivity Selected Land

+++++ Railway +---+ Tram ——— River, stream Lake, waterbody

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Further Planning Information

Planning scheme data last updated on 5 April 2018.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State, local, particular and general provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting [Planning Schemes Online](#)

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the Planning & Environment Act 1987. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land.

To obtain a Planning Certificate go to [Titles and Property Certificates](#)

For details of surrounding properties, use this service to get the Reports for properties of interest

To view planning zones, overlay and heritage information in an interactive format visit [Planning Maps Online](#)

For other information about planning in Victoria visit www.planning.vic.gov.au



On Country

Heritage & Consulting



Proposed Solar Farm, Congupna

Cultural Heritage Management Plan 15380

Sponsor: X-Elio

Heritage Advisor: Natasha Sanders

Authors: Ben Fordyce, Sunissa Brown, and Natasha Sanders

Date: 10 January 2018



TERRA ROSA
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Federation of
Victorian Traditional
Owner Corporations

On Country Heritage and Consulting is a Joint Venture between Terra Rosa Consulting and the Federation of Victorian Traditional Owner Corporations.

Aboriginal Heritage Act 2006

Section 63

Cultural Heritage Management Plan – Notice of Approval

I, **Monica Morgan**, Chairperson Yorta Yorta Nation Aboriginal Corporation, hereby approve the Cultural Heritage Management plan referred to below:

Cultural Heritage Management Plan number: 15380

Sponsor: X-Elio – Ragini Pope

Cultural Heritage Advisor: Natasha Sanders

Author: Ben Fordyce, Sunissa Brown and Natasha Sanders

Date: 10th January 2018

Pursuant to s.63 (1) of the Act, this cultural heritage management plan takes effect upon the granting of this approval. *

Signed:



Monica Morgan

Chairperson

** This notice of approval should be inserted after the title page and bound with the body of the management plan*

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Proposed Solar Farm, Congupna

Cultural Heritage Management Plan 15380

Activity size: Large

Assessment: Standard

Sponsor: X-Elio

Heritage Advisor: Natasha Sanders

Authors: Ben Fordyce, Sunissa Brown, and Natasha Sanders

Date: 10 January 2018

TITLE PAGE

Personnel and contacts

The contact details of the project stakeholders relevant to this Cultural Heritage Management Plan are provided below. The authors would like to thank everyone that participated in the preparation of this plan and assisted in organising the field work.

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Field work participants	Ashleigh Miller Michael Clarke Janarli Bux

Executive Summary

X-Elio proposes to use and develop the land within Allotments 8B and 9B in the Parish of Congupna for a renewable energy facility (68MW solar farm). The proposed development will involve the ground clearing of vegetation and access tracks, removal of six native Grey Box trees, construction of fencing, and installation of approximately 19,680 individual solar panels (including footings), a free-standing site office, temporary laydown areas, a substation, and business identification signage. The solar farm is intended to generate 68 MW of electricity for the domestic market, with potential feed into supply for the Melbourne electricity supply.

The activity area is wholly contained within the land parcels located at Allotments 8B and 9B in the Parish of Congupna. The property is located approximately 4 km northeast of Congupna, in the City of Greater Shepparton, Victoria. The property is bound to the north by Osheas Road, to the west by the Katamatite-Shepparton Main Road, and is situated approximately 1 km north Jubilee Road.

On Country Heritage and Consulting was commissioned by X-Elio to prepare a Cultural Heritage Management Plan (CHMP) for Allotments 8B and 9B in the Parish of Congupna (the activity area). This CHMP involved a desktop assessment and ground surface survey (standard assessment) of the activity area subject to the proposed development.

The desktop assessment determined that the activity area was located within an area of cultural heritage sensitivity as defined under regulation 23 of the *Aboriginal Heritage Regulations 2007 Vic*. A review of Aboriginal heritage places and archaeological surveys within the geographic region was also conducted to understand the nature of Aboriginal cultural heritage in the area and provide a predictive model for the types and likelihood of Aboriginal cultural heritage to be present within the activity area.

The results of the desktop assessment are outlined briefly below:

- The activity area is located within the traditional lands of the Yorta Yorta Traditional Owners who are represented by Yorta Yorta Nation Aboriginal Corporation;
- There has been no previous formal archaeological investigation of the activity area;
- Six archaeological surveys have been carried out within the geographic region;
- No Aboriginal heritage places are located within the activity area or the geographic region as defined by this CHMP;
- The most common site types within the broader area are scarred trees, surface scatters and isolated artefacts, mounds, and burials;
 - Burials will most likely be found in sand hills, artefact scatters and oven mounds on flood plains, and shell middens and oven mounds along the rivers;
- The main raw material found for artefacts in the region is quartz, quartzite, silcrete and chert;
- Flint and greenstone are may also be found in the area due to trade;
- The main artefacts that could be found in this area are predominately flakes with scrapers, cores, hammerstones, and grinding stones also potentially being present;

- There is a potential for subsurface artefacts as they may have been buried by alluvial sediments or through previous disturbance through drainage works and agricultural activities;
- Due to the low number of sites in northeast Victoria, all Aboriginal heritage places are of high archaeological significance as they all contribute to understanding Aboriginal history in the region where there is a lack of Victorian prehistory;
- The desktop assessment has also shown that the geographic region has a long history of land clearing for agricultural use and the Congupna activity area has a history of farming use.

Despite this, a standard assessment was conducted to determine the nature of disturbance to the activity area and confirm the presence or absence of Aboriginal cultural heritage.

The standard assessment was conducted over two field trips; field trip one was carried out between 20 and 23 November 2017, and field trip two was carried out on 19 December 2017. The standard assessment involved the ground surface survey of all accessible areas within the land parcel Allotments 8B and 9B in the Parish of Congupna. Pedestrian transects were used to assess the presence of surface Aboriginal cultural heritage and identify landforms within the activity area that could test the nature of subsoils within the activity area.

The results of the standard assessment are outlined briefly below:

- Two surface Aboriginal heritage places were identified within the activity area;
 - VAHR 7925-0656 – Congupna Creek 1 (artefact scatter);
 - VAHR 7925-0657 – Congupna Creek LDAD 1 (low density artefact scatter);
- There has been significant disturbance to the area by farming and agricultural activities, and the construction of associated infrastructure such as dams and cleared tracks; and
- Congupna Creek runs through the northeast corner of the activity area;
 - Congupna Creek and its associated area of cultural heritage sensitivity buffer were identified as having the potential to contain subsurface cultural material and require subsurface investigation (a complex assessment) if these areas are to be impacted.

The assessments conducted in the preparation of this CHMP have concluded that there is the likelihood for Aboriginal cultural material to be present within the activity area. As a result, the following measures are required to manage the Aboriginal cultural heritage identified:

- Notification of the commencement of the activity to YYNAC at least two weeks prior to works commencing;
- A cultural heritage awareness induction to be completed by all X-Elio employees and relevant contractors, including site supervisors and all personnel directly involved in the construction works;
- All personnel to be made aware of the Part 2 management conditions (section 8) and contingency plans (section 9) of this CHMP;

- Avoid impact to VAHR 7925-0656 (Congupna Creek 1). If impact cannot be avoided then a complex assessment will be required;
- Avoid impacts to Congupna Creek and associated area of cultural heritage sensitivity. If impact cannot be avoided then a complex assessment will be required;
- Staged compliance inspections to be conducted during the course of the proposed works by YYNAC representatives;
- Any variations to the proposed activities outlined in this CHMP to submitted to YYNAC prior to these changes being carried out; and
- Compliance with the contingency plans outlined in section 9 of this CHMP.

A copy of this CHMP must remain on site during works to ensure compliance with the management conditions and contingency plans relevant to the activity area.

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Acronyms and terms

The following acronyms and terms are utilised throughout the document. Definitions are provided below for reference.

Acronym / Term	Definition
ACHRIS	Aboriginal Cultural Heritage Register and Information System
AV	Aboriginal Victoria
CHMP	Cultural Heritage Management Plan
Complex assessment	A complex assessment is used when subsurface investigations of Aboriginal heritage places and / or areas of cultural heritage sensitivity are conducted.
DELWP	Department of Environment, Land, Water, and Planning
GMU	Geomorphological Unit
HA	Heritage Advisor
IBRA	Interim Biogeographical Regionalisation of Australia
NOI	Notice of Intent
On Country	On Country Heritage and Consulting
RAP	Registered Aboriginal Party
Standard assessment	A standard assessment, or archaeological survey, is used to conduct a visual inspection of the activity area. This is conducted to identify Aboriginal heritage places and / or areas of cultural heritage sensitivity.
The Act	<i>The Aboriginal Heritage Act 2006 (Vic)</i>
The activity area	Allotments 8B & 9B, Section B, Parish of Congupna
The Regulations	<i>The Aboriginal Heritage Regulations 2007 (Vic)</i>
The Secretary	The Secretary of the Department of Premier and Cabinet
The Sponsor	X-Elio
VAHC	Victorian Aboriginal Heritage Council
VAHR	Victorian Aboriginal Heritage Register
YYNAC	Yorta Yorta Nation Aboriginal Corporation

PART 1 - ASSESSMENT

1 Introduction

X-Elio (ACN: 617094863) proposes to use and develop the land for a renewable energy facility (68MW solar farm), installation of business identification signage, and removal of six native trees. The proposed development will be contained wholly within land parcels of Allotments 8B and 9B within the Parish of Congupna, Victoria (see map 1 below).

The activity area is located in the Goulburn Valley region of Victoria, approximately 10 km northeast of Shepparton. The activity area is located just north of Congupna, a farming zone within the City of Greater Shepparton local government area. The Greater Shepparton City Council manages all Shire and permit related matters. Further details of the extent of the activity area and a description of activities are provided in section 2 and 3 below.

As the sponsor, X-Elio commissioned On Country Heritage and Consulting (On Country) to complete a Cultural Heritage Management Plan (CHMP) for the proposed solar farm development on Allotments 8B and 9B, Congupna (the activity area). The purpose of this CHMP is to determine the nature of any Aboriginal cultural heritage that may be present within the activity area.

The preparation of this CHMP is required by the *Aboriginal Heritage Regulations 2007 Vic* (the Regulations). As outlined under regulation 6, a CHMP is required if:

- (a) All or part of the activity area is located within an area of cultural heritage sensitivity; and
- (b) All or part the activity is considered to be a high impact activity.

The proposed solar energy development for Congupna meets both these requirements:

- The activity area overlaps the cultural heritage sensitivity buffer around Congupna Creek, placing it within an area of cultural heritage sensitivity as defined under regulation 23(1).
- The proposed activities are considered to be a high impact activity where the works include the development of land for the generation of electricity as defined under regulation 43(1a and b(xxvi)).

The Heritage Advisor (HA) for this CHMP is Natasha Sanders from On Country. The field work carried out as part of the standard assessment was conducted over two trips; the first between 20 and 23 November 2017 and the second on 19 December 2017. Field work was conducted by On Country archaeologists, Natasha Sanders (supervisor - trip 1), Stephanie Frydas (supervisor - trip 2), and Ben Fordyce:

- Natasha Sanders is a senior heritage consultant with honours in archaeology and 10 years' of experience as a cultural heritage advisor in Australia. As a registered HA, Natasha was the supervisor for all work conducted as part of this CHMP and was the field supervisor for trip one.
- Stephanie Frydas is a heritage consultant with honours in archaeology and 2 years' experience as a cultural heritage advisor in Victoria. As a registered HA, Stephanie assisted with the standard assessment under the supervision of Natasha during trip one and was the field supervisor during trip 2.

- Ben Fordyce is a senior heritage consultant with a Masters' degree in archaeology and over 10 years of experience as a cultural heritage advisor in Australia. Ben assisted with the standard assessment under the supervision of Natasha (trip one) and Stephanie Frydas (trip two).

A Notice of Intent (NOI) to prepare a CHMP was submitted to Aboriginal Victoria (AV) on 3 November 2017 on behalf of the Sponsor (X-Elio). A reply received from AV on the same day assigned the activity area with CHMP number 15380 (see appendix 1). Under section 54 of the *Aboriginal Heritage Act 2006 (Vic)* (the Act), the Sponsor of a CHMP must provide written notice of their intention to prepare the plan to the relevant Registered Aboriginal Party (RAP), where applicable.

Yorta Yorta Nation Aboriginal Corporation (YYNAC) is the Registered Aboriginal Party (RAP) for the area and was provided with a copy of the NOI on the 4 November. A response was received on the 6 November 2017 notifying On Country that YYNAC would evaluate the CHMP (see appendix 2).

YYNAC were consulted during the early stages of the desktop assessment to discuss the proposed works and methodology, to participate in the field assessments, and to provide feedback throughout the preparation of this CHMP.

2 Extent of Activity Area

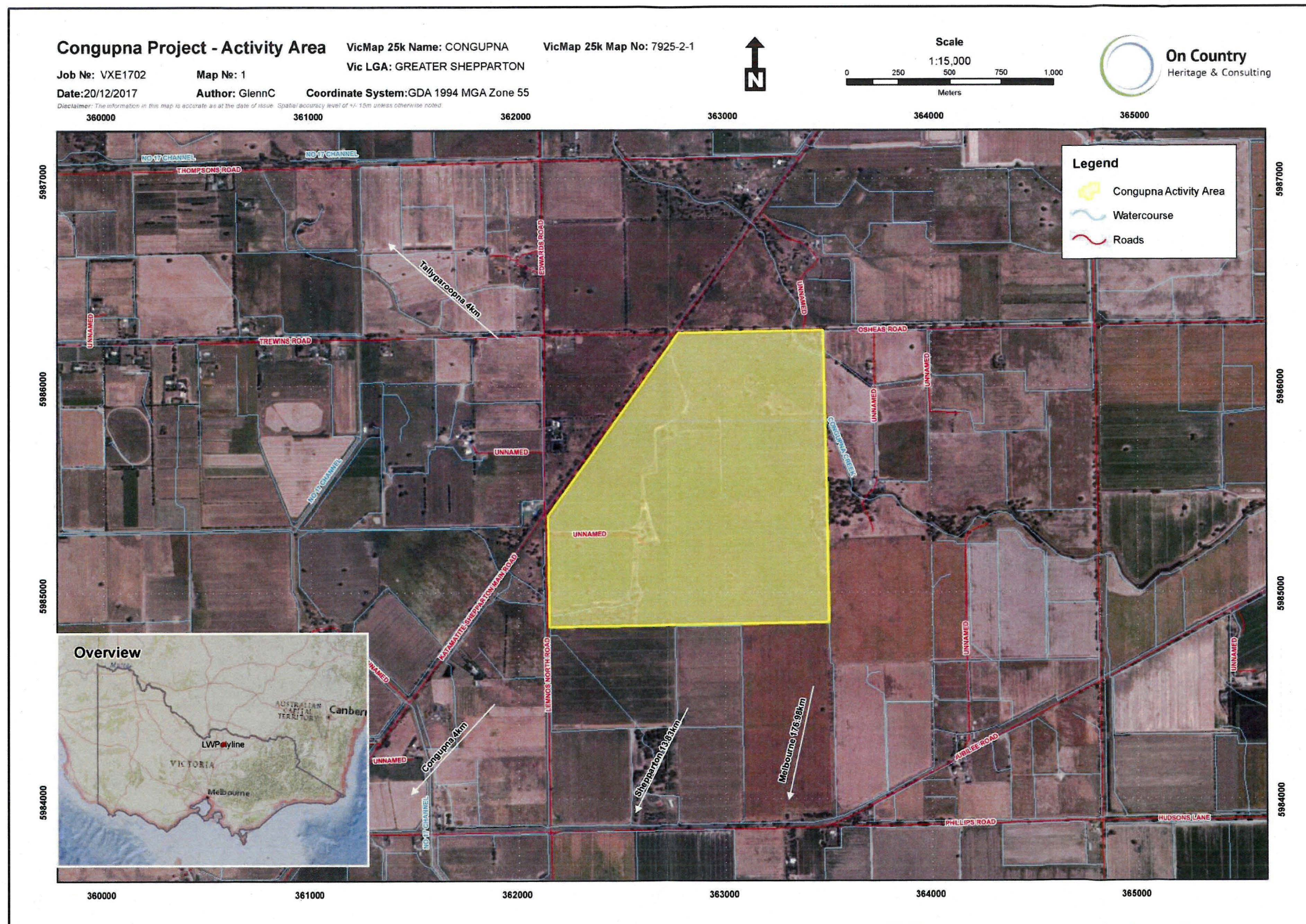
The activity area is wholly contained within the Farming Zone (FZ1) land parcels located at Allotments 8B and 9B in the Parish of Congupna. The property is located approximately 4 km northeast of Congupna, in the City of Greater Shepparton. The property is bound to the north by Osheas Road, to the west by the Katamatite-Shepparton Main Road, and is situated approximately 1 km north of Jubilee Road (see map 1 below).

The surrounding area is characterised by cleared paddocks and artificial drainage canals providing irrigation to the region. Small patches of remnant Grey Box and Ironbark are present within the activity area however, the majority of the project is defined by wheat paddocks and land cleared for grazing. A small, unmodified section of Congupna creek passes through the northeast portion of the activity area, becoming a modified drainage line along the eastern property boundary.

The farming property is privately owned by George Moore. The land parcel will be managed by X-Elio. Ragini Pope is the contact person within X-Elio who is undertaking the proposed works. X-Elio has engaged Spiire to complete the design phase of the project.

The maximum dimensions of the activity area are 1.4 km long (north-south) and 1.3 km wide (east-west), totalling an area of 1.62 km². The Katamatite-Shepparton Main Road bounds the activity area along its northwest margin, while allotment 7B in the Parish of Congupna bounds the activity area to the south. The activity area's eastern margin is separated from the neighbouring property by Congupna Creek which also intersects a small portion of the northeast corner of the activity area. The northern and western boundaries are defined by Osheas Road and Lemnos North Road respectively.

Map 1: Extent of Congupna Solar Farm activity area



3 Activity Description

X-Elio proposes to design and construct a solar farm with associated infrastructure on Allotments 8B and 9B in the Parish of Congupna. The solar farm is intended to generate 68 MW of electricity for the domestic market, with potential feed into supply for the Melbourne electricity supply.

As yet, the design of the project has not been developed beyond a concept plan for the intent of meeting tendering and planning requirements. However, the proposed activity will include the following:

- Clearing of ground vegetation across the entire solar panel and infrastructure footprint before construction begins;
- Clearing of access, maintenance tracks, and firebreaks;
- Removal of six native Grey Box trees;
- Construction of fencing and a 10 m wide landscaping buffer around the entire activity area;
- Installation of solar panels including the following;
 - Footings driven to an unknown depth;
 - Approximately 19,680 individual solar panel modules;
- Installation of free standing site office and temporary laydown areas and carpark during construction; and
- Installation of a substation including the following;
 - Footings to a depth of approximately 300 mm.

The proposed activity will impact only the portions of the surface of the activity area proposed to contain infrastructure and a smaller portion of the grounds' subsurface. Subsurface impacts will be restricted to the grading of tracks for access, maintenance, and firebreaks; excavation of footings for the substation and solar panels; and clearing of temporary laydown areas and parking.

No registered Aboriginal heritage places are located within the activity area. However, the activity area is located within an area of cultural heritage sensitivity, with Congupna Creek passing through the northeast corner. Should any Aboriginal heritage places be identified during the standard assessment then cumulative impacts from the project will need to be considered.

Details of the conceptual plans have been provided by X-Elio and are shown below in map 2 and figures 1 to 2.

Map 2: Proposed Congupna Solar Farm development footprint

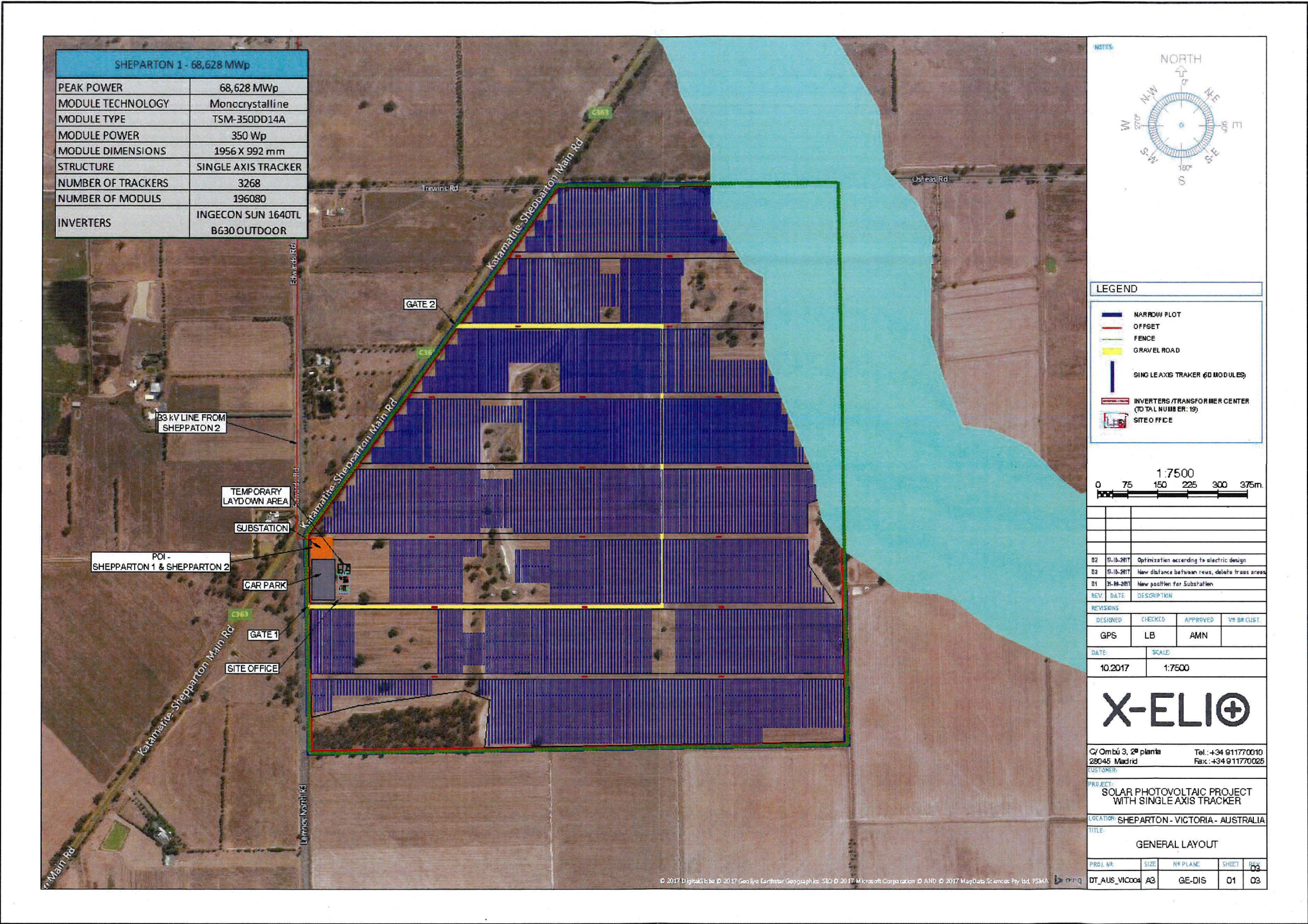
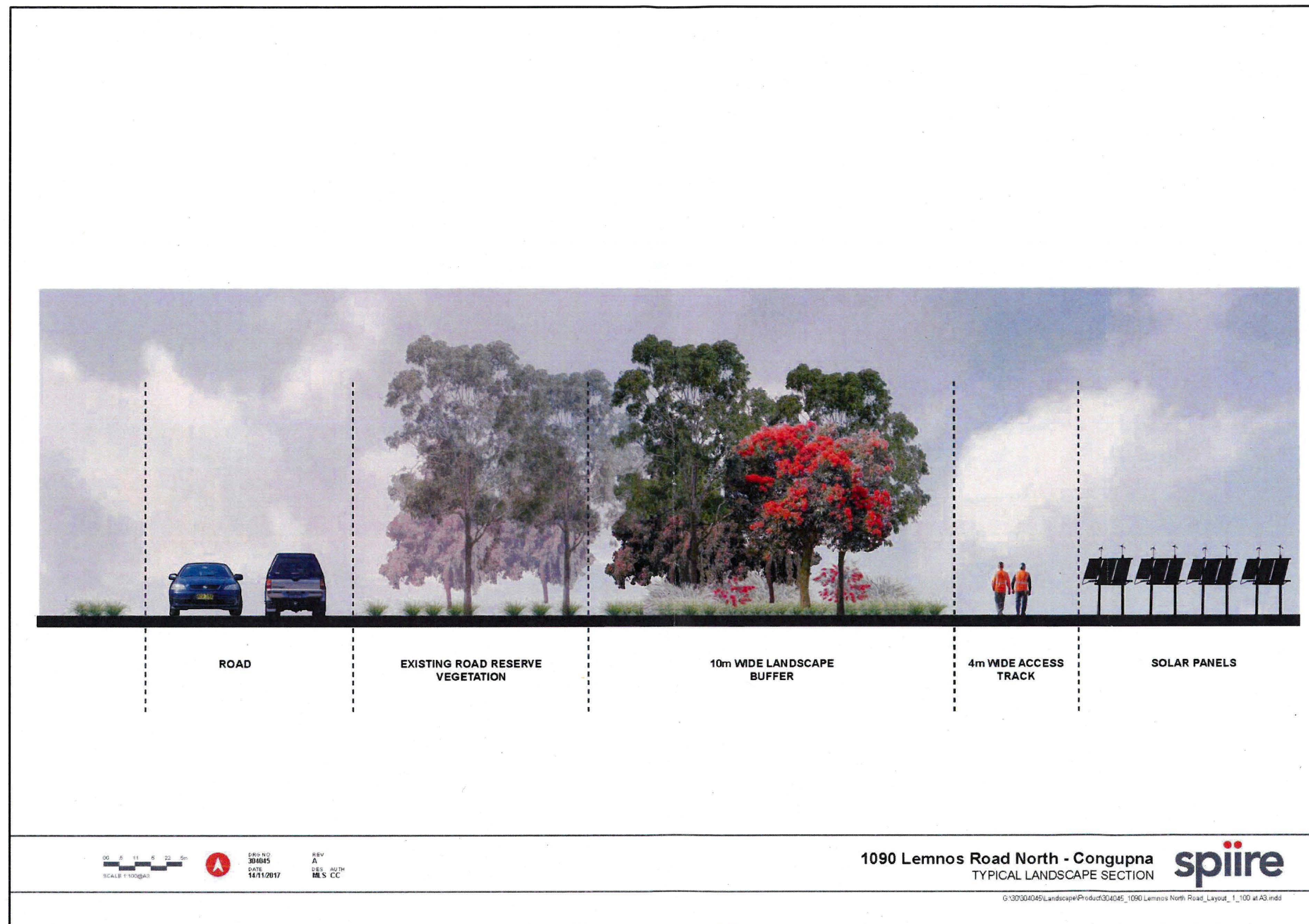


Figure 2: Proposed Congupna Solar Farm Vegetation Buffer Plan



4 Documentation of Consultation

An NOI to prepare a CHMP was submitted on 6 November 2017 to AV. A reply received from AV on the same day assigned the project with CHMP number 15380 (see appendix 1). Using the provided CHMP number, a search of the Victorian Aboriginal Heritage Register's (VAHR) Aboriginal Cultural Heritage Register and Information System (ACHRIS), was conducted on 8 November 2017 to identify any Aboriginal cultural heritage within the activity area.

An inception meeting was held on 13 November 2017 at the YYNAC office in Shepparton. Attendees included Wade Morgan from YYNAC, Ragini Pope from X-Elio, Casey Collins from Spiire, and Ben Fordyce from On Country. The agenda for the inception meeting included a general discussion regarding the archaeology, geomorphology and history of the area, any previous heritage reports and CHMPs that may be relevant, and a review of the proposed works.

A detailed discussion of the proposed methodology for the standard assessment was then held, looking over aerial photographs of the activity area. Ragini Pope produced revised maps of the activity area, reducing the overall footprint to avoid areas of remnant vegetation and environmental concern. This also pulled the area of impact back from Congupna Creek and the associated cultural sensitivity buffer. At the request of YYNAC it was agreed that the areas of remnant vegetation outside of the revised footprint (but still within the original activity area) would still be inspected for scarred trees as the area has never been formally assessed. It was also discussed that any isolated cultural material identified within the activity area would be salvaged at the time of recording, rather than at a later date.

Field work for the standard assessment conducted in the preparation of this CHMP was scheduled to commence on 20 November 2017. The field team consisted of three On Country archaeologists; Natasha Sanders, Stephanie Frydas, and Ben Fordyce, and three YYNAC representatives; Ashleigh Miller, Michael Clarke, and Janarli Bux. The results of the standard assessment are provided in section 5.2 below.

A results meeting was held on the 30 November 2017 at the YYNAC office in Shepparton. Attendees included Wade Morgan from YYNAC; Ragini Pope, Alejandro Navas, and Jesse Owen Nicholls from X-Elio; Casey Collins and Tess Coates from Spiire; and Natasha Sanders from On Country. A dissemination of the results of the standard assessment was undertaken at this meeting, along with a discussion of potential heritage constraints and the process moving forward.

Additional fieldwork was undertaken on the 19 December 2017 for the purpose of recording and salvaging the surface extent of cultural material identified during the standard assessment undertaken in late November 2017. The field team for this additional fieldwork consisted of Stephanie Frydas and Ben Fordyce from On Country and two YYNAC representatives; Ashleigh Miller and Janarli Bux.

The Aboriginal heritage places recorded during the standard assessment were entered into ACHRIS by Natasha Sanders (On Country) for approval and registration by VAHR. This process was completed on 21 December 2017 and notification of VAHR numbers for these places received on 11 January 2018.

As stated above, YYNAC is the appointed RAP for the activity area and elected to evaluate this CHMP. A final copy of the CHMP was sent to Wade Morgan on Thursday 11 January 2018 for evaluation.

A summary of the outcomes of consultation conducted to date are presented in section 4.1 below.

4.1 Summary of consultation outcomes

A summary of the outcomes of consultation conducting to date are presented in table 1 below.

Table 1: Summary of consultation outcomes

Date	Action / Purpose	Attendance	Outcomes / Comments
6 November 2017	NOI lodged with AV	n/a	Email received assigning CHMP no. 15380
6 November 2017	Email with NOI sent to YYNAC	Email sent to Wade Morgan (YYNAC)	YYNAC requested opportunity to evaluate CHMP
6 November 2017	Request for Yorta Yorta representatives for inception meeting and fieldwork sent to YYNAC	Email sent to Wade Morgan (YYNAC)	Request accepted by YYNAC
8 November 2017	ACHRIS search conducted	Search conducted by Glenn McDonald (On Country)	No Aboriginal heritage places within the activity area. Four Aboriginal heritage places located within geographic region. One area of cultural heritage sensitivity located within activity area.
10 November 2017	Desktop assessment completed	Completed by Ben Fordyce (On Country)	No registered Aboriginal heritage places within activity area. Identified previous land use of activity area as pastoral and agricultural. Disturbance to ground surface due to farming and agricultural activities. Desktop concluded that the presence of

			<p>surface cultural material is likely within patches of remnant vegetation and around Congupna Creek, and therefore a standard assessment is required.</p> <p>A complex assessment may also be required to determine nature of the subsoil and the presence of subsurface Aboriginal cultural material if impact is planned for these areas.</p>
13 November 2017	Inception meeting held at YYNAC Office in Shepparton	<p>Ben Fordyce (On Country)</p> <p>Wade Morgan (YYNAC)</p> <p>Ragini Pope (X-Elio)</p> <p>Casey Collins (Spiire)</p>	<p>Discussed general context and archaeology of the area, and previous CHMPs conducted nearby.</p> <p>Review of maps and plans for the revised activity area.</p> <p>Discussed methodology around transect spacing, isolated artefact salvage, and inspection of areas of remnant vegetation for mature trees as well as general logistics.</p> <p>Discussed general CHMP process with X-Elio and Spiire representatives and project approval timeframes.</p>
20 – 23 November 2017	Standard Assessment	<p>Natasha Sanders, Ben Fordyce, and Stephanie Frydas (On Country)</p> <p>Ashleigh Miller, Michael Clarke, and Janarli Bux (YYNAC)</p>	<p>Two Aboriginal heritage places were identified:</p> <ul style="list-style-type: none"> • Congupna Creek 1 – artefact scatter; • Congupna Creek LDAD 1 – Low Density Artefact Distribution

30 November 2017	Results Meeting	Natasha Sanders (On Country) Wade Morgan (YYNAC) Ragini Pope, Alejandro Navas, and Jesse Owen Nicholls (X-Elio) Casey Collins and Tess Coates (Spiire)	Discussed standard assessment results and potential heritage constraints. Resolved to undertake further recording of Congupna Creek 1 (artefact scatter) once wheat crop has been removed. Resolved to undertake project planning on the principle of heritage avoidance and if variations are lodged later then will amend CHMP to a complex assessment.
19 December 2017	Additional fieldwork to record and salvage surface extent of Congupna Creek 1	Steph Frydas (On Country) Ben Fordyce (On Country) Ashleigh Miller (YYNAC) Janarli Bux (YYNAC)	Completed recording of surface extent of Congupna Creek 1 (artefact scatter). Salvaged surface extent of Congupna Creek 1 (artefact scatter) and relocated cultural material to YYNAC office in Shepparton after analysis.
21 December 2017	Submission of newly identified Aboriginal heritage places via ACHRIS	Natasha Sanders (On Country)	Pending approval by VAHR
11 January 2018	Registration of newly identified Aboriginal heritage places	Registry staff at VAHR	Received VAHR numbers for registered sites: <ul style="list-style-type: none">• 7925-0656 (Congupna Creek 1);• 7925-0657 (Congupna Creek LDAD 1)
11 January 2018	Final CHMP sent to YYNAC for evaluation	Emailed to Wade Morgan (YYNAC)	Pending approval.

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5 Aboriginal Cultural Heritage Assessment

This section details the results of the cultural heritage assessments conducted during the preparation of the CHMP for the proposed Solar Farm at Congupna, Greater Shepparton. The desktop assessment is presented in section 5.1 and the standard assessment in section 5.2.

5.1 Desktop Assessment

The purpose of a desktop assessment is to provide an understanding of the heritage values that may be present in the wider surrounds of the proposed activity area (the geographic region). Previous archaeological and heritage works within and surrounding the activity area are reviewed to gain an understanding of the types of sites that are present within the region and the likelihood of Aboriginal heritage places being identified within the activity area. The geomorphology and landforms of the geographic region were also reviewed. Landforms and the terrain of an area are often influential in where Aboriginal sites may be located and even where particular site types may be located.

This section discusses the geomorphology and landforms found within the geographic region and any previous Aboriginal heritage places and surveys that are located within the immediate 1 km of the activity area.

5.1.1 The Geographic Region

The geographic region discussed below was defined based on surrounding landforms and waterways as well as a consideration of the underlying geomorphology. The geographic region is bound to the west by Pine Lodge Gully, to the east by Guilfus Creek, and to the south by Goulburn Main Channel. The activity area is located within the broader Goulburn Broken catchment management region within the state of Victoria. The Goulburn Broken region covers some 24,300 km², representing 10.5 % of the state's total area (Victorian Resources Online 2017).

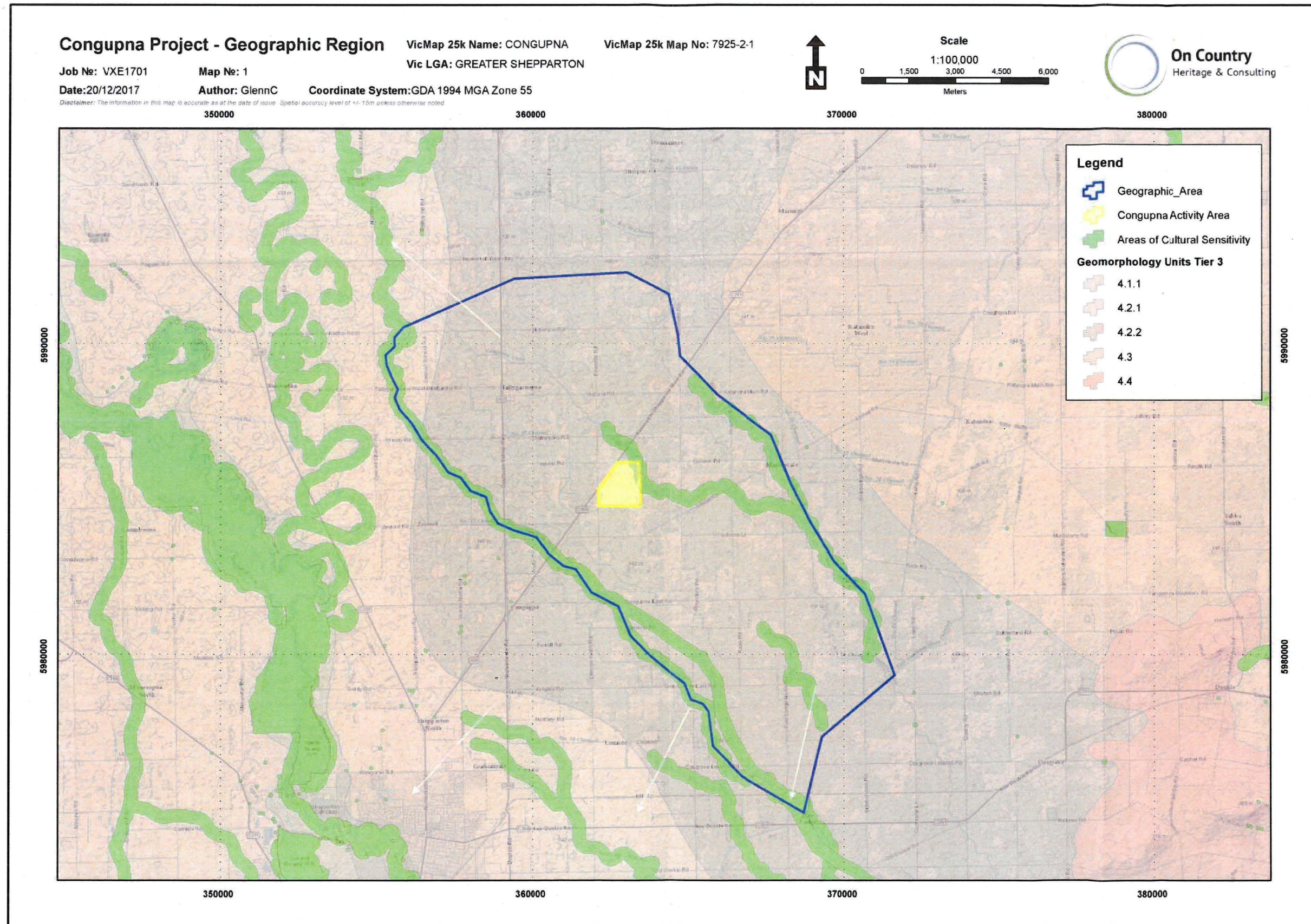
Within this broader region, the activity area falls within the Northern Riverine Plains (RP) geographic region, which comprises a subset of the Goulburn region as defined by the Victorian Geomorphological Framework (see map 3 below). The activity area is further defined within the subcategory of Plains without Leveed Channels (GMU 4.2.2). This region also lies within the Victorian Riverina Bioregion (IBRA 2017; see map 3 below).

The Northern Riverine Plain is characterised by two geological formations; the older *Shepparton Formation*, overlain by the more recent alluvial sediments of the *Coonambidgal Formation* along the major waterways. These low alluvial plains drain northward into the Murray River and are prone to inundation during major flooding events.

Soils within this depositional environment consist mostly of firm alluvial clay loam to silty clay loam with sandy clay and gravel marking the presence of prior streams. These dark greyish brown plains have been extensively cleared for cropping and pasture but originally supported extensive Box-Ironbark Plains Woodland.

In the activity area, a few remnant patches of Grey Box remain, mostly in association with Congupna Creek in the northern portion and along the central drainage line. These plains would also have consisted of a ground cover of grass species such as Common-Wallaby Grass and Black Anther Flax-Lily.

Map 3: Geomorphological units within the geographic region



5.1.2 Land use History

The activity area is located within the Northern Plains in northeast Victoria. Europeans along with their cattle and their sheep began occupying the northern plains one year after Major Mitchel's first expedition in to this area in 1836 (Mitchell 1839 cited in Robinson & Mann 1996). By 1840, thousands of cattle and sheep were using the entire Broken Creeks system for cattle grazing in what was called the squatting era (Robinson & Mann 1996). This caused the systematic devastation and displacement of local Aboriginal groups who were unable to continue their traditional uses of and caring for the land. The land itself had very little clearing undertaken at this point. It was not until the 1869 Land Act was introduced, that selectors cleared the native vegetation for the purposes of creating pastures and crops. By 1885, the land had been cleared of a majority of its native vegetation and the European population was estimated to have grown to 5,300, with 60,000 acres of cultivated land in the region (Bossence 1979 cited in Robinson & Mann 1996).

After the grazing and timber-clearing era, the eastern Northern Plains became an area noted for its high crop yields. In the 1890s, cattle and sheep dairy farms were taken up by the farmers on the western end of the creek systems. This era also marked the start of using Broken Creek as a source of irrigation, with more formal forms of irrigation following in 1911 such as the East Shepparton Channel and the development of the Murray River Irrigation District in the late 1930s (Robinson & Mann 1996). Currently, most of the creek systems have adjoining public land which is now the only continuous remnants of native vegetation surviving within the eastern Northern Plains.

5.1.2.1 Land use history of activity area

A search of the Department of Environment, Land, Water, and Planning's (DELWP's) Planning Maps Online database shows that this activity area is currently zoned for farming.

A due diligence assessment was undertaken by Jo Bell in 2017 for the purpose of providing a framework for the current CHMP. The due diligence assessment identified that the area was wholly within the boundaries of the Tallygaroopna run between 1848 and 1869 (Spreadbrough & Anderson 1989 cited in Bell 2017). The area was then subdivided as part of the Land Act of 1869 for agricultural lot selection and bought up by two Danish families; Riedell and Larsen (ibid).

Extensive timber clearing was undertaken within the activity area for the purpose of providing building materials for the farmyard and homestead, and then paddocks were cleared, ploughed, and sown for wheat crops (Ford 1984 cited in Bell 2017).

The entire survey area is currently owned by George Moore and largely under wheat crop. Several patches of remnant vegetation are present in the southern, central, and northeast portions of the activity area, most notably along the banks of Congupna Creek. Remnants of previous farming activities (fences, stockyards, wells, and building rubble) are present in the central portion of the activity area.

Historical imagery of the area presented in Bell's due diligence assessment indicates that within the activity area, Congupna Creek has remained relatively undisturbed by clearing activities, as has the patch of remnant vegetation in the southern portion of the activity area.

5.1.3 Aboriginal Context

This section details the Aboriginal heritage relevant to the geographic region for the activity area. Outlined below are details of the historical and ethno-historical accounts and Aboriginal heritage places found within the geographic region relating to the activity area.

5.1.3.1 Ethno-historical accounts

Ethno-historical accounts suggest that the geographic region of northeast Victoria, where Congupna is situated, was very densely populated and perhaps one of the most densely populated regions in Australia prior to European settlement (Bird 1992). In the historical accounts, the Murray River was an important area as both a permanent water source and food source. The surrounding area of the Murray River was known for good-quality food resources such as fish and birds, and staple carbohydrates such as yams and rhizomes (Pardoe 2014). Large game was scarce in this region prior to European Settlement (Bird 1992) so this meant a reliance on smaller animals such as fish and bird. Other smaller animals, such as possums, were used for their skins rather than as a food source (ibid). This area is also not rich in stone for making tools and stones tools present were manufactured from limited sources of chert, quartz, and silcrete, or acquired from trade with neighbouring language groups or clans. Instead the Aboriginal people in this area relied on string, wood, and shell for tool manufacture (Pardoe 2014).

The riverine environments support larger and more sedentary populations due to this abundance of food. Despite this, the people in this area still followed a hunter and gatherer lifestyle, moving in cycles depending on seasons and the availability of different food resources. They stayed close to rivers during warm months and dispersed away from the main water sources in to smaller groups in colder months (Beveridge 1889; Kirk 1981 cited in Atkinson & Berryman 1983).

Aboriginal society was organised into two types of groups. The first group type was the local patrilineal descent group that were exogamous, where women married outside of their local descent group. This patrilineal descent group also included multiple wives and their children as polygamy was also common in this area. The second type of group was the basic economic unit also known as bands or hordes. This group consisted of several extended families drawn together through intermarriage and cooperated in food gathering, hunting and fishing. The size of these basic economic fluctuated seasonally depending on the needs of the group and availability of resources, and at times of special occasions several basic economic units came together (Atkinson & Berryman 1983).

Aboriginal society was also divided by moieties which governed marriage and some ceremonial functions; in this region, the totems or emblems are associated with the eaglehawk (*Bunjil*) and crow (*Waang*) (Blows 1975 cited in Atkinson & Berryman 1983). Those in the same moiety cannot marry each other and members of local descent group are considered to be in the same moiety (Atkinson & Berryman 1983). The kinship system also lays out how people interacted with other people through kin terms and behaviour.

The region falls within the traditional lands of the *Jodajoda* (Yoda Yoda or Yorta Yorta) language group with the *Ngurai-illam wurrung* further to the south (Clarke 1990). In conflicting information, Tindale (1940) places it within the boundaries of the *Bangarang* (*Pangerang*) language group. However, recently Clark (2005) has suggested that *Jodajoda*

is the name of the language and *Bangarang* refers to the group and that they are therefore the same group. Currently, Aboriginal organisations have different views on this.

It has been proposed that that there was strong resistant to European settlement and ultimately a decline in Aboriginal population due to frontier violence, disruption to traditional lifestyle, and introduced diseases (Bird 1992). The *Jodajoda* along with the *Ngurai-illam wurrung* and *Waywurru* conducted a resistance campaign against the pastoralists including an attack on George Faithfull's men at Broken River in 1838, and a series of attacks in 1843 near the junction of the Murray and Goulburn River (Christie 1979 cited in Clark 1997).

Figure 3: Clark's (1990) *The Yodayoda and Ngurai-illam wurrung boundaries and clan locations*

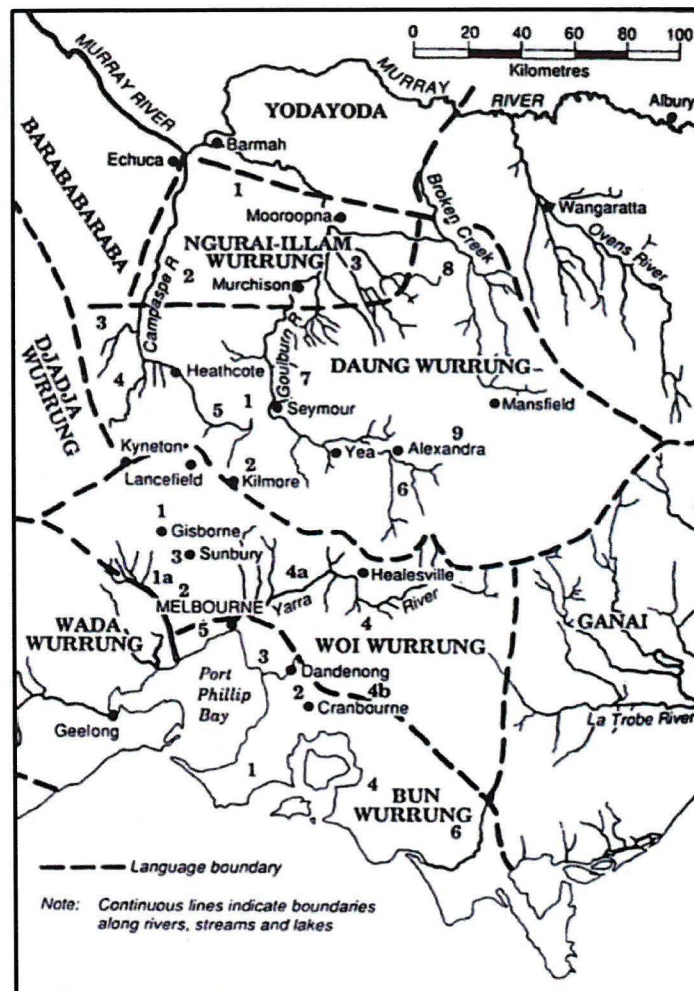
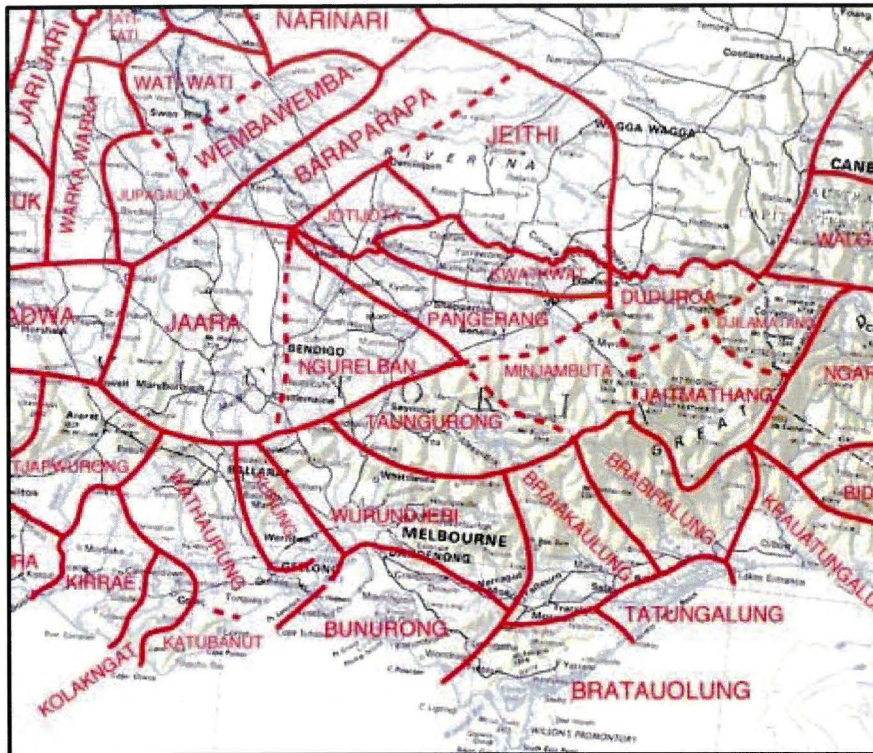


Figure 4: Tindales map showing Pangerang boundaries



5.1.3.2 Aboriginal places in the geographic region

A search of ACHRIS was conducted on 1 December 2017 to determine the presence of any registered Aboriginal heritage places in or in close proximity to the activity area. The search looked at any heritage sites within the geographic region relevant to this CHMP. As stated above, the geographic region was defined as the floodplain, bound to the west by Pine Lodge Gully, to the east by Guilfus Creek, and to the south by Goulburn Main Channel (see section 5.1.1 above).

No Aboriginal heritage places were listed within the activity area or the geographic region.

5.1.3.3 Review of archaeological reports

Six archaeological reports are currently registered on the VAHR within the geographic region. These reports provide information relevant to the types of archaeological sites that may be found in the area, and the likelihood of subsurface archaeological sites also being identified. The six archaeological reports are summarised below.

Zobel, D, 1984, *Aboriginal Occupation of The North-East Study Area, Districts 1, 2 & 4*, prepared for the Land Conservation Council of Victoria, report ID 36.

This is a desktop ethno-historical and archaeological study of northeast Victoria covering the regions of Shepparton, Wangaratta, and Wodonga. Zobel summarises the research on Tribal Society, the population of Aboriginal people, and colonial and recent history. Most of the study area was occupied by the *Bangerang* nation (Mathews 1898 cited in Zobel 1984)

At the time of research scarred trees, surface scatters and isolated artefacts, rock art sites, mounds, burials and quarries were the most common types of sites found in the study area.

Zobel concluded that the distribution of small temporary sites in this area indicated a mobile settlement pattern and camps that were most likely transient in nature. Due to the low number of sites in north east Victoria, lower than any other region in Victoria the sites in this area of high archaeological significance as they all contribute to understanding Aboriginal history in the region where there is a lack of Victorian prehistory.

Atkinson, W, & Berryman, A, 1983, *Aboriginal Association with The Murray Valley Study Area*, prepared for the Victorian Land Conservation Council, report ID 63.

This is a desktop ethno-historical and archaeological study of the Murray Valley region. It covers subjects associated with traditional Aboriginal culture such as social organisation, population, material culture, and cultural heritage, as well as Aboriginal culture in the post contact era. The report states that the Murray Valley was one of the most densely populated regions in Australia before European contact.

Atkinson and Berryman discuss what they call material culture of the Aboriginal people in the Murray Valley region and suggest that the main material tools that were used were canoes, carry bags, nets, fish weirs, spears and throwing sticks, mussel shells, and oven mounds. As for stone tools, stone may not have been important in this area due to the scarcity of stone in the region. The research suggests that the *Bangerang* people traded their reed spears for flint, greenstone axes, and tomahawks from Mouth William area, and that the raw material that was available in the area was quartz, quartzite, silcrete, and chert. The main artefacts that were found in this area were flakes, scrapers, cores, hammerstones, and grinding stones. The research also suggests that burials will be found in sand hills, oven mounds in flood plains, and shell middens and oven mounds along the rivers.

Russell, L. W, 1992, *Field Survey between Tallygaroopna and Cobram*, prepared for Telecom Australia, report ID 576.

This report is of an archaeological survey conducted in 1992 for Optical fibre cable between Tallygaroopna and Cobram passing through Wunghnu in north central Victoria. This survey was conducted approximately 8 km north of the Congupna activity area. One archaeological site, a scar tree (VAHR 7926-184), was recorded during the survey.

The report's site predictions concluded that there is high archaeological potential in the route between Yarroweyah and the Yarroweyah Exchange as it had not been extensively disturbed at the time of the report and it was observed that there were numerous older trees in this area. Any other areas with mature native trees also need to be assessed for scarred trees. There is also a medium archaeological potential in source bordering dunes, and relict waterways. Finally, the report concluded that a surface survey does not exclude the possibility for subsurface archaeological deposits to be present.

Lusty, D, 1992, *Heritage Impact Study of the Proposed Community Surface Drain 17G, Shepparton Drainage Area*, prepared for Rural Water Corporation and Department of Food and Agriculture, Victoria, report ID 988.

This report is a desktop study for a proposed community surface drain (Drain 17G) in the Shepparton Irrigation Region for the Rural Water Corporation and Department of Food and Agriculture, Victoria. The study area for this report is a 9 km by 10 km area located over Mundoona and Wunghnu. This study area is approximately 10 km to the north of the current Congupna activity area outlined in this CHMP. The results of the desktop study revealed five

archaeological sites (all scarred trees) were located in the proposed drainage area. A total of 28 sites were located in the Shepparton region and all were considered to be of high cultural significance.

The predictive model of Lusty's report concluded that a large variety of sites occur in the proposed drainage area and that these sites are likely to be Aboriginal mounds, shell middens, scarred trees, surface sites, subsurface archaeological deposits, and burials. Sensitive areas for Aboriginal sites are those close to Nine Mile Creek, Pine Lodge Creek, relict or prior water courses, and swamps. The significance of these sites will be high as there are not many sites in the area and any sites with sediments belonging to the Shepparton Formation will be particularly significant due to their age and rarity (Lusty 1992).

The recommendation of the desktop report was that drain construction should avoid mature trees, areas of raised lands, and banks of prior and existing waterways in order to minimise impacts on cultural resources.

Tulloch, J, & Vines, G, 2002, An Archaeological survey of options N1 and N2, Shepparton Bypass, Shepparton, Victoria, prepared for Vic Roads, report ID 1950.

This report details an archaeological survey along the proposed freeway alignment options N1 and N2 for the Shepparton Bypass, located between Wanganui Road and Trewins Road. In the field survey, 13 previously unrecorded Aboriginal archaeological sites were recorded; ten of these were scarred trees and three were isolated artefacts sites. Four non-aboriginal historical sites and nine historical sites were also identified.

The survey was conducted in consultation with representatives from YYNAC and Rumbalara Aboriginal Co-operative. The position of YYNAC is that they will not issue permits to destroy archaeological sites on the proposed western alignment.

From the desktop research the authors suggested the following archaeologically significant landforms:

- Source-bordering sand dunes adjacent to the floodplain;
- Areas of native vegetation;
- Other sand features associated with the river or flood plain;
- Silt ridges, levee banks and the raised edges of minor billabongs and creeks on the flood plain; and
- Raised ridges on flat land adjacent to the flood plain.

In particular, areas of sandy soil have been identified as sensitive for Aboriginal archaeological sites, as well as the Tennis Court reserve located at the intersection of Barmah Road and Grace Road.

Debney, T, Nicolson, O, Sheehan, M, & Amorosi, L, 2000, Goulburn Valley Highway – Shepparton Bypass Review of Western Route Planning Study: Archaeology and Cultural Heritage, prepared for VicRoads, report ID 3996.

This report is an archaeological survey and cultural heritage study of the proposed Goulburn Valley Highway bypass of Shepparton located to the south and west of Shepparton and Mooroopna. Eight Aboriginal archaeological sites were recorded; six of these were scarred trees with two being of high significance while the rest of medium significance. One of sites

was an isolated artefact and the other was an edge ground axe that had been previously collected by a landowner who is holding the artefact and is therefore classified as an Artefact Collection.

The survey was conducted in consultation with representatives from YYNAC and Rumbalara Aboriginal Co-operative. The position of YYNAC is that they will not issue permits to destroy archaeological sites on the proposed western alignment.

The authors also identified archaeologically significant landforms based on their desktop research. These archaeologically significant landforms are the same as in Tullloch and Vines 2002 (report ID 1950 above) with the addition of the riparian corridor of the Goulburn Valley and Castle Creek.

The report recommends that once the preferred alignment has been confirmed a further archaeological survey should be conducted, and conducted at a time of year when ground surface is optimal. Furthermore, they recommend that subsurface testing should be conducted in areas of potential archaeological sensitivity and further consultation with YYNAC and Rumbalara Aboriginal Co-operative.

5.1.3.4 Previous studies

In addition to the archaeological reports discussed above, several regional and local studies are also relevant to the geographic region. Regional studies are useful in providing information and datasets that can be used in evaluating the heritage values of an area in both localised and broader contexts. These studies have been summarised below.

Bird, C, 1992, *Archaeology of the Broken River Basin: a Background Study*, prepared by the Victoria Archaeological Survey (VAS), report ID 592.

This is a desktop study of the archaeological resources of the Broken River Basin. At the time of the desktop study there has been little in the way of systematic studies of the Broken River Basin. Previous studies had largely focused on the Murray River Floodplain. The desktop study provides a framework for a potential field survey of the Broken River Basin.

Bird concludes that scarred trees are the most common site type in this region occurring mostly in the Riverine Plain. The recorded surface scatters are rare in this region either because there have not been extensive surveys in the area or have been buried by alluvial sediments, or through previous disturbance through drainage works and agricultural activities. Rock wells and quarries also exist in the area. The report also describes the threats to these sites are activities such as drainage works and timber-harvesting.

Clark, I, 1997, *Land Conservation Council Box-Ironbark Forests & Woodlands Special Investigation Chapter 2: Aboriginal Associations*, prepared for the Land Conservation Council, report ID 1074.

The Box-Ironbark study area covers an area of Box-Ironbark forest or woodland ecosystem which covers an area from northeast Victoria, central Victoria to southwest Victoria. This report specifically looks at ethno-historical information related to the Box-Ironbark tree species and the region the forest is situated in.

According to ethno-historical resources the Ironbark species was used for making items such as canoes, boomerangs, spears, shields, and throwing sticks. The yellow gum species were used for a combat weapon called *lil-lil* and shields. The bark of Box trees was used in

the construction of shelters and ceremonial structures. Since European settlement 85% of the original Box-Ironbark vegetation has been cleared which potential also resulted in the removal of scarred trees.

Robinson, D, & Mann, S, 1996, *Natural Values of the Public Lands Along the Broken, Boosey and Nine Mile Creeks of North-eastern Victoria*, prepared by Goulburn Valley Environmental Group, report ID 1241.

This report is a desktop and biological survey of the natural values, human uses, and threatening processes found along the creeks. The survey was conducted in the area of remnant woodland vegetation along the Broken, Boosey, and Nine Mile Creeks. It was sponsored by the Goulburn Valley Environmental group and funded by the Australian Heritage Commission. The report also gives recommendations for future management.

The biological survey of the area of remnant vegetation along 360 km of creek concluded that this region is one of the largest areas of grassy woodlands in the North Plains and the largest area remnant vegetation in Victoria. It is distinguished from other areas because of its Grey Box vegetation and a higher proportion of old-growth woodlands. The report also briefly discusses the cultural significance of the area but mainly concentrated on biological values.

The report recommended that the study is managed for conservation with significant natural elements of the creeks system being incorporated into a State Park. It was also recommended that the creeks system not be used for industrial uses.

Pardoe, C, 2014, *Conflict and Territoriality in Aboriginal Australia: Evidence form Biology and Ethnography*, report ID 4648.

In this chapter, Pardoe discusses warfare and violence in Aboriginal Australia in the Central Murray River using ethnographic accounts, historical accounts, and studying skeletal material. Violence in the form of domestic violence, small scale conflicts, stylized conflicts, serious warfare between tribes and groups, revenge killings and violence against Europeans was common in this region. However, the study found that whilst violence was common in this densely populated region it was no more common than in other areas of Australia.

5.1.4 Conclusions from the desktop assessment

The desktop assessment has determined that Aboriginal heritage places within the Congupna geographic region are commonly in the form of scarred trees. Taking into the account the ACHRIS search conducted in preparation of this CHMP, no Aboriginal heritage places are registered within the geographic region or within the activity area. While this may be due in part to a bias in the low number of heritage surveys that have been conducted in the area, it is more likely a representation of agricultural development of the area.

The ethno-historical research suggests that the areas closer to the rivers and creek would have been areas of high density population use during the summer and dispersing into the floodplains like the Congupna activity area during the cooler months. From the desktop assessment, it came be determined that:

- Scarred trees, surface scatters and isolated artefacts, mounds, and burials were the most common types of sites found in the study area;

- It is predicted that there is a high potential for Aboriginal mounds, shell middens, scarred trees, surface sites, subsurface archaeological deposits, and burials;
- There are a low number of sites in northeast Victoria and as such all are of high archaeological significance as they all contribute to understanding Aboriginal history in the region where there is a lack of Victorian prehistory. Additionally, any sites with sediments belonging to the Shepparton Formation are of particular significance;
- The main tools used were canoes, carry bags, nets, fish weirs, spears and throwing sticks, mussel shells and oven mounds with stone tools being less important due to the scarcity of stone in the region;
- The main raw material found for artefacts in the region is quartz, quartzite, silcrete, and chert;
 - Flint and greenstone are may also be found in the area due to trade.
- The main artefacts that could be found in this area are predominately flakes with scrapers, cores, hammerstones, and grinding stones also potentially being present;
- There is a potential for subsurface artefacts as they may have been buried by alluvial sediments or through previous disturbance through drainage works and agricultural activities;
- Burials will most likely be found in sand hills, oven mounds on flood plains, and shell middens and oven mounds along the rivers;
- There is also a medium archaeological potential in source bordering dunes, relict waterways, areas of native vegetation, sand features associated with the river or flood plain, silt ridges, levee banks and the raised edges of minor billabongs and creeks on the flood plain, and raised ridges on flat land adjacent to the flood plain. Other sensitive areas for sites are close to Pine Lodge Creek, relict or prior water courses and swamps; and
- Any other areas with mature native trees also need to be assessed for scarred trees. Scarred trees are the most common site type in this region and occur mostly in the Riverine Plain. This area in particular is known for its Grey Box vegetation and scarred trees are likely to occur on them.

The desktop assessment has also shown that the geographic region has a long history of land clearing for agricultural use and the Congupna activity area has a history of farming use. Despite the land-use history indicating a range of disturbances to the area, the level of disturbance and consequent impact on any Aboriginal heritage that may be present cannot be determined without further archaeological investigations. Therefore the desktop assessment concluded that a standard assessment was required.

5.2 Standard Assessment

A standard assessment of Allotments 8B and 9B, Congupna was conducted between the 20 and 23 November (inclusive) by On Country archaeologists Natasha Sanders, Ben Fordyce, and Stephanie Frydas, and YYNAC representatives Ashleigh Miller, Michael Clarke, and Janarli Bux.

The survey area was then revisited on the 19 December by On Country archaeologists Stephanie Frydas and Ben Fordyce, and YYNAC representatives Ashleigh Miller and Janarli Bux to undertake a further recording and surface salvage of Congupna Creek 1.

The objective of the standard assessment involved a ground surface survey of the activity area to identify:

- Any potential Aboriginal cultural heritage material that may be present on the surface;
- Any exposed soil profiles that could provide an understanding of the nature of subsurface soils;
- Mature trees within patches of remnant vegetation with scarring or cultural modification; and
- Landform types within the activity area that would require a complex assessment.

The methodology and results of the standard assessment are presented below.

5.2.1 Standard assessment methodology

Due to the presence of mature wheat crops, the entire activity area was not able to be systematically surveyed using pedestrian transects. Rather, a targeted inspection methodology was utilised whereby the field team walked the entire uncropped portion of the activity area. This tended to be along fire breaks and farm tracks bordering the cropped paddocks and areas where dams or old farming infrastructure was present. Any mature trees present within the cropped portions of the activity area were also subject to targeted inspection, as were any apparent Paleo-channels, levy banks, or mounds.

Portions of the activity area excised from the proposed development activities which contained remnant vegetation were subject to targeted inspection. This consisted of meandering transects along areas of high ground surface visibility and the inspection of mature trees for scarring or cultural modification.

Within the area inspected through intensive transects, the field team spaced themselves between 2 and 5 m apart allowing each person to see between 1.5 m and 2.5 m to either side, dependant on ground surface visibility. This close inspection of the ground surface was conducted to identify any Aboriginal cultural heritage material that may be present and provided 100% coverage of the surveyed portions of the project area.

Discussion with the YYNAC representatives present during the assessment determined that the methodology outlined above allowed for sufficient visual coverage of the activity area and captured the heritage values of the underlying land.

A photographic record was taken of the condition of the activity area at the time of the standard assessment. These included photographs of the crops, remnant vegetation, any notable disturbances, and landform features present within the activity area.

During the standard assessment, the On Country heritage advisors and the YYNAC representatives discussed the landforms within the activity area and the potential impact the surface disturbances may have had on subsurface deposits.

5.2.2 Standard assessment results

This section details the results of the standard assessment including a description of the landform features, effective survey coverage, ground surface visibility, and whether any Aboriginal cultural heritage was identified.

5.2.2.1 Survey coverage

The presence of pre-harvest wheat crops reduced the size of the activity area that could be assessed due to the near complete lack of ground surface visibility, effectively limiting the area that could be covered by intensive transects. Map 5, below, shows the areas surveyed as part of the standard assessment and the division of the activity area into survey units.

5.2.2.2 Ground surface visibility

Ground surface visibility is the percentage of the ground surface that is visible and can be a contributing factor in determining the presence of cultural material. Cultural material is more likely to be identified in areas that are void of vegetation and the ground is clearly seen as opposed to areas covered in dense grasses where the ground cannot be seen. The categories used for defining ground surface visibility are presented in table 3 below.

Table 2: Ground surface visibility categories

% of ground surface visibility	Definition
0	No visible ground surface
1 – 10	Very poor
11 – 30	Poor
31 – 50	Fair
51 – 70	Good
71 – 90	Very good
> 91	Excellent

Based on these categories, the ground surface visibility varied across the activity area. Areas under crop or where seasonal grasses were lying flat against the ground presented the least amount of visibility (effectively 0 %), while the open paddocks or lightly grassed areas at the base of trees presented good ground surface visibility (51 to 70 %). Fire breaks and well used access tracks were entirely void of vegetation and presented the best opportunity for identifying cultural material with excellent ground surface visibility (100%).

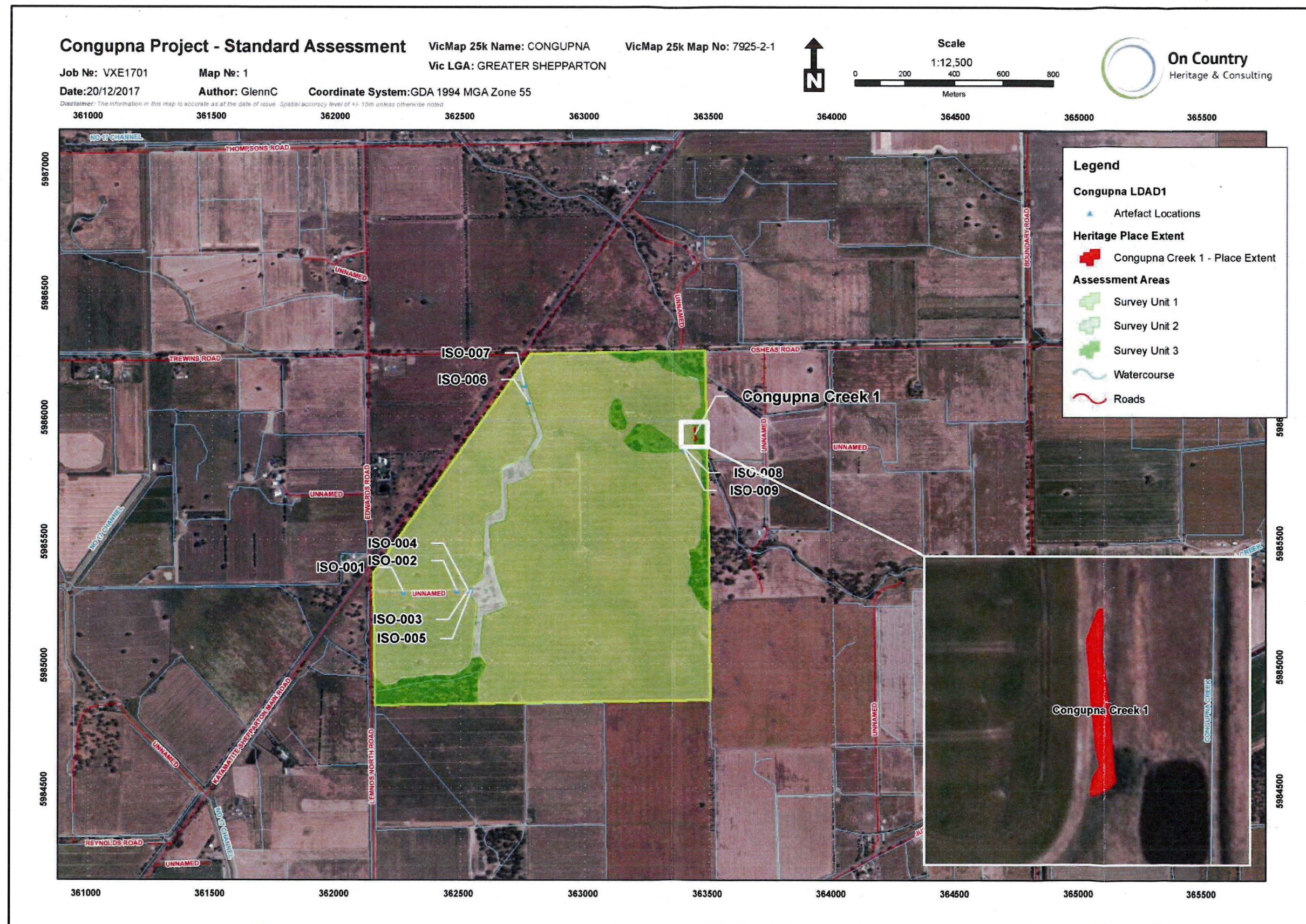
5.2.2.3 *Standard assessment results*

As noted in the desktop assessment, the activity area is contained within a largely uniform geomorphological landform (alluvial plains) and has been heavily affected by farming and pastoral activities. The vast majority of the survey area has been cleared for farming or modified at some stage. Patches of remnant vegetation present the most intact locations within the activity area, though these have also seen targeted clearing and impact from logging.

The activity area is located within the alluvial plains geomorphological landform and is characterised by a depositional environment with poorly defined drainage lines (plains without levee channels). Paleo-channels and prior streams are absent within the activity area, which is largely defined by grey and dark brown clay subsoils churned by ploughing, grading of farm tracks, and dam construction. It is unclear whether deep ripping has occurred within the cleared paddocks but at a minimum, the top 30 cm of the soil profile has been disturbed by agriculture.

The activity area was divided into three survey units based on ground surface visibility and / or landform (see map 4 below). The below sections detail the survey methodology, effective survey coverage, ground surface visibility, condition of landform, and whether any Aboriginal cultural heritage was identified for each of the survey units.

Map 4: Standard assessment results and survey units



5.2.2.4 Survey Unit 1: Wheat paddocks

This survey unit covered the largest portion of the assessment area and consisted of the central, northern and southern paddocks, currently under wheat crop. Survey Unit 1 is approximately 1.42 km² or 87% of the total activity area. The standard assessment of this area was restricted to existing farm tracks, fence lines, and areas where ground surface visibility was greater than 0%. The survey team conducted close order transects (2 m spacing) along the cleared access tracks to ensure adequate coverage was achieved. Targeted inspections of individual mature trees located within the paddocks was also undertaken to ensure the identification of any scarred trees.

Plate 1: View north across central paddock – Survey unit 1



Ground surface visibility across this unit was generally very poor to nil on the areas currently under crop, and very good to excellent (71% to 100%) on the cleared farm tracks. Individual mature Grey Box (*Eucalyptus macrocarpa*) trees within the paddocks presented the only variation in the vegetation present.

Landforms within Survey Unit 1 were consistent with the broader alluvial plains geomorphological unit and there was no evidence of prior streams or relief. The landforms consist entirely of uniform clayey loam soils ploughed for agriculture and ongoing farming. Soil deposits consist of grey to dark-brown clays which have been disturbed to an approximate depth of 30 cm. It is unclear from surface inspection whether deep ripping has occurred within the cleared paddocks. The main access track leading into the area from Lemnos North Road has been capped with light yellow-brown clay and infilled with gravel where potholes have formed. No other landforms were identified within this survey unit and there is a negligible potential for subsurface cultural material to be present.

Cultural material comprising Congupna Creek LDAD 1 was identified along the main access track from Lemnos North Road within this survey unit. All material was assessed as being representative of secondary deposition, brought in as part of the gravel used for infilling potholes. Details of the Aboriginal cultural heritage comprising Congupna Creek LDAD 1 is presented in section 6.3 below.

Plate 2: Typical ground surface visibility on cleared farm tracks – Survey Unit 1 (scale = 1 m)



Plate 3: View west of main access track – Survey Unit 1 (scale = 1 m)



5.2.2.5 Survey Unit 2: Grassed areas and farming infrastructure

Survey Unit 2 consisted of the grassed areas, predominantly in the central portions of the activity area. This area measures approximately 0.06 km² or 3% of the activity area. Due to the density of seasonal grasses throughout most of this area, the standard assessment was restricted to existing farm tracks and fire breaks separating this survey unit from Survey Units 1 and 3. The survey team conducted close order transects (2 m spacing) along the cleared access tracks to ensure complete coverage was achieved. Targeted inspections of individual mature trees located within the grassed areas was also undertaken to ensure the identification of any scarred trees as well as an inspection of remnant farming infrastructure.

Landforms within Survey Unit 2 can be predominantly characterised as uniform clayey loam soils previously ploughed for agriculture or cleared for farming infrastructure. Soil deposits consist of grey to dark-brown clays and were visible in profile within dam walls and refuse pits adjacent to cleared tracks.

Remnant farming structures are present in the central portion of the survey unit, consisting of collapsed sheds, holding yards, a brick lined well, and a refuse tip. Two isolated artefacts comprising part of Congupna Creek LDAD 1 were identified along the northern access track within this survey unit. All material was assessed as being representative of secondary deposition and did not appear to represent a surface expression of a wider subsurface distribution.

Plate 4: Existing farming infrastructure (wheat storage) – Survey Unit 2



Plate 5: Historical disturbance (refuse tip) – Survey Unit 2



Plate 6: Historical pastoral infrastructure (brick well) – Survey Unit 2



Plate 7: Existing farming infrastructure (dams) – Survey Unit 2



Plate 8: Typical ground surface visibility within grassed areas – Survey Unit 2 (scale = 1 m)



5.2.2.6 Survey Unit 3: Areas of remnant vegetation / Congupna Creek

This survey unit comprised areas of remnant vegetation and portions of the activity area that have been excluded from impact by X-Elio's design footprint. These areas were located in the southwestern, central east, and northeast portions of the activity area and covered approximately 0.15 km² or 9% of the study area. Targeted inspections of mature trees, existing farm tracks, fence lines, cleared areas, and landforms such as creeklines and dams were undertaken within Survey Unit 3. The survey team conducted close order transects (2 m – 5 m spacing) along the cleared access tracks to ensure complete coverage of these areas was achieved.

This survey unit also included an inspection of Congupna Creek and its associated area cultural heritage sensitivity buffer in the northeast portion of the activity area. This area was subject to a targeted inspection of visible landforms and inspection of mature trees for scarring. The section of Congupna Creek located within the activity area is lacking levee banks and an artificial channel has diverted its course south along the eastern boundary of the activity area. Remnant and regrowth vegetation fringes the banks of the creek, along with a thick ground cover of seasonal grasses and reeds.

Dams constructed within the areas of remnant vegetation were inspected to gain an understanding of the underlying soil profile, as there were exposed erosion surfaces on the banks of Congupna Creek. As with Survey Units 1 and 2, soil deposits consist of grey to dark-brown clays. In the portions of the survey unit subject to clearing and ploughing, this has been disturbed to an approximate depth of 30 cm, however in the areas of remnant vegetation the soil profile appears to remain intact.

Remnant and regrowth vegetation consisted primarily of Grey Box and was thickest in the southern portion of the survey unit. The area showed extensive impact from logging and clearing activities and mature trees (older than 50 years) only comprise a small proportion of those observed (approximately 1%). Modern logging was also evidenced by piles of fresh sawdust at the base of recently felled trees. No scarred trees were identified.

A surface artefact scatter consisting of 32 artefacts was recorded as Congupna Creek 1. This newly identified Aboriginal heritage place is located within the extent of the Congupna Creek area of cultural heritage sensitivity buffer. At the request of YYNAC, the surface extent of cultural material within this place was salvaged as part of the standard assessment. Details of the Aboriginal cultural heritage comprising Congupna Creek 1 is provided in section 6.4 below.

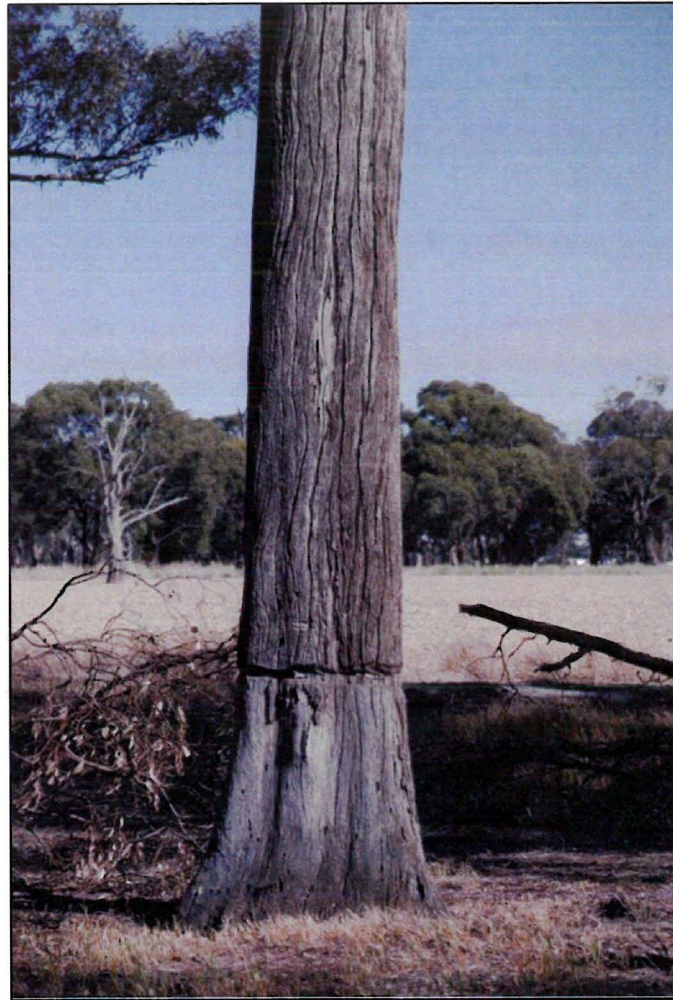
Plate 9: Congupna Creek facing south from Osheas Road – Survey Unit 3



Plate 10: View west across southern patch of remnant vegetation – Survey Unit 3



Plate 11: Evidence of historical logging and farming – Survey Unit 3



5.2.2.7 Limitations and constraints

The presence of paddocks under crop greatly restricted the ground surface visibility in approximately 1.42km² (or 87%) of the assessment area. As discussed above, rather than conducting pedestrian transects across the entirety of the cropped paddocks, these areas were instead inspected by traversing all adjacent tracks and fence lines, and specifically targeting visible landscape features and remnant trees for inspection.

5.2.3 Summary of results

The results of the standard assessment have been summarised in table 4 below. This summary has been divided into three result categories to reflect the objectives of the standard assessment.

Table 3: Standard Assessment results summary

Result category	Was anything identified?	What was identified?	Details
Aboriginal cultural heritage (see section 6 below for details)	Two places identified	Congupna Creek 1 (VAHR 7925-0656)	An artefact scatter consisting of 32 artefacts within Congupna Creek cultural sensitivity buffer.
		Congupna Creek LDAD 1 (VAHR 7925-0657)	A low-density artefact distribution (LDAD) comprised of nine isolated artefacts. All of the artefacts were salvaged.
Disturbance	Yes	Extensive disturbance identified throughout the activity area	Disturbances included ploughing of paddocks for agricultural and farming activities; clearing of tracks and firebreaks, construction of dams and associated farming / agricultural infrastructure.
Areas of intact deposit or archaeological sensitivity	Yes	Congupna Creek and associated heritage sensitivity buffer	Although surface disturbance of these areas was noted, this landform is ideal for sites to be located (as evidenced by the presence of Congupna Creek 1). Soil profile in these areas also suggests subsurface cultural material is likely to occur. Subsurface testing required if it cannot be avoided.

5.2.4 Standard assessment conclusions

The results of the standard assessment have shown that the activity area is contained within a largely uniform geomorphological landform characterised by alluvial plains which has been subjected to extensive surface disturbance through farming activities, dam construction, and the clearing and grading of tracks.

Only 6% of the assessment area consisted of remnant and regrowth vegetation located on relatively intact land features and waterways (primarily within Survey Units 2 and 3). While these patches of remnant vegetation provided the most intact locations within the activity area, these too also display evidence of disturbances as a result of targeted clearing, farming and impacts from logging.

The standard assessment concludes that the portions of the activity area that are outside of remnant vegetation and the Congupna Creek area of cultural heritage sensitivity buffer have a low potential for the presence of Aboriginal cultural heritage due to:

- The disturbances listed in table 4 above;
- No *in situ* Aboriginal cultural heritage material being identified on the surface of the areas of proposed activity; and
- The low number of Aboriginal heritage places present in the surrounding area.

In conclusion, the activity area is considered to be highly disturbed and unlikely to contain Aboriginal cultural heritage. Furthermore, the Sponsor has maintained a principle of avoidance throughout the assessment process and will not be undertaking significant ground disturbance within the areas identified as containing remnant vegetation or in proximity to the extent of Congupna Creek 1 and within the Congupna Creek cultural heritage sensitivity buffer.

Due to the identification of several areas of archaeological sensitivity and the presence of Aboriginal cultural heritage identified on the surface, a complex assessment is required to be undertaken should X-Elio's proposed activities extend beyond the current footprint.

6 Details of Aboriginal cultural heritage

Two new Aboriginal cultural heritage places were identified within the activity area:

- 7925-0657 (Congupna Creek LDAD 1);
- 7925-0656 (Congupna Creek 1).

Congupna Creek LDAD 1 is a low-density artefact distribution (LDAD) comprising of nine artefacts. Details of each artefact were recorded on the LDAD form provided by AV and submitted to the VAHR. A photographic record of each artefact was also taken and included in the submission.

Congupna Creek 1 is an artefact scatter that is likely to represent an intermittent campsite whereby Aboriginal people made and used stone tools. The relevant component and Aboriginal heritage place recording forms were completed and submitted to the VAHR, along with a photographic record of the place and detailed maps showing the place's location, context, and extent.

A Gazetteer of these places is provided in appendix 4. Complete artefact catalogues are provided in appendix 5.

6.1 Assessment of the Aboriginal cultural heritage

Aboriginal cultural heritage identified within the activity area was subject to two forms of assessment; analysis of the cultural material within the place and a significance assessment of the place itself.

6.1.1 Analysis of cultural material

Analysis of the artefacts was conducted by recording a suite of attributes including the type of tool and material, the presence of cortex, the dimensions of each artefact, and any other distinguishing features that would aid in the interpretation of the place. The recording of artefacts was conducted in accordance with best practice methodology and guidelines provided by AV. No other analysis was conducted.

6.1.2 Assessing significance

The concept of significance is used by heritage practitioners and legislation to encompass all of the values and meanings that might exist within a place; it is the sum of the qualities or values that a place has (Australia ICOMOS 2013).

To ensure the significance of Aboriginal heritage places is assessed consistently, a suite of criteria that reflect the broader heritage principles for assessing significance were used. These criteria, or values, have been guided by the *Australian ICOMOC Burra Charter 2013* (the Burra Charter), the *Australian ICOMOS Practice Note: understanding and assessing cultural significance 2013*, relevant legislation including section 4 of the Act, as well as the authors' experience and expertise in the field of cultural heritage.

The significance of each place is assessed against the following criteria:

- 1. Aesthetic value** The sensory and perceptual experience of a place.
 - Does the place invoke strong feelings or special meanings?

- *Is the place distinctive within the landscape or a prominent landmark?*
- *Does the place display aesthetic qualities that are rare or unique?*
- 2. Scientific value** Ability of the place to contribute to our understanding of the past?
 - *Can the place add to our current knowledge of cultural or historical customs / practices, or answer research questions?*
 - *Does the place contain any features that are rare or of exceptional quality and / or representativeness?*
 - *Is the place itself, rare or unique for its scientific attributes*
- 3. Cultural value** Evidence of traditional cultural customs and / or practices
 - *Does the place or its objects provide evidence of traditional cultural custom or practices?*
 - *How was / is the place used by Aboriginal people?*
 - *Does the place represent a particular traditional cultural custom or practice?*
- 4. Social value** Association with a particular community or cultural group, and the meaning it holds for them. Social value often overlaps with cultural value.
 - *Is the place important as a local marker or symbol?*
 - *Is the place important as part of the identity of a community or cultural group?*
 - *Are associations to the place developed from long term use or affiliations?*
 - *Does the place have contemporary significance to a community or cultural group?*
- 5. Spiritual value** Intangible values and meanings which contribute to spiritual identity and belief systems of a cultural group
 - *Is the place a repository of knowledge, traditional art, or lore related to the spiritual practice of a cultural group?*
 - *Is the place a sacred, ceremonial, or ritual site devoted to the social identity and belief system of a cultural group?*
- 6. Historic value** Encompasses all aspects of history. It often underlies and is interdependent of all other values of significance.
 - *Has the place influenced, or been influenced by, an historic event, phase, movement or activity, person, or group of people?*
 - *Is the place associated with an important event, theme, or development in history?*
 - *Is the place associated with a particular person or cultural group important in the history or identity of the local area, state, nationally or globally?*

As the significance of an Aboriginal cultural heritage place increases, its value often becomes more important in broader contexts. For example, places with lower degrees of significance are likely to hold importance locally or regionally, but are unlikely to be of state or national significance. In order to reflect this correlation, the ratings of the six criteria outlined above are depicted in conjunction with the following significance scale:

1. **Low to high** The place has a graded (low, medium, or high) level of regional significance;
2. **Very high** The place holds meaningful significance within Victorian heritage;
3. **Outstanding** The place is nationally significant and is of substantial value to past, present, and future generations.

The outcome of a significance assessment is presented in a matrix format to reflect the relationship between the ratings afforded to places according to each of the assessment criteria and the scale of significance for each place. The significance matrix for each Aboriginal cultural heritage place identified in the activity area is presented in the following discussions (see sections 6.3 and 6.4 below).

6.2 RAP information about Aboriginal cultural heritage

Information regarding the Aboriginal cultural heritage identified during the standard assessment was provided by the YYNAC representatives at the time of recording, and by the heritage manager for YYNAC during the results meeting.

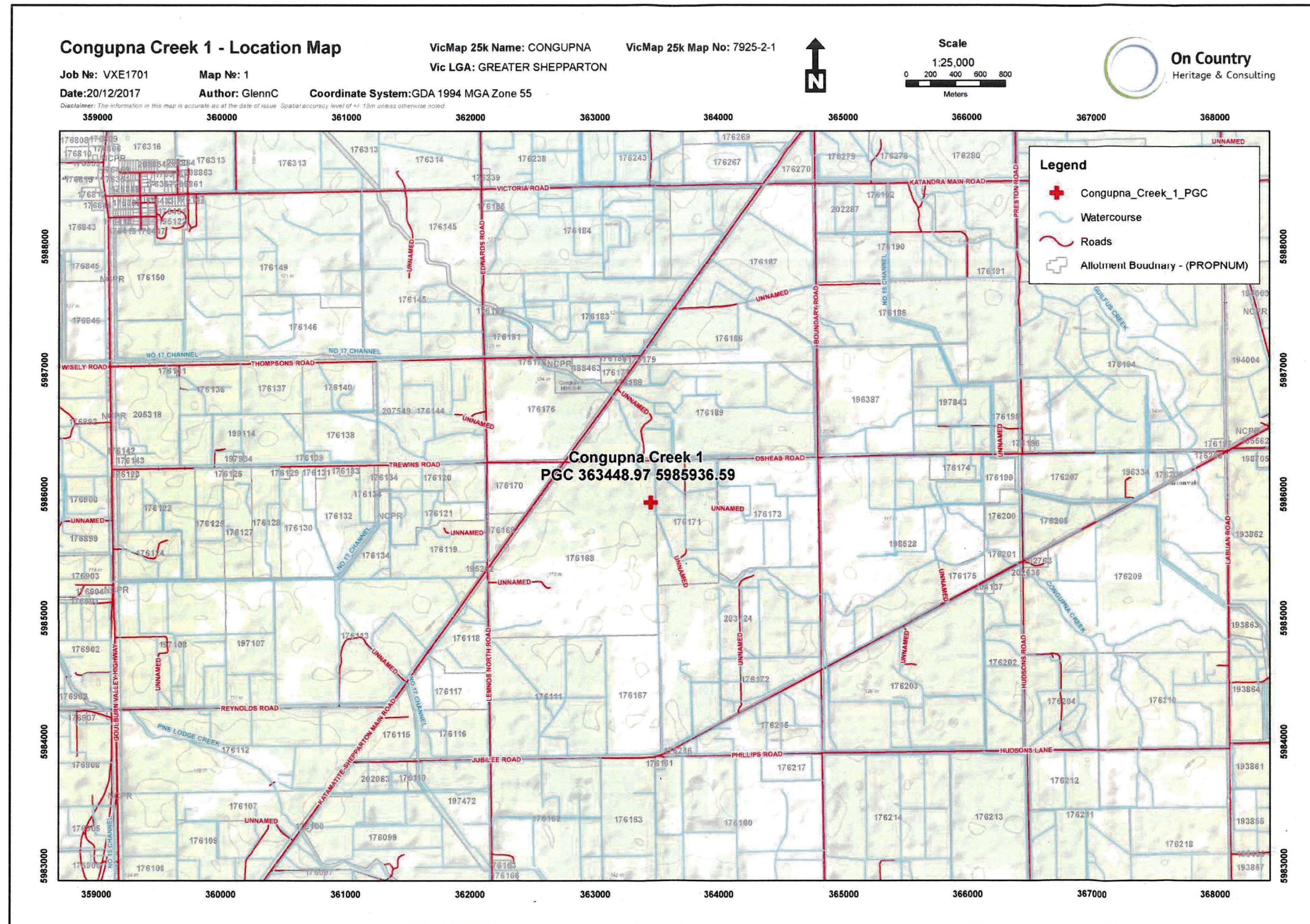
Michael Clark, Ashleigh Miller, and Janarli Bux (YYNAC representatives) participated in the identification of both VAHR 7925-0656 (Congupna Creek 1) and VAHR 7925-0657 (Congupna Creek LDAD 1), and collaborated with the archaeologists on the appropriate management conditions for these places. Wade Morgan (YYNAC heritage manager) provided further comment and approval of the heritage management recommendations. Details of the management conditions for these places are provided in section 7 below.

6.3 VAHR 7925-0656 (Congupna Creek 1)

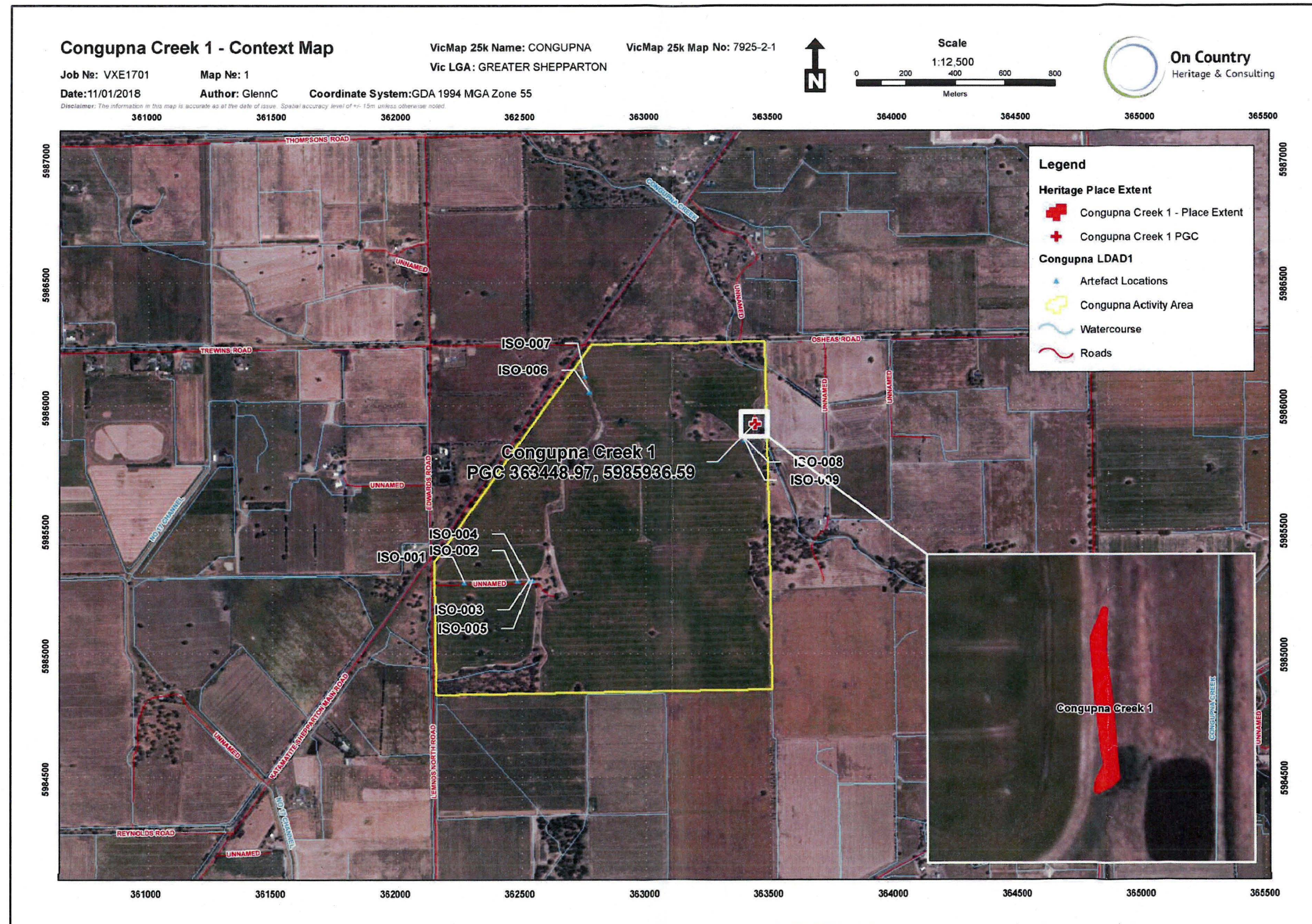
6.3.1 Location

VAHR 7925-0656 (Congupna Creek 1) is located within a fenced paddock situated at the corner of Osheas Road and Katamatite-Shepparton Main Road. The artefacts that comprise the place are situated along a cleared access track in the northeast corner of the activity area. The primary grid coordinates (PGC) for Congupna Creek 1 are 363448.97 mE and 5985936.60 mN. Maps 5 and 6 below, illustrate the place location and context for Congupna Creek 1.

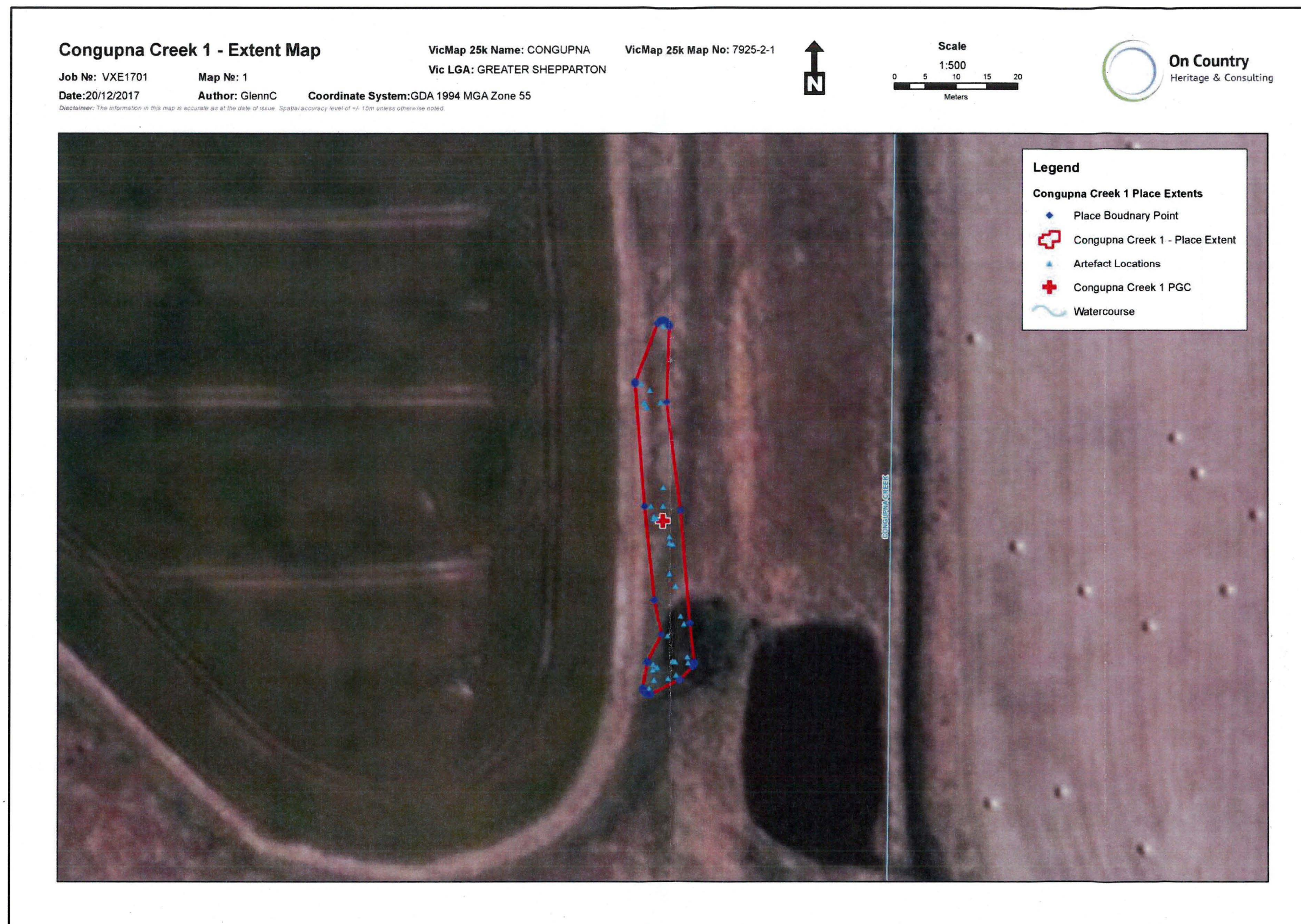
Map 5: Place location for VAHR 7925-0656 (Congupna Creek 1)



Map 6: Place context for VAHR 7925-0656 (Congupna Creek 1)



Map 7: Place extent for VAHR 7925-0656 (Congupna Creek 1)



6.3.2 Extent

Congupna Creek 1 is a small artefact scatter comprised of 32 artefacts. The artefacts are all distributed along, or adjacent to, a cleared access track in the northeast corner of the activity area. The artefacts have likely been uncovered by the continual use of this track or through agricultural activities such as ploughing. As there were no natural or cultural boundaries that could be used to define the extent of the place, the extent was instead defined using the spread of the artefacts to capture the main concentration of the place. Therefore, the extent for Congupna Creek 1 follows the outer most artefacts associated within the place as per section 3.21.C of the *Standards for Recording Places and Objects 2008* (VAHR 2008). Map 7 above illustrates the place extent for Congupna Creek 1.

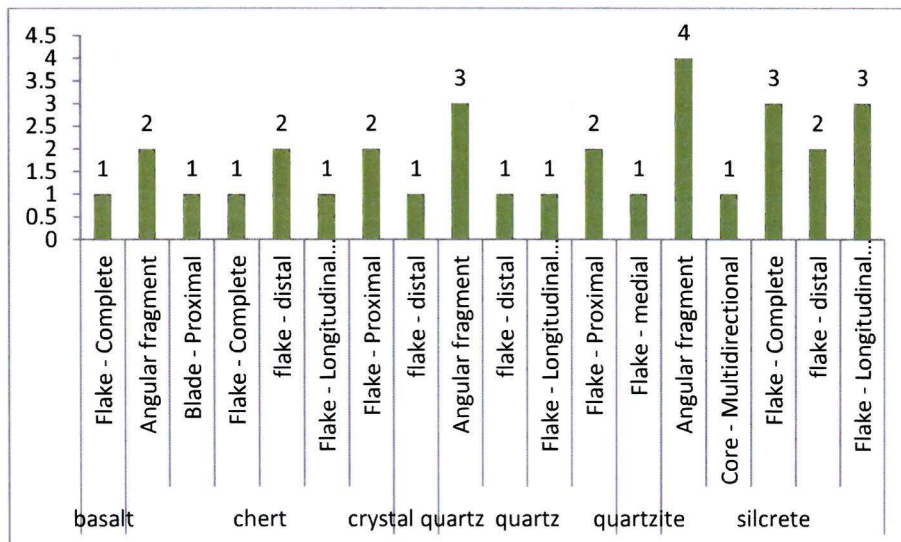
6.3.3 Nature

Congupna Creek 1 is small, low density artefact scatter identified on a cleared access track running north-south adjacent to the eastern boundary of the activity area. Cultural material that comprises the place is immediately adjacent to the spoil heap of a small dam and it is likely that it has been exposed as a result of ongoing disturbance to the area.

Congupna Creek 1 is comprised of 32 surface artefacts; the complete catalogue for the artefacts is provided in appendix 5. Given the low number of artefacts that comprise Congupna Creek 1 and the likely out of *in situ* context of the artefacts due to agricultural activities, any interpretation of the place is limited. The lack of artefact scatters in the surrounding area also means that comparative analysis between artefact assemblages is impossible. However, broad inferences about knapping techniques, resource acquisition, and likely activities the artefacts were used for can be made to provide some interpretation about how past Aboriginal people used this place.

The artefact assemblage for Congupna Creek 1 is predominantly comprised of silcrete (n = 13), with chert (n = 9) and quartz (n = 7) also frequently present. Crystal quartz, basalt, and quartzite occurred as single examples (see figure 5 below).

Figure 5: Raw material types within Congupna Creek 1



No raw material sources were identified in the area suggesting that all materials used to manufacture these artefacts were brought to the place. The high number of silcrete artefacts is likely to represent a single knapping event whereby a silcrete core was brought on-site and flaked to produce stone tools.

The chert and quartz artefacts are also likely to indicate the on-site knapping of these raw material types as well. These two raw material types were also reflected in the LDAD identified in the same activity area. The quartz and chert artefacts that comprise Congupna Creek LDAD 1 may have originally been part of the Congupna Creek 1 assemblage but have been dispersed across the landscape through continuous agricultural activities.

The single occurrences of quartzite, crystal quartz, and basalt may suggest that these artefacts were brought into the place by other processes such as being re-deposited with imported gravel used for the in-filling of potholes, rather than representing an *in situ* distribution. However, these artefacts may also reflect a bias in the recording sample whereby only surface artefacts were recorded as part of the standard assessment. It is possible that additional quartzite, crystal quartz, and basalt artefacts may be present in subsurface deposits.

The majority of the artefacts within Congupna Creek 1 were angular fragments (n = 9), with complete flakes and, distal and longitudinally split broken flakes also represented in high numbers (see figure 6 below). One core and one blade were also identified.

Figure 6: Artefact types within Congupna Creek 1

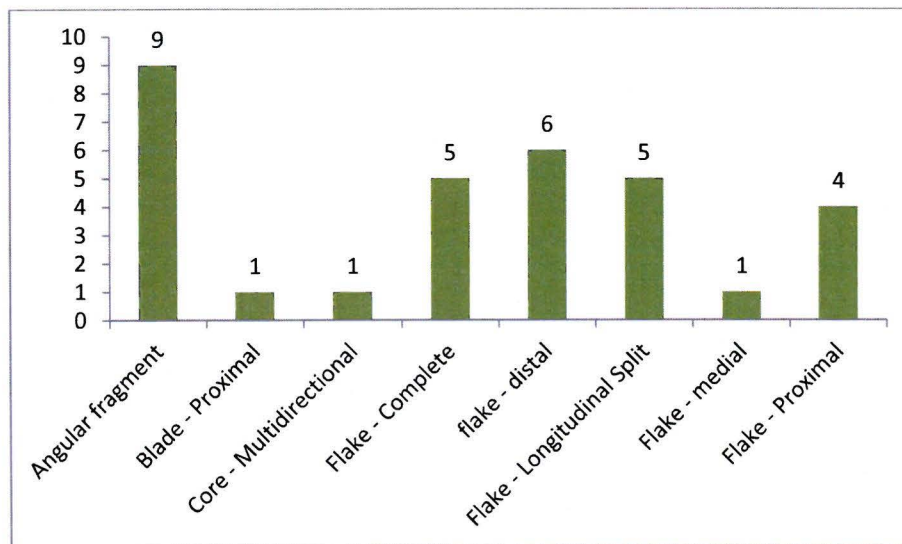


Plate 12: Quartz angular fragment (# 30) from Congupna Creek 1 (scale = 5 cm)



Plate 13: Quartz longitudinal split flake (# 32) from Congupna Creek 1 (scale = 2 cm)



The presence of complete flakes in the assemblage is a good indication that knapping was most likely undertaken at the place. The nature of artefact scatters is often to find the “discards” of used artefacts or those that are no longer useful; to find complete flakes that have not yet been utilised may suggest that these artefacts have been made on site and have yet to be used. Artefact manufacture on site is also supported by the identification of a multidirectional core of the same raw material as some of the complete flakes comprising the assemblage.

Plate 14: Silcrete multidirectional core (# 15) from Congupna Creek 1 (scale = 14 cm)



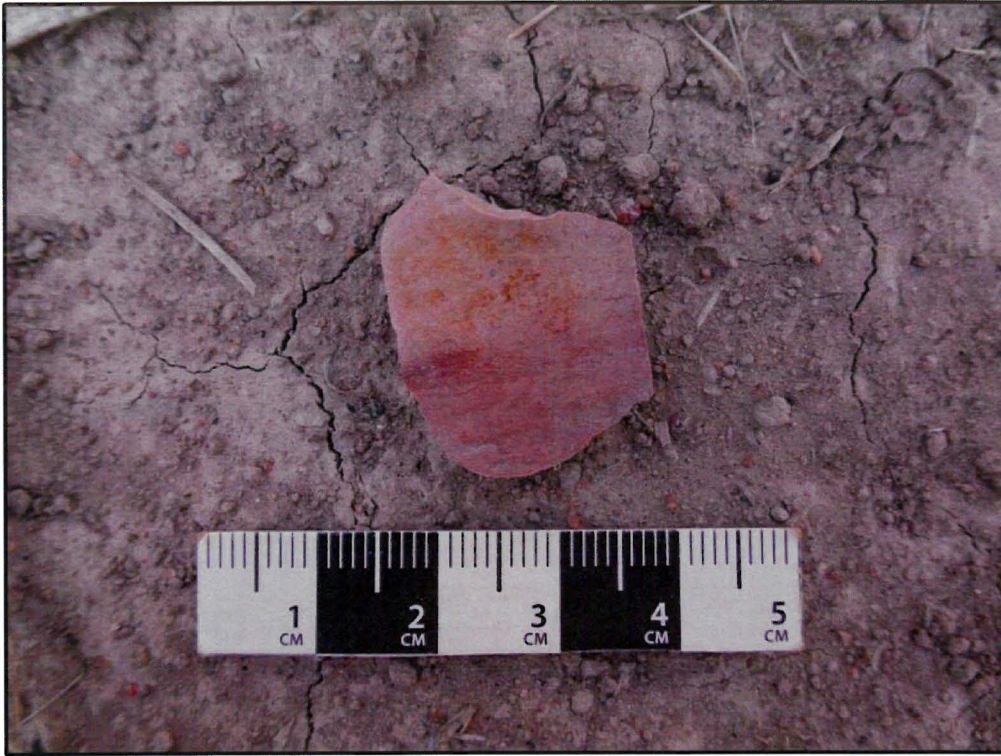
The mechanics involved in the final detachment of a flake from the core can provide insights into the knapping technique used to produce the flakes; this is referred to as termination. Cotterell and Kamminga (1987: 698) recognise five basic terminations; feather, axial, step, hinge, and plunging. Step terminations occur when an abrupt change in the direction of the force applied during knapping, mostly due to a fault in the material, or if the force is not sufficient enough to complete the fracture while axial terminations usually occur as a natural result of compression flaking (Cotterell and Kamminga 1987). Plunge and hinge terminations are evidence of preparation management during the knapping process, where quick flakes were produced in order to ‘clean’ the core so that more desirable flake shapes could subsequently be created, or in some instances can also be attributed to natural faults in the material (Andrefsky 1998; Cotterell and Kamminga 1987). Flakes with feather terminations have minimal thickness at the distal end and an acute angle between their dorsal and ventral surfaces (Crabtree 1972: 64). This type of termination results when the force of the original impact terminates the flake as a smooth, gradual shear from the core, creating the characteristic point at the end.

Of the artefacts where terminations were present ($n = 16$), eight displayed feather terminations, four displayed step terminations, three had plunge terminations, and one artefact presented with a hinge termination. The presence of feather terminations suggests that the knapper who produced these flakes was skilled, being able to control the right amount of force and correct angle to remove the flakes cleanly. The presence of a plunge and a hinge termination may suggest that these flakes were the result of core preparation and the “cleaning” of the core (as mentioned above). The step terminations occurred on a variety of materials including the silcrete, quartz, and crystal quartz artefacts. The presence of this type of termination suggests that there may have been flaws in the raw material itself, causing the flake to fracture as it terminated and removed from the core.

Plate 15: Chert distal flake with feather termination (# 6) from Congupna Creek 1 (scale = 14 cm)



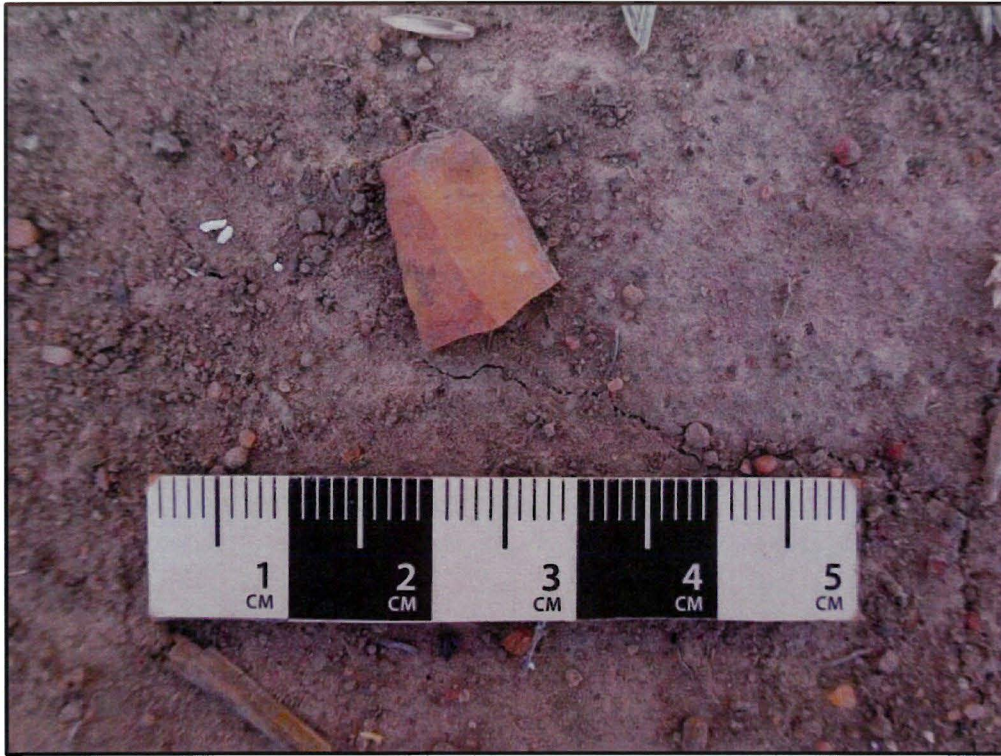
Plate 16: Silcrete distal flake with plunge termination (# 29) from Congupna Creek 1 (scale = 5 cm)



Of the 32 artefacts that comprise Congupna Creek 1, 18 displayed no cortex. Cortex is the original, weathered surface of the core and is sometimes still visible on the dorsal surface of a flake (Holdaway & Stern 2004). Flakes can have primary (100 % of the dorsal surface covered by cortex), secondary (1 – 99 % of the dorsal surface covered by cortex) or tertiary (no cortex remaining on the dorsal surface) cortex. This suggests that the flakes with no cortex were produced from later stages of the reduction sequence as the core was worked more and more. This may also be an indicative of the lack of available resources suitable for stone tool manufacture whereby knappers needed to continually work cores to produce flakes until the core itself was exhausted. Flakes produced from these exhausted cores would display no cortex and would be small in size. This trend is seen in the tertiary flakes identified within Congupna Creek 1; all but two of the tertiary flakes were smaller than 25 mm (or 2.5 cm).

No artefacts were identified within primary (100 %) cortex. This suggests that while tool production likely occurred on-site, initial reduction of the core occurred elsewhere; cores knapped within Congupna Creek 1 had likely been worked prior to their curation here, resulting in some of the cortex already being removed. This means that the remaining flakes with some cortex present were from secondary stages in the reduction sequence. This further supports the notion of a mobile-toolkit whereby the cores used to produce these flakes were carried through the landscape. The lack of cores identified in the assemblage for Congupna Creek 1 may also be explained by this trend; as people moved on to another campsite, they took the cores with them so they could produce stone tools are required.

Plate 17: Chert proximal flake with secondary cortex (# 27) from Congupna Creek 1 (scale = 5 cm)



Different breakage patterns of artefacts can be used to suggest knapping occurred or evidence of post-depositional processes that have impacted the place, such as trampling. Longitudinal breaks usually occur at the time of manufacture and are the result of excessive force being applied to the core, or a flaw within the core (Holdaway & Stern 2004: 113). An artefact with this type of break is referred to as a longitudinal split flake. Transverse breakages are typically thought to be the result of post depositional processes such as trampling (Boot 1987; Hall and Love 1985; Hiscock 1985). Artefacts with transverse breaks are referred as proximal (top), medial (middle), or distal (end) depending on where the break occurs and what portion of the flake remains.

A total of 17 artefacts were recorded as broken flakes; either distal ($n = 6$), proximal ($n = 5$), longitudinal split ($n = 5$), or medial ($n = 1$). The distal, proximal, and medial flakes are all transverse breaks perhaps resulting from trampling by either pedestrian or animal trafficking, or from a vehicle; given the location of the artefact within a cleared track, the latter it highly likely. The longitudinal split flakes provide further evidence for on-site tool manufacture as these breaks often occur during the knapping process. As stated above, the manufacture of silcrete, quartz, and chert artefacts is considered to have occurred at the place, as suggested by either the number of artefacts and / or the presence of a core of the same material (a silcrete core). This is supported by the identification of silcrete, quartz, and chert longitudinal split flakes. Even though cores made of quartz or chert were not found during the recording of Congupna Creek 1, these artefacts are still considered to have been produced on-site given the presence of longitudinal breaks on these raw material types. Perhaps the lack of quartz and chert cores can be explained by the exhaustion of these artefacts to the point where they were no longer distinguishable as cores, but as angular fragments instead.

Plate 18: Chert longitudinal split flake (# 23) from Congupna Creek 1 (scale = 16 cm)



Plate 19: Silcrete longitudinal split flake (# 2) from Congupna Creek 1 (scale = 17 cm)

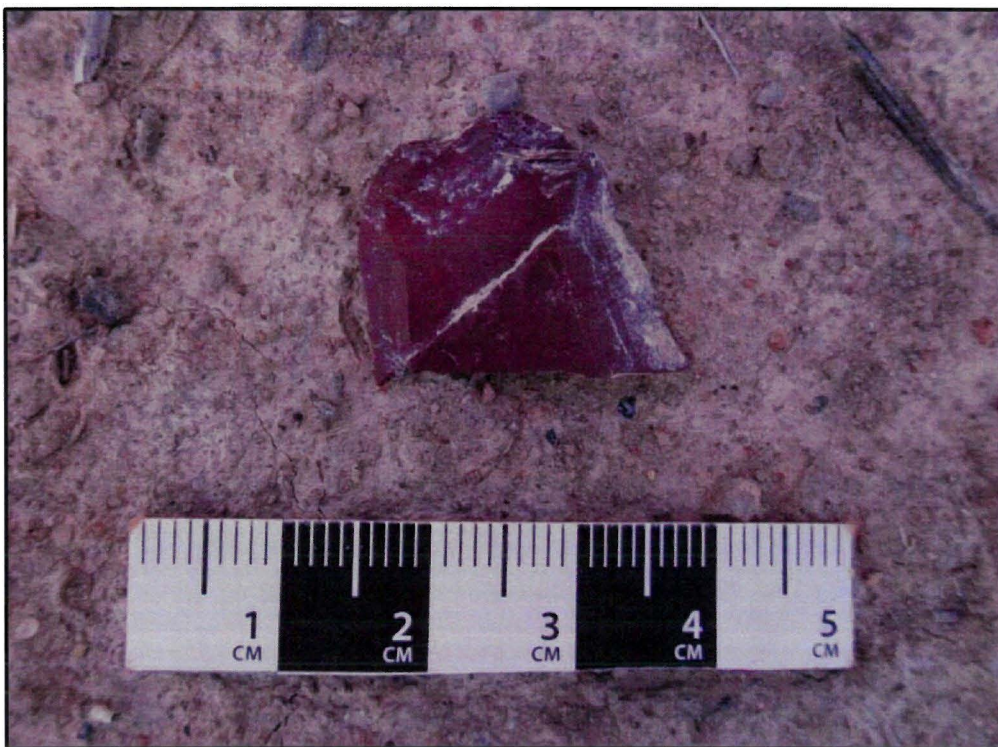


The types of stone tools present within an assemblage can also provide insight into the types of activities that may have been carried out within a place, or in the very least indicate the likely purpose for the artefact. Flakes are typically viewed as a common component of a mobile-toolkit used for activities such as hunting and gathering, animal butchery, and other cutting activities. Several of the artefacts from Congupna Creek 1 display evidence of usewear (n = 6) which may indicate that these artefacts were used for this purpose.

A single blade fragment was also identified within the Congupna Creek 1 assemblage. Blades are defined as flakes that are at least twice as long as they are wide (Holdaway & Stern 2004) and also have parallel or slightly converging margins and one or more arrises (dorsal ridges) parallel to its margins. Blades are considered to be part of a multi-function tool kit aimed at reducing exposure to risk (Hiscock 1994). Successful production of blades requires careful and deliberate preparation of a core which then allows for the production of a number of these standardised tools from the same core. The manufacture of blade cores requires considerable preparation in order to produce a core that will essentially provide the knapper the ability to mass produce blades from this one object. While there is no evidence to suggest that blades were manufactured on-site, the blade itself must have been made by a skilled knapper.

While no specific function can be applied to blades based on form alone, they are considered to be a multi-purpose tool with a range of potential traditional uses including, but not limited to, hunting, butchery, hide working, and wood working (Holdaway & Stern 2004). Given the presence of several scarred trees in the surrounding area, it is possible that the blade was used for wood working activities.

Plate 20: Chert proximal blade fragment (# 24) from Congupna Creek 1 (scale = 5 cm)



In summary, the artefact assemblage from Congupna Creek 1 offers some interesting perspectives on knapping techniques and the types of activities that may have occurred here. The artefacts are reflective of a mobile-toolkit whereby past inhabitants of the place, brought with them workable raw materials (cores) to produce stone tools as required, for activities such as hunting and gathering, animal butchery, and possibly wood working.

6.3.4 Statement of significance

While Congupna Creek 1 represents a commonly recorded site type in the wider region, artefact scatters are not a common occurrence within the activity area or the geographic region (as defined in section 5.1.1 above). In fact, the majority of artefact scatters that occur within Yorta Yorta country are along the margins of prominent water ways that have been relatively untouched by development or farming / agricultural activities. The lack of artefact scatters away from these untouched areas is more a reflection of the high level of disturbance that has occurred in the region rather than a lack of these site types being present at all. Therefore, the presence of an artefact scatter such as Congupna Creek 1 makes it of considerable significance as evidence of Aboriginal people using all aspects of the landscape. Table 4 below presents the significance matrix for Congupna Creek 1.

Table 4: Significance matrix for Congupna Creek LDAD 1 (VAHR 7925-0656)

Degree of Significance	Negligible	REGIONAL			STATE	NATIONAL
		Low	Moderate	High	Very High	Outstanding
Aesthetic value						
Scientific value						
Cultural value						
Social value						
Spiritual value						
Historical value						

Congupna Creek 1 has been subject to disturbances resulting of agricultural activities such as ploughing and the clearing of access tracks. Therefore as a place, Congupna Creek 1 has negligible aesthetic value beyond that of the individual artefacts identified within. Even then, the artefacts that comprise Congupna Creek 1 are typical of the types of tools found in many dispersed artefact scatters and do not offer any particular aesthetic value.

Congupna Creek LDAD 1 is also considered to have negligible spiritual or historic value. There is little to suggest that the artefacts that comprise the place were used for, or in association with, traditional ceremonial, or ritual customs. Nor do they have any associations with any particular historic event or person.

The low number of artefacts and the likely location of the artefacts being out of *in situ* archaeological deposits also means any interpretation or analysis is limited to the physical attributes of the artefacts themselves; little can be said about their relationship in either a spatial or temporal context. Despite this, information about knapping techniques, activities conducted within the place, and broader patterns of landscape use can be inferred from the artefact assemblage.

Congupna Creek 1 likely represents a small, temporary campsite characteristic of a mobile settlement pattern whereby past Aboriginal people would move through the landscape exploiting resources along the way. Due to the low number of these types of sites presented in northeast Victoria, lower than any other region in Victoria, the sites in this area are of high archaeological significance as they all contribute to understanding Aboriginal history in the region where there is a lack of Victorian prehistory (Zobel 1984; Lusty 1992). Therefore, Congupna Creek 1 contributes to our understanding of the past and how Aboriginal people moved through and used the landscape, and is considered to have moderate scientific value.

To the Traditional Owners who are the custodians of the land in which Congupna Creek 1 is located, the artefacts that comprise the place were made by their ancestors and as such, provide a tangible link to them. In places like Victoria, New South Wales, and Tasmania, where contact with Europeans was early, and often extremely violent, there was a systematic attempt to erase all Aboriginal existence from the land. Therefore, any tangible indication of Aboriginal presence such as stone tools, take on a higher significance for all Traditional Owners.

Archaeological remains such as stone tools are also a means by which Traditional Owners connect to expressions of traditional Aboriginal society; these tangible objects embody the intangible values that govern traditional cultural and spiritual practices. They can stand in the same place as their ancestors stood and touch the same material that was held and worked by their ancestors, separated only by time. This creates a connection to place and space through time, in the same way that traditional Aboriginal society understood and expressed time, space, place, and memory through ceremony, song lines, and the Dreamtime. Therefore, all artefacts have contemporary cultural and social significance to the Traditional Owners.

Stone tools are not just archaeological artefacts. Once these artefacts are removed from their archaeological context, be it through surface salvage or excavation, they enter the social world. Passed through the hands of Traditional Owners and archaeologists, these artefacts become imbued with meaning, just like all material culture within society. Through analysis and interpretation these artefacts become alive again, telling a story about an ancestor, a group or clan, or even a place from another time and space but still linked to the present simply through holding these seemingly inanimate objects.

It is also the sharing of these analyses and interpretations that strengthens the meaning added to these artefacts. Whether it is between Traditional Owners of the same or different clan or language groups, between Traditional Owners and archaeologists, or between

Indigenous and non-Indigenous communities, we all bring something to the interpretation of these artefacts through our own experiences, and in doing so, bring these artefacts into a part of our own social world. It is these meanings, which are an important part of understanding modern Australian society, that raise the overall social significance level of these individual artefacts, and not just to the Traditional Owners who speak for this country.

6.4 VAHR 7925-0657 (Congupna Creek LDAD 1)

6.4.1 Location

VAHR 7925-0657 (Congupna Creek LDAD 1) is located within a fenced paddock situated at the corner of Osheas Road and Katamatite-Shepparton Main Road. The artefacts that comprise the place are situated along cleared access tracks; artefacts ISO-001 to ISO-005 along a track in the southwest corner, ISO-006 and ISO-007 along a track in the northwest corner, and ISO-008 and IOS-009 along a track in the northeast corner of the activity area. The primary grid coordinates (PGC) for Congupna Creek LDAD 1 are 362278.28 mE and 5985299.42 mN.

6.4.2 Extent

Congupna Creek LDAD 1 is a low-density artefact comprised of three concentrations; five artefacts located in the southwest corner, two in the northwest corner, and two in the northeast corner. The artefacts are all distributed along cleared access tracks within the activity area and have likely been uncovered by the continual use of this track or brought in with gravel fill used to line portions of the tracks. The distribution of artefacts associated with Congupna Creek LDAD 1 can be seen on the results map for the standard assessment in section 5.2 above (see map 4).

6.4.3 Nature

Congupna Creek LDAD 1 is comprised of nine isolated surface artefacts including three chert artefacts, two quartz artefacts, two mudstone artefacts, one crystal quartz artefact, and one chert artefact. The majority of the artefacts within Congupna Creek LDAD 1 were complete flakes ($n = 6$), with two distal flakes and one proximal flake also represented. No cores were identified.

Artefacts were identified exclusively along cleared access tracks along the main Lemnos North Road access track and in proximity to Congupna Creek. Cultural material located along the main access track was assessed as being re-deposited along with imported gravel used for the in-filling of potholes, rather than representing an *in situ* distribution.

Given the out of *in situ* nature of LDAD's and the low number of artefacts that comprise Congupna Creek LDAD 1, any interpretation of the place is quite limited. The lack of artefact scatters in the surrounding area also means that comparative analysis between artefact assemblages is impossible.

Plate 21: ISO-007 (silcrete distal flake) from Congupna Creek LDAD 1 (scale = 5 cm)



Evidence of tool manufacture within the extent of Congupna Creek LDAD 1 is difficult to confirm given the low number of artefacts and lack of cores identified within the assemblage. We can however, make some inferences about the knapping techniques that were perhaps used by the person who made these objects. Although, care should be taken when relating these inferences to the place itself; given the likelihood some of these artefacts have been brought into the place by secondary sources (for example imported in gravels laid over the tracks), any inferences made can only be related to the individual artefacts themselves and not the place as a whole.

The mechanics involved in the final detachment of a flake from the core can provide insights into the knapping technique used to produce the flakes; this is referred to as termination. Cotterell and Kamminga (1987: 698) recognise five basic terminations; feather, axial, step, hinge, and plunging. Step terminations occur when an abrupt change in the direction of the force applied during knapping, mostly due to a fault in the material, or if the force is not sufficient enough to complete the fracture while axial terminations usually occur as a natural result of compression flaking (Cotterell and Kamminga 1987). Plunge and hinge terminations are evidence of preparation management during the knapping process, where quick flakes were produced in order to 'clean' the core so that more desirable flake shapes could subsequently be created, or in some instances can also be attributed to natural faults in the material (Andrefsky 1998; Cotterell and Kamminga 1987). Flakes with feather terminations have minimal thickness at the distal end and an acute angle between their dorsal and ventral surfaces (Crabtree 1972: 64). This type of termination results when the force of the original impact terminates the flake as a smooth, gradual shear from the core, creating the characteristic point at the end.

Plate 22: ISO-002 (mudstone complete flake) from Congupna Creek LDAD 1 (scale = 5 cm)



Of the artefacts where terminations were present ($n = 8$), all but two of the artefacts displayed feather terminations with the remaining artefacts displaying a plunge termination and an axial termination. The presence of feather terminations suggests that the knapper who produced these flakes was skilled, being able to control the right amount of force and correct angle to remove the flakes cleanly. The presence of a plunge termination may suggest that this flake was the result of core preparation and the “cleaning” of the core (as mentioned above). The axial termination on the chert artefact may also be an indication that compression flaking was used to produce the flake.

During compression flaking, flakes are formed by wedging or resting a core on an anvil before striking. This type of wedging technique concentrates the application of force in the centre of the radii causing the fracture to propagate straight through to meet the surface opposite the initiation face approximately at right angles (Andrefsky 2005: 25; Cotterell and Kamminga 1987: 699-700). It is this concentration of force straight through the centre from the initiation point that results in axial terminations. Compression flaking is often seen as an expedient way to produce useable flakes but still employed with a particular purpose in mind, or as a means to conserve material (Andrefsky 2005: 241). Given the high quality of the chert material in which ISO-001 was manufactured, the use of compression flaking in this instance is likely to conserve the material. This is also supported by the small size of the artefact which is evidence of the continual reduction or exhaustion of the core, reusing it to make artefacts over and over again.

Plate 23: ISO-001 (chert complete flake) from Congupna Creek LDAD 1 (scale = 5 cm)



Five of the nine artefacts also displayed no cortex. Cortex is the original, weathered surface of the core and is sometimes still visible on the dorsal surface of a flake (Holdaway & Stern 2004). Flakes can have primary (100 % of the dorsal surface covered by cortex), secondary (1 – 99 % of the dorsal surface covered by cortex) or tertiary (no cortex remaining on the dorsal surface) cortex. This suggests that the flakes with no cortex were produced from later stages of the reduction sequence as the core was worked more and more.

One of the artefacts (ISO-003) was a conjoined flake; a broken flake whereby the two pieces can be reformed to make a complete flake. Different breakage patterns of artefacts can be used to suggest knapping occurred or evidence of post-depositional processes that have impacted the place, such as trampling. Longitudinal breaks usually occur at the time of manufacture and are the result of excessive force being applied to the core, or a flaw within the core (Holdaway & Stern 2004: 113). An artefact with this type of break is referred to as a longitudinal split flake. Transverse breakages are typically thought to be the result of post depositional processes such as trampling (Boot 1987; Hall and Love 1985; Hiscock 1985). Artefacts with transverse breaks are referred as proximal (top), medial (middle), or distal (end) depending on where the break occurs and what portion of the flake remains.

The break on ISO-003 is a transverse break across the middle of the artefact causing the once complete flake to split into a proximal flake and a distal flake (see plate below). This is likely the result of trampling from either pedestrian or animal trafficking, or from a vehicle. Given the location of the artefact within a cleared track, and the fact that the two, very small pieces were found in close proximity to each other enabling them to be conjoined, suggests that the break on ISO-003 is a relatively recent one. If it had occurred with any antiquity, then the small broken pieces would likely have been washed away by sheet wash or buried under alluvial deposit.

Plate 24: ISO-003 (crystal quartz conjoined flake) from Congupna Creek LDAD 1 (scale = 2 cm)



In summary, while the individual artefacts within Congupna Creek LDAD 1 offer some interesting perspectives on knapping techniques that may have been used to manufacture the artefacts, the absence of context in which the artefacts were found means that little more can be said about the place and the occupants who once stood here.

6.4.4 Statement of significance

Congupna Creek LDAD 1 represents a commonly recorded site type in both the surrounding area and wider region. The place contains a low number of artefacts which limits the information that can be provided. Table 5 below, presents the significance matrix for Congupna Creek LDAD 1.

As a collection of isolated artefacts, the place itself is defined by the location of the individual objects rather than natural features or landform. Therefore, as a place, Congupna Creek LDAD 1 has negligible aesthetic value beyond that of the individual artefacts identified within. Even then, the artefacts that comprise Congupna Creek LDAD 1 are typical of the types of tools found in many dispersed artefact scatters and do not offer any particular aesthetic value.

Table 5: Significance matrix for Congupna Creek LDAD 1 (VAHR 7925-0657)

Degree of Significance	Negligible	REGIONAL			STATE	NATIONAL
		Low	Moderate	High	Very High	Outstanding
Aesthetic value						
Scientific value						
Cultural value						
Social value						
Spiritual value						
Historical value						

The location of the artefacts being out of *in situ* archaeological deposits also means any interpretation or analysis is limited to the physical attributes of the artefacts themselves; little can be said about their relationship in either a spatial or temporal context. Given the low number of artefacts present, even the artefacts themselves provide limited information beyond that of proving Aboriginal people's presence within the region and preliminary knapping techniques. Therefore, Congupna Creek LDAD 1 contributes little to our understanding of the past and is considered to have low scientific value.

Congupna Creek LDAD 1 is also considered to have negligible spiritual or historic value. There is little to suggest that the artefacts that comprise the place were used for, or in association with, traditional ceremonial, or ritual customs. Nor do they have any associations with any particular historic event or person.

This does not however, suggest that Congupna Creek LDAD 1 has no significance at all. To the Traditional Owners who are the custodians of the land in which Congupna Creek LDAD 1 is located, the artefacts that comprise the place were made by their ancestors and as such, provide a tangible link to them. In places like Victoria, New South Wales, and Tasmania, where contact with Europeans was early, and often extremely violent, there was a systematic attempt to erase all Aboriginal existence from the land. Therefore, any tangible indication of Aboriginal presence such as stone tools, take on a higher significance for all Traditional Owners.

Archaeological remains such as stone tools are also a means by which Traditional Owners connect to expressions of traditional Aboriginal society; these tangible objects embody the intangible values that govern traditional cultural and spiritual practices. They can stand in the

same place as their ancestors stood and touch the same material that was held and worked by their ancestors, separated only by time. This creates a connection to place and space through time, in the same way that traditional Aboriginal society understood and expressed time, space, place, and memory through ceremony, song lines, and the Dreamtime. Therefore, all artefacts have contemporary, cultural, and social significance to the Traditional Owners.

Stone tools are not just archaeological artefacts. Once these artefacts are removed from their archaeological context, be it through surface salvage or excavation, they enter the social world. Passed through the hands of Traditional Owners and archaeologists, these artefacts become imbued with meaning, just like all material culture within society. Through analysis and interpretation these artefacts become alive again, telling a story about an ancestor, a group or clan, or even a place from another time and space but still linked to the present simply through holding these seemingly inanimate objects.

It is also the sharing of these analyses and interpretations that strengthens the meaning added to these artefacts. Whether it is between Traditional Owners of the same or different clan or language groups, between Traditional Owners and archaeologists, or between Indigenous and non-Indigenous communities, we all bring something to the interpretation of these artefacts through our own experiences, and in doing so, bring these artefacts into a part of our own social world. It is these meanings, which are an important part of understanding modern Australian society, that raise the overall social significance level of these individual artefacts, and not just to the Traditional Owners who speak for this country.

7 Consideration of section 61 matters – Impact Assessment

In accordance with section 61 of the Act, a CHMP must consider whether the activity will be conducted in a way that avoids, or minimises, harm to Aboriginal heritage places that have been identified. The Aboriginal heritage places and any potential impacts to these places are summarised in the table 7, below.

In accordance with section 61 of the Act, a CHMP must also present contingency plans in relation to disputes, delays, and other obstacles that may affect the conduct of the proposed works. It must also consider requirements relating to the custody and management of Aboriginal cultural heritage that may be uncovered during the course of the activity. Contingency plans relating to section 61 matters are presented in Part 2 (section 9) of this CHMP.

Table 6: Impact assessment of Aboriginal heritage places within the Congupna Solar Farm activity area

Place ID	Place name	Can harm to the place be avoided?	Can harm to the place be minimised?	Specific measure for the management of the place
7925-0656	Congupna Creek 1	<p>Yes. The surface artefacts that comprise the place have been salvaged therefore any harm to the place has been avoided.</p> <p>The place is also located outside of the proposed footprint for works and therefore any harm to subsurface deposits and potential subsurface cultural material will also be avoided.</p>	<p>Yes. As the surface artefacts have already been salvaged, no harm will occur to the place and therefore any harm has been minimised.</p> <p>Avoidance of the place extent by the proposed works will minimise any harm to the subsurface deposits of the place that may contain artefacts.</p>	<ul style="list-style-type: none"> Information about this place should be included in the cultural awareness training to minimise impact on potential subsurface deposits that may contain artefacts. If the proposed works cannot avoid Congupna Creek 1, then a complex assessment to be carried out by YYNAC representatives and a qualified HA to identified the presence of subsurface Aboriginal cultural material prior to the commencement of works. Salvage of any subsurface cultural material identified during the complex assessment (if required) by YYNAC representatives and a qualified HA prior to the commencement of works. Please refer to section 9 regarding the contingency plans for the reburial of salvaged Aboriginal cultural material.
7925-0657	Congupna Creek LDAD 1	<p>Yes. The artefacts that comprise the place have been salvaged therefore any harm to the place has been avoided.</p>	<p>Yes. As the artefacts have already been salvaged, no harm will occur to the place and therefore any harm has been minimised.</p>	<ul style="list-style-type: none"> No specific measures are required to manage the place. Please refer to section 9 regarding the contingency plans for the reburial of salvaged Aboriginal cultural material.

PART 2: Cultural Heritage Management Conditions

These conditions become compliance requirements once this Cultural Heritage Management Plan is approved.

Failure to comply with an approved Cultural Heritage Management Plan condition is an offence under section 67a of the *Aboriginal Heritage Act 2006*.

8 Specific cultural heritage management conditions

This section outlines the specific management conditions required prior to the commencement of, and during the proposed activity. A copy of this CHMP, including the conditions below, and checklist provided in appendix 6, must be present on site during the proposed activity.

In the unlikely event that Aboriginal cultural material is found during works, the following contingencies detailed in section 9 will determine the course of action that must be undertaken.

8.1 Management required prior to the activity

The following management conditions must be implemented prior to the commencement of the proposed activity:

1. Notification of the commencement of the activity

Unless otherwise agreed, X-Elio must provide YYNAC with at least two weeks notification before the commencement of the proposed works.

2. Cultural heritage awareness induction

A cultural awareness induction must be held with the participation of X-Elio (or their representative manager), and where relevant, participation of the site supervisor/s and all personnel directly involved in construction works including (but not exclusive to) site workers, contractors, and sub-contractors.

The cultural heritage awareness induction must be conducted by an appointed representative of YYNAC prior to the commencement of any ground disturbing works within the activity area, and must include information about the cultural values of the area and the specific conditions stipulated in this CHMP.

A notification period of at least two weeks must be provided to YYNAC to deliver a cultural heritage awareness induction. The cost of the induction must be met by X-Elio or the works contractor/s.

3. All personnel to be aware of the Part 2 management conditions and contingency plans

Following the cultural heritage awareness induction, X-Elio or the site manager will be responsible for ensuring that all personnel on site are made aware of the Part 2 management conditions and contingency plans, and the location of the CHMP on-site for ease of reference and compliance.

Awareness of this CHMP, the management conditions, and contingency plans may be incorporated into any on site job safety or tool box meeting, and will be especially relevant for introducing this management plan to new personnel working on site.

8.2 Management required during the activity

The following management conditions must be implemented during the proposed activity:

1. Avoid impact to VAHR 7925-0656 (Congupna Creek 1).

Due to the risk of cumulative impacts to Congupna Creek 1, and at the request of YYNAC, surface artefacts identified within the place were salvaged during the standard assessment. These artefacts are currently being securely held at the YYNAC office in Shepparton.

While the current project design has been created with the intent of avoiding direct impact to any potential subsurface material within this place, in order to minimise the risk of cumulative impacts to the subsurface deposits within Congupna Creek 1, the following is recommended:

- Erect avoidance fencing and signage of the place extent during ground disturbing and construction activities;
- Ensure that vehicle access is restricted to avoid the place extent (see map 8 below); and
- Any variation to the current CHMP that includes proposed ground disturbing activities within the recorded extent of this place will require a **complex assessment** to be undertaken at the cost of the Sponsor (X-Elio).

2. Avoid impacts to Congupna Creek and associated area of cultural heritage sensitivity.

The proposed activity must avoid any subsurface impact to Congupna Creek and its associated area of cultural heritage sensitivity (see map 9, below).

While the current project design has been created with the intent of avoiding direct impact to this area, the construction of boundary fencing and screening vegetation must avoid any impact to potential subsurface deposits in this area that have a high potential to contain Aboriginal cultural material. Potential impact to the subsurface deposits through this area can be minimised by adhering to the following:

- Ensure that no new access tracks are constructed within this area and that vehicles adhere to existing tracks;
- Erect signage that indicates the cultural sensitivity of this area;
- Consult with YYNAC regarding the design of the proposed fencing and screening vegetation in this area; and
- Any variation to the current CHMP that includes proposed ground disturbing activities within the recorded extent of the cultural heritage sensitivity buffer will require a **complex assessment** to be undertaken at the cost of the Sponsor (X-Elio).

3. Compliance inspection to be conducted by YYNAC

Due to the presence of cultural heritage within the activity area and the potential for subsurface cultural material to be uncovered, YYNAC will conduct staged compliance inspections on site to ensure conditions of the CHMP are being adhered to. Compliance inspections will be conducted by appointed representative/s of YYNAC.

X-Elio is required to liaise with YYNAC as to when these compliance inspections will occur. All compliance inspections will be undertaken at the cost of the Sponsor (X-Elio).

4. Any variation to the proposed activity to be submitted to YYNAC.

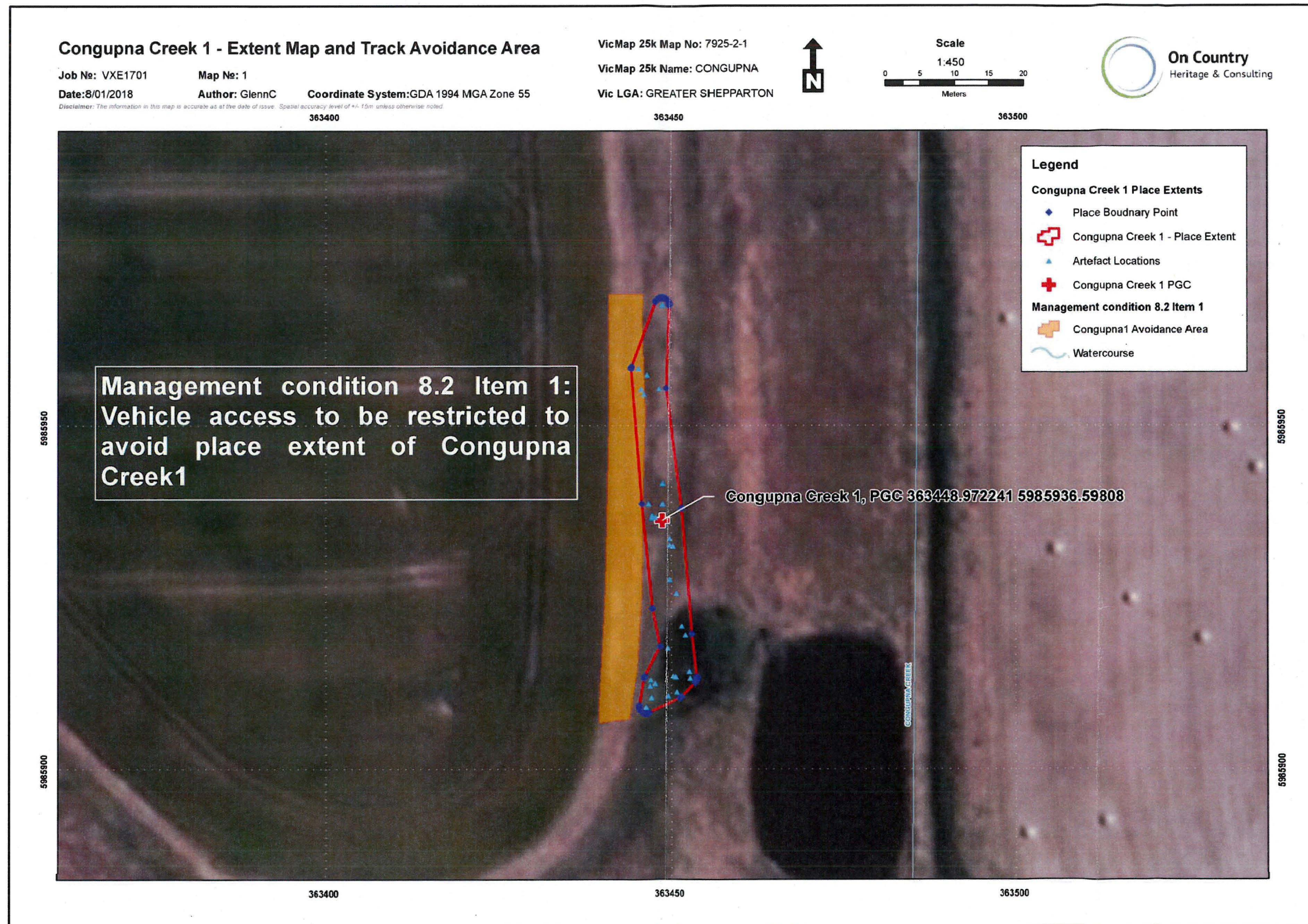
All work must be confined to the specified extent of the activity area as defined in map 1 (see section 2 above).

Should the extent of the activity area or the proposed activities vary from those already outlined in this CHMP, then X-Elio must submit these changes to YYNAC prior to the commencement of any works.

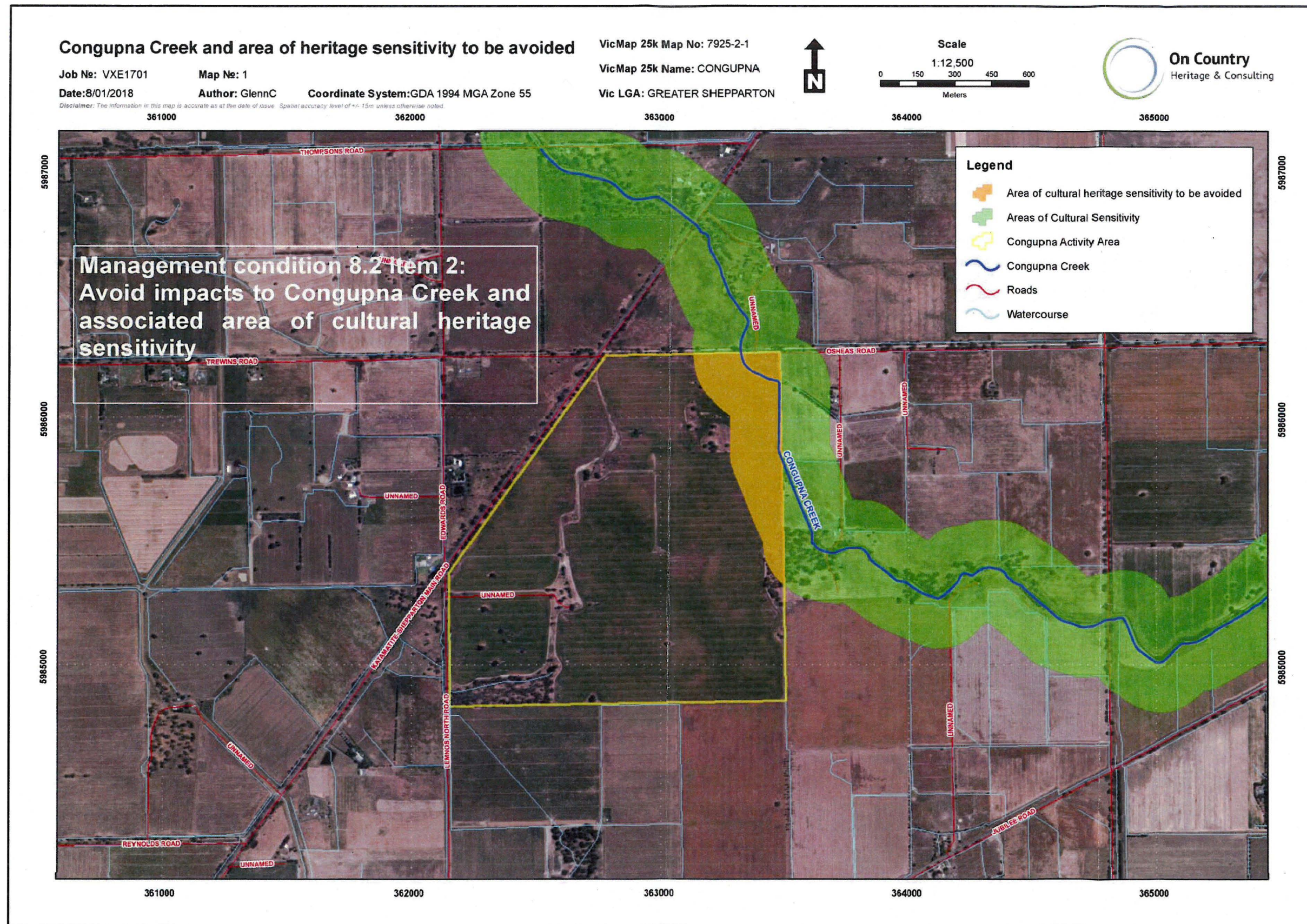
5. Compliance with contingency plans outlined in section 9.

In the event that additional Aboriginal cultural heritage material or Aboriginal ancestral remains are identified during the proposed works, the contingency plans outlined in section 9 of this CHMP must be adhered to.

Map 8: Extent of Congupna Creek 1 and section of track to be avoided



Map 9: Congupna Creek and associated area of cultural heritage sensitivity to be avoided



9 Contingency Plans

Under section 61(d) of the Act all CHMPs must incorporate contingency plans to manage Aboriginal cultural heritage issues that may affect the conduct of the activity. These contingency plans must be kept on site during the construction works and are to be read in conjunction with the management plan above.

9.1 Contingency regarding dispute resolution

Disputes that arise during the planning and conduct of the proposed activity may require formalised dispute resolution. Disputes can generally be avoided through a process of full and open communication, ensuring that all parties are conducting themselves in good faith.

In the event that a dispute should arise between the RAP and the Sponsor (including client, contractors, and other agents), parties should adhere to the principles and process set out below in order to promote amicable outcomes. For the purpose of dispute resolution, the following persons will represent the parties:

Sponsor	X-Elio
Contact	Ragini Pope
Address	120 Collins St, Melbourne, 3000
Phone number / email	(mob) 0499 139 159 Ragini.pope@x-elio.com
Registered Aboriginal Party	Yorta Yorta Nation Aboriginal Corporation (YYNAC)
Contact	Wade Morgan
Address	56B Wyndham Street, Shepparton, VIC 3630
Phone number / email	(03) 5832 0222 wade.m@yynac.com.au

Dispute resolution principles

All disputes will be jointly investigated. The dispute resolution principles are as follows:

- Where a breach of the management conditions outlined in this CHMP has been found to have occurred, the RAP and the Sponsor will agree on the best method of correction or remediation;
- Any correction or remedial activities required (for example repairing damage to a site) will be supervised by representatives of the RAP and in accordance with their instruction. The Sponsor and / or its contractors will not undertake any such activities without receiving the consent of the relevant RAP;
- The RAP will endeavour to minimise delays to work schedules while not compromising cultural heritage or values; and

- Only issues directly relating to the activity and any associated cultural heritage management will be handled via this dispute resolution strategy.

Dispute resolution process

The following process will be adhered to regarding dispute resolutions:

- The party with a grievance relating to the project should make the other party aware of the problem as soon as it arises;
- Should cultural heritage management related disputes regarding the activity area arise, the RAP and the Sponsor will make every attempt to negotiate a resolution to both parties;
 - Parties will attempt a resolution within 48 hours of a notice of being received that a dispute exists;
 - If the authorised personnel for the parties cannot reach an agreement, or there is a personality clash inhibiting negotiations, replacement representatives should be arranged to collaboratively negotiate an acceptable outcome within a suitable timeframe
- These arrangements do not preclude any legal recourse open to either parties being taken however, the parties agree the above avenues should be exhausted prior to such recourse being made.

Alternative dispute resolution may be requested by either party if internal dispute resolution fails to achieve satisfactory outcomes and can be sought through the Chairperson of the Council.

Where the Sponsor and RAP are unable to achieve a resolution in the case of dispute about the approval of a Management Plan the Sponsor may apply to the Victorian Civil and Administrative Tribunal Review (VCAT) to review the decision.

9.2 Reporting the discovery of Aboriginal cultural heritage during works

Where Aboriginal cultural heritage is identified during an activity, the Sponsor is responsible for notifying an appropriately qualified and experienced Heritage Advisor (HA) of the discovery.

The HA must investigate and report the Aboriginal cultural heritage to the RAP in place for the activity area (where applicable) and notify AV of discovery by lodging either a new or updated VAHR site record card within a timely manner, and facilitate an appropriate outcome in accordance with the above contingency plans.

9.2.1 Discovery and reporting of Aboriginal cultural heritage other than human remains

There is a potential for unknown Aboriginal cultural heritage to be found within the activity area. Any Aboriginal cultural heritage that may be found are likely to be stone artefacts. A suitably qualified and experienced HA must always be consulted in instances where a person discovers or suspects they have discovered Aboriginal cultural heritage.

A person who discovers or suspects they have discovered Aboriginal cultural heritage during construction activities within the activity area covered by this CHMP must immediately notify the person in charge of the activity. The person in charge of the activity must then suspend

any relevant works at the location of the discovery and within 10 m of the extent of the suspected site.

The person in charge of the activity must contact a HA within a period of two business days and notify them of the discovery. The HA will then evaluate the Aboriginal cultural heritage and advise on a suitable management strategy within a period of three business days. The HA must consult with the RAP in place for the activity area and all decisions regarding the management of the Aboriginal cultural material will be made in conjunction with the RAP. The HA will notify AV of the Aboriginal cultural heritage discovered.

The HA will consult with the Sponsor and discuss options to avoid harm to the Aboriginal cultural heritage found during the activity. If harm to the Aboriginal cultural heritage cannot be avoided, then options to minimise harm will be discussed. If harm to the Aboriginal cultural heritage cannot be avoided or minimised, then the following processes will apply:

1. If an isolated artefact or small dispersed artefact scatter (of less than five artefacts) site is discovered it will be deemed to be of low scientific significance and no recommendations for the salvage, removal, or further works regarding the site is required. The HA must record the artefact scatter as an Aboriginal cultural heritage site, complete the appropriate VAHR site card forms, and lodge them with AV prior to the site being destroyed. Work in the excluded area may recommence provided:
 - The discovered Aboriginal cultural heritage has been identified, inspected, and recorded by a HA;
 - The HA has identified the discovered cultural heritage as being an isolated or dispersed scatter of less than five stone artefacts;
 - New or updated VAHR site record cards have been completed and forwarded to AV;
 - All parties agree there is no other prudent or feasible course of action; and
 - Where relevant, the Sponsor and the HA will ensure that the above steps are followed and that legal obligations and requirements are complied with at all times.
2. If Aboriginal cultural heritage other than an isolated artefact or small dispersed artefact scatter (of less than five artefacts) site is discovered, including but not limited to a surface or subsurface scatter of more than five artefacts, a stratified deposit, a mound, a shell midden, or a scarred tree is discovered, the HA must fully record the site and lodge the appropriate site cards with AV. The HA may then arrange for the salvage of the site(s). The salvage methodology will be decided upon on a case-by-case basis by the HA, in conjunction with any applicable RAP(s), and AV may also be consulted. The salvage methodology employed must be appropriate to the type(s) of site(s) and the nature, extent, and significance of the site(s). Any salvage collection or excavation undertaken must meet the following minimum standards:
 - The salvage must abide by regulation 61 of the Regulations;
 - The salvage must abide by the *Aboriginal Heritage Act 2006 Practice Note: Salvage Excavation* (produced by AV);

- The salvage must be undertaken in accordance with proper archaeological practice;
- The salvage must be supervised by an appropriately qualified and experienced archaeologist;
- RAP representatives must participate in any salvage excavations;
- Any excavation trenches must be excavated in either stratigraphic layers and/or in controlled arbitrary spits of 5 cm maximum, to base sterile layer or to bedrock as appropriate;
- 100% of the excavated material must be sieved through 5 mm mesh;
- Each trench must be fully recorded, including the establishment of, or use of a previously established site datum, recording of levels, mapping of location using a differential GPS unit, recording of spits, stratigraphic layers and features, including soil description, Munsell colour and pH levels, drawing of site plans and section profiles, AND recording of artefacts and labelling / cataloguing of all Aboriginal cultural heritage with reference to provenance;
- Should any *in-situ* cultural deposits be discovered during excavation in direct association with datable material, then the dating of these materials using an appropriate dating technique must be conducted;
- Work in the excluded area may recommence provided:
 - The discovered Aboriginal cultural heritage has been identified, inspected, and recorded by a HA;
 - New or updated VAHR site record cards have been completed and forwarded to AV;
 - All parties agree there is no other prudent or feasible course of action; and
 - Where relevant, the Sponsor and the HA will ensure that the above steps are followed and that legal obligations and requirements are complied with at all times.

Following completion, a report detailing the results of the salvage excavation and subsequent analysis of Aboriginal cultural material must be lodged with AV and any RAP(s) within 120 days of field work.

9.2.2 Contingency for the discovery of human remains

The following five step contingency plan describes the actions which must be taken in instances where human remains or suspected human remains are discovered. Any such discovery at the activity area must follow these steps.

Step 1 – Discovery

If suspected human remains are discovered during an activity, all work in the vicinity of the remains must stop immediately to ensure minimal damage is caused to the remains. The remains must be left in place and protected from harm or damage.

Step 2 – Notification

The State Coroner's Office and the Victoria Police must be notified immediately and, if there are reasonable grounds to believe that the remains are Aboriginal ancestral remains, the Coroner's Admissions and Enquiries hotline must be contacted immediately on 1300 888 544. Details relating to the location and nature of the human remains must be provided to the relevant authorities. If it is confirmed by these authorities that the discovered remains are Aboriginal ancestral remains, the person responsible for the activity must report the existence of the human remains to the Victorian Aboriginal Heritage Council (VAHC) as per section 17 of the Act.

Step 3 - Impact mitigation or salvage

The VAHC, will determine an appropriate course of action depending on the circumstances in which the remains were found, the number of burials found, the type of burials found and the outcome of consultation with any Aboriginal person or body (The Act s.18 (2b)). This course of action must be implemented by the Sponsor.

Note: in consultation and agreement with any relevant RAP, a Sponsor may consider incorporating a contingency plan to reserve an appropriate area for reburial of any recovered Aboriginal ancestral remains that may be discovered during the activity. This may assist the VAHC in determining an appropriate course of action.

Step 4 - Curation and further analysis

The treatment of salvaged Aboriginal ancestral remains must be in accordance with the direction of the VAHC.

Step 5 - Reburial

Any reburial site(s) must be clearly marked and fully documented by an experienced and qualified archaeologist. All details must be provided to AV and appropriate management measures must be implemented to ensure that the remains are not disturbed in the future.

9.3 Contingency for the removal, curation, and custody of Aboriginal cultural heritage

Should any Aboriginal cultural heritage be discovered during the course of the activity, the custody of the Aboriginal cultural heritage must comply with the Act and be assigned in the following order of priority:

1. Any relevant RAP for the land from which the Aboriginal cultural heritage has been salvaged;
2. Any relevant registered native title holder for the land from which the Aboriginal cultural heritage has been salvaged;
3. Any relevant native title party (as defined in the *Aboriginal Heritage Act 2006*) for the land from which the Aboriginal cultural heritage has been salvaged;
4. Any relevant Aboriginal person or persons with traditional or familial links with the land from which the Aboriginal cultural heritage has been salvaged;
5. Any relevant Aboriginal body or organisation which has historical or contemporary interests in Aboriginal heritage relating to the land from which the Aboriginal cultural heritage has been salvaged;

6. The owner of the land from which the Aboriginal cultural heritage has been salvaged; and
7. The Museum of Victoria.

It is noted that any HA engaged to investigate any Aboriginal cultural heritage should be able to retain initial custody of Aboriginal cultural heritage for a reasonable period of time for the purposes of analysis. In accordance with the Act, during the period that the HA has custody of the Aboriginal cultural heritage, the HA must:

- Fully document and catalogue the Aboriginal cultural heritage;
- Label and package collected artefactual material with reference to project and provenance;
- Arrange temporary storage of the material in a secure location together with copies of the catalogue, assessment documentation, CHMP, and results of the analysis; and
- Complete the relevant VAHR place and component forms, including object collection forms, and submit to AV.

9.4 Review compliance with the CHMP

Compliance with the recommendations and provisions of an approved CHMP is a requirement of the Act. Any action carried out contrary to the recommendations and provisions of an approved CHMP which causes harm to Aboriginal cultural heritage is an offence.

In the instance that the recommendations of a CHMP or the conditions of a cultural heritage permit have been contravened resulting in harm being caused to Aboriginal cultural heritage, the Minister for Aboriginal Affairs may order a cultural heritage audit as per section 80 of the Act.

Should a cultural heritage audit be ordered a stop order requiring the activity to cease immediately must also be issued to the Sponsor under section 88 of the Act. A stop order can be issued in any instance where an activity is harming, is likely to harm, or may harm Aboriginal cultural heritage, regardless of whether the Minister has ordered a cultural heritage audit as outlined under section 87 of the Act.

To ensure that the proposed activity is undertaken with full compliance with the recommendations and provisions of the approved CHMP, a compliance review checklist has been formulated to assist the Sponsor to ensure that the proposed activity remains compliant with the recommendations and provisions of the approved CHMP.

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Appendix 1 – Notice of Intention to prepare a Cultural Heritage Management Plan



Premier
and Cabinet

Notice of Intent to prepare a Cultural Heritage Management Plan for the purposes of the *Aboriginal Heritage Act 2006*

This form can be used by the Sponsor of a Cultural Heritage Management Plan to complete the notification provisions pursuant to s.54 of the *Aboriginal Heritage Act 2006* (the "Act").

For clarification on any of the following please contact Victorian Aboriginal Heritage Register (VAHR) enquiries on 1800-726-003.

SECTION 1 - Sponsor information

Sponsor: X-Elio
 ABN/ACN: 42617094863
 Contact Name: Ragini Pope
 Postal Address: 120 Collins Street, Melbourne, VIC 3000
 Business Number: 0449 139 159 Mobile: 0449 139 159
 Email Address: ragini.pope@x-elio.com

Sponsor's agent (if relevant)

Company: _____
 Contact Name: _____
 Postal Address: _____
 Business Number: _____ Mobile: _____
 Email Address: _____

SECTION 2 - Description of proposed activity and location

Project Name: Proposed Wind Farm at Congupna
 Municipal district: Greater Shepparton City Council

Clearly identify the proposed activity for which the cultural heritage management plan is to be prepared (ie. Mining, road construction, housing subdivision)

Electricity facility (incl wind)

SECTION 3 - Cultural Heritage Advisor

<u>Glenn McDonald</u>	<u>On Country Heritage & Consulting</u>	<u>glenn@oncountry.com.au</u>
<i>Name</i>	<i>Company</i>	<i>Email address</i>

SECTION 4 - Expected start and finish date for the cultural heritage management plan

Start Date: 06-Nov-2017 Finish Date: 01-Feb-2018

Submitted on: 03 Nov 2017



Premier
and Cabinet

SECTION 5 - Why are you preparing this cultural heritage management plan?

- ☒ A cultural heritage management plan is required by the Aboriginal Heritage Regulations 2007
What is the high Impact Activity as it is listed in the regulations?
Electricity facility (incl wind)
Is any part of the activity an area of cultural heritage sensitivity, as listed in the regulations? Yes
- ☐ Other Reasons (Voluntary)
- ☐ An Environment Effects Statement is required
- ☐ A Cultural Heritage Management Plan is required by the Minister for Aboriginal Affairs.
- ☐ An Impact Management Plan or Comprehensive Impact Statement is required for the activity

SECTION 6 - List the relevant registered Aboriginal parties (if any)

This section is to be completed where there are registered Aboriginal parties in relation to the management plan.
Yorta Yorta Nation Aboriginal Corporation

SECTION 7A - List the relevant Aboriginal groups or Aboriginal people with whom the Sponsor intends to consult (if any)

*This section is to be completed only if the proposed activity in the management plan is to be carried out in an area where there is **no Registered Aboriginal Party**.*

SECTION 7B - Describe the intended consultation process (if any)

*This section is to be completed only if the proposed activity in the management plan is to be carried out in an area where there is **no Registered Aboriginal Party**.*

SECTION 8 – State who will be evaluating this plan (mandatory)

The plan is to be evaluated by:

- ☒ A Registered Aboriginal Party **AND / OR**
If checked, list the relevant Registered Aboriginal Party Evaluating: Yorta Yorta Nation Aboriginal Corporation
- ☐ The Secretary **AND / OR**
- ☐ The Council

SECTION 9 – Preliminary Aboriginal Heritage Tests (PAHTs)

List the Reference Number(s) of any PAHTs conducted in relation to the proposed activity:

SECTION 10 - Notification checklist

Ensure that any relevant registered Aboriginal party/ies is also notified. A copy of this notice with a map attached may be used for this purpose.
(A registered Aboriginal party is allowed up to 14 days to provide a written response to a notification specifying whether or not it intends to evaluate the management plan.)

Submitted on: 03 Nov 2017



Premier
and Cabinet

In addition to notifying the Deputy Director and any relevant registered Aboriginal party/ies, a Sponsor must also notify any owner and/or occupier of any land within the area to which the management plan relates. A copy of this notice with a map attached may be used for this purpose.

Ensure any municipal council, whose municipal district includes an area to which the cultural heritage management plan relates, is also notified. A copy of this notice, with a map attached, may also be used for this purpose.

Submitted on: 03 Nov 2017

Appendix 2 – Notice of evaluation by RAP



YORTA YORTA NATION ABORIGINAL CORPORATION

Kalitheban Wollithica Moira Bangerang Ulupna Kwat Kwat Yalpa Yalpa Ngurai-iliam-wurrung

ABN: 55 942 996 311 - ICN: 3279

Ragini Pope
X-Elio
120 Collins Street,
Melbourne, VIC 3000

6 November 2017

NOTICE OF INTENT TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN: 15380

Proposed Wind Farm at Congupna

Yorta Yorta Nation Aboriginal Corporation (YYNAC) has received the Notice of Intent (NOI) to prepare a Cultural Heritage Management Plan (CHMP) for the above project which was received 3 November 2017.

The Yorta Yorta Nation Aboriginal Corporation is the Registered Aboriginal Party (RAP) under the *Victorian Aboriginal Heritage Act 2006*. It will evaluate the management plan for the project.

The cost for the evaluation of the management plan is as prescribed in the *Victorian Aboriginal Heritage Regulations 2007*. Costs for consultation with the registered Aboriginal Party are outlined in the Yorta Yorta Nation Aboriginal Corporation's fees and terms of engagement document.

The Yorta Yorta Nation Aboriginal Corporation request an inception meeting be held with the Project Sponsor and the Cultural Heritage Advisor before any works are to commence.

Yours Sincerely,

Wade Morgan
Cultural Heritage Unit Coordinator

Shepparton Office
PO Box 1363
Shepparton Vic 3632
PH: 03 5832 0222
Fax: 03 5821 0367
reception@yynac.com.au

Echuca Office
PO Box 17
Echuca Vic 3564
PH: 03 5482 3685
reception@yynac.com.au
web: www.yynac.com.au

Yenbena Training Centre
c/o Barmah Post office
Barmah Vic 3638
PH: 03 5869 3336
Fax: 03 5869 3292
ytcreception@yynac.com

Appendix 3 – Glossary of terms

Term	Definition
Artefact	An object made by people. In an Australian context this can also refer to a stone tool.
Artefact Collection	This is a collection of artefacts which were excavated and then returned to the site after analysis. These artefacts are then buried at the bottom of a test pit.
Artefact Scatter	A surface scatter of stone artefacts is defined as being the occurrence of more than 10 items of cultural material within an area of 100 m ² . Artefact scatters are the physical remains of places where Aboriginal people camped, prepared food and knapped stone tools.
Archaeological Site	A place / location of either Aboriginal or historical significance.
Blade	A long parallel sided flake from a specially prepared core. Blades are twice as long as they are wide.
B.P.	Before present. The 'present' is defined as 1950.
Burial	Human or potential human skeletal remains identified may occur in association with a campsite, mound or shell midden. Softer ground was chosen for burials and can contain more than one individual.
Contact Site	Contact refers to the time when Aboriginal and European people are first interacting. These sites may be missions, reserves, associated with conflict or the adaptation of European materials such as glass for the purpose of making glass tools.
Core	An artefact from which flakes have been detached using a hammer stone. Core types include blade, fragment, single platform and multiple platform.
Cultural Heritage	Something that is inherited or passed down because it is appreciated and cherished.
Ethnography	The scientific description of living cultures.
Flake Fragment	A piece of stone with a definite flake surface that cannot be classified as a flake or a core. These are generally refuse material discarded during the working of stone material.
Formal Tool	An artefact that has been shaped by flaking, including retouch or grinding to a predetermined form for use as a tool. Formal tools include scrapers, backed blades and axes.
Grindstones	Upper (muller) and lower (basal) stones used to grind plants for food and medicine or ochres for painting. A handstone sometimes doubles as a hammerstone and / or anvil.

Hammerstone	A piece of stone, often a creek / river cobble / pebble, which has been used to detach flakes from a core by percussion. During flaking, the edges of the hammerstone become crushed by impact with the core.
Heritage Place	Any place which contains heritage values.
Isolated Artefact	An isolate artefact is defined as being the occurrence of four or less items of cultural material within an area of 100 m (AV 1993:1). They can be evidence of one off activities, abandonment or poor visibility.
Lithic	Anything made of stone.
Low Density Artefact Scatter	A Low Density Artefact Distribution (LDAD) is the occurrence of stone artefacts at densities of up to 10 counted artefacts in any area of approximately 10 m by 10 m, or 100 m ² , including within a single test pit of ≤ 1 m ² (Aboriginal Victoria 2014). This density distinction has been adopted to facilitate a streamlined recording process for lower densities of artefacts.
Post Contact	These sites indicated contact has been made with European culture during the people of initial European settlement or where activities culturally significant to Aboriginal people occurred.
Quarry	Is a source for either stone or ochre which is exposed and has been extracted by Aboriginal people.
Rock Art	'Paintings, engravings and shallow relief work on natural rock surfaces' (Rosenfeld 1988:1). Paintings were often produced by mineral pigments, such as ochre, combined with clay and usually mixed with water to form a paste or liquid that was applied to an unprepared rock surface. Rock engravings were made by incising, pounding, pecking or chiselling a design into a rock surface.
Scarred Tree	Scars on trees may be the result of the removal of bark and wood by Aboriginal people for the manufacture of bowls, shields, shelter or canoes. A scar made by humans as opposed to naturally made by branches falling off is distinguished by the symmetry, round edges, scar does not extend to the ground, some regrowth has occurred around the edges of the scar and no holes or knots present in the heartwood.
Significance	The importance of a heritage place or site for aesthetic, historic, scientific, cultural, or social values for past, present or future generations.
Tool	Artefacts that have been designed for a specific purpose.

Appendix 4 – Gazetteer

Table 7: Registered Aboriginal heritage places relevant to CHMP 15380

VAHR No.	Place Name	Component No.	Component type	Easting	Northing	MGA 94 Zone
7925-0656	Congupna Creek 1	7925-0656-1	Artefact scatter	363448.97	5985936.60	55
	Congupna Creek 1	7925-0656-2	Object collection	356559.00	5973638.00	55
7925-0657	Congupna Creek LDAD 1	7925-0657-1	Low density artefact distribution	362278.28	5985299.42	55
	Congupna Creek LDAD 1	7925-0657-2	Object collection	356559.00	5973638.00	55

Appendix 5 – Assemblage data

Table 8: VAHR 7925-0656 (Congupna Creek 1) artefact assemblage data

ID	Easting	Northing	Zone	Primary Form	Raw Material	Cortex %	Cortex Origin	% of edge with retouch / usewear	Retouch / Utilisation	R / U Location	Overhang Removal	Flake Platform	Flake Termination	No. of complete scars (cores only)	Longest scar (mm) (cores only)	Formal Tool Type (if any)	Length (mm)	Width (mm)	Thickness (mm)	Max. Dimension (mm)
1	363446.823	5985957.691	55	flake - distal	silcrete	None	-	None					Feather				22	12	3	23
2	363445.493	5985958.692	55	Flake - Longitudinal Split	silcrete	None	-	None				Plain	Step				32	23	13	36
3	363445.917	5985955.597	55	flake - distal	crystal quartz	1-32%	-	1-32%	Usewear	Distal margin			Step				21	22	6	26
4	363446.326	5985954.885	55	Flake - Longitudinal Split	silcrete	None	-	None			yes	Faceted	Step				21	14	6	21
5	363448.553	5985955.71	55	Angular fragment	chert	None	-	None												22
6	363447.485	5985936.952	55	flake - distal	chert	1-32%	-	33-66%	Usewear	Left lateral margin; Distal margin			Feather				26	17	7	28
7	363447.517	5985937.32	55	Angular fragment	chert	None	-	1-32%	Usewear	Right lateral margin										12
8	363450.518	5985932.842	55	Flake - medial	quartzite	1-32%	-	None									18	20	6	23
9	363452.332	5985919.948	55	Angular fragment	quartz	None	-	None												16
10	363451.785	5985921.19	55	Angular fragment	silcrete	None	-	None												20
11	363449.726	5985918.014	55	flake - distal	quartz	None	-	None					Step				12	16	6	16
12	363452.898	5985914.59	55	Flake - Proximal	quartz	None	-	None				Plain					9	9	4	9
13	363453.003	5985913.615	55	Angular fragment	silcrete	None	-	None												28
14	363450.506	5985913.906	55	Flake - Complete	chert	33-66%	-	None				Crushed	Plunge				15	18	6	18
15	363450.862	5985913.8	55	Core - Multidirectional	silcrete	None	-	None						3	11		15	15	7	15

16	363450.975	5985913.751	55	Flake - Complete	basalt	33-66%	-	1-32%	Usewear	Distal margin			Cortex	Feather				28	42	16	42
17	363451.077	5985911.613	55	Angular fragment	silcrete	1-32%	-	None													22
18	363449.797	5985911.054	55	Flake - Complete	silcrete	None	-	None					Plain	Feather				12	30	5	31
19	363447.947	5985912.848	55	Flake - Proximal	chert	67-99%	-	None					Cortex					9	15	3	16
20	363447.414	5985910.816	55	Flake - Complete	silcrete	1-32%	-	1-32%	Usewear	Left lateral margin	yes		Cortex	Plunge				31	19	7	31
21	363447.199	5985912.506	55	Flake - Complete	silcrete	1-32%	-	None					Faceted	Feather				20	15	8	21
22	363447.298	5985913.4	55	Angular fragment	silcrete	1-32%	-	None													31
23	363446.622	5985909.475	55	Flake - Longitudinal Split	chert	None	-	1-32%	Usewear	Distal margin			Plain	Feather				28	10	6	28
24	363449.778	5985968.887	55	Blade - Proximal	Chert	None	-	1-32 %	Retouch	Proximal margin; Left lateral margin	No		Plain	-	-	-	Blade	20	21	4	26
25	363449.047	5985942.887	55	Flake - Distal	Chert	1-32 %	Riverine	None	-	-	-	-	-	Feather	-	-	-	20	18	3	21
26	363447.557	5985939.887	55	Flake - Proximal	Quartz	None	-	None	-	-	No		Facetted	-	-	-	-	7	8	3	9
27	363449.7	5985939.775	55	Flake - Proximal	Chert	1-32 %	Riverine	None	-	-	No		Cortical	-	-	-	-	14	11	3	16
28	363450.95	5985934.776	55	Angular Fragment	Quartz	1-32 %	Riverine	None	-	-	-	-	-	-	-	-	-				28
29	363448.05	5985937.776	55	Flake - Distal	Silcrete	None	-	33-66 %	Retouch	Distal margin	-	-	-	Plunge	-	-	-	23	20	10	26
30	363450.45	5985933.087	55	Flake - Longitudinal split	Silcrete	33-66 %	Riverine	None	-	-	No		Cortical	Feather	-	-	-	22	31	8	32
31	363450.3	5985928.325	55	Angular Fragment	Quartz	None	-	None	-	-	-	-	-	-	-	-	-				18
32	363451.22	5985926	55	Flake - Longitudinal split	Quartz	None	-	None	-	-	-	-	Plain	Hinge	-	-	-	11	4	3	11

Table 9: VAHR 7925-0657 (Congupna Creek LDAD 1) artefact assemblage data

ID	Easting	Northing	Zone	Raw Material	Primary Form	Cortex %	% of edge with retouch / usewear	Flake Platform	Flake Termination	Secondary Modification (if any)	Length (mm)	Width (mm)	Thickness (mm)	Maximum Dimension (mm)	Comments
ISO-001	362278.28	5985299.42	55	Chert	Flake - Complete	1-32%	1-32%	Crushed	Axial		18	20	8	18	Banded Chert. Likely secondary deposition brought in with gravel fill on track
ISO-002	362492.43	5985305.57	55	Other	Flake - Complete	1-32%	33-66%	Plain	Feather	Battering	63	32	12	63	Mudstone - Likely secondary deposition brought in with gravel fill on track
ISO-003	362534.75	5985305.23	55	Crystal Quartz	Flake - Complete	None	1-32%	Crushed	Feather		20	19	4	22	Conjoining fragments - Likely secondary deposition brought in with gravel fill on track
ISO-004	362539.57	5985304.73	55	Other	Flake - Complete	None	None	Plain	Feather		10	6	2	12	Mudstone - Likely secondary deposition brought in with gravel fill on track
ISO-005	362550.40	5985307.94	55	Quartz	Flake - Distal	None	None		feather		6	6.5	2	8	Likely secondary deposition brought in with gravel fill on track
ISO-006	363409.68	5985876.96	55	Quartz	Flake - Complete	None	None	Crushed	feather		12	11	5	13	
ISO-007	363405.00	5985873.79	55	silcrete	Flake - Distal	1-32%	33-66%		Feather		15	22	10	22	if complete, possible scraper
ISO-008	362778.05	5986067.70	55	silcrete	flake - proximal	None	1-32%	Crushed			15	20	5	20	
ISO-009	362760.20	59861336.00	55	silcrete	flake - complete	33-66%	1-32%	Plain	Plunge		20	30	5	30	

Appendix 6 – Compliance and review checklist

The compliance review checklist allows the Sponsor to ensure full compliance with the recommendations and provisions of the approved CHMP. If, at any point prior to or during the proposed activity, any of the questions below cannot be answered positively, it is possible that the Sponsor may be contravening the CHMP and the Act. Should this occur, the Sponsor is advised to seek the advice of a HA.

Compliance review checklist	Yes	No
<i>Prior to the commencement of the activity</i>		
Has the CHMP been approved?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Changes to the activity (if any)</i>		
Has the Sponsor submitted a new CHMP for approval?	<input type="checkbox"/>	<input type="checkbox"/>
<i>Discovery of Aboriginal cultural heritage during the activity</i>		
Have all works ceased within 10 m of the discovery location(s)?	<input type="checkbox"/>	<input type="checkbox"/>
If required, has the exposed Aboriginal cultural heritage been protected by a suitable barrier?	<input type="checkbox"/>	<input type="checkbox"/>
Has a HA been engaged to evaluate the Aboriginal cultural heritage?	<input type="checkbox"/>	<input type="checkbox"/>
Has the HA involved a representative(s) of the RAP(s) in the assessment of the discovered Aboriginal cultural heritage?	<input type="checkbox"/>	<input type="checkbox"/>
Has the HA completed new or updated site record(s) for the VAHR?	<input type="checkbox"/>	<input type="checkbox"/>
If harm to the discovered Aboriginal cultural heritage could not be avoided, have the HA and representative(s) of the RAP(s) undertaken a salvage excavation?	<input type="checkbox"/>	<input type="checkbox"/>
<i>If salvage excavations are conducted:</i>		
Has the HA involved representative(s) of the RAP(s) in the field work and management discussions?	<input type="checkbox"/>	<input type="checkbox"/>

Has the salvage excavation taken place in accordance with regulation 61 of the Aboriginal Heritage Regulations 2007?	<input type="checkbox"/>	<input type="checkbox"/>
Following the salvage excavation, has the HA completed new or updated site record(s) for the VAHR?	<input type="checkbox"/>	<input type="checkbox"/>
Following the salvage excavation, has the HA catalogued and analysed the Aboriginal cultural heritage?	<input type="checkbox"/>	<input type="checkbox"/>
Following the salvage excavation, has the HA labelled and packaged the Aboriginal cultural heritage with reference to provenance?	<input type="checkbox"/>	<input type="checkbox"/>
Following the salvage excavation, has the HA arranged for the custody of the Aboriginal cultural heritage to be passed to the most appropriate person, persons, groups or organisations?	<input type="checkbox"/>	<input type="checkbox"/>
Has a report detailing the results of the salvage excavation and subsequent analysis of Aboriginal cultural material been lodged with AV and the RAP(s) within 120 days of field work?	<input type="checkbox"/>	<input type="checkbox"/>

Discovery of human remains during the activity

Has all activity in the vicinity of the discovery ceased immediately?	<input type="checkbox"/>	<input type="checkbox"/>
Have the remains been left in place and protected from harm?	<input type="checkbox"/>	<input type="checkbox"/>
Have Victoria Police and the State Coroner's Office been notified?	<input type="checkbox"/>	<input type="checkbox"/>
If there are reasonable grounds to believe that the remains may be Aboriginal, has the Coronial Admissions and Enquiries hotline been notified?	<input type="checkbox"/>	<input type="checkbox"/>
If it is confirmed by these authorities that the remains are Aboriginal ancestral remains, has VAHC been notified?	<input type="checkbox"/>	<input type="checkbox"/>
Has the appropriate impact mitigation or salvage strategy (as determined by VAHC) been implemented?	<input type="checkbox"/>	<input type="checkbox"/>
Have the salvaged Aboriginal ancestral remains been treated in accordance with the direction of VAHC?	<input type="checkbox"/>	<input type="checkbox"/>
Has a suitable experienced and qualified archaeologist been engaged to document any reburial site(s) and have all details of the reburial been provided to AV?	<input type="checkbox"/>	<input type="checkbox"/>

Is the reburial site(s) clearly marked?

☐☐

Have appropriate management recommendations been implemented to ensure that the remains are not disturbed in the future?

☐☐



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10.01

INTEGRATED DECISION MAKING

28/03/2018
VC145

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

Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However in bushfire affected areas, planning authorities and responsible authorities must prioritise the protection of human life over all other policy considerations.

Consistent with the objectives of local government under the *Local Government Act 1989*, municipal planning authorities are required to identify the potential for regional impacts in their decision-making and co-ordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.

11.07

31/03/2017
VC134

REGIONAL VICTORIA

11.07-1

31/03/2017
VC134

Regional planning

Objective

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

Strategies

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

Ensure regions and their settlements are planned in accordance with any relevant regional growth plan.

Apply the following principles to settlement planning in Victoria's regions, including the peri-urban areas:

A network of integrated and prosperous regional settlements

Support a network of integrated and prosperous regional settlements by:

- Strengthening networks of settlements by maintaining and improving transport links, digital connectivity, spatial patterns of service delivery, and promoting commercial relationships and community activities.
- Directing growth to locations where utility, transport, commercial and social infrastructure and services are available or can be provided in the most efficient and sustainable manner.
- Ensuring there is a sufficient supply of appropriately located residential, commercial, and industrial land across a region to meet the needs identified at regional level.
- Developing strategies for regional cities that reflect growth opportunities and priorities, including the identification of urban renewal and infill opportunities to optimise infrastructure investment and surplus government land.

Environmental health and productivity

Maintain and provide for the enhancement of environmental health and productivity of rural and peri-urban landscapes by:

- Managing the impacts of settlement growth and development to deliver positive land-use and natural resource management outcomes.
- Avoiding development impacts on land that contains high biodiversity values, landscape amenity, water conservation values, food production and energy production capacity, extractable resources and minerals, cultural heritage and recreation values, assets and recognised uses.

Regional Victoria's competitive advantages

Maintain and enhance regional Victoria's competitive advantages by:

- Ensuring that the capacity of major infrastructure (including highways, railways, airports, ports, communications networks and energy generation and distribution systems) is not affected adversely by urban development in adjacent areas.
- Focusing major government and private sector investments in regional cities and centres on major transport corridors, particularly railway lines, in order to maximise the access and mobility of communities.
- Providing adequate and competitive land supply, including urban regeneration, redevelopment and greenfield sites, to meet future housing and urban needs and to ensure effective utilisation of land.
- Strengthening settlements by ensuring that retail, office-based employment, community facilities and services are concentrated in central locations.

Climate change, natural hazards and community safety

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

- Siting and designing new dwellings, subdivisions and other development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards, such as bushfire and flood.
- Developing adaptation response strategies for existing settlements in hazardous and high risk areas to accommodate change over time.
- Encouraging reduced energy and water consumption through environmentally sustainable subdivision and building design.
- Encouraging a form and density of settlements that support sustainable transport to reduce greenhouse gas emissions.

Distinct and diverse regional settlements

Support the growth and development of distinctive and diverse regional settlements by:

- Encouraging high-quality urban and architectural design which respects the heritage, character and identity of each settlement.
- Ensuring development respects and enhances the scenic amenity, landscape features and view corridors of each settlement.
- Limiting urban sprawl and directing growth into existing settlements, promoting and capitalising on opportunities for urban renewal and infill redevelopment.
- Ensuring that the potential of land that may be required for future urban expansion is not compromised.
- Creating opportunities to enhance open space networks within and between settlements.

Liveable settlements and healthy communities

Promote liveable regional settlements and healthy communities by:

- Responding to changing community needs and facilitating timely provision of, and access to, social infrastructure and services.
- Encouraging the development of compact urban areas which are based around existing or planned activity centres to maximise accessibility to facilities and services.

- Improving the availability of a diverse range of affordable accommodation, including social housing, in regional cities and locations with good access to transport, commercial facilities and community services.
- Supporting innovative ways to maintain equitable service delivery to settlements that have limited or no capacity for further growth, or that experience population decline.

Policy guidelines

Planning must consider as relevant:

- *Central Highlands Regional Growth Plan* (Victorian Government, 2014).
- *G21 Regional Growth Plan* (Geelong Region Alliance, 2013).
- *Gippsland Regional Growth Plan* (Victorian Government, 2014).
- *Great South Coast Regional Growth Plan* (Victorian Government, 2014).
- *Hume Regional Growth Plan* (Victorian Government, 2014).
- *Loddon Mallee North Regional Growth Plan* (Victorian Government, 2014).
- *Loddon Mallee South Regional Growth Plan* (Victorian Government, 2014).
- *Wimmera Southern Mallee Regional Growth Plan* (Victorian Government, 2014).

11.07-2

31/03/2017
VC134

Peri-urban areas

Objective

To manage growth in peri-urban areas to protect and enhance their identified valued attributes.

Strategies

Identify and protect areas that are strategically important for the environment, biodiversity, landscape, open space, water, agriculture, energy, recreation, tourism, environment, cultural heritage, infrastructure, extractive and other natural resources.

Provide for development in established settlements that have capacity for growth having regard to complex ecosystems, landscapes, agricultural and recreational activities in the area. These settlements include Warragul-Drouin, Bacchus Marsh, Torquay-Jan Juc, Gisborne and Kyneton and other towns identified by Regional Growth Plans as having potential for growth including Wonthaggi, Kilmore, Broadford, Seymour and Ballan.

Strengthen and enhance the character, identity attractiveness and amenity of peri-urban towns.

Prevent dispersed settlement and provide for non-urban breaks between urban areas.

Site and design new development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards such as bushfire and flooding.

Establish growth boundaries for peri-urban towns to avoid urban sprawl and protect agricultural land and environmental assets.

Ensure development is linked to the timely and viable provision of physical and social infrastructure and employment.

Improve connections to regional and metropolitan transport services.

Policy guidelines

Planning must consider as relevant:

- *Central Highlands Regional Growth Plan* (Victorian Government, 2014).
- *G21 Regional Growth Plan* (Geelong Region Alliance, 2013).
- *Gippsland Regional Growth Plan* (Victorian Government, 2014).
- *Great South Coast Regional Growth Plan* (Victorian Government, 2014).
- *Hume Regional Growth Plan* (Victorian Government, 2014).
- *Loddon Mallee North Regional Growth Plan* (Victorian Government, 2014).
- *Loddon Mallee South Regional Growth Plan* (Victorian Government, 2014).
- *Wimmera Southern Mallee Regional Growth Plan* (Victorian Government, 2014).
- *Plan Melbourne 2017-2050: Metropolitan Planning Strategy* (Department of Environment, Land, Water and Planning, 2017).

11.12

31/03/2017
VC134

HUME

For the purpose of this Clause, the 'Hume region' comprises the municipal areas of Alpine, Benalla, Greater Shepparton, Indigo, Mansfield, Mitchell, Moira, Murrindindi, Strathbogie, Towong, Wangaratta and Wodonga, covered in the *Hume Regional Growth Plan* (Victorian Government, 2014).

Policy guidelines

In considering the policy objectives and strategies for the Hume region, planning must consider as relevant, the *Hume Regional Growth Plan* (Victorian Government, 2014).

11.12-1

31/03/2017
VC134

A diversified economy

Objective

To develop a more diverse regional economy while managing and enhancing key regional economic assets.

Strategies

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

Support tourism activities, including nature-based tourism, that take advantage of environmental and cultural heritage assets and the rural environment without compromising their future.

Support opportunities for nature-based tourism throughout the region, including those arising from the restoration of the Winton Wetlands and other wetlands of national and regional value such as the Barnah Forest and the lower Ovens River.

Support large commercial tourism uses in urban locations or rural areas of lower agricultural value and away from areas identified as strategic agricultural land.

Facilitate rural tourism activities that support agricultural enterprises such as cellar door and farm gate sales and accommodation in appropriate locations.

Avoid encroachment from rural residential settlement and other land uses that are non-complementary to agriculture in areas identified as strategic agricultural land and direct proposals for settlement to existing centres and townships.

Support agricultural production through the protection and enhancement of infrastructure and strategic resources such as water and agricultural land, including areas of strategic agricultural land.

Support clustering of intensive rural industries and agricultural production to take advantage of locational opportunities, including access to key infrastructure such as transport, power, water, information and communications technology, and separation from sensitive land uses.

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

Plan for rural areas by considering the location of earth resources, the potential for their future extraction and how to minimise impacts on sensitive uses and the environment.

Support the availability of construction materials locally and consider measures to facilitate and manage their extraction.

Maintain and develop buffers around mining and quarrying activities to manage potential land use conflicts.

11.12-2 Environmental assets

31/03/2017
VC134

Objective

To protect environmental and heritage assets, and maximise the regional benefit from them, while managing exposure to natural hazards and planning for the potential impacts of climate change.

Strategies

Conserve water and manage waterways and storages as key environmental, social and economic assets to the region.

Protect the Murray River corridor as a key environmental (scenic, biodiversity, riverine), cultural and economic asset.

11.12-3 Planning for growth

31/03/2017
VC134

Objective

To focus growth and development to maximise the strengths of existing settlements.

Strategies

Facilitate growth and development specifically in the regional cities of Shepparton, Wangaratta and Wodonga, and in Benalla.

Facilitate and strengthen the economic role of Seymour, while supporting population growth.

Support growth and development in other existing urban settlements and foster the sustainability of small rural settlements.

Maintain and enhance the distinctive and valued characteristics of settlements in the region, including townships associated with early settlement and the gold rush.

Support improved access to a range of employment and education opportunities, particularly in key urban locations such as Shepparton, Wangaratta, Wodonga, Benalla and Seymour.

11.12-4 Infrastructure

31/03/2017
VC134

Objective

To improve people and freight movements and plan strategically for future infrastructure needs.

Strategies

Plan for freight connectivity to the network that is flexible and adaptable to changes in the mix of commodities and freight logistic operations.

Support improved east-west transport links including those into Gippsland.

Support the region's network of tracks and trails and activities that complement and extend their use.

Support the development of freight and logistics precincts in strategic locations along key regional freight corridors.

Provide for appropriate settlement buffers around sewerage treatment areas, solid waste management and resource recovery facilities and industrial areas to minimise potential impacts on the environment such as noise and odour.

Avoid locating water treatment plants close to development nodes.

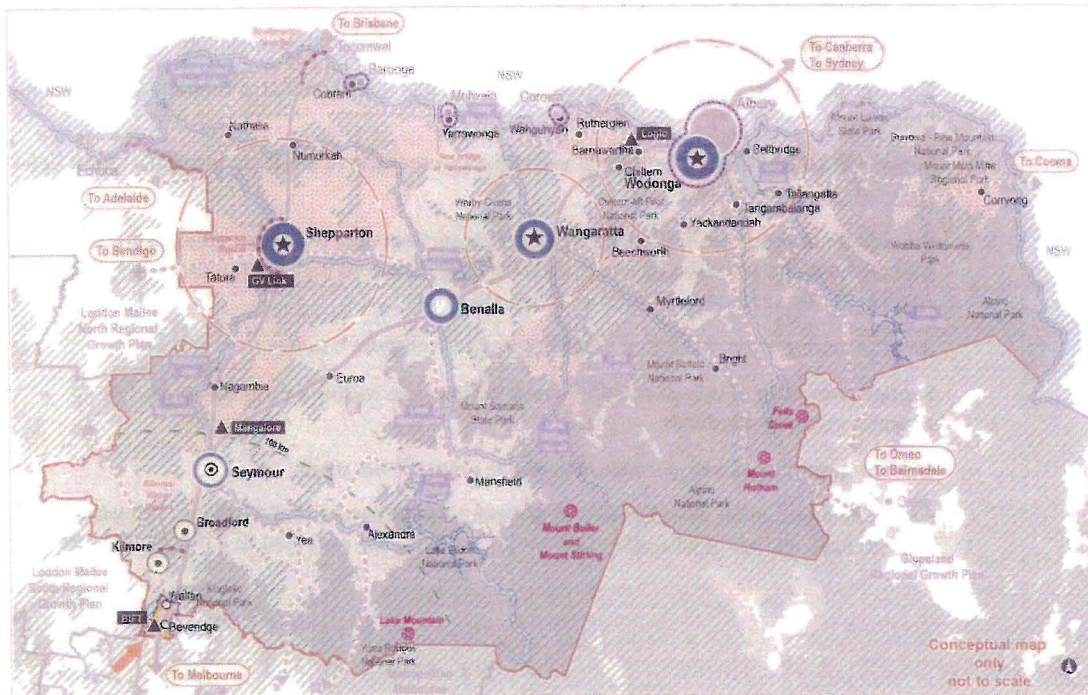
Support provision of adequate facilities to manage the region's solid waste, including resource recovery facilities.

Support opportunities to generate renewable energy from waste.

Facilitate coordinated development of growth areas to ensure required land, infrastructure and services, including education and health services, are provided in a timely manner.

11.12-5 Hume Regional Growth Plan

31/03/2017
VC134



SETTLEMENT NETWORK

- Major growth location
- Medium to high growth location
- Significant change location
- Designated identified growth centre in Plan Melbourne⁽¹⁾
- Locations identified as 'Regional Cities' in a statewide context

OTHER KEY URBAN SETTLEMENTS

⁽¹⁾Plan Melbourne (Chapter 6 – State of Cities) identifies Broadford, Kimora and Seymour as peri-urban towns with potential to attract housing and population growth out of Melbourne

- Cross-border settlements
- Support growth in these urban locations, and lifestyle opportunities
- Towns and areas in the Hume Region within Melbourne's Urban Growth Boundary
- Settlements external to the region

URBAN GROWTH AND HINTERLAND INFLUENCE

- Hinterland influence
- Areas within 100 km of central Melbourne

CONNECTIVITY

- National transport corridor (road and rail)
- Other major transport link
- Improved future transport link
- Freight and logistics precinct
- Melbourne metropolitan growth into the Hume Region

ECONOMIC DEVELOPMENT

- Strategic agricultural land

ENVIRONMENT

- Alpine resort
- Areas containing high value terrestrial habitat
- Public land
- Key water and tourism assets
- Murray River corridor

12.01

28/03/2018
VC145

BIODIVERSITY

12.01-1

16/01/2018
VC142

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.

Use strategic planning as the primary planning tool for the protection and conservation of Victoria's biodiversity, particularly those areas identified as important.

Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity.

Planning should:

- Avoid and minimise impacts of land use and development on important areas of biodiversity, including consideration of:
 - Cumulative impacts.
 - Fragmentation of habitat.
 - The spread of pest plants, animals and pathogens into natural ecosystems.
- 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 including wetlands and wetland wildlife habitat designated under the Convention on Wetlands of International Importance (the Ramsar Convention), and sites utilised by species listed under the Japan-Australia Migratory Birds Agreement (JAMBA), the China-Australia Migratory Birds Agreement (CAMBA), or the Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA).
- Assist in the identification, protection and management of important areas of biodiversity.
- Assist in the re-establishment of links between important areas of biodiversity.

Policy guidelines

Planning must consider as relevant:

- *Protecting Victoria's Environment – Biodiversity 2037* (Department of Environment, Land, Water and Planning, 2017).
- *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017).
- Any applicable biodiversity strategies, including the relevant Regional Catchment Strategy (prepared under Part 4 of the *Catchment and Land Protection Act 1994*).
- Statewide biodiversity information maintained by the Department of Environment, Land, Water and Planning.

12.01-2 Native vegetation management

12/12/2017
VC138

Objective

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

Strategies

When making decisions about proposals 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):

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 from the removal, destruction or lopping of native vegetation.

Policy guidelines

Planning must consider as relevant:

- *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017).
- *Assessor's handbook – applications to remove, destroy or lop native vegetation* (Department of Environment, Land, Water and Planning).
- Statewide biodiversity information maintained by the Department of Environment, Land, Water and Planning.

13.02

28/03/2018
VC145

FLOODPLAINS

13.02-1

16/01/2018
VC142

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 floodway areas, as verified by the relevant floodplain management authority, in planning scheme maps. Land affected by flooding is land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority.

Avoid intensifying the impacts of flooding through inappropriately located uses and developments.

Locate emergency and community facilities (including hospitals, ambulance stations, police stations, fire stations, residential aged care facilities, communication facilities, transport facilities, community shelters and schools) outside the 1 in 100 year floodplain and, where possible, at levels above the height of the probable maximum flood.

Locate developments and uses which 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) must not be located on 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.

Policy guidelines

Planning must consider as relevant:

- *State Environment Protection Policy (Waters of Victoria).*
- Regional catchment strategies and special area plans approved by the Minister for Environment and Climate Change.
- Any floodplain management manual of policy and practice, or catchment management, river health, wetland or floodplain management strategy adopted by the relevant responsible floodplain management authority.
- Any best practice environmental management guidelines for stormwater adopted by the Environment Protection Authority.
- *Victoria Floodplain Management Strategy* (Department of Environment, Land, Water and Planning 2016).

14.01

28/03/2018
VC145

AGRICULTURE

14.01-1

31/03/2017
VC134

Protection of agricultural land

Objective

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

Strategies

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

Prevent inappropriately dispersed urban activities in rural areas.

Limit new housing development in rural areas, including:

- Directing housing growth into existing settlements.
- Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.
- Encouraging consolidation of existing isolated small lots in rural zones.

Consult with the Department of Economic Development, Jobs, Transport and Resources and utilise available information to identify areas of productive agricultural land.

Take into consideration regional, state and local, issues and characteristics in the assessment of agricultural quality and productivity.

Permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.

In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:

- The desirability and impacts of removing the land from primary production, given its agricultural productivity.
- The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.
- The compatibility between the proposed or likely development and the existing uses of the surrounding land.
- Assessment of the land capability.

Subdivision of productive agricultural land should not detract from the long-term productive capacity of the land.

Where inappropriate subdivisions exist on productive agricultural land, priority should be given by planning authorities to their re-structure.

In assessing rural development proposals, planning and responsible authorities must balance the potential off-site effects of rural land use proposals (such as degradation of soil or water quality and land salinisation) which might affect productive agricultural land against the benefits of the proposals.

Planning for rural land use should consider:

- land capability; and
- the potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.

14.01-2 Sustainable agricultural land use

29/10/2015
VC101

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.

Encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices.

Support effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibly to market changes.

Facilitate the establishment and expansion of cattle feedlots, piggeries, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.

Policy guidelines

Planning must consider as relevant:

- *Victorian Code for Cattle Feedlots* (Department of Agriculture, Energy and Minerals, 1995), in considering proposals for use and development of beef cattle feedlots.
- *Victorian Code for Broiler Farms* (Department of Primary Industries, 2009), in considering proposals for use and development of broiler farms.
- *Code of Practice: Piggeries* (Health Commission of Victoria and Department of Food and Agriculture, 1992), in considering proposals for use and development of piggeries.
- *Apiary Code of Practice* (May 2011) and any relevant scientific reports, in considering proposals for apiculture.
- *Planning Guidelines for Land Based Aquaculture in Victoria* (Department of Primary Industries, No. 21, September 2005), in considering proposals for land based aquaculture facilities.

14.01-3 Forestry and timber production

29/10/2015
VC101

Objective

To facilitate the establishment, management and harvesting of plantations, and harvesting of timber from native forests.

Strategies

Promote the establishment of softwood and hardwood plantations on predominantly cleared land as well as other areas subject to or contributing to land and water degradation.

Identify areas which may be suitably used and developed for plantation timber production.

Ensure protection of water quality and soil.

Ensure timber production in native forests is conducted in a sustainable manner.

Timber production (except agroforestry, windbreaks and commercial plantations of 5 hectares or less) is to be conducted in accordance with the *Code of Practice for Timber Production* (Department of Environment and Primary Industries, 2014).

Ensuring Victoria's greenhouse sinks are protected and enhanced by controlling land clearing, containing the growth of urban areas and supporting revegetation programs.

14.02 WATER

28/03/2018
VC145

14.02-1 Catchment planning and management

16/01/2018
VC142

Objective

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

Strategies

Protect water catchments and water supply facilities to ensure the continued availability of clean, high-quality drinking water.

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 30m wide along each side of a waterway to maintain the natural drainage function, stream habitat and wildlife corridors and landscape values, to minimise erosion of stream banks and verges and to reduce polluted surface runoff from adjacent land uses.

Undertake measures to minimise the quantity and retard the flow of stormwater runoff from developed areas.

Encourage 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 works 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 proposals minimise nutrient contributions to waterways and water bodies and the potential for the development of algal blooms.

Require the use of appropriate measures to restrict sediment discharges from construction sites.

Ensure planning is coordinated with the activities of catchment management authorities.

Policy guidelines

Planning must consider as relevant:

- *State Environment Protection Policy (Waters of Victoria).*
- Any relevant regional river health program, river and wetland restoration plans or waterway and wetland management works programs approved by a catchment management authority.
- *Murray River Regional Environmental Plan No 2 (REP2) of New South Wales*, for adjoining land.
- Any regional catchment strategies approved under the *Catchment and Land Protection Act 1994* and any associated implementation plan or strategy including any regional river health and wetland strategies.
- Any special areas or management plans under the *Heritage Rivers Act (1992)*.
- Any Action Statements and management plans prepared under the *Flora and Fauna Guarantee Act 1988*.
- Any special area plans approved under the *Catchment and Land Protection Act 1994*.
- *Guidelines for planning permit applications in open, potable water supply catchment areas* (Department of Sustainability and Environment, 2012)

14.02-2

29/10/2015
VC101

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.

Policy guidelines

Planning must consider as relevant:

- 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 of proposed land use or development.
- *Victorian Nutrient Management Strategy* (Government of Victoria, 1995).
- *Construction Techniques for Sediment Pollution Control* (Environmental Protection Authority, 1991).
- *Environmental Guidelines for Major Construction Sites* (Environmental Protection Authority, 1996 - Publication 480).
- *Doing it Right on Subdivisions: Temporary Environment Protection Measures for Subdivision Construction Sites* (Environmental Protection Authority, 2004 - Publication 960).
- *Guidelines for planning permit applications in open, potable water supply catchments* (Department of Sustainability and Environment, 2012)

14.02-3

20/09/2010
VC71

Water conservation**Objective**

To ensure that water resources are managed in a sustainable way.

Strategies

Encourage the use of alternative water sources such as rainwater tanks, stormwater and recycled water by governments, developers and households.

Ensure the development of new urban areas and green spaces takes advantage of any opportunities for effluent recycling.

Protect areas with potential to recycle water for forestry, agriculture or other uses that can use treated effluent of an appropriate quality.

19.01 RENEWABLE ENERGY

28/03/2018
VC145

19.01-1 Provision of renewable energy

21/11/2017
VC141

Objective

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

Strategies

Facilitate renewable energy development in appropriate locations.

Protect energy infrastructure against competing and incompatible uses.

Develop appropriate infrastructure to meet community demand for energy services and setting aside suitable land for future energy infrastructure.

In considering proposals for renewable energy, consideration should be given to the economic and environmental benefits to the broader community of renewable energy generation while also considering the need to minimise the effects of a proposal on the local community and environment.

In planning for wind energy facilities, recognise that economically viable wind energy facilities are dependent on locations with consistently strong winds over the year.

Policy guidelines

Planning must consider as relevant:

- *Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria* (Department of Environment, Land, Water and Planning, November 2017).

21.0515/03/2018
C199**ENVIRONMENT****21.05-1**15/03/2018
C199**Natural Environment and Biodiversity**

Key biodiversity issues in Greater Shepparton are associated with native vegetation and with the myriad of river, floodplain and wetland systems.

The natural landscape of the municipality and wider region has been modified significantly as a result of pastoral activities and more recently through extensive irrigation activities. As a result, areas of remnant native vegetation are now primarily limited to waterways, road reserves and corridors. These corridors (as well as native vegetation stands on private property) provide important habitat links for flora and fauna and for the fostering of biodiversity.

The development of vast areas for irrigated agricultural activities has resulted in high water tables and salinity which have affected the productivity of the land, local bio-systems and in some instances the ultimate viability of some agricultural enterprises.

The *Goulburn Broken Catchment Management Strategy* provides the blueprint for integrated natural resource management across the municipality (and the wider region) and in part forms the regional component of the state's Biodiversity Strategy. In essence, the strategy seeks to maintain and enhance biodiversity of native flora and fauna communities and protect the region's natural resource base through the management of key threats.

The Regional Rural Land Use Strategy (RRLUS - 2008) notes that:

- Native vegetation is required to be preserved to maintain biodiversity and manage water tables.
- Floodplains and flood events are required to flush waterways and enhance water quality.
- Fauna is required to maintain biodiversity and manage pest plants and animals.

The RRLUS also notes that presently, the application of environmental controls in the region varies with a limited use of available overlays, specifically to manage significant vegetation, landscape and habitat. The application of appropriate zones, overlays and consideration of Biodiversity Action Planning processes being completed by Catchment Management Authorities are acknowledged as critical to decision making.

The RRLUS identifies land of high conservation value south and west of Murchison and around the Dookie Hills. Further strategic work will be undertaken to determine the appropriate zone or overlay to achieve the conservation outcomes envisioned in the strategy.

Objectives - Natural Environment & Biodiversity

- To maintain and enhance biodiversity of native flora and fauna communities.
- To protect and manage the natural resources of water, air and land.
- To identify natural landscape features which are to be protected and managed.
- To ensure planning for residential and rural residential growth provides for biodiversity protection and enhancement measures.

Strategies - Natural Environment & Biodiversity

- Protect remnant areas of native vegetation, streamlines, wetlands and other environmentally sensitive features.
- Ensure appropriate identification of native vegetation on land to be developed or subdivided.
- Ensure that residential and rural residential developments, and Precinct Structure Plans, address the following biodiversity protection and enhancement measures:

- Site and design development, including service infrastructure, roads and subdivision boundaries, in a manner that minimises the need to remove remnant native vegetation;
- Site and design stormwater disposal and flood mitigation infrastructure to provide for waterway habitat enhancement; and
- Enhance biodiversity values by requiring native vegetation in landscape treatments, in particular within floodways and reserves that link to rivers.

21.05-2 Floodplain and Drainage Management

19/09/2013
C121

The catchments of the various rivers and streams within the municipality include areas of flood prone land, where flooding has historically caused substantial damage to the natural and built environment. Floods are naturally occurring events and the inherent functions of the floodplains to convey and store floodwater should be recognised and preserved to minimise the deterioration of environmental values, the long term flood risk to floodplain production, assets and communities.

Flooding imposes substantial costs on individuals and the community. While significant costs are incurred by direct damage to public and private property, indirect costs to the community such as loss of productivity, displacement of residents, closure of roads, trauma and ill health are also significant. Notwithstanding these significant impacts, natural flooding of floodplains and their associated wetlands provide essential breeding habitats for bird and aquatic species, and promotes the health of rivers and floodplains.

Sound floodplain management is the means by which the economic, social and environmental risks associated with floodplain use and development can be minimised. This level of management is provided by six "local floodplain development plans (LFDP)" incorporated into the scheme at Clause 81.

Objectives - Floodplain and Drainage Management

- To recognise the constraints of the floodplain on the use and development of land.

Strategies - Floodplain Management

- Discourage development and subdivision on land subject to flooding.
- Ensure that all new development maintains the free passage and temporary storage of floodwater, minimises flood damage is compatible with flood hazard and local drainage conditions, and minimises soil erosion, sedimentation and silting.
- Prevent tree removal to minimise loss of riparian vegetation as a result of development on the floodplain.

21.05-3 Best Practice Land Management

19/09/2013
C121

Decades of open pasture farming and irrigated agriculture has also changed the natural hydrological balance. Drainage management attempts to reduce the direct costs in terms of loss of stock and damage to property, and the indirect costs of reduced productivity, road rebuilding, and inconvenience. The key issue relating to drainage management is the provision of efficient drainage of land without causing other environmental impacts.

Land use and development should be based on land capability and suitability and be mindful of potential impact of external factors such as reconfiguration of irrigation delivery and drainage infrastructure arising from irrigation water reforms. As such, Council encourages the preparation of whole farm plans to assist farming enterprises to reduce downstream impacts of nutrients on water quality, protection of natural ecosystems, reduce water logging and salinity and sustain viable farming enterprises.

It is noted that Council joined the *Cities for Climate Protection Program* in 2000 and has committed to evaluate and set targets for greenhouse gas emissions for council and

community activities, promote energy efficient subdivision and house design, promote municipal domestic wastewater management and provide corresponding incentives and programs. Council is evaluating and planning for appropriate water saving measures relating to its own water use.

Objectives - Best Practice Land Management

- To provide a supply of high quality water for urban and agricultural use.
- To minimise the degree of salinity through an integrated regional surface water management program.
- To reduce greenhouse gas emissions.
- To direct development according to identified land capability and suitability.
- To recognise the threat posed to surface water and groundwater quality by non-reticulated domestic wastewater systems.

Strategies - Best Practice Land Management

- Promote energy efficient and sustainable built form and development.
- Ensure all new developments have adequate reticulated services or effluent disposal systems to protect watercourses and water quality.
- Support innovative methods of effluent disposal such as composting.
- Encourage the development of surface water management systems with run-off into natural systems or into reuse storage for irrigation
- Encourage ecologically sustainable development principles and technologies.
- Assist carbon emission reduction.
- Promote the use of appropriate water saving measures.

21.05-4

03/10/2013
C110

Cultural Heritage

Clause 15.03 of the State Planning Policy Framework (SPPF) identifies the need for cultural heritage policy to guide decisions on development and demolition of all places affected by heritage controls.

The Council aims to ensure that places of pre settlement and post settlement cultural heritage significance within the municipality are preserved for future generations. These places of natural and cultural heritage significance include buildings, collections, streetscapes, remnants of settlements, places of Aboriginal cultural heritage significance, significant landscapes and natural features.

Places of cultural heritage significance are highly valued by the community. The continued conservation, protection and maintenance of these places of cultural heritage significance are important to the Council.

The Council acknowledges the traditional custodians of the land which now comprises Greater Shepparton, whose descendants have a long ancestral history in the area. A number of places of cultural heritage significance have been recognised. However more detailed investigation is needed to ascertain the importance of these places.

Greater Shepparton has a rich and varied built cultural heritage reflecting its origins as a pastoral area during the mid-19th century. The Goulburn Valley is one of the more successful settlement areas following the Land Selection Acts. This is reflected in the development of Shepparton, Tatura and Mooroopna during the late 19th century and into the 20th century. This growth was consolidated by Closer Settlement policies, linked with the establishment of irrigation in the region. There is a strong 20th century inheritance of built cultural heritage fabric, a consequence of the success of horticultural enterprises and post war migration, as well as the development of Shepparton as an important regional centre.

21.0603/03/2016
C162**ECONOMIC DEVELOPMENT**

The City of Greater Shepparton services a significantly wider region than that located within the municipal boundaries and has experienced strong growth over the past fifteen years. The local economy is diverse, and includes a range of activities including agriculture, food processing, manufacturing, retail, education, health/community services, transport and warehousing.

21.06-119/09/2013
C121**Agriculture**

Irrigated primary production and the processing of that product underpin the municipality and the Region's economy. The level of production is nationally important and the region is responsible for significant parts of the nation's milk production, deciduous canned fruit production, stone fruit crop and tomato processing production.

The region's workforce is heavily dependent on the agricultural sector with many people directly involved in agricultural production on farms, and an estimated similar number involved directly and indirectly in the processing and transport of that product. In both irrigation and dryland production the drivers of future successful agribusinesses, regardless of the scale of enterprise, are likely to be:

- Continuing current trends for significantly increased scale of production which is achieved by expanding the land area of production and/or by increasing the intensity of the production system.
- A shift to individual management of their own business risks such as consolidation into contiguous properties to manage all their own water supply.
- Agribusinesses that seek to minimize the number of neighbours.
- Agribusinesses that expand into land that is priced competitively because it is used for agriculture rather than having inflated land values because it has been subdivided for hobby farms.

It is increasingly evident that prospective agricultural investment is jeopardized, deterred, or completely lost by land uses and developments that have the potential to compromise the scale and location of such investment. In particular, agricultural investment is far less likely where land is already fragmented in ownership with housing dispersed throughout.

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

Growth areas being areas for growth and expansion of existing farm businesses and for new investment. Growth areas include those areas that have been retained in larger properties and provide the opportunity for large scale, stand alone new agricultural development as well as for consolidation of existing farm properties wishing to grow. The RRLUS seeks to discourage the establishment of new dwellings and where possible encourage farm tenements and property boundaries to consolidate and enlarge in line with the trends in agriculture associated with productivity and viability. The minimum subdivision size in these areas has been set at 40ha and a dwelling needs a planning permit on all land less than 60ha in area.

Consolidation areas being areas that support existing farm businesses to operate and expand. Consolidation areas typically include land with good soils and include many of the former closer settlement areas, but their lot sizes are no longer reflective of current farm sizes. Consolidation areas are considered to provide opportunities for development of growing agricultural enterprises that can, over time, expand and consolidate through a process of property restructure. In this regard 'consolidation' includes the consolidation of

land or the consolidation of farming enterprises through acquisition of non-contiguous land to increase farm size. The development of additional dwellings threatens expanding agricultural enterprises and accordingly, new dwellings within these areas are discouraged. The use of re-subdivision and excisions within consolidation areas will be considered in recognition that the excision of a dwelling from a farm can provide businesses an opportunity to consolidate property holdings based on the value of land for agriculture. The minimum subdivision size in these areas has been set at 40ha and a dwelling needs a planning permit on all land less than 60ha in area.

Niche areas being those areas with productive potential based on existing lot configuration and opportunities for smaller scale and specialized agriculture. Niche areas include those rural areas with productive potential due to soil type, property size or water access. The opportunity for properties within these areas to expand in response to general market trends is limited however due to land value and existing development as most lots are smaller with dwellings. Niche areas are productive farming areas and not rural living areas. Niche areas may involve activities such as spraying and frost fans etc. New dwellings within the niche area can be considered where associated with farm business activity. Given the existing size and lot configuration, it is envisaged that subdivision would rarely be required. The minimum subdivision size in these areas has been set at 40ha and a dwelling needs a planning permit on all land less than 40ha in area.

The RRLUS also discusses the conflict which arises when the expectations of the farmer and the rural lifestyle resident differ. It is acknowledged that direction is required to ensure that unplanned rural living is not displacing agriculture or preventing flexibility for farm businesses. In particular, existing minimum lot requirements that allow 'as of right' dwellings within the Farming Zone have been reviewed.

Important principles that have been applied in the rural areas are:

- The minimum subdivision size is to be less or equal to the minimum dwelling size in order to avoid expectations and perceptions that there will be an automatic entitlement to erect a dwelling on all newly created lots in the Farming Zone.
- Small lot subdivisions should not create any additional entitlements for a dwelling nor should they create an opportunity for a dwelling without a planning permit.

Objectives - Agriculture

To ensure that agriculture is and remains the major economic driver in the region.

To facilitate growth of existing farm businesses.

To facilitate growth of new agricultural investment.

To provide for small scale, specialized agriculture.

Strategies - Agriculture

- Identify 'growth', 'consolidation' and 'niche' areas in the Farming Zone.
- Encourage growth and expansion of existing farm businesses and new investment in 'growth' and 'consolidation' areas.
- Encourage opportunities for smaller scale, specialized agriculture in 'niche' areas.
- Discourage land uses and development in the Farming Zone, Schedule 1 that would compromise the future agricultural use of the land, including farm related tourism.
- Encourage tourism in the Farming Zone, Schedule 2 that is carefully managed to prevent conflict and impact on agricultural operations.
- Encourage value adding and new enterprises for agricultural production.
- Encourage the preparation of Whole Farm Plans for on farm earthworks.

- Discourage non-agricultural uses on rural land other than rural based industry.
- Discourage non-agricultural development in rural areas except where development is dependent on a rural location, and cannot be accommodated within existing industrial or business zoned land.
- Discourage non-agricultural development along major roads in rural areas especially at the fringe of existing urban areas when it may contribute to ribbon development.
- Buildings for non-agricultural purposes in rural areas should be set back a minimum of 100 metres from any road, be constructed in muted coloured 'colorbond' materials or similar and screened from any road by dense tree and shrub planting.
- Signs for industrial and commercial development in rural areas will be strictly limited in size and number.

21.06-219/09/2013
C121**Subdivision in Rural Areas**

Farm holdings in rural areas are becoming larger. Rural dwelling lot excisions continue to pose a threat to the long term viability of the agricultural sector by reducing the size of farms and by causing friction between the expectations of farmers and residents.

The planning scheme provides for a range of subdivision sizes based on the outcomes of the RRLUS. Subdivision of rural land at a density greater than these minimums, especially for personal and financial reasons; or to create lots for "rural lifestyle" purposes, could jeopardise the economic future of the region.

The only circumstance in which Council will contemplate a small lot subdivision is if it leads to the consolidation of rural landholdings so as to promote the viability of agriculture. This is an increasingly important issue in the municipality since the deregulation of the dairy industry. Council wishes to facilitate farm consolidation so as to assist with (among other things) the rationalisation of a sustainable dairy industry. It is acknowledged that in some circumstances, small lot subdivision can assist the process of consolidation as it enables the farming land to be priced at its agricultural value rather than have it distorted by its housing value. While small lot subdivisions are discouraged in the municipality, they will be considered on a case by case basis if the outcome is farm consolidation.

The RRLUS identified new categories of Farming Zone and has included objectives and policies for each with respect to rural subdivision.

Objectives - Subdivision in Rural Areas

To limit the further fragmentation of rural land by subdivision.

To ensure that lots resulting from subdivision are of a sufficient size to be of benefit to agricultural production.

To encourage the consolidation of rural lots.

To provide for the incremental growth of farming enterprises.

To discourage "small lot" subdivision unless the balance lot is at least the minimum lot size and is of a size sufficient to support a viable agricultural enterprise.

To ensure that small lot subdivisions do not prejudice surrounding agricultural activities.

To ensure that small lots have access to adequate infrastructure including access to all weather roads.

To prevent small lot subdivision to meet personal and financial circumstances or to create lots for 'rural lifestyle' purposes.

To prevent the creation of irregular shaped lots.

35.07

FARMING ZONE

16/01/2018
VC142

Shown on the planning scheme map as **FZ** with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

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.

35.07-1

Table of uses

16/01/2018
VC142

Section 1 – Permit not required

Use	Condition
Agriculture (other than Animal keeping, Apiculture, Intensive animal husbandry, Racing dog training, Rice growing and Timber production)	
Animal keeping (other than Animal boarding)	Must be no more than 5 animals.
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Cattle feedlot	Must meet the requirements of Clause 52.26. The total number of cattle to be housed in the cattle feedlot must be 1000 or less. The site must be located outside a special water supply catchment under the Catchment and Land Protection Act 1994. The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.
Dependent person's unit	Must be the only dependent person's unit on the lot. Must meet the requirements of Clause 35.07-2.
Dwelling (other than Bed and breakfast)	Must be the only dwelling on the lot. The lot must be at least the area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares. Must meet the requirements of Clause 35.07-2.
Home based business Informal outdoor recreation	
Primary produce sales	Must not be within 100 metres of a dwelling in

Use	Condition
	<p>separate ownership.</p> <p>The area used for the display and sale of primary produce must not exceed 50 square metres.</p>
Racing dog training	Must be no more than 5 animals.
Railway	
Rural industry (other than Abattoir and Sawmill)	<p>Must not have a gross floor area more than 200 square metres.</p> <p>Must not be within 100 metres of a dwelling in separate ownership.</p> <p>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10.</p> <p>The land must be at least the following distances from land (not a road) which is in a residential zone or Rural Living Zone:</p> <ul style="list-style-type: none"> ▪ The threshold distance, for a purpose listed in the table to Clause 52.10. ▪ 30 metres, for a purpose not listed in the table to Clause 52.10.
Rural store	<p>Must be used in conjunction with Agriculture.</p> <p>Must be in a building, not a dwelling and have a gross floor area of less than 100 square metres.</p> <p>Must be the only Rural store on the lot.</p>
Timber production	<p>Must meet the requirements of Clause 52.18.</p> <p>The plantation area must not exceed any area specified in a schedule to this zone. Any area specified must be at least 40 hectares.</p> <p>The total plantation area (existing and proposed) on contiguous land which was in the same ownership on or after 28 October 1993 must not exceed any scheduled area.</p> <p>The plantation must not be within 100 metres of:</p> <ul style="list-style-type: none"> ▪ Any dwelling in separate ownership. ▪ Any land zoned for residential, commercial or industrial use. ▪ Any site specified on a permit which is in force which permits a dwelling to be constructed. <p>The plantation must not be within 20 metres of a powerline whether on private or public land, except with the consent of the relevant electricity supply or distribution authority.</p>
Tramway	
Any use listed in Clause 62.01	Must meet requirements of Clause 62.01.

Section 2 – Permit required

Use	Condition
Abattoir	
Animal boarding	
Broiler farm	Must meet the requirements of Clause 52.31.

Use	Condition
Camping and caravan park	
Car park	Must be used in conjunction with another use in Section 1 or 2.
Cattle feedlot – if the Section 1 condition is not met	Must meet the requirements of Clause 52.26. The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.
Cemetery	
Crematorium	
Dependent person's unit – if the Section 1 condition is not met	Must meet the requirements of Clause 35.07-2.
Dwelling (other than Bed and breakfast) – if the Section 1 condition is not met	
Emergency services facility	
Freeway service centre	Must meet the requirements of Clause 52.30.
Group accommodation	
Host farm	
Industry (other than Rural industry)	
Intensive animal husbandry (other than Broiler farm and Cattle feedlot)	
Landscape gardening supplies	
Leisure and recreation (other than Informal outdoor recreation)	
Manufacturing sales	
Market	
Place of assembly (other than Amusement parlour, Night club, Carnival and Circus)	
Primary school	
Racing dog keeping – if the Section 1 condition to Animal keeping is not met	Must meet the requirements of Clause 52.40.
Racing dog training – if the Section 1 condition is not met	
Renewable energy facility (other than Wind energy facility)	Must meet the requirements of Clause 52.42.
Residential hotel	
Restaurant	
Rice growing	
Sawmill	
Secondary school	
Timber production – if the Section 1 condition is not met	Must meet the requirements of Clause 52.18.
Trade supplies	
Utility installation (other than Minor utility installation and Telecommunications facility)	
Warehouse (other than Rural store)	
Wind energy facility	Must meet the requirements of Clause 52.32.

Use	Condition
Winery	
Any other use not in Section 1 or 3	

Section 3 – Prohibited

Use
Accommodation (other than Bed and breakfast, Camping and caravan park, Dependent person's unit, Dwelling, Group accommodation, Host farm and Residential hotel)
Amusement parlour
Brothel
Child care centre
Cinema based entertainment facility
Education centre (other than Primary school and Secondary school)
Nightclub
Office
Retail premises (other than Market, Landscape gardening supplies, Manufacturing sales, Primary produce sales, Restaurant and Trade supplies)

35.07-2

19/01/2006
VC37

Use of land for a dwelling

A lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

These requirements also apply to a dependent person's unit.

35.07-3

05/09/2013
VC103

Subdivision

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

35.07-4

05/09/2013
VC103

Buildings and works

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. This does not apply to:
 - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
 - An out-building associated with an existing dwelling provided the floor area of the out-building is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
 - An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 200 square metres. Any area specified must be more than 200 square metres. The building must not be used to keep, board, breed or train animals.
 - A rainwater tank.
- Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
 - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1 specified in a schedule to this zone or, if no setback is specified, 50 metres.
 - The setback from any other road or boundary specified in a schedule to this zone.
 - The setback from a dwelling not in the same ownership specified in a schedule to this zone.
 - 100 metres from a waterway, wetlands or designated flood plain.

35.07-5 Application requirements for dwellings

19/01/2006
VC37

An application to use a lot for a dwelling must be accompanied by a written statement which explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.

35.07-6 Decision guidelines

05/09/2013
VC103

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 State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- 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.

Dwelling issues

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

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.

35.07-7 Advertising signs

19/01/2006
VC37

Notes:

Advertising sign requirements are at Clause 52.05. This zone is in Category 4.

Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

19/09/2013
C121**SCHEDULE 1 TO THE FARMING ZONE**Shown on the planning scheme map as **FZ1**.

	Land	Area/Dimensions/Distance
Minimum subdivision area (hectares).	Land as delineated FZ1 on the planning scheme maps	40 hectares
Minimum area for which no permit is required to use land for a dwelling (hectares).	Land as delineated FZ1 on the planning scheme maps	60 hectares
Maximum area for which no permit is required to use land for timber production (hectares).	None specified	
Maximum floor area for which no permit is required to alter or extend an existing dwelling (square metres).	All land	100 square metres
Maximum floor area for which no permit is required to construct an out-building associated with a dwelling (square metres)	None specified	
Maximum floor area for which no permit is required to alter or extend an existing building used for agriculture (square metres).	All land	100 square metres
Minimum setback from a road (metres).	A Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1	100 metres
	A Road Zone Category 2 or land in a Public Acquisition Overlay to be acquired for a road, Category 2	40 metres
	Any other road	20 metres
Minimum setback from a boundary (metres).	Any other boundary	5 metres
Minimum setback from a dwelling not in the same ownership (metres).	All land	100 metres

Permit requirement for earthworks	Land
Earthworks which change the rate of flow or the discharge point of water across a property boundary.	All land except for that which an approval or an exemption has been made or granted under the 'Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and Moira Shire – August 2010' incorporated at Clause 81. All the land with the exception of Lot 3 PS331755 identified as a component of the Goulburn Valley Freight Logistics Centre at Mooroopna and which is

Permit requirement for earthworks	Land
	<p>subject to the prior preparation of a Flood Management Plan approved by the relevant Floodplain Management Authority and the Responsible Authority.</p> <p>That required for the construction of the Goulburn Valley Highway – Shepparton Bypass and associated works, subject to prior preparation of a Flood Management Plan which is approved by the relevant Floodplain Management Authority and the Responsible Authority.</p>
Earthworks which increase the discharge of saline groundwater.	<p>All land except for that which an approval or an exemption has been made or granted under the 'Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and Moira Shire – August 2010' incorporated at Clause 81</p> <p>All the land with the exception of Lot 3 PS331755 identified as a component of the Goulburn Valley Freight Logistics Centre at Mooroopna and which is subject to the prior preparation of a Flood Management Plan approved by the relevant Floodplain Management Authority and the Responsible Authority</p> <p>That required for the construction of the Goulburn Valley Highway – Shepparton Bypass and associated works, subject to the approval of the Responsible Authority.</p>

44.03

FLOODWAY OVERLAY

16/01/2018
VC142

Shown on the planning scheme map as **FO** or **RFO** with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.

To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.

To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.

To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

44.03-1

Buildings and works

16/01/2018
VC142

A permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks, if the water flow path is redirected or obstructed.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- Rainwater tank with a capacity of not more than 10,000 litres.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- A non-domestic disabled access ramp.
- A dependant person's unit.

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To flood mitigation works carried out by the responsible authority or floodplain management authority.
- To the following works in accordance with plans prepared to the satisfaction of the responsible authority:
 - The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
 - The erection of telephone or power lines provided they do not involve the construction of towers or poles.
- To post and wire and post and rail fencing.

44.03-2 Subdivision

19/01/2006
VC37

A permit is required to subdivide land. A permit may only be granted to subdivide land if the following apply:

- The subdivision does not create any new lots, which are entirely within this overlay. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.
- The subdivision is the resubdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.

44.03-3 Application requirements

21/09/2009
VC60

Local floodplain development plan

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.

Flood risk report

If a local floodplain development plan for the area has not been incorporated into this scheme, an application must be accompanied by a flood risk report to the satisfaction of the responsible authority, which must consider the following, where applicable:

- The State Planning Policy Framework and the Local Planning Policy Framework.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
 - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
 - The flood warning time available.
 - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effects of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.

44.03-4 Exemption from notice and review

19/01/2006
VC37

An application under this overlay is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

44.03-5 Referral of applications

19/01/2006
VC37

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority the proposal

satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

44.03-6

Decision guidelines

21/09/2009
VC60

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

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The local floodplain development plan or flood risk report.
- Any comments of the relevant floodplain management authority.
- The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan.

Notes:

Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check the requirements of the zone which applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

25/08/2011
C138**SCHEDULE TO THE FLOODWAY OVERLAY**Shown on the planning scheme map as **FO****1.0**25/08/2011
C138**Permit requirement**

A permit is not required to construct or carry out the following buildings or works:

- a single or multiple industrial, retail or office building extension where the combined ground floor area of the extension since 29th July 1999 is not greater than 100 m²;
- a single or multiple dwelling extension where the combined ground floor area of the extension since 29th July 1999 is not greater than 20 m²;
- an upper storey extension to an existing building within the existing building footprint;
- a pergola, veranda, decking, garage, carport or domestic shed adjacent to an existing dwelling;
- an in-ground swimming pool with open style security fencing adjacent to an existing dwelling;
- a pump shed;
- a wooden or metal paling fence or cyclone mesh fence in a residential, business or industrial zone (not including a brick, masonry, or concrete wall);
- an agricultural shed (other than one used for industrial, retail or office purposes) for the storage of farm machinery, farm vehicles and workshop associated with a rural use in a farming zone with a floor area not more than 100 m²;
- a sportsground, racecourse or recreation area (with no permanent grandstand or raised viewing area), pathways and trails constructed at general natural surface elevation, playground, open picnic shelter, picnic table, drinking tap, rubbish bin, barbecue, works associated with an apiary or underground infrastructure;
- an outdoor advertising sign/structure;
- a mast, antenna, lighting or telecommunications tower;
- an accessway constructed at general natural surface elevations;
- roadworks carried out by a public authority;
- earthworks/dam in accordance with the Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and Moira Shire – August 2010 at Clause 81 and approved by the responsible authority and the floodplain management authority; and
- earthworks/flood mitigation works in association with the Goulburn Valley Freight Logistics Centre provided such works are in accordance with a Flood Management Plan approved by the responsible authority and the floodplain management authority.

2.025/08/2011
C138**Decision Guidelines – Greater Shepparton Local Floodplain Development Plans**

In addition to the Decision Guidelines in Clause 44.03-5, before deciding on an application, the responsible authority must consider the following relevant local floodplain development plans, which has been incorporated at Clause 81 of this scheme, as indicated on the attached map:

- Precinct of Lower Goulburn (2006);
- Precinct of Goulburn River (2006);
- Precinct of Broken River (2006);
- Precinct of Broken Creek (2006);

- Precinct of Honeysuckle Creek and Seven Creeks (2006); and
- Precinct of Mosquito Creek (2006).

The Responsible Authority must also consider the 'Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and Moira Shire – August 2010' incorporated at Clause 81.

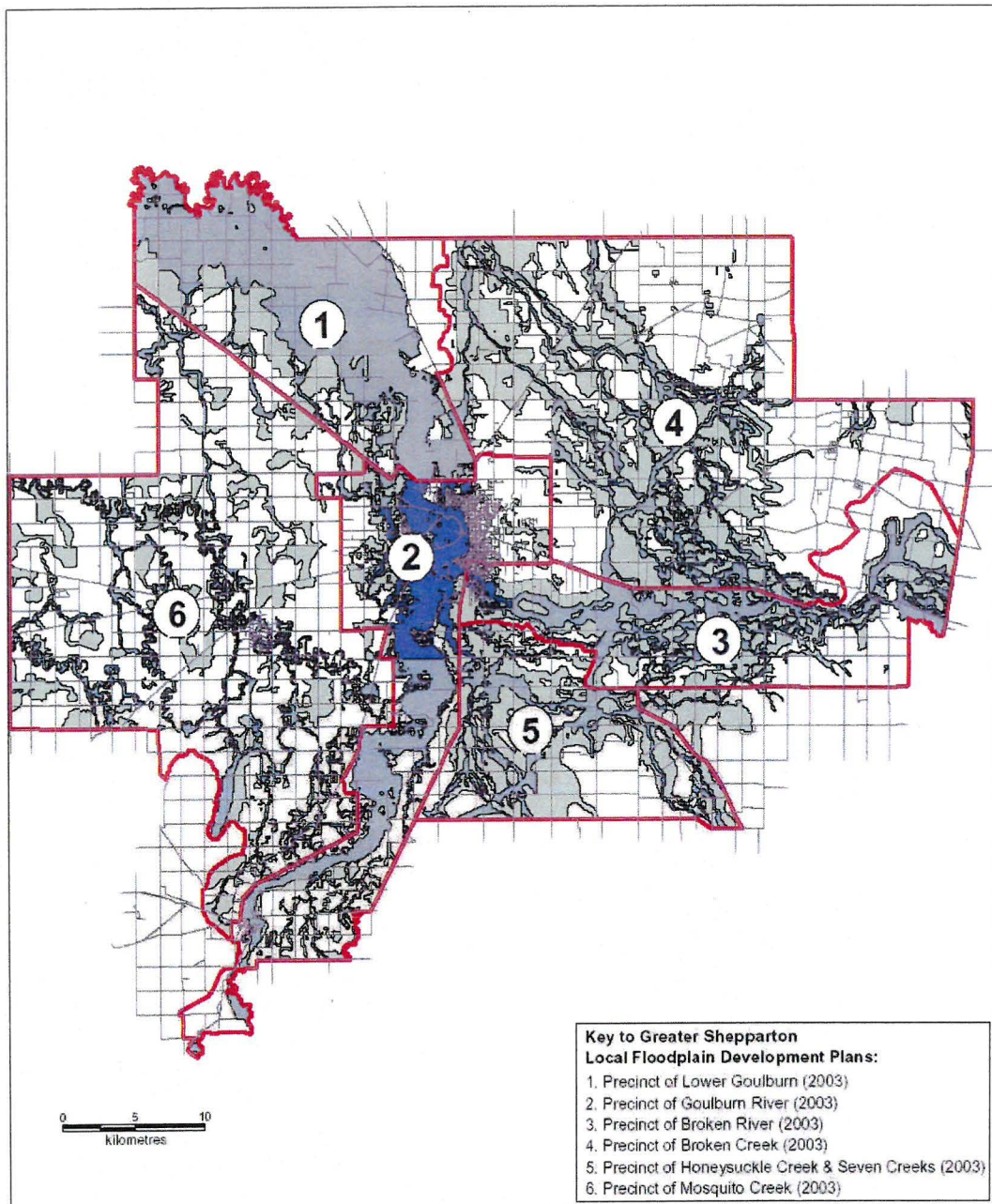
3.0

16/02/2006
C63

Referral of applications

An application is not required to be referred to the relevant floodplain management authority pursuant to Section 55 of the *Planning and Environment Act 1987* if the application is in accordance with a local floodplain development plan which has been incorporated at Clause 81 of this scheme.

Greater Shepparton Local Floodplain Development Plans



LEGEND

- Roads
- Precinct Boundary
- LSIO region
- FO region
- UFZ region

PREPARED BY: PLANNING DATA AND MAPPING TEAM
DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT

The above Greater Shepparton Local Floodplain Development Plans are incorporated documents at Clause 81 of the Greater Shepparton Planning Scheme which contain flood information and specific development requirements.

These maps showing FO, LSIO & UFZ areas are indicative only and not to be used as a substitute over the planning scheme maps.



FLOODWAY OVERLAY - SCHEDULE

PAGE 2 OF 2

44.04

16/01/2018
VC142

LAND SUBJECT TO INUNDATION OVERLAY

Shown on the planning scheme map as **LSIO** with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.

To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.

To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.

To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).

To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

44.04-1

16/01/2018
VC142

Buildings and works

A permit is required to construct a building or to construct or carry out works, including:

- A fence.
- Roadworks, if the water flow path is redirected or obstructed.
- Bicycle pathways and trails.
- Public toilets.
- A domestic swimming pool or spa and associated mechanical and safety equipment if associated with one dwelling on a lot.
- Rainwater tank with a capacity of not more than 10,000 litres.
- A pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.
- A deck, including a deck to a dwelling with a finished floor level not more than 800mm above ground level.
- A non-domestic disabled access ramp.
- A dependent person's unit.

This does not apply:

- If a schedule to this overlay specifically states that a permit is not required.
- To flood mitigation works carried out by the responsible authority or floodplain management authority.
- To the following works in accordance with plans prepared to the satisfaction of the responsible authority:
 - The laying of underground sewerage, water and gas mains, oil pipelines, underground telephone lines and underground power lines provided they do not alter the topography of the land.
 - The erection of telephone or power lines provided they do not involve the construction of towers or poles.
- To post and wire and post and rail fencing.

44.04-2 Subdivision

19/01/2006
VC37

A permit is required to subdivide land.

44.04-3 Application requirements

19/01/2006
VC37

Local floodplain development plan

If a local floodplain development plan has been developed for the area and has been incorporated into this scheme, an application must be consistent with the plan.

44.04-4 Exemption from notice and review

19/01/2006
VC37

An application under this overlay is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

44.04-5 Referral of applications

19/01/2006
VC37

An application must be referred to the relevant floodplain management authority under Section 55 of the Act unless in the opinion of the responsible authority, the proposal satisfies requirements or conditions previously agreed in writing between the responsible authority and the floodplain management authority.

44.04-6 Decision guidelines

21/09/2009
VC60

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

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any local floodplain development plan.
- Any comments from the relevant floodplain management authority.
- The existing use and development of the land.
- Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.
- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include:
 - The frequency, duration, extent, depth and velocity of flooding of the site and accessway.
 - The flood warning time available.
 - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- The effect of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.

Notes:

Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

*Check the requirements of the zone which applies to the land.
Other requirements may also apply. These can be found at Particular Provisions.*

11/02/2016
C179**SCHEDULE TO THE LAND SUBJECT TO INUNDATION OVERLAY**

Shown on the planning scheme map as **LSIO**.

1.011/02/2016
C179**Permit requirement**

A permit is not required to construct or carry out the following buildings or works:

- a single dwelling on an allotment within General Residential Zones, Neighbourhood Residential Zones, Residential Growth Zones where the floor level is at least 300 mm above the 100-year ARI flood level, or a higher level set by the responsible authority;
- a replacement dwelling where the floor level is at least 300 mm above the 100-year ARI flood level, or a higher level set by the responsible authority;
- a single or multiple dwelling extension where:
 - the combined ground floor area of the extension since 29th July 1999 is not greater than 20 m²; or
 - the owner can demonstrate to the satisfaction of the responsible authority that the floor height of the proposed dwelling extension/s is at least 300 millimetres above the 100-year ARI flood at the date of enquiry.
- an upper storey extension to an existing building within the existing building footprint;
- a pergola, verandah, decking, garage, carport, domestic shed, spa or swimming pool adjacent to an existing dwelling; including the extension to any of the aforementioned;
- an agricultural shed (other than one used for industrial, retail or office purposes) for the storage of farm machinery, farm vehicles and workshop associated with a rural use in a farming zone with a floor area not more than 130 m²;
- a new industrial, retail, or office building within any industrial or business zone of Mooroopna, Shepparton and Tatura where the floor level is at least 300 millimetres above the 100-year ARI flood level, or a higher level set by the responsible authority;
- an extension to an existing industrial, retail or office building provided that the total ground floor area of the building is less than 130 m²;
- a fence in a residential, business or industrial zone;
- open type fencing (not including solid fences such as wooden or metal paling fences, cyclone mesh fences or brick, stone or concrete wall);
- an outdoor advertising sign/structure;
- a pump shed;
- a hay shed with open sides;
- a sportsground, racecourse or recreation area (with no permanent grandstand or raised viewing area), pathways and trails constructed at general natural surface elevation, playground, open picnic shelter, picnic table, drinking tap, rubbish bin, barbecue, works associated with an apiary or underground infrastructure;
- a mast, antenna, lighting or telecommunications tower;
- an accessway constructed at general natural surface elevations;
- roadworks carried out by a public authority;

- earthworks/dam in accordance with the *Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and Moira Shire – August 2010* at Clause 81 and approved by the responsible authority and the floodplain management authority; and
- earthworks/flood mitigation works in association with the Goulburn Valley Freight Logistics Centre provided such works are in accordance with a Flood Management Plan approved by the responsible authority and the floodplain management authority.

2.0

25/08/2011
C138

Decision Guidelines – Greater Shepparton Local Floodplain Development Plans

In addition to the Decision Guidelines in Clause 44.03-5, before deciding on an application, the responsible authority must consider the following relevant local floodplain development plans, which has been incorporated at Clause 81 of this scheme, as indicated on the attached map:

- Precinct of Lower Goulburn (2006);
- Precinct of Goulburn River (2006);
- Precinct of Broken River (2006);
- Precinct of Broken Creek (2006);
- Precinct of Honeysuckle Creek and Seven Creeks (2006); and
- Precinct of Mosquito Creek (2006).

The Responsible Authority must also consider the '*Earthworks Controls in the Shire of Campaspe, City of Greater Shepparton and Moira Shire – August 2010*' incorporated at Clause 81.

3.0

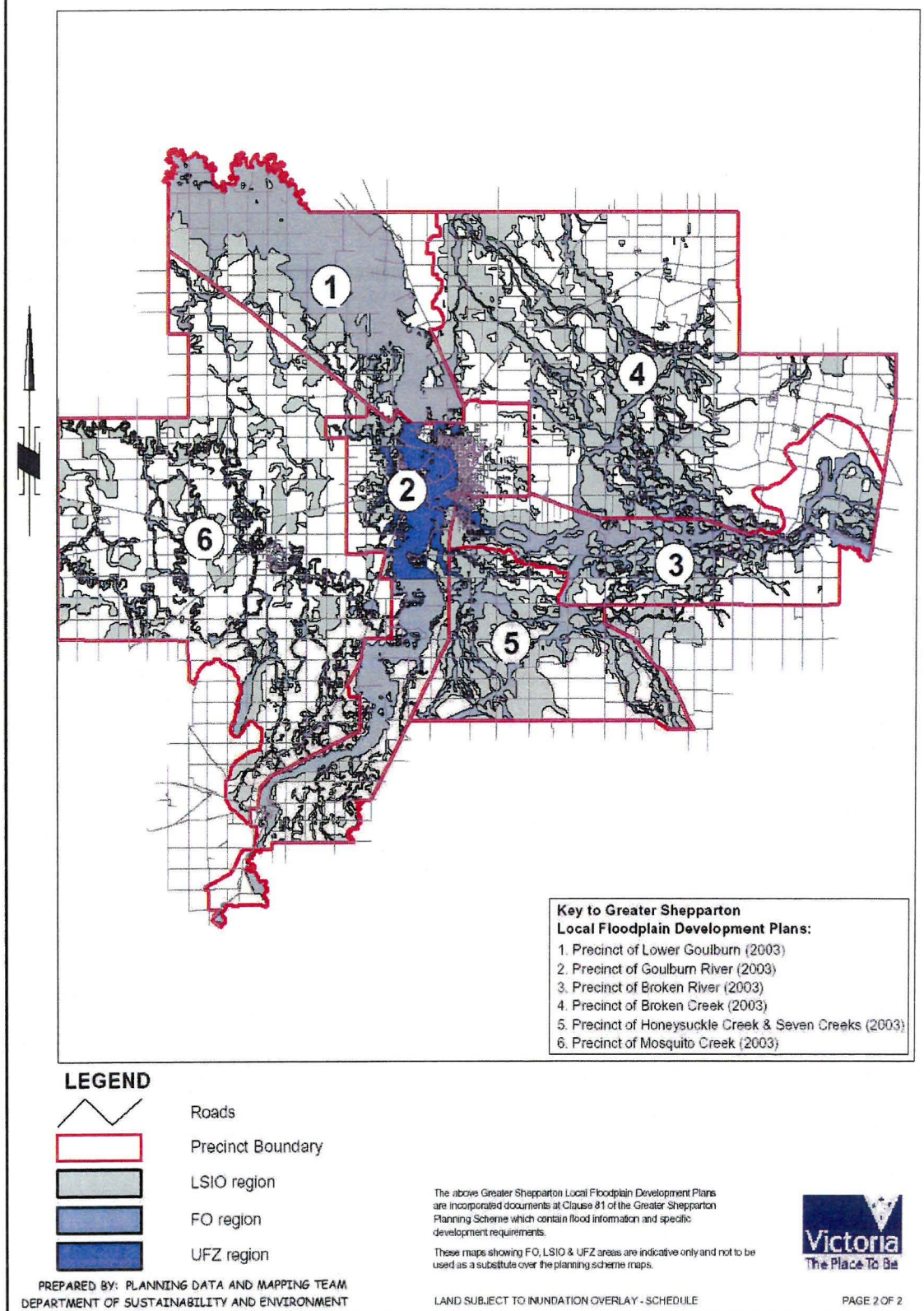
16/02/2006
C63

Referral of applications

An application is not required to be referred to the relevant floodplain management authority pursuant to Section 55 of the *Planning and Environment Act 1987* if the application is in accordance with a local floodplain development plan which has been incorporated at Clause 81 of this scheme.

374

Greater Shepparton Local Floodplain Development Plans



52.17
02/04/2015
VC124

NATIVE VEGETATION

Purpose

To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:

- Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.
- Minimise impacts on Victoria's biodiversity from the removal of native vegetation.
- Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.

To manage native vegetation to minimise land and water degradation.

To manage native vegetation near buildings to reduce the threat to life and property from bushfire.

52.17-1
15/09/2008
VC49

Native vegetation precinct plans

This clause does not apply if a Native vegetation precinct plan corresponding to the land is incorporated into this scheme.

52.17-2
20/12/2013
VC105

Permit requirement

A permit is required to remove, destroy or lop native vegetation, including dead native vegetation. This does not apply:

- If the table to Clause 52.17-7 specifically states that a permit is not required.
- To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.
- To an area specified in the schedule to this clause.

Class of application

An application to remove, destroy or lop native vegetation must be classified as one of the following risk-based pathways: low, moderate or high, as defined in the *Permitted clearing of native vegetation Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013). The application requirements and decision guidelines included in this clause must be applied in accordance with the classified pathway.

52.17-3
20/12/2013
VC105

Application requirements

All applications to remove, destroy or lop native vegetation must comply with the General application requirements.

An application in the moderate or high risk-based pathway must also comply with the moderate and high risk-based pathway application requirements.

General application requirements

All applications to remove, destroy or lop native vegetation must be accompanied by the following information, as appropriate:

- The location of the native vegetation to be removed.
- A description of the native vegetation to be removed, including the area of the patch of native vegetation and/or the number of any scattered trees to be removed.
- Maps or plans containing information set out in the *Permitted clearing of native vegetation – Biodiversity assessment guidelines*, (Department of Environment and Primary Industries, September 2013)
- Recent dated photographs of the native vegetation to be removed.
- Topographic information, highlighting ridges, crests and hilltops, streams and waterways, slopes of more than 20 percent, drainage lines, low lying areas, saline discharge areas, and areas of existing erosion.
- A copy of any property vegetation plan that applies to the site.
- Where the removal, destruction or lopping of vegetation is to create defendable space, a statement explaining why removal, destruction or lopping of native vegetation is required having regard to other available bushfire risk mitigation measures. This does not apply to the creation of defendable space in conjunction with an application under the Bushfire Management Overlay.
- Details of any other native vegetation that was permitted to be removed on the same property with the same ownership in the five year period before the application for a permit to remove native vegetation is lodged.
- The strategic biodiversity score of the native vegetation to be removed.
- The offset requirement if the native vegetation is permitted to be removed.

Moderate and high risk-based pathway application requirements

An application included in the moderate and high risk-based pathway must also be accompanied by the following information, as appropriate:

- A habitat hectare assessment of the native vegetation to be removed.
- A statement outlining what steps have been taken to minimise the impacts of the removal of native vegetation on biodiversity.
- An assessment of whether the proposed removal of native vegetation will have a significant impact on Victoria's biodiversity, with specific regard to the proportional impact on habitat for any rare or threatened species.
- An offset strategy that details how a compliant offset will be secured to offset the biodiversity impacts of the removal of native vegetation.

52.17-4

16/03/2006
VC38

Property vegetation plans

Any permit granted to remove, destroy or lop native vegetation in accordance with a property vegetation plan:

- May include conditions which reflect relevant restrictions or obligations contained in that plan.
- Must include the following condition:
“This permit will expire if one of the following circumstances applies:

- the development or any stage of it does not start within ten years of the date of this permit.
- the development or any stage of it is not completed within ten years of the date of this permit.”

52.17-5

20/12/2013
VC105

Decision guidelines

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

Biodiversity considerations

For all applications

- The contribution that native vegetation to be removed makes to Victoria’s biodiversity. This is determined by:
 - The extent and condition of the native vegetation.
 - The biodiversity value of the native vegetation, including whether the native vegetation is important habitat for rare or threatened species.
- Whether the removal of native vegetation is defined as being in the low, moderate or high risk-based pathway, as defined in the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013) and apply the decision guidelines accordingly.

For an application considered under the moderate risk-based pathway

- Whether reasonable steps have been taken to minimise the impacts of the removal of native vegetation on biodiversity.
- That an offset that meets the offset requirements for the native vegetation that is to be removed as defined in the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013) has been identified.

For an application considered under the high risk-based pathway

- Whether reasonable steps have been taken to minimise the impacts of the removal of native vegetation on biodiversity.
- Whether the native vegetation to be removed makes a significant contribution to Victoria’s biodiversity.
- That an offset that meets the offset requirements for the native vegetation that is to be removed as defined in the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013) has been identified.

Other matters

The responsible authority must also consider the following issues, as appropriate:

- The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property, having regard to the other available bushfire risk mitigation measures.

- The role of native vegetation in:
 - Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway and in special water supply catchment areas listed in the *Catchment and Land Protection Act 1994*.
 - Preventing land degradation, including soil erosion, salination, acidity, instability, and water logging, particularly:
 - Where ground slopes are more than 20 per cent.
 - On land which is subject to soil erosion or slippage.
 - In harsh environments, such as coastal or alpine area.
 - Preventing adverse effects on groundwater quality on land:
 - Where groundwater recharge to saline waterbodies occurs.
 - That is in proximity to a discharge area.
 - Which is a known recharge area.
- In the case of timber production, the benefits of including a condition requiring operations to be carried out in accordance with any relevant code of practice under Part 5 of the *Conservation, Forests and Land Act 1987*.
- Managing native vegetation to preserve identified landscape values.
- The conservation of native vegetation protected under the *Aboriginal Heritage Act 2006*.

52.17-6

20/12/2013
VC105

Offset requirements

The biodiversity impacts of the removal of native vegetation are required to be offset, in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (Department of Environment and Primary Industries, September 2013). The conditions on the permit for the removal of native vegetation must specify this offset requirement. The offset requirements must take account of:

- The location of the native vegetation to be removed.
- The condition and extent of native vegetation to be removed.
- The strategic biodiversity score of the native vegetation to be removed.
- Whether the native vegetation to be removed is important habitat for rare or threatened species, and the proportional impact of the removal on those species' habitat.

Table of exemptions

No permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following apply:

Crown Land	<ul style="list-style-type: none"> To manage Crown land. The works must be: <ul style="list-style-type: none"> by or on behalf, or with the written permission of the Secretary of the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forest and Lands Act 1987</i>); and on Crown land managed by or on behalf of the Secretary of the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forest and Lands Act 1987</i>). The vegetation is to be removed, destroyed or lopped on Crown land and by a person acting under and in accordance with an authorisation order made under sections 82 or 84 of the <i>Traditional Owner Settlement Act 2010</i>.
Dead vegetation	<ul style="list-style-type: none"> The native vegetation is dead. <p>This exemption does not apply to standing dead trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.</p>
Emergency works	<ul style="list-style-type: none"> The native vegetation presents an immediate risk of personal injury or damage to property and only that part of vegetation which presents the immediate risk is removed, destroyed or lopped. By or on behalf of a public authority or municipal council to create an emergency access or to enable emergency works.
Existing and approved buildings	<ul style="list-style-type: none"> To enable the: <ul style="list-style-type: none"> Construction of a building approved by a planning permit granted under this planning scheme or by building permit granted under <i>Building Act 1993</i>, before 15 September 2008. Use and maintenance of a building constructed or approved by a planning permit granted under this planning scheme or by building permit granted under <i>Building Act 1993</i>, before 15 September 2008. <p>This exemption does not apply to:</p> <ul style="list-style-type: none"> Enable the operation or maintenance of a fence. Native vegetation located more than 10 metres from a building.
Existing buildings and works in the Farming Zone and Rural Activity Zone	<ul style="list-style-type: none"> To enable the use or maintenance of a building or works used for Agricultural production, including a dam, utility service, bore, horticultural trellising and accessway, in the Farming Zone or the Rural Activity Zone. <p>This exemption does not apply to:</p> <ul style="list-style-type: none"> The use or maintenance of a Dwelling. The operation or maintenance of a fence. Native vegetation located more than 10 metres from a building or works.

No permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following apply:

Fences

- To enable the:
 - Construction of a fence on a boundary between properties in different ownership; or
 - Operation or maintenance of an existing fence.

The combined maximum width of clearing permitted either side of the fence under this exemption is 4 metres.

Fire protection

- For fire fighting measures, periodic fuel reduction burning, or the making of a fuel break or fire fighting access track up to 6 metres wide.
- For the making of a fuelbreak by or on behalf of a public authority in accordance with a strategic fuelbreak plan approved by the Secretary to Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forest and Lands Act 1987*). The maximum width of a fuelbreak must not exceed 40 metres.
- The native vegetation is a tree overhanging the roof of a building used for Accommodation. This exemption only allows the removal, destruction or lopping of that part of the tree which is overhanging the building and which is necessary for fire protection.
- In accordance with a fire prevention notice under:
 - Section 65 of the *Forests Act 1958*.
 - Section 41 of the *Country Fire Authority Act 1958*.
 - Section 8 of the *Local Government Act 1989*.
- To keep the whole or any part of any native vegetation clear of an electric line in accordance with a code of practice prepared under Part 8 of the *Electricity Safety Act 1998*.
- In accordance with any code of practice prepared in accordance with Part 8 of the *Electricity Safety Act 1998* in order to minimise the risk of bushfire ignition in the proximity of electricity lines.
- To reduce fuel loads on roadsides to minimise the risk to life and property from bushfire of an existing public road managed by the relevant responsible road authority (as defined by the *Road Management Act 2004*) in accordance with the written agreement of the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the *Conservation, Forest and Lands Act 1987*).

Note: Further permit exemptions for bushfire protection can be found at Clause 52.48.

Geothermal energy exploration and extraction

- To enable the carrying out of geothermal energy exploration or extraction in accordance with the *Geothermal Energy Resources Act 2005*.

Grasses

- For mowing or slashing of grass for maintenance only.
Under this exemption the grass must be:
 - Located within a lawn, garden or other planted area; or
 - Maintained at a height of at least 100 millimetres above ground level.

No permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following apply:

Grazing	<ul style="list-style-type: none"> For grazing by domestic stock. <p>This exemption allows grazing on unused roads specified under Section 400 of the <i>Land Act 1958</i>.</p>
Greenhouse gas sequestration	<ul style="list-style-type: none"> To enable the carrying out of greenhouse gas sequestration in accordance with the <i>Greenhouse Gas Geological Sequestration Act 2008</i>.
Greenhouse gas sequestration exploration	<ul style="list-style-type: none"> To enable the carrying out of greenhouse gas sequestration exploration in accordance with the <i>Greenhouse Gas Geological Sequestration Act 2008</i>.
Harvesting for timber production – naturally established native vegetation	<ul style="list-style-type: none"> To enable the carrying out of timber harvesting operations and associated activities which are: <ul style="list-style-type: none"> Undertaken on public land under a licence issued by the Secretary to the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forest and Lands Act 1987</i>) under section 52 of the <i>Forests Act 1958</i>; or Authorised in accordance with Part 5 of the <i>Sustainable Forests (Timber) Act 2004</i>.
Land management notices	<ul style="list-style-type: none"> To comply with land management notice issued under the <i>Catchment and Land Protection Act 1994</i>.
Land use conditions	<ul style="list-style-type: none"> To comply with a land use condition served under the <i>Catchment and Land Protection Act 1994</i>.
Lopping and pruning for maintenance	<ul style="list-style-type: none"> Pruning or lopping for maintenance only and no more than 1/3 of the foliage is removed from any individual plant. <p>This exemption does not apply to:</p> <ul style="list-style-type: none"> Pruning or lopping of the trunk of a tree or shrub. Native vegetation within a road or railway reservation.
Mineral exploration	<ul style="list-style-type: none"> To enable the carrying out of Mineral exploration.
Mineral extraction	<ul style="list-style-type: none"> To enable the carrying out of Mineral extraction in accordance with a work plan approved under the <i>Mineral Resources (Sustainable Development) Act 1990</i> and authorised by a work authority granted under that Act.

No permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following apply:

New buildings and works in the Farming Zone and Rural Activity Zone	<ul style="list-style-type: none"> ▪ To enable the construction of a building or works used for Agricultural production, including a dam, utility service, bore and accessway, in the Farming Zone or the Rural Activity Zone. <p>The maximum extent of native vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</p> <ul style="list-style-type: none"> ▪ 1 hectare of native vegetation which does not include a tree. ▪ 15 native trees if each tree has a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level. ▪ 5 native trees if each tree has a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level. <p>This exemption does not apply:</p> <ul style="list-style-type: none"> ▪ To the construction or operation of a pivot irrigation system or horticultural trellising.
New dwellings in the Farming Zone and Rural Activity Zone	<ul style="list-style-type: none"> ▪ To enable the construction of a Dwelling, in the Farming Zone or the Rural Activity Zone. <p>The maximum extent of native vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period is must not exceed any of the following:</p> <ul style="list-style-type: none"> ▪ 300 square metres of native vegetation which does not include a tree. ▪ 5 native trees if each tree has a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level. ▪ 1 native tree if the tree has a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level. <p>This exemption does not apply:</p> <ul style="list-style-type: none"> ▪ To the construction of a tennis court, horse ménage or swimming pool.
Personal use	<ul style="list-style-type: none"> ▪ Native vegetation removal by cutting only to obtain reasonable amounts of wood for personal use by the owner or occupier of the land. Personal use includes wood used for firewood, the construction of fences and buildings on the same land, and hobbies such as craft. <p>This exemption does not apply to:</p> <ul style="list-style-type: none"> ▪ Standing living and dead trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level. ▪ Living native vegetation on contiguous land in the same ownership with an area less than 10 hectares.

No permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following apply:

Pest animal burrows	<ul style="list-style-type: none"> To enable the removal of pest animal burrows in the Farming Zone or the Rural Activity Zone. <p>Unless in accordance with the written agreement of an officer of the Department responsible for administering the <i>Flora and Fauna Guarantee Act 1998</i>, the maximum extent of native vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</p> <ul style="list-style-type: none"> 1 hectare of native vegetation which does not include a tree. 15 native trees if each tree has a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.
Planted vegetation	<ul style="list-style-type: none"> The native vegetation has been planted or grown as a result of direct seeding for Crop raising, Extensive animal husbandry, aesthetic or amenity purposes, including: agroforestry (the simultaneous and substantial production of forest and other agricultural products from the same land unit), shelter belts, woodlots, street trees, gardens or the like. <p>This exemption does not apply if public funding was provided to assist in planting or managing the native vegetation and the terms of the funding did not anticipate removal or harvesting of the vegetation.</p>
Railways	<ul style="list-style-type: none"> To maintain the safe and efficient function of an existing railway or railway access road, in accordance with the written agreement of the Secretary of the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forest and Lands Act 1987</i>).
Regrowth	<ul style="list-style-type: none"> For regrowth which has naturally established or regenerated on land lawfully cleared of naturally established native vegetation and is: <ul style="list-style-type: none"> Less than 10 years old; or Bracken (<i>Pteridium esculentum</i>); or Less than ten years old at the time of a Property Vegetation Plan being signed by the Secretary of the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forest and Lands Act 1987</i>), and is shown on that Plan as being 'certified regrowth', and is on land that is to be used or maintained for cultivation or pasture during the term of that Plan; or Within the boundary of a timber production plantation, as indicated on a Plantation Development Notice or other documented record, and has established after the plantation. <p>This exemption does not apply to land on which native vegetation has been cleared or otherwise destroyed or damaged as a result of flood, fire or other natural disaster.</p>
Road safety	<ul style="list-style-type: none"> To maintain the safe and efficient function of an existing road managed by a public authority or municipal council in accordance with the written agreement of the Secretary of the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forest and Lands Act 1987</i>).

No permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following apply:

Stone exploration	<ul style="list-style-type: none"> ▪ To enable the carrying out of the Stone exploration. <p>The maximum extent of native vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:</p> <ul style="list-style-type: none"> ▪ 1 hectare of native vegetation which does not include a tree. ▪ 15 native trees if each tree has a trunk diameter of less than 40 centimetres at a height of 1.3 metres above ground level. ▪ 5 native trees if each tree has a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level. <p>This exemption does not apply to costeaning and bulk sampling activities.</p>
Stone extraction	<ul style="list-style-type: none"> ▪ To enable the carrying out of Stone extraction in accordance with a work plan approved under the <i>Mineral Resources (Sustainable Development) Act 1990</i> and authorised by a work authority granted under that Act.
Site area	<ul style="list-style-type: none"> ▪ The native vegetation is on land which, together with all contiguous land in one ownership, has an area of less than 0.4 hectare. ▪ This exemption does not apply to native vegetation within a road reservation.
Stock movements on roads	<ul style="list-style-type: none"> ▪ As a result of moving stock along a road. ▪ This exemption does not apply to grazing as a result of holding stock in a temporary fence (including an electric fence) on a roadside for the purpose of feeding.
Surveying	<ul style="list-style-type: none"> ▪ To establish sight-lines for the measurement of land by surveyors in the exercise of their profession, and if using hand-held tools.
Utility installations	<ul style="list-style-type: none"> ▪ To maintain a Minor utility installation. ▪ To maintain a Utility installation in accordance with a code(s) of practice approved by Secretary of the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forest and Lands Act 1987</i>), incorporated into this scheme and listed in the Schedule to this Clause. ▪ To enable the construction of a Utility installation in accordance with a code(s) of practice approved by Secretary of the Department of Environment, Land, Water and Planning (as constituted under Part 2 of the <i>Conservation, Forest and Lands Act 1987</i>), incorporated into this scheme and listed in the Schedule to this Clause.

No permit is required to remove, destroy or lop native vegetation to the minimum extent necessary if any of the following apply:

**Vehicle access
from public roads**

- To enable the construction or maintenance of a vehicle access across a road reserve from a property boundary to a public road, subject to authorisation from the relevant public land manager.

This exemption only applies to properties which share a common boundary with the road reserve.

The maximum total width of native vegetation permitted to be removed, destroyed or lopped under this exemption is 6 metres.

This exemption does not apply where there is a practical opportunity to site the accessway to avoid the removal, destruction or lopping of native vegetation.

Weeds

- To enable the removal or destruction of a weed listed in the schedule to this clause.

The maximum extent of native vegetation removed, destroyed or lopped under this exemption on contiguous land in the same ownership in a five year period must not exceed any of the following:

- 1 hectare of native vegetation which does not include a tree.
 - 15 native trees if each tree has a trunk diameter of less than 20 centimetres at a height of 1.3 metres above ground level.
-

52.42

21/09/2009
VC60

RENEWABLE ENERGY FACILITY (OTHER THAN WIND ENERGY FACILITY AND GEOTHERMAL ENERGY EXTRACTION)**Purpose**

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

52.42-1

21/09/2009
VC60

Scope

This clause applies to land used and developed or proposed to be used and developed for a renewable energy facility.

52.42-2

21/09/2009
VC60

Application requirements

An application must be accompanied by the following information, as appropriate:

- A site and context analysis, including:
 - A site plan, photographs or other techniques to accurately describe the site and the surrounding area.
 - A location plan showing the full site area, local electricity grid, access roads to the site and direction and distance to nearby accommodation, hospital or education centre.
- A design response, including:
 - Detailed plans of the proposed development including, the layout and height of the facility and associated building and works, materials, reflectivity, colour, lighting, landscaping, the electricity distribution starting point (where the electricity will enter the distribution system), access roads and parking areas.
 - Accurate visual simulations illustrating the development in the context of the surrounding area and from key public view points.
 - The extent of vegetation removal and a rehabilitation plan for the site.
 - Written report and assessment, including:
 - An explanation of how the proposed design derives from and responds to the site analysis.
 - A description of the proposal, including the types of process to be utilised, materials to be stored and the treatment of waste.
 - Whether a Works Approval or Licence is required from the Environment Protection Authority.
 - the potential amenity impacts such as noise, glint, light spill, emissions to air, land or water, vibration, smell and electromagnetic interference.
 - the effect of traffic to be generated on roads.
 - the impact upon Aboriginal or non-Aboriginal cultural heritage.
 - the impact of the proposal on any species listed under the *Flora and Fauna Guarantee Act 1988* or *Environment Protection and Biodiversity Conservation Act 1999*.

- A statement of why the site is suitable for a renewable energy facility including, a calculation of the greenhouse benefits.
- An environmental management plan including, a construction management plan, any rehabilitation and monitoring.

52.42-3

Decision guidelines

21/09/2009
VC60

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

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

65.01

28/03/2018
VC145

APPROVAL OF AN APPLICATION OR PLAN

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

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- 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 adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

This clause does not apply to a VicSmart application.

