

13 April 2018

REF: SB180413LG-SolarPanel



Please find attached a late submission to the following planning permit applications in the City of Greater Shepparton.

610 Ferguson Road, Tatura

235 Victoria Road Tallygaroopna

1220 Cosgrove Lemnos Road, Lemnos

260 Tank Corner Road, Lemnos

875 Boundary Road, Lemnos

85 Crooked Creek Road, Lemnos

1090 Lemnos North Road, Tallygaroopna

Yours sincerely

Stephen Sheridan

CEO

Victorian Farmers Federation

Submission

Proposed solar farms

Shepparton District

610 Ferguson Road, Tatura

235 Victoria Road Tallygaroopna

1220 Cosgrove Lemnos Road, Lemnos

260 Tank Corner Road, Lemnos

875 Boundary Road, Lemnos

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Victorian Farmers – Our Place in Victoria



OUR PLACE IN VICTORIA

What we do

- 
 - ▶ Victoria's **20,775 farms** cover **10.6 million** hectares
 - ▶ We are **24.2%** of Australian farmers
 - ▶ **91%** family operated, with only **2%** foreign owned
- 
 - ▶ We employ **87,800** people mostly in regional areas
 - ▶ **\$4739** of food consumed each year by every Australian
 - ▶ As a net exporter we have long term food surity
- 
 - ▶ Our annual production is **\$13.16 billion**, **3.5%** of Victoria's economy
 - ▶ **27.8%** of Victoria's exports are agricultural product valued at **\$11.9 billion**

How we do it

- 
 -  Farmers invest **\$80 million** in R&D
 -  Every R&D **\$1** converts to **\$12** in farmer generated impact
 -  **2.7%** productivity growth through innovative efficiency gains
 -  Farmers receive less than **1.5%** in government support
- 
 -  **63%** reduction in greenhouse gas emissions between 1996-2016
 -  Water consumption reduced by **7%** from 2014-2015
 -  Land conservation has increased to **18%** of total land mass.
 -  Farmers spend **\$20,000** annually on feral animals and pest weeds
- 
 -  **3.5 million** beef cattle
 -  **22.7 million** chickens
 -  **1.1 million** dairy cows producing **6.186 billion** litres of milk
 -  **65,992** sows
 -  **13.1 million** breeding ewes and a fleece clip of **66,100 tonnes**
 -  **9 million** tonnes of grain
 -  **\$2.35 billion** in horticultural production



Victorian Farmers Federation

Making Victorian farmers lives better; enhancing Victoria's future.

MISSION: A community of farmers creating a profitable, sustainable and socially responsible agricultural industry connecting with all Victorians.

The Victorian Farmers Federation is an active, powerful lobby group dedicated to the interests of farmers and making a difference to communities. With a strong record of successful political and industry advocacy and leadership, the VFF has generated substantial benefits for the agriculture sector since its formation in 1979.

Even though farming has its own natural challenges from droughts, bushfires and floods, our members have collectively earned the VFF a reputation as a respected leader, strong voice and lobbyist.

The VFF consists of eight commodity groups; dairy (United Dairyfarmers of Victoria), livestock, grains, horticulture, chicken meat, eggs and pigs, and Flowers Victoria – and expert committees representing; water, land management, agricultural and veterinarian chemicals, farm business and rural development and workplace relations.

VFF members lead these groups and committees with the support of Melbourne and regionally based staff. As a team, we provide the power to effectively influence all levels of government on the wide range of issues that impact modern farming.

Our vision is to create an environment for farmers that enables profitable, safe and sustainable production, within a community that values and respects the farm sector.

Victorian Farmers Federation – Our Position

The Greater Shepparton Planning Scheme clearly identifies areas of strategic agricultural value that should be protected from loss. As there is no locational reason as to why these applications cannot be facilitated outside strategic agricultural / irrigated land, planning permission for the 4 sites should not be granted.

The Goulburn Valley and the Northern Irrigation District is known as the Food Bowl of Victoria. The area is prime agricultural land which is serviced by irrigation infrastructure that has seen a \$2 billion modernisation investment that requires a 'critical mass' of users for the full benefits to be realised.

The VFF believe that good planning for Victorian agriculture should support sustainable agriculture and government infrastructure investments.

The principal purpose of the Farming Zone is agriculture. Any 'section 2' or discretionary use in a Farming Zone should be strategically supported, provide a net community benefit and not be detrimental to agricultural production. Council has erred in comparing each application to the entire food bowl. Each site is clearly identified as strategic agricultural land to be protected from loss.

The 1997 Report on the VPPs highlighted this issue on page 10 of its report.

Responsible authorities should not be looking to the 'rules' (i.e. the zone provisions) for automatic answers, but rather should be looking to the objectives of their local policies to determine the outcomes they want to achieve and should be saying 'yes' or 'no' on these bases. The zone or overlay controls will merely give them the power to say yes or no. In far fewer cases will they be forced to say no because the use or development is prohibited. Instead, a decision based on outcomes will be required.

This will require a boldness on the part of some councils. ..Frequently however, the difficulty of saying no is magnified where there is a lack of clear policy objectives or identified outcomes which the Council is trying to achieve and against which an application can be measured. It is easier to have the discretion removed by means of a prohibition in a zone. Problems occur though, when an otherwise acceptable proposal arises but is found to be prohibited. It is in these circumstances that a site specific amendment is often the outcome. This is the type of situation which the VPPs are intended to avoid. The discretion which responsible authorities will exercise is much wider than hitherto, but the discretion entails an ability to say no, just as much as to say yes. Councils will have to be confident in the exercise of their discretion if they are to avoid claims of inconsistency in decision-making or unacceptable outcomes. The only way they will achieve this is by developing, not only strong strategic plans, but local policies intended to guide day-to-day decision-making in particular areas or with respect to particular uses which are in accord with those strategic plans.

Greater Shepparton has undertaken such strategic plans which talk to the impact that even a dwelling on 2ha can have on agriculture in these strategic areas. The officers have made no attempt to factor in the value of agricultural production on this land over 25 years, impacts on the viability and price of water in the irrigation district, the impact on flow on jobs in agriculture and processing industries which would be required to consider net community benefit.

As there are no planning guidelines for solar energy installations it is critical that the precautionary principle be applied to the detailed consideration of any potential impact on agriculture and the viability of the Northern Irrigation District (GMID).

Solar installations are different from wind energy installations in several ways. They generally do not 'co-exist' with agriculture, there are less 'locational' issues, there is a greater potential for microclimate impact on high value crops and there is the opportunity for smaller scale installations using roofing of existing structures.

Strategic Assessment

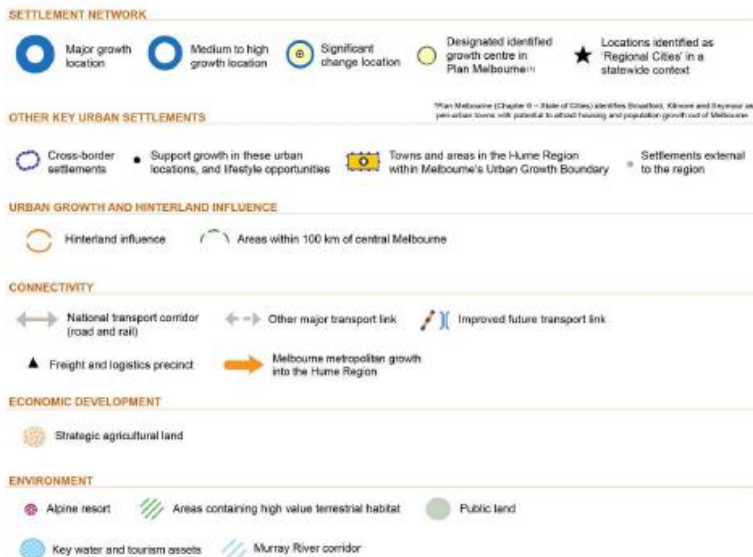
The VFF believe that good planning for Victorian agriculture should support sustainable agriculture and government infrastructure investments.

The SPPF and LPPF have many clauses that support the protection of agricultural land from loss or from incompatible use. This support is more extensive than that for 'renewable energy', especially solar energy installations which do not have the same locational restraints than those relying on winning a resource or wind / tidal/hydro.

The proposals seem to be contrary to:

Clause 11 Settlement in relation to impacts on economic viability, protection of natural resources by avoiding development impact on land for food production and avoidance of incompatible land uses. ⁱ

Clause 11.12 – Hume reinforced the importance of supporting and protecting agricultural production, especially strategic agricultural land, which all four sites are. ⁱⁱ



State Policy on agriculture (14.01) reinforces the need to protect productive farmland which is of a strategic significance.ⁱⁱⁱ This requires actions to protect from 'unplanned' loss of productive agricultural land due to permanent changes of land use. 'Unplanned' means not subject to a rezoning proposal that has fully weighed up the consequences of the change of use.

There is no support for the proposals in Clause 14.01^{iv} and limited support in clause 19 Infrastructure^v (facilitate efficient use of existing infrastructure) and 19.01 Provision of Renewable energy^{vi}. Renewable energy should be in appropriate locations that minimise the impacts on the local community and environment. There is no statement that solar energy is dependent on locational factors.

A large proportion of the key influences and issues for Greater Shepparton (Clause 21.01) relate to agriculture and the need to protect and expand productive capacity.^{vii} This even extends to best practice land management (21.05-3) that stresses the need to be " *mindful of potential impact of*

external factors such as reconfiguration of irrigation delivery and drainage infrastructure arising from irrigation water reforms. ..”

Agriculture and food processing are the first named economic development industries in Greater Shepparton. This is expanded upon in 21.-6-1^{viii} Agriculture that stresses national significance and the workforce dependence on the agriculture sector. It even addresses the issue of inflated land price due to non agricultural uses being facilitated.

The clause then outlines the regional rural land use strategy regarding growth areas and consolidation areas. The objectives are

- *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.*

As the strategies to meet these objectives is to:

- *Encourage growth and expansion of existing farm businesses and new investment in ‘growth’ and ‘consolidation’ 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.*

these strategic considerations have been underplayed by Council in its assessment of the proposals.

ix

Right to Farm Policy^x



The strategic issues that Greater Shepparton addresses in their Municipal Strategic Statement are the issues at the heart of the VFFs Right to Farm Policy Statement. While the policy as a whole is relevant to the consideration of this matter the following are critical issues:

- The impact of environmental policy and controls on agricultural production must be taken into account in strategic planning for farming areas.
- The Victorian Planning Provisions must give strong direction to local councils that farming must take precedence over other land uses in rural and agricultural zones.
- That State and local government policy be balanced to ensure growth of the Victorian agricultural sector.
- Planning schemes must limit non-agricultural land uses and subdivisions that are likely to have an adverse impact on existing farming enterprise or future growth of a farming enterprise.
- The State Government publish industry guidelines in consultation with the agricultural sector to inform planning decisions over agricultural uses.
- the Minister for Planning / Standing Advisory Committee prepare a suite of planning practice notes to address:
 - ..
 - Use and development considerations for industrial development in agricultural zones

Conclusion

The Greater Shepparton Planning Scheme clearly identifies areas of strategic agricultural value that should be protected from loss. Agricultural production is critical to the region's economy. As there is no locational reason as to why these applications cannot be facilitated outside strategic agricultural / irrigated land there is no net community benefit from taking nearly 1000 hectares of land out of production, planning permission for the 4 sites should not be granted.

ⁱ **11 SETTLEMENT**

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

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

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

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

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.

11.07-1 Regional Planning

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.*

ⁱⁱ **11.12 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).

...

1 11.12-1 A diversified economy

Objective

To develop a more diverse regional economy while managing and enhancing key regional economic assets.

2 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 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.

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

iv **14.01 AGRICULTURE**

5 **14.01-1 Protection of agricultural land**

Objective

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

6 **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.

..

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.*

..

v

19 INFRASTRUCTURE

..

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

vi 19.01 RENEWABLE ENERGY

19.01-1 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.*

vii 21.02 KEY INFLUENCES AND ISSUES

..

- *The challenge in Greater Shepparton is to diversify and broaden its economic base in a manner that builds onto the inherent strength in primary production and processing, in a way that reduces wide spread vulnerability.*

..

- *Land use strategies that provide for growth should be pursued whilst also protecting the quality of agricultural land and encouraging the sustainable use of natural resources such as land, water, air and biodiversity.*

..

- *Certainty of water rights and inter-regional distribution of the water resources in the state for urban, agriculture and environmental uses.*

- *Agriculture is a significant land use in the municipality and underpins the local economy directly through on farm employment and through the associated manufacturing and food processing and industries servicing agriculture.*
- *Horticulture is the most significant agricultural industry in terms of gross value of agricultural production. Horticulture and the dairy industry is dependent on access to a secure water supply via the irrigation network. Land use planning control needs to protect the main production irrigated areas to secure their future for farming but also integrate with the planned modernisation and reconfiguration of the systems and potential expansion into the agricultural development areas.*
- *Farm businesses generally need to grow and expand over time. Access to affordable land unencumbered by unnecessary infrastructure is essential to provide the opportunity for farm growth.*
- *Horticultural production, and to a lesser extent dairy, requires soils with high suitability for irrigation, particularly excellent drainage and low salinity. Greater Shepparton has areas of Class 1 soil and Class 2 soil (highly suitable for irrigation), some of which is in close proximity to urban development around Shepparton, Ardmona and Mooroopna. Land use planning controls need to ensure that these soils are protected from urban expansion and are available to agriculture in the long term and that urban development is buffered from mechanised 24 hour farm activities.*
- *The rural areas of the municipality are considered to be productive agricultural land based on the soil types, subdivision pattern and climate and the significant level of irrigation infrastructure. Protection and retention of this land for agriculture is of primary strategic importance to the City.*
- ...
- *Non-agricultural development in rural areas can impact on irrigation and drainage infrastructure and needs to be addressed as part of any new development.*

7 **viii** 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 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.

^{ix} 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 structure. In this regard 'consolidation' includes the consolidation of 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.

^x Right to Farm Policy Statement – attached.