

# Agenda

Special Meeting of Council  
Tuesday, 14 August 2018

To be held in the  
Council Chambers  
1 Merrijig Drive, Torquay

Commencing at 5.00pm

**Council:**

Cr David Bell (Mayor)  
Cr Libby Coker  
Cr Martin Duke  
Cr Clive Goldsworthy  
Cr Rose Hodge  
Cr Carol McGregor  
Cr Brian McKiterick (Leave of Absence)  
Cr Margot Smith  
Cr Heather Wellington

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AGENDA FOR THE SPECIAL COUNCIL MEETING OF SURF COAST SHIRE COUNCIL  
TO BE HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY  
ON TUESDAY 14 AUGUST 2018 COMMENCING AT 5.00PM

**PRESENT:**

**OPENING:**

Council acknowledge the traditional owners of the land where we meet today and pay respect to their elders past and present and Council acknowledges the citizens of the Surf Coast Shire.

**PLEDGE:**

As Councillors we carry out our responsibilities with diligence and integrity and make fair decisions of lasting value for the wellbeing of our community and environment.

**APOLOGIES:**

Nil

**CONFLICTS OF INTEREST:**

**Note to Councillors and Officers**

***Declaration of Interest***

*Councillors and Officers please note that in accordance with Section 77A of the Local Government Act 1989, there is an obligation to declare a conflict of interest in a matter that could come before Council.*

*A conflict of interest can be a direct or indirect interest in a matter.*

*A person has a direct interest if:*

*There is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way.*

*A person has an indirect interest if the person has:*

- 1. A close association whereby a "family member" of the person has a direct or indirect interest or a "relative" or member of a person's household has a direct interest in a matter;*
- 2. An indirect financial interest in the matter;*
- 3. A conflicting duty;*
- 4. Received an "applicable" gift;*
- 5. Become an interested party in the matter by initiating civil proceedings or becoming a party to civil proceedings in relation to the matter; or*
- 6. A residential amenity affect.*

***Disclosure of Interest***

*A Councillor or Officer must make full disclosure of a conflict of interest by advising the class and nature of the interest immediately before the matter is considered at the meeting. While the matter is being considered or any vote taken, the Councillor with the conflict of interest must leave the room and notify the Chairperson that he or she is doing so.*

**PUBLIC QUESTION TIME:**

**BUSINESS:**

**1. CULTURE & COMMUNITY ..... 4**  
*1.1 Inverleigh Wind Farm Submission ..... 4*

## 1. CULTURE & COMMUNITY

### 1.1 Inverleigh Wind Farm Submission

**Author's Title:** Coordinator Communications & Community Engagement

**General Manager:** Chris Pike

**Department:** Community Relations

**File No:** F18/583

**Division:** Culture & Community

**Trim No:** IC18/1233

**Appendix:**

1. Submission to Department Environment Land Water and Planning (D18/99021)

**Officer Direct or Indirect Conflict of Interest:**

**Status:**

In accordance with Local Government Act 1989 – Section 80C:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes

No

Yes

No

**Reason:** Nil

**Reason:** Nil

#### **Purpose**

The purpose of this report is to adopt Council's submission to the Minister for Planning on the Inverleigh Wind Farm proposal.

#### **Summary**

Council is not the planning authority for wind farms. Applications for large scale wind farms must be made directly to the Minister of Planning and planning processes are managed by the Department of Environment, Land, Water and Planning (DELWP).

At its May 2018 Surf Coast Shire Council resolved to make a submission on the Inverleigh Wind Farm proposal through the formal planning process.

Council resolved not to undertake its own community engagement process to inform its submission in order to avoid causing confusion for those who wished to make their own submissions to DELWP.

Council also resolved to communicate the formal submission process to the general public and this has been achieved with through advertisements in local newspapers and newsletters as well as web content.

Council's submission recognises that large scale renewable energy projects are critical to Victoria achieving its 25% renewable energy by 2020 target and acknowledges Council has resolved to support the state government to achieve this goal.

Council submission recognises that the topography and weather in the general area means the site has some key characteristics important for wind-generated power infrastructure. The submission however identifies a range of social, economic and environmental factors that need to be considered before suitability of the site can be fully understood.

Council's submission asks the Minister for Planning to consider the specifics of the site and the adequacy of the engagement with the community.

Council's submission notes that a community engagement model that provides early, ongoing and meaningful engagement with surrounding land owners, and other interested community members, would improve the likelihood of an outcome that meets community expectations and supports state objectives for increased acceptance of renewable energy.

#### **Recommendation**

That Council:

1. Adopts the submission to planning permit application PA1800340, Inverleigh Wind Farm as attached at Appendix 1.
2. Forwards its submission to the Minister for Planning before 20 August 2018.

## 1.1 Inverleigh Wind Farm Submission

### Report

#### **Background**

Surf Coast Shire Council considered a planning permit application for what was then known as the Winchelsea Wind farm in 2008. Council granted a planning permit and this decision was appealed and referred to the Victorian Civil and Administrative Tribunal (VCAT).

VCAT upheld Council's decision to grant a permit. The wind farm proposal did not proceed, possibly due to uncertainty in the policy and funding conditions at the time.

The current planning permit application was lodged with the Minister for Planning in March 2018.

At its May 2018 Surf Coast Shire Council resolved to make a submission on the Inverleigh Wind Farm proposal through the formal planning process.

Council resolved that its submission would consider the following matters:

- Council's stated position on renewable energy including those contained in the Council Plan incorporating the Health and Wellbeing Plan 2017-21.
- Council's environmental leadership objectives including the renewable energy target.
- Planning regulations and any relevant legal matters.
- Environmental and amenity impacts on the broader community that may not be participating in the formal planning process.

In July 2018 the Minister for Planning approved the public exhibition of this planning permit application. A condition of this approval was that the applicant write to all residents within 5 kilometres of the proposed site, as well as potential referral authorities and to place public notices in local newspapers.

The minister resolved not to make a decision on the application before 20 August 2018. This then became the effective deadline for submissions on the application.

Council advertisements were placed in the Geelong Advertiser, Winchelsea Times, Golden Plains Miner, Leigh News. Information was also published on Council's website [www.surfcoast.vic.gov.au](http://www.surfcoast.vic.gov.au) explaining how people could make a submission on the proposal.

#### **Discussion**

Council is interested in lodging a submission on the Inverleigh Wind farm planning permit application for several reasons; Council has a stated position of supporting renewable energy projects in the shire; there is high community interest in the proposal; and applications of this nature can have significant amenity impacts.

Council resolved not to undertake a broad community engagement process to inform its submission. This decision was made so as to avoid the potential confusion between a Council led process and the formal submission process run through DELWP on behalf of the Minister of Planning.

Council has heard from stakeholders who have expressed a range of views about the Inverleigh Wind Farm. Amongst those to have forwarded a view in favour of the proposal are members of the Renewable Energy Task Force.

The Renewable Energy Task Force was established by Council as a partnership with the community 'To provide direction and leadership for the municipality that assists the achievement of the State Government target of a least 25% renewable energy by 2020'.

The Task Force Road Map notes that, in general, large scale renewable energy projects should be supported, subject to the suitability and viability of individual proposals.

The Gnarwarre Progress Association has expressed to Council concerns its members have regarding the potential impacts the proposal will have on neighbouring and surrounding property owners.

Neighbours' concerns include visual impact, shadow flicker, incompatibility with existing local land uses and the impact of the required one kilometre buffer zone on neighbouring properties.

## 1.1 Inverleigh Wind Farm Submission

In addition to the above, Council's submission notes the communications and engagement undertaken by the proponent to date and has reviewed these activities in the light of DELWP's guide on recommend engagement methods for wind farms: *Community Engagement and Benefit Sharing in Renewable Energy Development - A Guide for Renewable Energy Developers*.

Officers have formed the view the community engagement undertaken by the applicant to date does not follow the DELWP best practice guidelines. In particular, the engagement method has relied on formal communications and not provided opportunities for two-way engagement such as face to face, or township style, meetings.

Council's submission notes that a community engagement model that provides early, ongoing and meaningful engagement with surrounding land owners, and other interested community members, would improve the likelihood of an outcome that meets community expectations and supports state objectives for increased acceptance of renewable energy.

Council's submission also notes the formal planning permit process does not provide easy access to information about the application.

Council's submission also asks the Minister for Planning to review opportunities to link large scale wind farm applications to the process for approving the establishment of transmission lines. Currently the two are considered in isolation.

In preparing its submission Council has not sought to replicate a planning approval process. Council is not the responsible authority and does not have specific expertise, nor adequate information to undertake a formal planning review.

### **Financial Implications**

Council assets, namely roads and drains, will be used if the permit is granted. Council will need to establish a means to recover costs if public assets are damaged during the establishment or running of the proposed wind farm.

### **Council Plan**

Theme	5 High Performing Council
Objective	5.2 Ensure that Council decision-making is balanced and transparent and the community is involved and informed
Strategy	Nil
Theme	2 Environmental Leadership
Objective	2.1 Drive the use of renewable energy
Strategy	2.1.1 Implement the Renewable Energy Roadmap

### **Policy/Legal Implications**

The Inverleigh Wind Farm proposal will need to abide by the Planning and Environment Act 1987. There are several Acts that make up the regulatory framework of the Victorian gas and electricity sectors including; *Electricity Industry Act 2000, Electricity Safety Act 1998, National Electricity (Victoria) Act 2005 and Victorian Renewable Energy Act 2006*.

### **Officer Direct or Indirect Interest**

No officer involved in the preparation of this report has any conflicts of interest.

### **Risk Assessment**

The risk of Council not making a submission is that Council will have missed an opportunity to provide input into an important planning matter.

### **Social Considerations**

Historically wind farms have been a source of contention in local communities. Strong views are held in support and opposition to wind farms. Council's submission recognises this fact.

## 1.1 Inverleigh Wind Farm Submission

Council is not the responsible authority for assessing the suitability of wind farm proposals. Council resolved to communicate the process by which people can make a submission. Council has also resolved to make its own submission.

### **Community Engagement**

Council has not run a specific community engagement activity to inform its submission on the Inverleigh Wind Farm submission. To do so would have risked creating confusion with the formal planning process being run through DELWP. Council engaged widely on its Council Plan 2017-2021 which gives policy guidance on matters such as renewable energy and community engagement and advocacy.

Council has strongly advocated to concerned parties that they should lodge their own submission on the proposal.

When contacted directly by stakeholders Council did take the opportunity to hear those points of view. A number of officers and councillor also took the opportunity to visit the site and surrounds to inform Council's submission.

### **Environmental Implications**

According to the proponent, the Inverleigh Wind Farm will be capable of generating 259,000 megawatts per annum. This equates to the energy consumption of an estimated 45,000 households.

The state government has committed to generating 25% of the state's energy needs through renewable energy sources by 2020.

### **Communication**

Council undertook a communications campaign to raise awareness of the DELWP submission process to communities within the shire.

Council advertisements were placed in the Geelong Advertiser, Winchelsea Times, Golden Plains Miner, Leigh News. Information was also published on Council's website [www.surfcoast.vic.gov.au](http://www.surfcoast.vic.gov.au).

Council will communicate the detail of its submission through media and its own communications channels

### **Options**

#### Option 1 – adopt the submission as drafted

This option is recommended by officers as the submission in its current form is considered to best represent the issues as identified and understood by Council.

#### Option 2 – amend the submission

This option is not recommended by officers as the submission in its current form is considered to best represent the issues as identified and understood by Council.

#### Option 3 – make no submission

This option is not recommended by officers as Council has resolved to make a submission and would miss an opportunity to provide input into an important local issue.

### **Conclusion**

Council has a strategic objective to drive the use of renewable energy. Council agrees large scale renewable energy projects are critical to Victoria achieving its 25% renewable energy by 2020 target.

Council recognises that the topography and weather in the general area means the site has some key characteristics important for wind-generated power infrastructure. Notwithstanding this, there is a range of other social, economic and environmental factors that need to be considered before suitability of the site can be fully understood.

Council's submission asks the Minister for Planning to consider the specifics of the site and the adequacy of the engagement with the community.

**1.1 Inverleigh Wind Farm Submission**

**APPENDIX 1 SUBMISSION TO DEPARTMENT ENVIRONMENT LAND WATER AND PLANNING**



## **Surf Coast Shire Council – Submission to Department Environment Land Water and Planning (DELWP) – Inverleigh Wind Farm**

### **Planning application number - PA1800340**

Surf Coast Shire Council is pleased to make this submission to the Minister for Planning on Planning Application Number PA1800340 - Inverleigh Wind Farm.

Council's submission is in two parts:

### **Part 1 – Key Considerations**

This part of the submission sets out issues Council asks the Minister for Planning to consider as part of the assessment of the application.

### **Part 2 - Permit Conditions if Granted.**

This part of the submission notes conditions Council would seek to be included if the Minister for Planning determines to grant a permit.

## **Part 1 – Key Considerations**

### **1. Overview**

- a) Council has a strategic objective to drive the use of renewable energy. Council agrees large scale renewable energy projects are critical to Victoria achieving its 25% renewable energy by 2020 target.
- b) Council recognises that the topography and weather in the general area means the site has some key characteristics important for wind-generated power infrastructure. Notwithstanding this, there are a range of other social, economic and environmental factors that need to be understood before the suitability of the site can be fully understood.
- c) To ensure a successful outcome for all parties, Council asks the Minister to consider the specifics of the site and the adequacy of the engagement with the community.
- d) Council submits that a community engagement model that provides early, ongoing and meaningful engagement with surrounding land owners, and other interested community members, would improve the likelihood of an outcome that meets community expectations and supports state objectives for increased acceptance of renewable energy.

## 2. Location specific considerations

- a) The proposed site is at an interface of broad acre farms to the west and smaller lifestyle properties to the east. There is also an adjoining intensive piggery and intensive broiler farm on the proposed site. While broad acre farming can continue on and around wind farms, there are particular impacts to lifestyle properties to the east of the site.
- b) Council believes that farming activity should be supported in the farming zone and notes that wind farms are a compatible use in this zone.
- c) Amenity impacts to residents living close to 200 metre high turbines need thoughtful consideration.
- d) There is an opportunity to further explore alternative siting of the turbines to reduce amenity impacts to nearby residents, especially those located on lifestyle properties to the east
- e) There is a view that neighbouring properties incur the impacts of the facility however do not share in any of the benefits.
- f) There is an opportunity to consider further engagement, negotiation, mediation and benefit sharing with nearby landowners.
- g) Council trusts that the State, in making a decision on this planning permit application, will be guided by its November 2017 Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (referred to in this submission as DELWP's Guidelines).
- h) This submission, therefore, does not provide specific commentary on topics covered within the above guidelines. Council's submission assumes these topics will be considered in accordance with the guidelines.
- i) It is understood the proponent intends to also include a solar facility with this wind farm. Council recommends this element be assessed by the Minister and as part of the wind farm proposal.

## 3. Community and stakeholder consultation

- a) Council notes a community engagement model appropriate for the local situation will add to the likelihood of a positive outcome, as evidenced by case studies in DELWP's guidelines.
- b) Council's view is that best practice community engagement as described in *DELWP's Community Engagement and Benefit Sharing in Renewable Energy Development - A Guide for Renewable Energy Developers* is essential and should be applied in the case of the Inverleigh Wind Farm.

- c) A community engagement model that provides early, ongoing and meaningful engagement with surrounding land owners, and other interested community members, would improve the likelihood of an outcome that meets community expectations and supports state objectives for increased acceptance of renewable energy.
- d) Council concludes the community and stakeholder engagement process delivered by the proponent for the Inverleigh Wind Farm to date has not met community expectation and not been successful in achieving a consensus with neighbouring property owners.
- e) Council believes there are also opportunities for improvement in the communication and engagement aspects of the formal planning process, which currently neither provides easy access to information nor meets best practice for accessibility.
- f) Council requests that DELWP representatives dedicate time to understand community views including a site visit and meeting with surrounding land owners.
- g) Council requests the proponent and DELWP undertake further consultation, engagement and, if required, mediation to find a way for this project to succeed and address the concerns of landowners surrounding the proposal.
- h) Council submits that if a planning permit is granted, the community engagement model for pre-construction, construction and operation should be in accord with the DELWP's *Community Engagement and Benefit Sharing in Renewable Energy Development 2017* guidelines and the model should be approved by DELWP prior to commencement.

#### **4. Community points of view**

- a) Council has not conducted its own broad community engagement process in order to avoid causing confusion by duplicating the consultation stage of the planning process. Council has however heard directly from a number of community members on this proposal and these views are summarised below. Council's submission does not offer an assessment of these points of view but seeks for their consideration in the process.
- b) Community points of view as expressed to Council:
  - i. A belief that population density is high in this area.
  - ii. Concern that the location of the proposed wind farm may inhibit the future growth of Winchelsea and Inverleigh.
  - iii. Concern over the visual amenity impact and converse views that wind turbines are impressive structures.
  - iv. Concern about reductions in property values for surrounding property owners.
  - v. Belief that one kilometre buffer zones for the wind farm encroach on some properties limiting future development opportunities.

- vi. Belief that a private airfield in the area will be rendered unusable if the proposal proceeds.
  - vii. Concern that transmission line location and design is not being considered as part of the current planning proposal.
  - viii. Concern regarding shadow flicker and infrasound not adequately addressed in the application documentation.
  - ix. Concern about the impacts of the proposal on roads and drains.
  - x. Concern that the development will impact on local wildlife including a re-establishing Brolga colony.
  - xi. A lack of community engagement to date and perceived inadequacies from the proponent in communicating the planning process.
  - xii. The view that the uptake of renewable energy is essential.
  - xiii. A view that communities in Australia love wind farms in their area.
  - xiv. Following the previous consideration of a windfarm for this site, neighbouring residents cite that this topic has caused considerable and ongoing stress in their lives.
  - xv. Adjoining residents have noted the existence of cultural heritage elements on Mt Pollock however state that physical aspects such as stone circles have been damaged. There is concern that further development will destroy any remaining features.
- c) Council presents these views for the Minister's information noting that submissions will be made by interested parties independently of Council. Council does not have technical windfarm expertise in the matters raised in the above comments nor has it proactively sought broad community comments for the reason stated above. Council does however affirm the importance of appropriate community engagement and believes it is important for engagement to be improved for this proposal.

## **5. Environment and renewable energy**

- a) Council supports large scale renewable energy projects in the shire, including wind farms, and understands large-scale renewable energy projects are needed to achieve the Victorian renewable energy targets of 25 per cent by 2020 and 40 per cent by 2025.
- b) Council has an adopted position of support for Victorian renewable energy targets and has a local program in place to help achieve this goal.
- c) The Surf Coast Shire Council Plan 2017-2021 Environmental Leadership theme includes:
  - i. a Strategic Objective to "*Drive the use of renewable energy*",
  - ii. an Outcome that "*Surf Coast Shire is a state leader in the take up of renewable energy*"
  - iii. Strategies to "*Implement the Renewable Energy Road Map*" and "*Support the work of the Renewable Energy Task Force*"

- d) Council established the 25% by 2020 (Renewable Energy) Task Force *"To provide direction and leadership for the municipality that assists the achievement of the State Government target of a least 25% renewable energy by 2020"*
- e) The Renewable Energy Taskforce is a Council and community partnership and is supportive of large scale renewable energy projects in the shire.
- f) Council notes this is the only large scale renewable energy project planned in Surf Coast Shire at this time and if approved would be the first.
- g) Council requests that the DELWP pays particular attention to environmental considerations included in the guidelines especially with regard to impacts on flora and fauna.
- h) Council requests that if the State Government grants the planning permit that it includes conditions for the proponent to monitor and report on the impacts on flora and fauna.

#### **6. Transmission lines**

- a) Council recognises that the establishment of a power generation site increases the likelihood a transmission line being linked to that site and notes that the provision of electricity transmission lines is currently not considered in the planning application process for wind farms.
- b) Council believes that changes are required to the State Government Regulatory and Planning Framework to manage the planning and development of wind farm transmission lines.
- c) Council supports reforms that would provide greater opportunity for community engagement on planning for transmission line corridors.
- d) The visual amenity impacts of power lines are potentially a very significant issue however Council and the community have had no opportunity to share their views via the planning permit process.

#### **Part 2 - Permit Conditions if Granted**

Council has an interest in permit conditions in the event that a permit is granted for the development of a wind power generation facility for the following reasons:

- i. The development will impact assets that Council has responsibility for as the relevant road authority and asset owner; and
- ii. Council will be responsible for enforcement of planning conditions

Conditions requested from Council:

### **Traffic Management Plan**

Before the development starts, a traffic management plan must be prepared to the satisfaction of VicRoads and Council as the relevant road authorities and approved by the Responsible Authority. When approved by the road authorities, the plan will be endorsed and will form part of the permit. The plan will address, as a minimum, the following:

- a. A pre-development assessment of the road network following roads: Inverleigh Winchelsea Road, Peels Road and Gnarwarre Road, including details of the suitability, design and construction standard of the roads;
- b. The designation of appropriate construction and transport vehicle routes to the wind energy facility site;
- c. Detailed engineering plans for the upgrade of:
  - i. Peels Road, between Inverleigh Winchelsea Road and Gnarwarre Road, to a sealed road and the timing of such works to allow for safe truck turning movements; and
  - ii. The following intersections:
    1. Princes Highway and Inverleigh Winchelsea Road;
    2. Peels Road and Inverleigh-Winchelsea Road;
    3. Peels Road and Gnarwarre Road;
    4. Gnarwarre Road and the site access point.
- d. Details of signage to be removed, installed or replaced during specific construction activities such as the delivery of over-size infrastructure to the site;
- e. Identification of any areas of indigenous roadside vegetation that may require removal or pruning, the pruning practices to be followed and the planning permit requirements for the removal of native vegetation;
- f. Coordination between construction traffic and school bus travel, demonstrating consultation with Public Transport Victoria on this matter, including hours that construction traffic will use public roads;
- g. The designation of principal and other vehicle access points to the wind energy facility from surrounding roads. The location and detailed design of the connection between the internal access tracks and the public roads must fully consider desirable standards to ensure safe site distances, turning movements, and potential through traffic conflicts;

### **Construction conditions**

- a. Before commencement of construction, a payment of a security deposit or bond for the amount of \$150,000 for a period of 12 months commencing upon completion of on-site development works for the purpose rectifying any defects identified in road or road-related infrastructure upgraded under the conditions of this permit.
- b. Before commencement of construction of on-site or off-site works, an Inspection and Maintenance Plan must be prepared to the satisfaction of

VicRoads and Council as the relevant road authorities. The plan will address, as a minimum, the following:

- i. A program of regular inspections to be carried out during the construction period
  - ii. Timeframes for repairs will be in accordance with the inspection plan.
- c. Maintenance works identified from these inspections will be carried out by the developer to the satisfaction of the road authority, or alternatively undertaken by the road authority at the expense of the developer if nominated timeframes cannot or have not been met. If reimbursement of road authority costs is not received by the road authority at the time of completion of works the amount will be deducted from the security deposit paid under condition (a) under the section titled construction conditions.
- d. Upon completion of construction of the development, a condition survey of Peels Road and Gnarwarre Road, and any damage to the road shall be remediated to the satisfaction of the road authority within four weeks of completion of the development or an alternative date agreed in writing with the road authority;

#### **Operational conditions**

During operation of the site, access and egress from the site should be in accordance with the approved traffic management plans, unless otherwise agreed in writing by the road authority.

#### **Other conditions**

Any on site crushing of rocks should be appropriately located within the site and controlled by permit conditions to manage amenity impacts on surrounding properties.

#### **Notes**

Native vegetation removal required as a result of the implementation of the Traffic Management Plan on public road reserves may require separate planning permission.

Approvals to undertake Works in Road Reserves and implement traffic management plans during construction will be subject to approvals by the relevant road authorities.

**Close:** There being no further items of business the meeting closed at pm.