



CORANGAMITE  
SHIRE

# Agenda

## Council Meeting

**Tuesday 25 October  
2022**

To be held in the Killara Centre  
At the Camperdown Community  
Centre  
Commencing at 7:00 pm



## Vision

We strive for a connected and thriving community.

## Mission

We will foster opportunities, celebrate our identity and lifestyle, and provide high quality and responsive services.

## Values

Teamwork

Integrity

Respect

### Disclaimer

The advice and information contained herein is given by the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written enquiry should be made to the Council giving the entire reason or reasons for seeking the advice or information and how it is proposed to be used.

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## Councillors



Cr Ruth Gstrein (Mayor) Central Ward



Cr Geraldine Conheady (Deputy Mayor) Central Ward



Cr Jo Beard South Central Ward



Cr Nick Cole North Ward



Cr Laurie Hickey Central Ward



Cr Kate Makin South-West Ward



Cr Jamie Vogels Coastal Ward

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# Order of Business

## 1 Prayer

We ask for guidance and blessing on this Council. May the true needs and wellbeing of our communities be our concern. Help us, who serve as leaders, to remember that all our decisions are made in the best interests of the people, culture and the environment of the Corangamite Shire.

Amen.

## 2 Acknowledgment of Country

We acknowledge the traditional custodians of the land around Corangamite Shire, the Eastern Maar and Wadawurrung people.

We pay our respects to all Aboriginal Elders and peoples past, present and emerging.

## 3 Apologies

## 4 Declarations of Conflict of Interest

In accordance with section 130 (1)(a) of the Local Government Act 2020 Councillors are required to disclose any “conflict of interest” in respect of a matter to be considered at a Council Meeting. Disclosure must occur immediately before the matter is considered or discussed.

## 5 Confirmation of Minutes

### RECOMMENDATION

That the minutes of the Corangamite Shire Council meeting held on Tuesday 27 September 2022 be confirmed as correct.

## 6 Deputations and Presentations

Members of the public may address Council under this section of the agenda during a meeting of Council if:

- 1) The person is addressing the Council in respect to a submission on an issue under Section 223 of the Local Government Act 1989; or
- 2) The person has requested that they address Council on an issue and the Mayor has agreed that they be heard.

Requests to address Council must be received by 5.00 pm on the day prior to the scheduled meeting of Council.

Presentations made to Council in this section of the agenda may not exceed five minutes in length, although Councillors may ask questions following each presentation. If a presentation exceeds five minutes in length, the Mayor may request that the presenter ceases to address Council immediately.

## 7 Committee Reports

Nil

## 8 Planning Reports

### 8.1 Planning Permit Application PP2021/191 - Use and Development of Land for Rural Worker Accommodation - 16 Tognis Road, Ecklin South

Directorate: Sustainable Development

Author: Melanie Osborne, Planning Officer

Previous Council Reference: Nil

Attachments:

1. Under Separate Cover - Planning Permit Application PP2021/191 2514P [8.1.1 - 32 pages]
2. Under Separate Cover - Objection PP2021/191 2514P [8.1.2 - 2 pages]
3. Under Separate Cover - Applicant Response to Objection PP2021/191 2514P [8.1.3 - 6 pages]
4. Under Separate Cover - EPA Victoria Comments PP2021/191 2514P [8.1.4 - 2 pages]
5. Under Separate Cover - Copy of Mumblin Wind Farm Planning Application Documents [8.1.5 - 220 pages]

### Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author – Melanie Osborne

In providing this advice to Council as the Planning Officer, I have no interests to disclose in this report.

### Summary

Council must consider a planning permit application which is seeking approval for the use and development of land for rural worker accommodation within 1km of land subject to an application for a permit for a wind energy facility.

Notice of the application was given and one (1) objection to the proposal was received.



The application has been assessed against the Corangamite Planning Scheme. It is considered that the proposed use and development does not provide an acceptable response to the relevant planning policy and controls, and it is recommended that Council issue a Notice of Decision to Refuse to Grant a Permit.

### Introduction

Planning Permit Application PP2021/191 was received by Council on 8 December 2021. There was a lack of information provided with the application to enable a proper assessment and a request for further information was sent in accordance with Section 54 of the *Planning and Environment Act 1984*.

The application was amended on the 13 July 2022 in response to the request for further information and a planning consultant was engaged to act on behalf of the landowners. The application seeks approval for the use and development of land for rural worker accommodation on Lot 2 LP144014 (subject land) on the Curdies-Leichfield Road, Ecklin South.

Planning Application PA2201517 was submitted to the Minister for Planning on the 8 February 2022. The application seeks approval for the use and development of land for a wind energy facility on the adjoining property, referred to as the Mumblin Wind Farm. Council was notified in August 2022 that the application was amended. The proposed wind energy facility consists of nine wind towers.

Public notice of the application PP2021/191 was given which included the proponent for the Mumblin Wind Farm who has objected to the proposal based on the siting of the accommodation. The key issues raised in the objection can be summarised as:

- Land use conflict
- Amenity impacts on future occupants (noise and shadow flicker)

This report provides a planning assessment of the application and considers key issues relating to potential land use conflict and amenity impacts because of the proposed wind energy facility on the adjoining property.

### History

There are no records of any planning or permit history for the subject land.

Planning Scheme Amendment VC202 amended the Corangamite Planning Scheme on the 12 October 2021 to include the land use term and a definition for 'rural worker accommodation'. The amendment also made subsequent changes to the Farming Zone to facilitate worker accommodation that supports agricultural in Victoria.

Planning Scheme Amendment VC212 amended the Corangamite Planning Scheme on the 13 October 2021 by introducing new permit requirements and decision guidelines for accommodation uses, including rural worker accommodation located within 1km from the nearest title boundary of land subject to application or permit for a wind energy facility in the Farming Zone.

The changes made through VC212 seek to ensure orderly planning and minimise the potential for land use conflict for as-of-right accommodation uses in the Farming Zone that may be in the vicinity of a proposed or approved wind energy facility.

These changes to the Victoria Planning Provisions (VPP) are relatively recent and Council Officers are unaware of any similar applications decided under these control and in this circumstance in Victoria.

### **Subject Land**

The subject land has a total area of 27.93ha and is part of a larger agricultural property of approximately 124ha consisting of several lots and known as 16 Tognis Road, Ecklin South. The boundaries of the subject land and the larger property are shown in Figures 1 and 2 below.

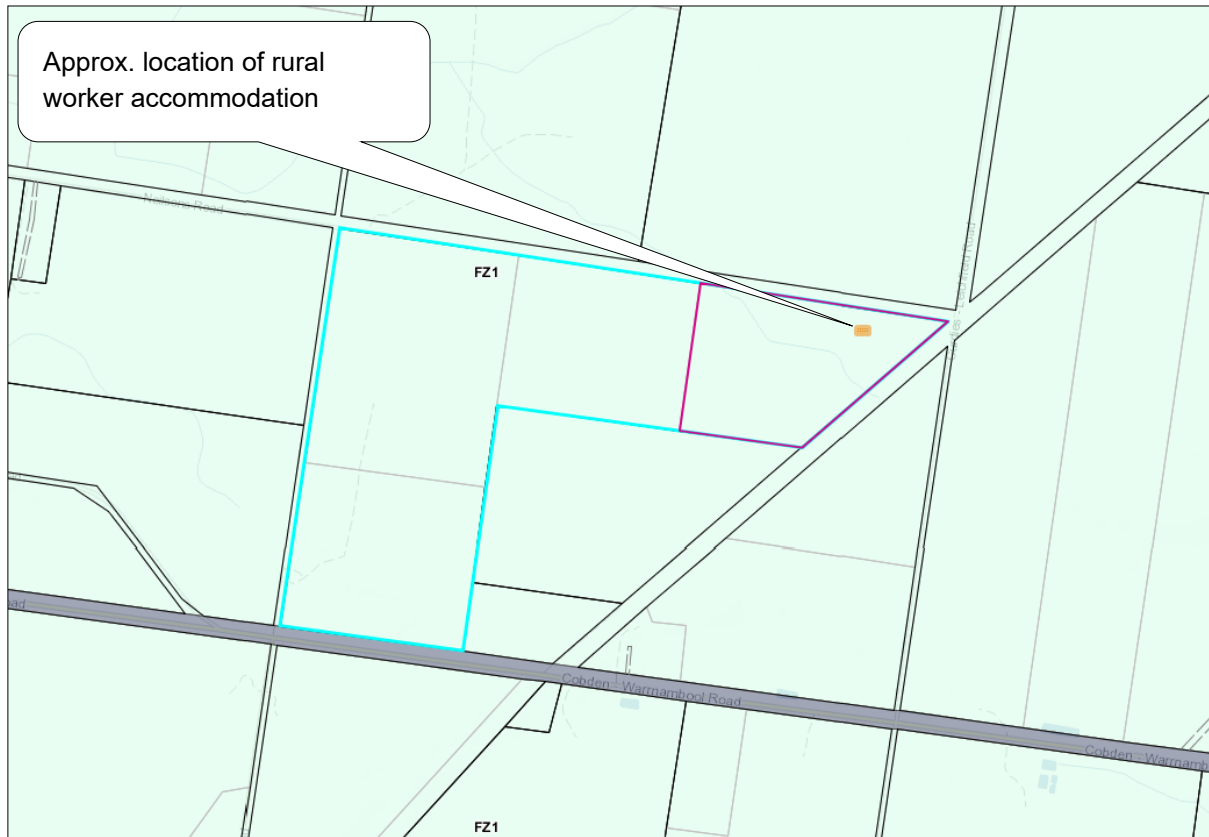
There are no buildings on the lot and road access to the site is via an informal driveway off the Curdies-Leichfield Road.

### **Surrounding Area**

The main site/locality characteristics are:

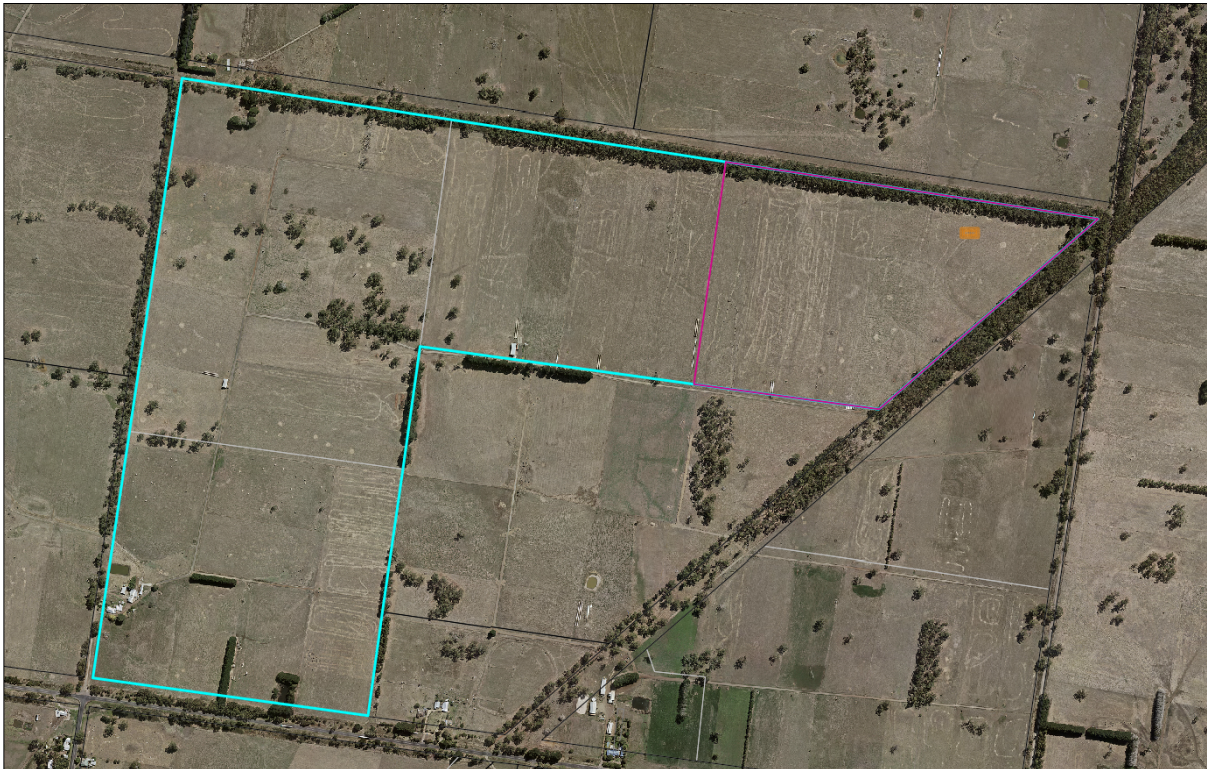
- The subject land and surrounding area are in Farming Zone – Schedule 1.
- The land is used for animal grazing associated with beef cattle production and dairy farming.
- There is an existing dwelling on the farm located on a separate lot which fronts Tognis Road, approximately 2km south west of the subject site.
- Surrounding properties are mainly used for agriculture associated with the dairy industry.
- The subject land borders Neilsons Road and an unmade government road which both meet the Curdies-Leichfield Road at the north east corner of the site.
- Neilsons Road is not a properly constructed road and is dry weather only.
- Curdies-Leichfield Road is a gravel access road connecting to the Cobden-Warrnambool Road south of the subject land.
- Access to the site is currently via internal farm tracks or an informal access from the Curdies-Leichfield Road.
- An ephemeral waterway runs through the subject land.

- Existing planning application for a new wind energy facility (Mumblin Wind Farm) on the adjacent land is being processed by Department of Environment, Land, Water and Planning on behalf of the Minister for Planning.



**Figure 1: Planning Zone Map**





**Figure 2: Aerial of subject site and surrounding area**

### **Proposal**

The application seeks approval for use and development of the land for rural worker accommodation.

### Use

The proposed accommodation will be used to attract workers to the agricultural property which is currently run by the landowner who is a sole operator. The landowner wants more flexibility in the operation of their beef cattle enterprise so they can be absent from the property without impacting on agricultural outputs.

The proposed worker accommodation will be able to host a maximum of 6 employees at any one time, but is mainly to attract a couple, small family or individual.

### Siting and Design

The proposed worker accommodation is to be located 57m south from the northern lot boundary (Neilsons Road) and approximately 265m from the northeast corner of the lot which intersects with Neilsons Road, an unmade government road and the Curdies-Leichfield Road.

The built form consists of a modern three (3) bedroom home design with open plan living and kitchen area, main bedroom with ensuite and shared bathroom and laundry facilities and a double garage. The building footprint will be 9.5m x 23.25m and a total area of approximately 220m<sup>2</sup>. The walls of the building will be 2.4m to the eaves and have a skillion roof with a total height of 4.3m at the highest pitch.

### Access and Services

Access to the proposed worker accommodation will need to be upgraded which will include an upgrade to the vehicle crossover from the Curdies-Leichfield Road and the construction of a new all-weather internal driveway to the building site.

A new onsite wastewater management system will need to be installed to treat all wastewater generated from the building. Potable water supply plus water for fire fighting will be collected from the development into rainwater tanks. The accommodation building will be connected to reticulated power supply.

A copy of the planning permit application is provided under separate cover.

### **Policy and Legislative Context**

#### ***Zoning***

The subject site is in the Farming Zone – Schedule 1.

Rural worker accommodation is defined as *‘land used to accommodate a person engaged in agricultural production, away from their normal place of residence’*.

Under the Farming Zone a planning permit is not required for rural worker accommodation provided certain conditions are met. The proposed rural worker accommodation does not meet all the required conditions and a planning permit is required for the following reasons:

- The subject land is less than the minimum lot size of 40ha.
- The Rural worker accommodation is located less than one kilometre from the nearest title boundary of land subject to an application for a permit for a wind energy facility.

The purpose and decision guidelines of the Farming Zone will be considered in the assessment of the application.

#### ***Overlays***

There are no overlays affecting the subject land.

***Municipal Planning Strategy and the Planning Policy Framework***

The following clauses are considered relevant to this permit application:

Clause 02 Municipal Planning Strategy

Clause 02.01 Context

Clause 02.02 Vision

Clause 02.03-3 Environmental risks and amenity (Bushfire, flooding, erosion and land slip)

Clause 02.03-4 Natural resource management (Agriculture); recognises that:

- agriculture industry employs approximately one third of the Shire's workforce and that meat production is one of the largest agricultural enterprises in the Shire.
- the protection and enhancement of the agricultural industry is linked to the Shire's environmental and economic wellbeing.

Clause 11 Settlement

Clause 11.01-1S Settlement

Clause 11.01-1R Settlement – Great South Coast

Clause 11.03-6S Planning for Places – Regional and local policies

Clause 12 Environmental and Landscape Values

Clause 12.03-1S Water Bodies and Wetlands – River corridors, waterways, lakes and wetlands

Clause 13 Environmental Risks and Amenity

Clause 13.02-1S Bushfire - Bushfire planning

Clause 13.05-1S Noise – Noise Management

Clause 13.07-1S Amenity, Human Health and Safety – Land use compatibility

Clause 14 Natural Resource Management

Clause 14.01-1S Agriculture - Protection of agricultural land

Clause 14.01-1L Agriculture - Protection of agricultural land; seeks to minimise conflict between agricultural and non-agricultural land uses in rural areas and discourages new dwellings not associated with or required for the agricultural land use.

Clause 14.01-2S Agriculture – Sustainable agricultural land use; encourages diversification and value-adding of agriculture through effective agricultural production and processing and seeks to assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.

Clause 15 Built Environment and Heritage

Clause 15.01-6S Built Environment - Design for rural areas



### Clause 17 Economic Development

Clause 17.01-1S Employment - Diversified economy

Clause 17.01-1R Employment - Diversified economy – Great South Coast; seeks to support agriculture as a primary source of economic prosperity and increase the region's contribution to the nation's food production.

### Clause 19 Infrastructure

Clause 19.01-2S Energy – Renewable energy; seeks to support wind energy facilities in locations with consistently strong winds and protect renewable energy infrastructure against competing and incompatible uses.

Clause 19.01-2R Energy - Renewable energy – Great South Coast

### **Particular Provisions**

There are no particular provisions that relate to this application.

### **Clause 65 Decision Guidelines**

Must be considered in the assessment of the application.

### **Internal / External Consultation**

#### **Referrals**

No statutory referrals were required to external authorities under Section 55 of the Act.

The following referrals were carried out for this application.

Section 52 Comments	Response
Department of Environment Land, Water and Planning (DELWP)	Did not provide comment.
EPA Victoria	<p>While it is unreasonable to expect high levels of amenity in the Farming Zone in comparison to residential zones, the EPA considers that it is possible the accommodation (sensitive use) will be impacted by noise from the wind farm should both permits be approved, noise being the main risk.</p> <p>This noise may impact nearby sensitive receptors, including during the night period when sleep may be interrupted.</p>

Internal Departments	Response
<b>Assets Planning</b>	<p>Upgraded connection of the driveway of the subject land to Curdies-Leichfield Road will require a separate vehicle crossing permit from Council.</p> <p>The access connecting the land to Curdies-Leichfield Road on the unused road is to be all weather road suitable for access by emergency vehicles. Construction and ongoing maintenance of the road will be the responsibility of the permit holder, including all associated costs.</p>
<b>Environmental Health</b>	<p>Worker accommodation will need to be connected to an approved onsite wastewater management system in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.</p>

### **Advertising**

Notice of the application was given in accordance with Section 52 of the Planning and Environment Act 1987, including:

- Letters to landowners and occupiers of property adjoining the subject site.
- Notice on Council's website.

One (1) objection was received in relation to this application from the proponent for the Mumblin Wind Farm application. The key issues raised in the objection can be summarised as:

- Land use conflict
- Amenity impacts on future occupants (noise and shadow flicker)

The objector requested that should Council decide to approve the application, any permit issued should be subject to a condition requiring the landowner enter into a Section 173 Agreement acknowledging that the rural worker accommodation is within 1km of the proposed wind farm, and if the wind energy facility becomes operational that the amenity of the rural worker accommodation may be affected.

The landowner does not agree to entering into any such agreement.

The applicant was provided with a copy of the objection and given an opportunity to respond to the matters raised. The landowner and RE Future have also met to discuss their concerns but individual issues could not be resolved, and the objection still stands. The applicant has also been unwilling to relocate the worker accommodation to another location on the property.

A copy of the objection and applicant response is provided under separate cover.

### **Consultation**

Consultation was undertaken and included:

- 14 December 2021: The applicant (owner) was requested to provide further information under Section 54 of the Act to allow a proper assessment of the application.
- 18 February 2022: The applicant was advised that the permit application for the Mumblin Wind Farm had been submitted to the Minister of Planning and that the proponents for the wind farm application must be given notice of the application.
- 9 March 2022: The applicant advised Council that they had engaged a planning consultant to submit the application on their behalf.
- 13 July 2022: A response to the further information request was received and the application was amended to clearly describe the proposed use and development, along with updated plans and formally change the permit applicant to the planning consultant.
- 8 September 2022: The applicant was provided with a copy of the Shadow Flicker and Noise Assessment Reports for the Mumblin Wind Farm application.
- 5 October 2022: a planning site inspection was held and attended by Councillors, Council officers, the landowners and the objectors.

### **Assessment**

A planning permit application is required for the use and development of land for rural worker accommodation due to the size of the subject land and its proximity to land which is subject to an application for a permit for a wind energy facility.

Excluding the proposed wind farm, the provision of rural worker accommodation associated with productive agriculture is supported. Agriculture is the primary driver in the local and regional economy and there is low availability and high demand for key worker accommodation to support the continued operation and growth of agriculture.

The assessment of this proposal is difficult in that the application for the wind energy facility is still going through an initial review stage by DELWP, has not been notified and the proposed design, layout and outcome may still change.

The merits and appropriateness of the proposed wind farm is not within the scope of this assessment. However, recent changes to the Farming Zone requires that consideration is given to the siting and design of the rural worker accommodation to ensure that potential impacts from the wind energy facility are avoided should a permit be issued for it as well.



The following assessment is based on the information available to Council at the time of the decision.

***Municipal Planning Strategy and the Planning Policy Framework***

The Planning Policy Framework (PPF) seeks to strengthen and support rural economies to grow and diversify. In the Great South Coast region, agriculture is a key source of economic prosperity, contributing to the nation's food and fibre production.

The Municipal Planning Strategy (MPS) further recognises that agriculture is the largest and most important industry within the Shire, and the protection and enhancement of the agricultural industry is linked to ongoing sustainable well-being. A key issue is the availability of affordable housing for workers in the Shire which can create difficulties for business to attract employees, operate and grow.

The provision of on farm worker accommodation is a means to address this issue and would typically be supported where it is directly associated with or required to support agriculture, whilst managing continuation and compatibility with adjoining land. This must be balanced against policy which seeks to protect renewable energy infrastructure against competing and incompatible uses.

The application proposes rural worker accommodation approximately 100m from neighbouring land which is subject to a permit for a wind energy facility. The application fails to satisfactorily justify the siting of the accommodation over other locations on the property or demonstrate that the accommodation is to be designed to avoid or reduce noise and shadow flicker impacts from the operation of the wind energy facility.

The issue of a permit for the accommodation in the proposed location is considered incompatible with the proposed wind energy facility and would potentially lead to land use conflict and an unacceptable planning outcome.

It should be noted that the principles of planning generally require consideration of a proposal having regard to existing conditions, surrounding physical environmental context and land use compatibility. For planning applications, this is referred to as the 'agent of change'.

The new provisions have been drafted by State Government in a way that seeks to protect renewable energy from accommodation and other sensitive uses, even where an application has not been scrutinized and a permit does not exist. This creates a conflict and competing interests in planning decision making.

### **Farming Zone**

The purpose of the zone is to provide land for agricultural uses and ensure that non-agricultural uses do not adversely affect the use of land for agriculture, while balancing the need to encourage the retention of employment and population which support rural communities.

Consideration must be given to the Decision Guidelines of the Farming Zone as relevant when assessing proposed use and development.

Key considerations for this application are:

#### General issues

- *Whether the site is suitable for the use and development and whether the proposal is compatible with the adjoining and nearby uses.*
- *The capability of the land to accommodate the proposed use and development, including the disposal of effluent and how the development makes use of existing infrastructure and services.*

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

- *Whether the use and development will support and enhance agricultural production.*
- *Whether Rural worker accommodation is necessary having regard to:*
  - *The nature and scale of the agricultural use.*
  - *The accessibility to residential areas and existing accommodation, and the remoteness of the location.*
- *The duration of the use of the land for Rural worker accommodation.*

#### Accommodation issues

- *The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject an application for a permit for a wind energy facility.*

#### Environmental issues

- *The location of on-site effluent disposal areas to minimize the impact of nutrient loads on waterways and native vegetation.*

#### Design and siting issues

- *The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to an application for a permit for a wind energy facility.*

The application for rural worker accommodation seeks to facilitate the ongoing agricultural production of an existing beef farm and assist in attracting future workers, enabling the owner to be absent from the farm for extended periods without having to reduce or change production.

The land use and definition for rural worker accommodation was introduced into the planning scheme to facilitate and support agriculture in Victoria which relies on sustaining an industry that requires an adequate supply of accommodation.

The proposed worker accommodation associated with the beef farm operation is considered acceptable in that it provides on farm accommodation for workers who can assist in the day-to-day operation and supports employment opportunities when access to suitable worker accommodation in surrounding area is limited. This allows scaling up and diversification of the farming system and production.

Concern remains regarding the siting of the proposed accommodation proximate to a proposed wind farm.

The subject land can accommodate the proposed use and development without adversely impacting the surrounding environment. The building is setback 100m from the waterway and the wastewater generated by the use can be treated and managed onsite (subject to further wastewater approval).

The design and siting of the worker accommodation in the northeast section of the site does limit the impacts on the productive land and established vegetation along the road reserves offers a buffer to neighbouring farmland. It is the proposal for the wind farm and its turbines within 1km of the worker accommodation that is likely to lead to land use conflict and amenity impact.

The proposed Mumblin Wind Farm will result in wind turbines located approximately 650m north west of the proposed worker accommodation and 790m east of the accommodation. The proposed turbines will have a hub height of 166m with a maximum tip height of 247m (as proposed).

A substation will be required to enable connection to the electricity grid. The proposed substation will be located 490m southeast of the rural worker accommodation, with final layout and design subject to detailed engineering design, pending planning approval.

A copy of the planning report, including proposed plans, the noise assessment and shadow flicker assessment report for the wind farm application are provided under separate cover.

### Wind Farm Noise

Noise from a wind energy facility can be created by mechanical noise produced by the wind turbine generators and the movement of the rotor blades. The impact of this noise on sensitive uses (accommodation) may adversely affect residential amenity.

A wind energy facility must comply with the noise limits in the New Zealand Standard NZS 6808:2010 Acoustics – Wind Farm Noise (the Standard). The Standard specifies a general 40 decibel limit (40 dB LA90(10min)) for wind energy facility sound levels outdoors at noise sensitive locations, or that the sound level should not exceed the background sound level by more than five decibels (referred to as 'background sound level +5 dB'), whichever is the greater. This is considered appropriate for the protection of sleep, health and amenity for residents under the Standard.

A pre-construction (predictive) noise assessment report has been prepared for the Mumblin Wind Farm to demonstrate the projects compliance with the Standard.

The predicted noise modelling provided for the Mumblin Wind Farm proposal indicates the proposed worker accommodation will be located just beyond the 40 decibel limit and that the noise level in relation to the proposed worker accommodation complies with the Standard.

While areas in the Farming Zone don't generally warrant higher amenity considerations under the Standard when compared to residential zones, there are still concerns that given the proximity of the proposed accommodation to the wind farm that noise is likely to have an impact to future occupants should both permits be issued, particularly at nighttime causing interruption to sleep and affecting human health.

The applicant has not shown or referred to any mitigation measures that may be built into the design of the accommodation to prevent or reduce noise impact from the wind energy facility and appears to be relying on the proponent of the Mumblin Wind Farm to change their proposal.

### Shadow Flicker

Shadow flicker results from the position of the sun in relation to the blades of the wind turbine as they rotate and is more likely to be an issue for turbines located to the east or west of a dwelling.

*Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria* (Department of Environment, Land, Water and Planning, November 2021) direct that the shadow flicker experienced immediately surrounding the area of a dwelling (garden fenced area) must not exceed 30 hours per year as a result of the operation of the wind energy facility.

The shadow flicker modelling for the proposed Mumblin Wind Farm indicates that the siting of the rural worker accommodation would experience shadow flicker exceeding the required 30 hours per annum.

Based on the information before Council in relation to the rural worker accommodation and the permit application for the wind farm on the adjoining land, the siting and design of the rural worker accommodation does not provide an acceptable response to the Farming Zone.

### ***Response to Objections***

The key issues raised in the objection and an officer response are provided below.

<b>Objection</b>	<b>Officer response</b>
Land use conflict	<p><u>Objection supported</u> Should permits be issued for both the rural worker accommodation and the wind energy facility, there is high potential for land use conflict and amenity impact.</p> <p>Based on the drafting of the planning controls, a level of primacy is given to a proposed wind farm over accommodation. This includes the need to locate and design building to avoid or reduce noise and shadow flicker impact from a wind farm.</p>
Amenity impact - noise	<p><u>Objection supported in part</u> The predicted noise modelling provided for the Mumblin Wind Farm proposal indicates the noise level in relation to the proposed worker accommodation complies with the relevant Standard (&gt;40dB).</p> <p>Given the proximity of the worker accommodation to the wind farm, there is still concern of amenity impacts on future occupants, particularly at nighttime, should both permits be issued.</p>
Amenity impact – shadow flicker	<p><u>Objection supported</u> Modelling shows that the location of the rural worker accommodation will be impacted by shadow flicker which is inconsistent with policy and design requirements.</p>



## Options

Council has the following options:

1. Issue a Notice of Decision to Refuse to Grant a Permit based on the grounds set out within the recommendation. **(Recommended option)**
2. Issue a Notice of Decision to Grant a Permit subject to conditions.

## Conclusion

The application for the use and development of land for rural worker accommodation is not supported.

In principle, the use and development of land for rural worker accommodation which supports and enhances agricultural production can be supported in the Farming Zone, provided the accommodation is sited appropriately and enables continuation and compatibility with agriculture.

The siting of the accommodation in such close proximity to the wind turbines proposed as part of the Mumblin Wind Farm permit application, is highly likely to lead to land use conflict and cause unreasonable amenity impacts on future employees residing in the accommodation, should both permits issued and proceed.

The VPP directly require consideration of adverse amenity impacts between accommodation and a wind farm, even where proposed. This includes the need to seek to avoid or reduce potential impacts via appropriate design and siting of development. In this case, an appropriate design outcome has not been achieved.

It is therefore recommended Council issue a Notice of Decision to Refuse to Grant a Permit.

## RECOMMENDATION - 8.1

That Council having caused notice of Planning Permit Application No. PP2021/191 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987, decides to issue a Notice of Decision to Refuse to Grant a Permit under the provisions of the Corangamite Planning Scheme in respect of the land known and described as Lot 2 LP 144014, 16 Tognis Road, Ecklin South for the *Use and development of land for Rural Worker Accommodation* based on the following grounds:

1. The use and development does not provide an acceptable response to Clause 19.01-2S Energy – Renewable energy which seeks to support wind energy facilities in locations with consistently strong winds and protect renewable energy infrastructure against competing and incompatible uses.
2. The use and development does not provide an acceptable response to Clause 13.07-1S Amenity, Human Health and Safety – Land use compatibility which seeks to ensure that use and development of land is compatible with adjoining and nearby land uses in order to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.
3. The use and development does not provide an acceptable response to the decision guidelines of the Farming Zone due to design and siting and the potential for the rural worker accommodation to be adversely affected by noise and shadow flicker impacts from a proposed wind farm subject to a permit on land within one kilometre.
4. The use and development do not result in the proper and orderly planning of the area.

### **Conclusions**

The Annual Report 2021-2022 provides an overview of the highlights and challenges for Corangamite Shire, as well as reporting on Council's performance results measured against the Council Plan, Annual Action Plan, Budget and prescribed performance indicators.

Councillors, staff, committee members, volunteers and community partners are commended for their contribution towards Council's achievements over the past year.

### **RECOMMENDATION - 9.1**

**That Council consider the 2021-2022 Annual Report.**