



Minutes

Council Meeting

Tuesday 10 June 2025 at 6.00 pm

**Council Chambers (and by video conferencing)
East Gippsland Shire Council Corporate Centre
273 Main Street, Bairnsdale 3875**

Councillors

John White (Mayor), Sonia Buckley (Deput Mayor), Jodie Ashworth, Tom Crook, Barry Davis, Joanne Eastman, Bernie Farquhar, and Ian Trevaskis

Attachments referenced in these minutes can be located in the meeting agenda on East Gippsland Shire Council's [website](#).

Vision

East Gippsland is an inclusive and innovative community that values our natural environment, puts community at the centre of Council decision-making, and creates the conditions in which communities can thrive.

Our Strategic Objectives

1. An inclusive and caring community that respects and celebrates diversity.
2. Planning and infrastructure that enriches the environment, lifestyle, and character of our communities.
3. A natural environment that is managed and enhanced.
4. A thriving and diverse economy that attracts investment and generates inclusive local employment.
5. A transparent organisation that listens and delivers effective, engaging and responsive services.

Index

1 Procedural	4
1.1 Recognition of Traditional Custodians	4
1.2 Apologies	4
1.3 Declaration of Conflict of Interest	4
1.4 Confirmation of Minutes	4
1.5 Next Meeting	4
1.6 Requests for Leave of Absence	5
1.7 Open Forum	5
1.7.1 Petitions	5
1.7.2 Questions of Council	5
1.7.3 Public Submissions	7
1.8 Items for Noting	7
2 Notices of Motion	8
3 Deferred Business	8
4 Councillor Delegate Reports	8
5 Officer Reports	9
5.1 Place and Community	9
5.1.1 Endorsement of Council Submission – Proposed Renewable Energy Facility and Utility Installation (Solar Farm), 280 Bengworden Road, Bairnsdale	9
5.2 Assets and Environment	10
5.2.1 CON2019 1293 Road Maintenance Services Contract Extension	10
5.2.2 Addition of Roads to Council's Register of Public Roads	11
5.3 Business Excellence	12
5.3.1 Leasing and Licensing Policy	12
5.3.2 Draft Internal Resolution Procedure	13
5.3.3 Transparency of Councillor Briefings	14
6 Urgent Business	15
7 Confidential Business	15
8 Close of Meeting	15

1 Procedural

1.1 Recognition of Traditional Custodians

Mayor Cr John White welcomed all to the Council meeting and acknowledged the traditional custodians.

East Gippsland Shire Council acknowledges the Gunaikurnai, Monero and Bidawel people as the Traditional Custodians of this land that encompasses East Gippsland Shire, and their enduring relationship with country. The Traditional Custodians have cared and nurtured East Gippsland for tens of thousands of years.

Council values their living culture and practices and their right to self-determination. Council pays respect to all Aboriginal and Torres Strait Islander people living in East Gippsland, their Elders, past, present, and future.

1.2 Apologies

Cr Arthur Allen

1.3 Declaration of Conflict of Interest

Sarah Johnston General Manager Business Excellence declared a conflict of interest in relation to item 5.2.1 *CON2019 1293 Road Maintenance Services Contract Extension*, as a general interest due to a family connection with one of the contractors.

Cr Barry Davis declared a general conflict of interest in relation to item 5.3.1 *Leasing Licensing Policy*, due to his involvement with an organisation that holds a lease agreement with Council.

Cr Jodie Ashworth declared a general conflict of interest in relation to item 5.3.1 *Leasing Licensing Policy*, due to her involvement with an organisation that holds a lease agreement with Council.

1.4 Confirmation of Minutes

Motion

That the minutes of the Council meeting held Tuesday 20 May 2025 be confirmed.

Moved: Cr Barry Davis

Seconded: Cr Joanne Eastman

CARRIED UNANIMOUSLY

For: Cr Jodie Ashworth, Cr Sonia Buckley, Cr Tom Crook, Cr Barry Davis,
Cr Joanne Eastman, Cr Bernie Farquhar, Cr Ian Trevaskis and Cr John White

Against: Nil

Abstained: Nil

1.5 Next Meeting

The next Council Meeting is scheduled to be held on Monday 23 June 2025 at the Corporate Centre, 273 Main Street Bairnsdale commencing at 6.00 pm.

1.6 Requests for Leave of Absence

Nil

1.7 Open Forum

1.7.1 Petitions

Nil

1.7.2 Questions of Council

1.7.2.1 Proposed Renewable Energy Facility

Ms Kay Neal asked the following question:

Question 1: *“Some neighbours are just over the road from the proposed site. Elgin expects 100 employees will create industrial noise from 7am to 6pm on weekdays and 8am to 1pm on Saturdays for months, as earthworks are done and 116,000 solar panel frames are driven, etc. Once in operation, neighbours can expect noise 24/7, although Elgin's expert advice is that it will be acceptable — but they don't live there. Neighbours can also expect vibration, emissions, smell and light spill, although Elgin will “mitigate”, “manage” and “reduce” them. These placating words can mean almost nothing.*

Then there is the ever-present worry of spontaneous fire. Contractors will plant a hedge, 5m wide and about 1.5km long, along two security-fenced boundaries. Elgin's experts claim that it will screen the site in five years. Wishful thinking, in my opinion.

What happens to distressed neighbours if these objectives are not met? Sell their now-devalued property? Who would choose to live there? Compensation?

Elgin claims its purpose is “to deliver renewable energy projects that create a positive impact for both the communities it operates in and the broader public”. What is the positive impact for neighbours? My Question is, Will you please support your ratepayers and residents?”

Chris Stephenson General Manager Place and Community provided a response which is summarised below:

Response: Council's submission to the Minister outlines a range of issues identified by Council officers and community members which the Minister should address in the assessment of the proposal. The submission covers matters including detailed assessment of noise and other potential environmental and amenity impacts to ensure that they are within acceptable limits.

The submission requests a balanced assessment of the proposal in accordance with the *Planning and Environment Act 1987* and the East Gippsland Planning Scheme. The submission has been prepared to reflect matters of concerns raised by local community members and the broader interests of the community.

1.7.2.2 Proposed Renewable Energy Facility – Floodplain Risk

Mr William Smith submitted the following question which was read out on his behalf by Fiona Weigall Chief Executive Officer:

Question 1: *“In 2008, I was required by an East Gippsland Shire engineer to locate my septic system closer to Bengworden Road than I had planned, as he said there was a 1-in-100-year chance that, after very heavy rain, water could flow over the septic system and potentially contaminate Ballantine Creek if it drained as far as that.*

I believe there is a greater than 1-in-100-year risk of fire at any solar farm, leaving on site toxic debris from burnt batteries, broken solar panels, fire retardant, etc. How can Elgin be permitted to construct this facility — not near, but in the floodplain of Ballantine Creek?”

Chris Stephenson General Manager Place and Community provided a response which is summarised below:

Response: Technical reports submitted with the application include a Hydrology Assessment which models predicted flood levels and velocities in a 1 in 100-year flood event, as well as the mitigation measures proposed to manage flood impacts. The Minister will be required to assess this report and consider any advice from the East Gippsland Catchment Management Authority in reaching a determination on the proposal.

1.7.2.3 Proposed Renewable Energy Facility - Airport Operations

Mr Danny Redenbach asked the following questions:

Question 1: *“What pressure can EGSC apply to state govt or fed regarding possibility of interference of airport operations by Solar farm?”*

Question 2: *“RAAF roulettes are using Bairnsdale airport for training exercises and rumour has it that airport will continue to be upgraded/enlarged to cater for more use by larger aircraft. Will the East Gippsland Shire Council use its resources to challenge the State Government legally (injunctions) to ensure the solar farm with a 5-acre Bess does not get built?”*

Chris Stephenson General Manager Place and Community provided a response which is summarised below:

Response 1: Council’s submission to the Minister is the appropriate mechanism for raising matters of concern. The submission specifically includes a request for conditions of approval regarding minimisation of glint and glare from solar panels and mechanisms for ongoing monitoring of any risks associated with aviation, as well as ongoing pilot feedback mechanisms to enable management of any latent risks. These risks we have asked to have considered include thermal draught.

Response 2: Council is considering a draft submission to the Minister in accordance with the referral processes set out under the relevant legislation. The Minister has not yet made a decision on the proposal and therefore Council is not proposing to undertake a legal challenge as no decision has been made.

1.7.3 Public Submissions

1.7.3.1 – Emergency Services Levy

Mr Neil Barraclough addressed Council on the Emergency Services Levy.

1.7.3.2 – Proposed Renewable Energy Facility

Ms Jackie Thorn addressed Council on the Proposed Renewable Energy Facility and Utility Installation (Solar Farm), 280 Bengworden Road, Bairnsdale and spoke at item 5.1.1.

1.7.3.3 – Proposed Renewable Energy Facility

Ms Susan Caithness addressed Council on the Proposed Renewable Energy Facility and Utility Installation (Solar Farm), 280 Bengworden Road, Bairnsdale and spoke at item 5.1.1.

1.7.3.4 – Proposed Renewable Energy Facility

Mr Mark Norling addressed Council on the Proposed Renewable Energy Facility and Utility Installation (Solar Farm), 280 Bengworden Road, Bairnsdale and spoke at item 5.1.1.

1.7.3.5 – Proposed Renewable Energy Facility

Mr Rory Lawrence addressed Council on the Proposed Renewable Energy Facility and Utility Installation (Solar Farm), 280 Bengworden Road, Bairnsdale and spoke at item 5.1.1.

1.7.3.6 – Proposed Renewable Energy Facility

Mr Danny Redenbach addressed Council on the Proposed Renewable Energy Facility and Utility Installation (Solar Farm), 280 Bengworden Road, Bairnsdale and spoke at item 5.1.1.

1.8 Items for Noting

Nil

2 Notices of Motion

Nil

3 Deferred Business

Nil

4 Councillor Delegate Reports

4.1 Cr John White

21/05/25	National Simultaneous Storytime – Bairnsdale Library
22/05/25	5 Years on Celebrating Community Recovery in Cann Valley
23/05/25	One Gippsland Mayoral, Board and Local Government meetings
26/05/25	Audit and Risk Committee Meeting
28/05/25	East Gippsland PSA Neighbourhood Policing Forum
29/05/25	Economic Development Advisory Committee Meeting Elders Gathering Lunch – Reconciliation Week
06/06/25	Rising Strong: East Gippsland's Path to Community Resilience Forum
10/06/25	Victorian Government Treaty Information Forum
10/06/25	Governor General Visit to Bairnsdale Library

4.2 Cr Joanne Eastman

It was great to see the work of so many hardworking volunteers being celebrated across Gippsland during National Volunteer week. I was privileged to be able to interview David Nicastro and Wayne Peterken of the Friends of the Gippsland Lakes (FoGL) and find out more about the amazing work they do to raise awareness of the need to keep our Lakes in good a condition as possible – not just for the flora and fauna that rely on them, but also because of their importance to the wellbeing of our communities and industries. FoGL works with community groups and schools, undertakes investigations into water quality, prepares first rate research and scientific papers and works collaboratively with agencies responsible for the Lakes, such as the Environment Protection Authority and Catchment Management Authority's.

Many of the Councillors travelled to Cann River to join the five years on – Celebrating Community Recovery events. The day was a tribute to the resilience of a small community that punches well above its weight and has a lot to be proud of. Part of the day included travelling to the Noorinbee school site to find out more about the amazing work that community has done with the site, its importance – especially to first responders - during the 2019/20 response, and the dreams the community have for the site.

The Elders luncheon was a very well-run event and a huge success. It was wonderful to see so many people thoroughly enjoying catching up over a delicious meal, enjoying some excellent music and being looked after so well by all the secondary school students who attended.

Rising Strong at the BARC was also an impressive event. There were so many inspiring speakers who not only shared firsthand experiences of the fire, and the recovery – including the colossal challenges of COVID – but also provided a lot of food for thought on how much we've all learnt and how much better positioned East Gippsland agencies and communities are for the inevitable future disasters. Congratulations to all involved.

5 Officer Reports

5.1 Place and Community

- 5.1.1 Endorsement of Council Submission – Proposed Renewable Energy Facility and Utility Installation (Solar Farm), 280 Bengworden Road, Bairnsdale

Authorised by General Manager Place and Community

Public Submissions

1. Ms Jackie Thorn
2. Ms Susan Caithness
3. Mr Mark Norling
4. Mr Rory Lawrence
5. Mr Danny Redenbach

Procedural Note

Cr Sonia Buckley moved her own motion.

Motion

That Council:

1. ***endorses the submission to the Minister for Planning in relation to the planning application for use and development of land for a renewable energy facility and utility installation (Solar Farm and Battery Energy Storage System) at 280 Bengworden Road, Bairnsdale (application reference PA2503624) as circulated to Councillors on 10 June 2025 by Councillor Eastman;***
2. ***requests that the Minister for Planning as the decision maker on this application, requires an Environment Effects Statement;***
3. ***authorises the Chief Executive Officer, or delegate, to lodge the submission on behalf of Council; and***
4. ***notes that the Council-endorsed submission will be included as an attachment in the minutes of this meeting.***

Moved: Cr Sonia Buckley

Seconded: Cr Joanne Eastman

CARRIED UNANIMOUSLY

For: Cr Jodie Ashworth, Cr Sonia Buckley, Cr Tom Crook, Cr Barry Davis,
Cr Joanne Eastman, Cr Bernie Farquhar, Cr Ian Trevaskis and Cr John White

Against: Nil

Abstained: Nil

5.2 Assets and Environment

5.2.1 CON2019 1293 Road Maintenance Services Contract Extension

Authorised by General Manager Assets and Environment

Conflict of Interest

Sarah Johnston General Manager Business Excellence, having declared a conflict of interest in relation to item 5.2.1, left the Council Chamber at 7.44 pm and was absent during the discussion on this item.

Attendance

Cr Sonia Buckley left the Council Chamber at 7.43 pm and returned at 7.45 pm

Motion

That Council:

- 1. approves the contract extension to CON2019 1293 Road Maintenance Services for East Gippsland Shire for Area 1 (Bairnsdale to Orbost and surrounds) and Area 2 (Omeo and surrounds) for the tendered Schedule of Rates, inclusive of annual CPI adjustments for a period of twenty-four (24) months to 31 July 2027, to Cranes Asphaltting and Bitumen Sealing Pty Ltd;***
- 2. approves the contract extension to CON2019 1293 Road Maintenance Services for East Gippsland Shire for Area 3 (Mallacoota and surrounds) and Area 4 (Bonang, Tubbut and surrounds) for the tendered Schedule of Rates, inclusive of annual CPI adjustments for a period of twenty-four (24) months to 31 July 2027, to Whelans Group Investments Pty Ltd;***
- 3. authorises the Chief Executive Officer or delegate to finalise and execute the current contract extensions for CON2019 1293, as outlined in Recommendations 1 and 2, extending the contracts to 31 July 2027; and***
- 4. delegates authority to the Chief Executive Officer or delegate to approve and execute a further extension of up to twenty-four (24) months beyond 31 July 2027 for each contract, subject to the contractors maintaining satisfactory performance throughout the current extension period.***

Moved: Cr Bernie Farquhar

Seconded: Cr Tom Crook

CARRIED UNANIMOUSLY

For: Cr Jodie Ashworth, Cr Sonia Buckley, Cr Tom Crook, Cr Barry Davis,
Cr Joanne Eastman, Cr Bernie Farquhar, Cr Ian Trevaskis and Cr John White

Against: Nil

Abstained: Nil

Attendance

Sarah Johnston General Manager Business Excellence returned to the Council Chamber at 7.49 pm.

5.2.2 Addition of Roads to Council's Register of Public Roads

Authorised by General Manager Assets and Environment

Motion

That Council:

- 1. declares the sections of road listed below as Public Road and be added to Council's Register of Public Roads under the classifications shown;***

Road Name	Locality	Land Tenure	Principle Places of Residence	Approx. length (Km)	Classification
Blair Road	Wiseleigh	Road Reserve	3	0.260	Rural Access
Wallers Road	Iguana Creek	Road Reserve	0	0.860	Rural Limited Access
Sam Hill Road	Omeo	Crown Land	0	2.300	Rural Limited Access
Milton Park Road	Wuk Wuk	Road Reserve	0	1.450	Rural Limited Access
Bennetts Brook Road	Swan Reach	Road Reserve	1	0.315	Rural Limited Access

- 2. determines not to add the below listed roads to the Register of Public Roads; and***

Road Name	Locality	Land Tenure	Principle Places of Residence	Approx. length (Km)	Classification
Aerodrome Road	Bengworden	Road Reserve	0	1.062	N/A
Burgess Track	Wallagaraugh	Road Reserve	0	1.529	
Jacksons Crossing Road	Buchan	Road Reserve	0	1.930	

- 3. authorises Council's Register of Public Roads to be updated accordingly as required by the Road Management Act 2004.***

Moved: Cr Sonia Buckley

Seconded: Cr Ian Trevaskis

CARRIED UNANIMOUSLY

For: Cr Jodie Ashworth, Cr Sonia Buckley, Cr Tom Crook, Cr Barry Davis,
Cr Joanne Eastman, Cr Bernie Farquhar, Cr Ian Trevaskis and Cr John White

Against: Nil

Abstained: Nil

5.3 Business Excellence

5.3.1 Leasing and Licensing Policy

Authorised by General Manager Business Excellence

Conflict of Interest

Cr Barry Davis and Cr Jodie Ashworth, having declared a conflict of interest in relation to item 5.2.1, left the Council Chamber at 8.01 pm and were absent during the discussion on this item.

Motion

That Council:

- 1. receives and notes this report and all attachments pertaining to it;***
- 2. rescinds the Leasing and Licensing Policy for Council-owned Land and Council-managed Land adopted by Council on 13 July 2021; and***
- 3. adopts the Leasing and Licensing Policy, as provided at Attachment 1.***

Moved: Cr Bernie Farquhar

Seconded: Cr Sonia Buckley

CARRIED UNANIMOUSLY

For: Cr Sonia Buckley, Cr Tom Crook, Cr Joanne Eastman, Cr Bernie Farquhar, Cr Ian Trevaskis and Cr John White

Against: Nil

Abstained: Nil

Attendance

Cr Barry Davis and Cr Jodie Ashworth returned to the Council Chamber at 8.07 pm.

5.3.2 Draft Internal Resolution Procedure

Authorised by General Manager Business Excellence

Motion

That Council adopts the Internal Resolution Procedure provided at Attachment 1.

Moved: Cr Tom Crook

Seconded: Cr Bernie Farquhar

CARRIED UNANIMOUSLY

For: Cr Jodie Ashworth, Cr Sonia Buckley, Cr Tom Crook, Cr Barry Davis,
Cr Joanne Eastman, Cr Bernie Farquhar, Cr Ian Trevaskis and Cr John White

Against: Nil

Abstained: Nil

5.3.3 Transparency of Councillor Briefings

Authorised by Chief Executive Officer

Motion

That Council receives this report and:

- 1. endorses release of summaries of Councillor Briefing session discussion topics via inclusion in the monthly Council Meeting agenda to provide the community with greater insight into the Briefing discussions, commencing in July 2025;*
- 2. notes that a review of the Public Transparency Policy will be undertaken following release of the Model Public Transparency Policy by Local Government Victoria, and further discussions will be held with Councillors as part of the review process;*
- 3. notes that planning has commenced on development of a publicly accessible East Gippsland Transparency Portal for implementation in the second half of 2026;*
- 4. notes that Officers will continue to explore and discuss with Councillors, additional measures to continually enhance transparency around Council's business through future reports to Council; and*
- 5. notes that Mornington Peninsula Shire Council is yet to fully implement its resolution to open its briefings to the public but is proposing to divide its sessions into briefings and workshops.*

Moved: Cr Sonia Buckley

Seconded: Cr Joanne Eastman

CARRIED UNANIMOUSLY

For: Cr Jodie Ashworth, Cr Sonia Buckley, Cr Tom Crook, Cr Barry Davis,
Cr Joanne Eastman, Cr Bernie Farquhar, Cr Ian Trevaskis and Cr John White

Against: Nil

Abstained: Nil

6 Urgent Business

Nil

7 Confidential Business

Nil

8 Close of Meeting

Mayor Cr John White declared the Council Meeting closed at 8.39 pm.



Submission to the Minister for Planning

**Renewable Energy Facility and Utility Installation
(Solar Farm and Battery Energy Storage System) at
280 Bengworden Road, Bairnsdale**

June 2025

Contents

Executive Summary.....	1
1. Introduction.....	3
2. Proposal	5
3. Policy Context	6
4. Local community concerns.....	8
5. Key issues for consideration	9
a) Environmental and amenity impact	9
b) Monitoring and compliance reporting	12
c) Community and economic benefit	12
6. Conclusion.....	16

Executive Summary

Council has been provided with notice of a planning application to use and develop land for a renewable energy facility and utility installation (Solar Farm and Battery Energy Storage System) at 280 Bengworden Road, Bairnsdale.

The Minister for Planning is the Responsible Authority.

This submission to the Minister for Planning includes:

- An outline of the policy context, including reference to the objectives of Planning in Victoria, Council's adopted Environmental Sustainability and Economic Development Strategies, and the East Gippsland Planning Scheme;
- A summary of community concerns which have been conveyed to Council;
- A request for detailed consideration and responses to specific key issues as part of the planning application assessment process; and
- Recommendations for matters that should be considered in any conditions of approval, should a permit be issued.

Council notes in making this submission that its role under Section 8(1) of the *Local Government Act 2020* is:

"...to provide good governance in its municipal district for the benefit and wellbeing of the municipal community."

This role includes making representations to government on behalf of the community.

Council has been briefed by the proponent and by community members opposed to the proposal.

Community members, including nearby landowners have expressed significant concerns regarding the potential impacts of the proposal. It is understood that formal submissions have been made by those parties which outline the objections in detail.

Council expects that the Minister will take full consideration of those concerns, this submission and the Objectives of Planning in Victoria to effectively discharge the role of the responsible authority to:

"... integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations", and in doing so "prioritise the protection of human life over all other policy objectives or issues in bushfire affected areas". (Clause 71.02-3 Integrated decision making). In considering net community benefit and sustainable development it is fitting that that be considered at a regional level.

There are many issues arising from the development of renewable energy facilities that are causing concern to regional communities. Whilst the resolution of these issues

may not be regarded as falling within the ambit of planning powers under the *Planning and Environment Act 1987*, they are nonetheless legitimate concerns that affect those communities, and all efforts should be made to avoid, minimise and/or mitigate the real and perceived impacts of renewable energy facilities in Victoria.

1. Introduction

On 30 April 2025, Council was provided with notice of a planning application to use and develop land for a renewable energy facility and utility installation (Solar Farm and Battery Energy Storage System) at 280 Bengworden Road, Bairnsdale (application reference PA2503624). Planning staff were given informal prior information about, and documentation related to, the proposal on 3 April 2025.

The Councillor group has had very limited time to consider the application and has had very limited opportunity to hear community opinion on, or concerns about, the proposal.

The Minister for Planning is responsible for decision making (the responsible authority) for all renewable energy facilities of 1MW capacity or greater. This includes undertaking the notice requirements of the *Planning and Environment Act 1987* (the Act), receiving submissions and assessing them. This submission to the Minister for Planning requests consideration of key issues as part of the planning application assessment process.

In preparing this submission, Council officers have reviewed the following reports:

- Town Planning Report (Urbis, March 2025)
- Noise Impact Assessment (WSP, March 2025)
- Traffic and Transport Assessment (Impact, December 2024)
- Ecological Assessment (Ecology and Heritage Partners, December 2024)
- Agricultural Assessment (Ag-Challenge Consulting, January 2025)
- Landscape and Visual Impact Assessment (Urbis, January 2025)
- Fire Risk Assessment (Ecological Australia, December 2024)
- Environmental Management Plan – Framework (Urbis, December 2024)
- Hydrology Assessment (Ecological Australia, December 2024)
- Landscape Strategy (Urbis, March 2025)

As Council is not the responsible authority for decision making for this planning application, the preparation of this submission has not included a detailed technical assessment of the reports outlined above. This is the role of the Minister for Planning in conjunction with the Department of Transport and Planning (DTP) and relevant agencies. The scope of this submission is therefore based on:

- Strategic policy direction set out in the *Planning and Environment Act 1987*,
- East Gippsland Planning Scheme,
- Environmental Sustainability Strategy (2022-2032) and Economic Development Strategy (2022-2032).
- Position Paper – Renewable Energy Planning Applications' (May 2025).
- An opportunity provided to the proponent and some community members to provide a briefing to Councillors about the proposal on 3rd June 2025.

At the Ordinary Meeting on 10 June 2025, Council resolved as follows:

That Council:

- 1. endorses the submission to the Minister for Planning in relation to the planning application for use and development of land for a renewable energy facility and utility installation (Solar Farm and Battery Energy Storage System) at 280 Bengworden Road, Bairnsdale (application reference PA2503624) as circulated to Councillors on 10 June 2025 by Councillor Eastman;***
- 2. requests that the Minister for Planning as the decision maker on this application, requires an Environment Effects Statement;***
- 3. authorises the Chief Executive Officer, or delegate, to lodge the submission on behalf of Council; and***
- 4. notes that the Council-endorsed submission will be included as an attachment in the minutes of this meeting.***

Moved: Cr Sonia Buckley

Seconded: Cr Joanne Eastman

CARRIED UNANIMOUSLY

2. Proposal

The proposed Ballantine Solar Farm is located at 280 Bengworden Road, approximately 4km to the southwest of Bairnsdale.



Figure 1 – Subject site (highlighted blue)

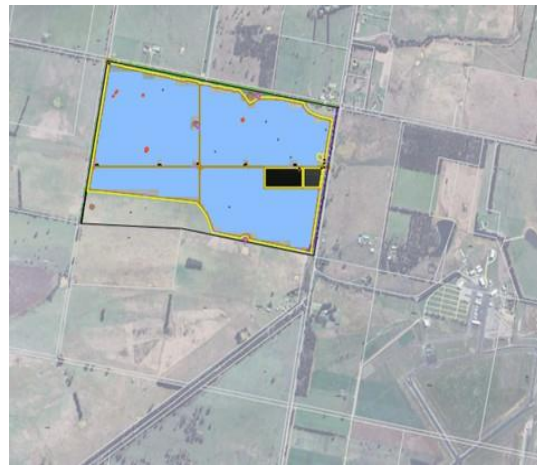


Figure 2 – Site plan

Key features of the proposal are summarised below:

- Site area of 117ha of which the development footprint is 99ha
- Generation capacity of 85MW (equivalent to power for 34,000 homes)
- 70MW Battery Energy Storage System (BESS) with associated inverters
- Number of solar panels – approximately 118,100 with associated inverters
- High voltage transformer and sub station infrastructure
- Ancillary infrastructure including 2 water tanks (666,000L capacity), toilet block and on site car parking.
- The site is not within Victoria's identified Renewable Energy Zones.
- The proponent will be using existing electricity infrastructure to feed energy produced to the grid.

It should be noted that no information has been provided about the cumulative effects of this, and other proposals either approved or under consideration, on existing or future rooftop solar, including the capacity of the grid to absorb excess energy or the effect on feed-in tariffs.

3. Policy Context

This submission has been informed by the following key strategic and policy considerations. The Planning and Environment Act 1987 and the East Gippsland Planning Scheme.

Section 4 of the Planning and Environment Act states that the Objectives of Planning in Victoria are:

- a) to provide for the fair, orderly, economic and sustainable use and development of land
- b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity
- c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value
- e) to protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community
- f) to facilitate development in accordance with the objectives set out in paragraphs a), b), c),
- fa) to facilitate the provision of affordable housing in Victoria, and
- (g) to balance the present and future interests of all Victorians

Section 6 of the Planning and Environment Act, says the planning schemes must further the objectives of planning within the area covered by the scheme, and may make any provision which relates to the use, development, protection or conservation of any land in the area. This extends to regulating or prohibiting the use or development of land including in hazardous areas or those likely to become hazardous (6(2)(a) and 6(20)(e).

Sections 6(2)(h) and 6(2)(ha) the Planning and Environment Act also allow Council within its Planning Scheme to:

- require specified things to be done to its satisfaction and, to
- require specified information to be provided with an application for a permit.

Clauses 53.22 and 72.01 of the Planning Scheme remove the right of Councils to be at the forefront of certain applications and has relegated it to the status of submitter to the process.

The effects of this provision include:

- A reduction in the opportunities to actively and fully engage with affected locals prior to decisions being made.
- A reduced ability to ensure proponents are engaging effectively with directly or indirectly affected community members and groups so as to ensure community concerns are captured and adequately addressed in the proposals.

In making a decision on this proposal, the Minister is requested to give specific consideration to the objectives of the *Planning and Environment Act 1987*.

The East Gippsland Environmental Sustainability Strategy 2022-2032, sets the following aspiration:

By 2032 sustainable behaviour and decision making will be embedded into all aspects of how East Gippslanders live and work. East Gippsland's natural environment will be enhanced, connected and resilient and East Gippsland will be recognised as a leader in regional climate change mitigation and adaptation.

Goal 2 of the Strategy – Sustainable management of natural resources recognises the importance of the primary production sector to our regional economy and commits Council to supporting our agricultural sector to adapt to a changing climate and ensure agricultural activity is enhanced and not compromised through land-use decisions made today.

Goal 3 of the Strategy – ‘Community Participation in the climate response’ contains the following strategic direction: *“East Gippsland community members will be encouraged to embrace new businesses and business opportunities that are linked to a changing climate”.*

The East Gippsland Economic Development Strategy 2022-2032 sets the following transformational ambition:

The Shire takes advantage of the mega-trend of decarbonisation to grow the economy with new climate-friendly jobs, new technologies and enterprises. (Focus 8). This ambition identifies the need to *“build workforce and business capability to capitalise on new energy opportunities”.*

The East Gippsland Planning Scheme has amongst its purposes:

- To provide a clear and consistent framework within which decisions about the use and development of land can be made.
- To express state, regional, local and community expectations for areas and land uses.
- To provide for the implementation of State, regional and local policies affecting land use and development.

The Shire is committed to protect high quality agricultural land from inappropriate development and planning is expected to contribute towards health, wellbeing and safety, economic viability, climate change adaptation and mitigation and protection and conservation of waterways and other natural resources as well as to waste minimisation and resource recovery.

In regard to supporting responses to climate change and policy direction for renewable energy facilities, the scheme requires that appropriate siting and design considerations are met for proposed facilities (clause 19.01-2S Renewable energy.) ensuring they are in appropriate locations and have minimal impact on the amenity of the area.

4. Local community concerns

Council has been briefed by some concerned local community members regarding their objections to the proposal and expects that formal submissions will be made regarding those objections.

In summary, *the objections include:*

- *Fire risk and CFA capability for managing potential fires. Concerns include firefighting capability, availability of water supply for firefighting, potential impacts of fire on neighbouring properties, operations of the Bairnsdale airport, and environmental risks associated with pollutants entering waterways and the Gippsland Lakes.*
- *Understated land capability for agriculture, including undervaluing the importance of dry land agriculture and disputed assessment of DSE capability of the land in the agricultural assessment.*
- *Potential impacts of flooding and erosion on the site including disputed modelling of flood behaviour.*
- *Concerns regarding increased insurance premiums for neighbouring farming enterprises and the effect of increased premiums on business viability.*

Council expects that the Minister will ensure a detailed consideration of the community objections will be undertaken to ensure that any potential impacts on the amenity, environment and livelihood of nearby landowners and residents are assessed and adequately and appropriately addressed through avoidance, minimisation or meaningful mitigation.

5. Key issues for consideration

Council recommends that the Minister for Planning provides robust consideration of local issues relating to the proposed use and development to ensure:

- Any adverse environmental or amenity impacts are avoided, minimised or mitigated.
- Environmental values on and surrounding the subject site are enhanced throughout the life of the project and following decommissioning of the site.
- Appropriate, meaningful and ongoing community engagement, including with traditional owners and neighbouring landholders and residents, is maintained throughout the life of the project.
- The project delivers local economic benefits.
- The project delivers local community benefits.

a) Environmental and amenity impact

Council acknowledges and supports the contribution of renewable energy towards the goal of reducing greenhouse gas emissions (as reflected in Commonwealth and State legislation). The proposed Ballantine Solar Farm will make an important contribution towards mitigating the environmental risks associated with a changing climate.

It is important, however, that these strategic environmental benefits are balanced against the localised impacts of the proposed use and development.

The subject site is contained wholly within the Farming Zone (Schedule 1). The land in question is good quality grazing land. A planning permit is required for the use and development of a renewable energy facility (solar farm and battery storage). The proposal must meet the requirements of clause 52.13 – Renewable energy facility (other than a wind energy facility). The decision guidelines of clause 53.13 include:

- The effect of the proposal on the surrounding area in terms of noise, glint, light spill, vibration, smell and electromagnetic interference.
- The impact of the proposal on significant views, including visual corridors and sightlines.
- The impact of the proposal on strategically important agricultural land.
- The impact of the proposal on the natural environment and natural systems.
- The impact of the proposal on the road network.
- *Solar Energy Facilities Design and Development Guideline* (Department of Environment, Land, Water and Planning, October 2022).

In relation to these decision guidelines, Council makes the following observations and recommendations.

- The planning application has been reviewed by Council's Aerodromes Coordinator in conjunction with the Civil Aviation Safety Authority (CASA). CASA has no objection to

the impact of proposed development on the safe operation of Bairnsdale Airport, subject to recommendations of the Glint and Glare Assessment (Urbis, January 2025). The resting angle range for solar panels (30° to 55°) should be controlled via planning permit condition to avoid or minimise impact on sensitive receptors, including Bairnsdale Airport.

- Further work be undertaken, including with current users such as emergency services and fire-fighting aircraft pilots to determine the impacts of thermal uplift on approaching aircraft.
- Noise impacts associated with solar farms are only associated with ancillary systems such as inverters and BESS units. A Noise Impact Assessment (WSP, March 2025) states that the risk of the project causing environmental harm associated with noise is low. It is recommended that noise monitoring is maintained at appropriate periods throughout the life of the project, including during construction. Meaningful, timely and responsive noise complaints procedures, to be managed with no cost to Council, to be incorporated into conditions of the permit.
- The subject land is not affected by any specific planning overlay controls relating to significant landscapes, views, visual corridors or sightlines. Notwithstanding, the proposed solar farm will be visible at a local level from the surrounding road network. Proposed screen planting to mitigate the visual impact of the proposed development is supported and should be secured via planning permit conditions.
- To optimise the use of the site and enhance the management of fuel loads and weeds, Council encourages the ongoing use of the site for sheep grazing purposes.

Once the site is decommissioned, the reinstatement of the site for ongoing agricultural activities should be managed via planning permit conditions. This will require the removal of all solar farm infrastructure and improvement of soil to return the carrying capacity of the land to at least pre-development standards.

- The planning application has addressed issues relating to the impact of the proposed development on the natural environment and natural systems. It is recommended, however, that the Minister for Planning seeks further information from the applicant in relation to the following matters:
 - Clarification of the extent of proposed vegetation removal. Page 14 of the Town Planning Report (Urbis, March 2025) identifies the removal of one patch vegetation. The table on page 37 of the Town Planning Report states that there is no impact to any patch vegetation. It will be important to clarify the impact of the proposal on vegetation removal and ensure that offset calculations are adjusted accordingly (if required). Planning permit conditions will be required to ensure protection of vegetation that is to be retained.
 - The application identifies that proposed development setbacks from adjoining roads avoids impact on areas affected by the Environmental Significance Overlay (Schedule 1-43) (ESO1) and Vegetation Protection Overlay (Schedule 1).

The proposal fails to consider opportunities to enhance the natural environment,

particularly following the decommissioning of the site. The ESO1 covers sites of biological significance in East Gippsland and contains an environmental objective to “*conserve and enhance the environmental sustainability and ecological integrity of these values.*” In its broader context, the site provides an opportunity to link the Moormung Nature Conservation Reserve (via Dahlsens Road), and the creek systems (including Ballantine, Smith and Macleod Creeks) that feed into Macleod Morass/Mitchell River. It is strongly recommended that the opportunity to enhance the sustainability and ecological integrity of these environmental features be investigated. Subject to the outcome of this investigation, long term environmental benefits should be secured via planning permit conditions.

- A Traffic and Transport Assessment (Impact, December 2024) states that the surrounding road network has an adequate capacity to manage estimated traffic volumes associated with the proposed solar farm. Peak traffic volumes of up to 200 vehicle movements per day are estimated during construction. It is recommended to include the requirement for a Traffic Management Plan as part of any planning permit conditions. Council considers it appropriate for the proponent to undertake a pre-development assessment of the road network to ensure maintenance and repair requirements associated with the development are established. This should form part of the Traffic Management Plan.
- The proposed development is considered to meet the siting and design requirements set out in the *Solar Energy Facilities Design and Development Guidelines* (the Guidelines). The locational aspects of the Guidelines are generally addressed in matters addressed by this submission (above). In conjunction with these matters, the Guidelines also require consideration of natural hazard management.
- The site is in a Bushfire Prone Area and the Planning Scheme requires an appropriate assessment of fire risk (clause 13.02). The development proposal is supported by a Fire Risk Assessment (Ecological Australia, December 2024). Whilst Council does not have the in-house expertise to review the technical merits of this report, it is strongly recommended that the Minister for Planning seek comment from the Country Fire Authority (CFA) and local fire brigades. Subject to feedback, appropriate fire management measures including emergency response requirements should be included as part of any planning permit conditions. This should include design, construction and operational management in accordance with the ‘Guidelines and Model Requirements for Renewable Energy Facilities’ CFA, 2023).
- Similarly, the Planning Scheme requires an appropriate assessment of risks associated with floodplain management (clause 13.03). The development proposal is supported by a Hydrology Assessment (Ecological Australia, December 2024). Whilst Council does not have the in-house expertise to review the technical merits of this report, *it is strongly recommended that the Minister for Planning seek comment from the East Gippsland Catchment Management Authority (EGCMA)*. Subject to feedback, appropriate floodplain management measures should be included as part of any planning permit conditions.

It must be ensured that the proposed use and development of the solar farm is consistent with the requirements of the East Gippsland Planning Scheme. This is subject to technical advice from relevant agencies (e.g. CFA, EGCMA, etc.) and the imposition of appropriate planning permit conditions to avoid, mitigate and/or minimise risk.

Council considers that the environmental effect of the proposal warrants an Environmental Effect Statement (EES) and has resolved to request that the Minister for Planning as the decision maker on this application, requires an EES.

b) Monitoring and compliance reporting

Where conditions are proposed to ensure elimination or mitigation of environmental or amenity impacts, or to provide for ongoing operating arrangements of the facility, there should also be a mechanism in place requiring the proponent to monitor, appropriately respond to, and report on compliance with any conditions of approval.

Council should not be imposed with the burden of providing ongoing compliance monitoring, but rather there should be a requirement for the proponent to provide regular compliance audit reports, including in relation to complaints and grievances, to Council's satisfaction, prepared by an independent and-suitably qualified person, to demonstrate appropriate monitoring of operating requirements and to ensure compliance with all conditions of approval.

The proponent should also be required to commission independent peer review of compliance reporting at its own cost.

c) Community and economic benefit

Community benefit opportunities

The *Community Engagement and Benefit Sharing in Renewable Energy Development Guidelines* (Department of Environment, Land, Water, and Planning, 2017) identifies that community engagement should be a priority within the development process for renewable energy facilities. Council notes that in preparing the planning application, the proponent has undertaken engagement sufficient to inform its planning, including with:

- Representatives from all levels of government
- State Government Departments and agencies, and
- Community members including landowners, adjoining neighbours and selected community groups.
- The proponent presented to the Councillor group on 3rd June 2025

Council expects ongoing community engagement to be genuine, timely, meaningful, responsive and appropriate to the level on impact on stakeholders.

Clause 72.01-1 of the Planning Scheme positions council as another submitter to proposals being determined by the Minister and reduces the opportunity for Council to directly engage with the community about upcoming proposals. Notwithstanding this limitation, the Council

has provided some opportunity for both the proponent and community members to brief the Councillor group on various aspects of the proposed project.

Feedback raised during this consultation highlights a diverse range of views regarding the proposed development. The divergence of community views highlights the importance of thorough and ongoing community engagement as part of the assessment process (in accordance with the Act) and throughout the life of the project. This will be essential to:

- Develop a social license for the proposed solar farm.
- Deliver ongoing engagement with Traditional Owner groups.
- Deliver an appropriately resourced complaints management procedure.
- Provide community ownership of community benefit sharing opportunities, including governance arrangements.
- Avoid indirect impacts on housing availability or affordability due to influx of workers.
- Ensure the long term decommissioning of the facility is in accordance with community expectations and avoids undue strain on Council waste facilities.
- Ensure landholders in the area are appropriately compensated or reimbursed for any ongoing negative impacts such as increased public liability insurance costs.
- Does not have unintended negative impacts on community through the draining of suitable skills from the workforce, impacting availability of housing supply etc.
- Does not negatively impact on community safety including exposure to risk, or the functioning of critical services such as aviation services relied upon by this region.

On the last point, whilst the Landscape and Visual Impact assessment report suggests that there will be no significant impact on the operations for the Bairnsdale airport, further reassurance is required given the importance of the airport to both private operators and emergency services – including during bushfire season.

Council requests that:

- an assessment of possible thermal effects on aviation is undertaken – including through direct engagement with emergency services and other airport users, and
- mechanisms are put in place to ensure the ongoing monitoring and mitigation of any risks associated with aviation, and
- mechanisms are put in place that enable management of latent risks identified through ongoing pilot feedback

Council recommends that the requirements for community engagement be secured as part of a Community Engagement Strategy, enshrined in a Section 173 Legal Agreement (discussed further below). This Strategy must include the goals of ‘inform’, ‘consult’, and ‘involve’ as set out in the IAP2 public participation spectrum.

The Community Engagement Strategy should include provision for a Community Reference Group (or similar) that facilitates direct community involvement in identifying and administering community benefit sharing opportunities. The proponent should

provide appropriate resourcing and governance arrangements for the Community Reference Group, ensuring benefits of the proposed Ballantine Solar Farm are targeted to the areas of greatest community need and/or impact.

Economic benefit opportunities

The East Gippsland Economic Development Strategy identifies an opportunity to “*build workforce and business capability to capitalise on new energy opportunities*”. The Ballantine Solar Farm is projected to create 150 jobs during the construction phase of the project. It is important for East Gippsland businesses and workforce to have access to the economic opportunities presented by the proposed development.

It is recommended that the proponent commit to the development and implementation of an Economic Benefit Plan that includes, but is not limited to, local employment, local procurement processes, worker accommodation that does not impact existing supply, and education and workforce training for the East Gippsland community.

Indirect economic impacts should also be avoided, including the additional stress on local housing availability or affordability due to influx of workers for construction. Measures should be considered to require worker accommodation plans that ensure short-term worker accommodation to be provided without negative impacts on housing availability or affordability.

The Economic Benefit Plan should be secured as part of a Section 173 Legal Agreement (discussed further below).

Mechanism to secure community and economic benefits for East Gippsland

Based on the long-term nature of the project, and to ensure there are no long term negative impacts for East Gippsland, Council recommends that community and economic benefits associated with the Ballantine Solar Farm must be secured via a planning permit condition(s) requiring a Section 173 Legal Agreement between Council and the operator/landowner. This Agreement should include:

- Ongoing community engagement requirements via a Community Engagement Strategy aimed at informing, consulting and involving the community throughout the life of the project. The Community Engagement Strategy must include engagement with Traditional Owner Groups and closely impacted neighbours and community.
- An appropriate, timely responsive and effective complaints management procedure.
- Mechanism to provide for local employment and ensure East Gippsland businesses are included in procurement processes for construction, maintenance and decommissioning of the facility.
- Mechanism to ensure operation of community benefit sharing outcomes with the neighbouring and impacted landholders as well as the local community, including resourcing and governance arrangements funded by the proponent or solar farm owner/operator.

- Neighbour Agreements that recognise the potential for increased insurance premiums for adjoining and nearby landowners and that indemnify those landowners or reimburse them for those additional costs for the life of the facility.
- Requirements for decommissioning of the facility, including strategies for the sustainable disposal or recycling of all decommissioned materials and infrastructure, reinstatement of agricultural land and environmental enhancement of the site and surrounding area
- The end of life use and recycling of all solar panels and associated infrastructure is to be determined and all costs met by the proponent. Planning must include the impact on Council landfills and any other alternatives.

Community benefits should be meaningful and leave a positive lasting community legacy.

6. Conclusion

A number of concerns have been raised about this specific location for a solar farm. While Council offers in principle support in general for the use and development of renewable energy facilities, including solar farms, this is subject to the robust assessment of locational criteria and careful consideration and adequate and appropriate response to concerns raised by both Council and community members who are directly or indirectly affected by the proposal.

As the local government authority with the responsibility for representing the interests of the Municipal community and the need to ensure net community benefit from all development, we request that this assessment be undertaken in accordance with the matters and recommendations identified in this submission.