

52.32 WIND ENERGY FACILITY

18/11/2011
VC83

Purpose

To facilitate the establishment and expansion of wind energy facilities, in appropriate locations, with minimal impact on the amenity of the area.

52.32-1 Scope

21/09/2009
VC60

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

52.32-2 Use and development of land

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A permit is required to use and develop land for a Wind energy facility.

The use and development of land for a Wind energy facility is prohibited at a location listed in the table to this clause. This does not apply where the condition opposite the location specified in the table is met.

Table to Clause 52.32-2

LOCATION	CONDITION
On land where any turbine that forms part of the facility is located within two kilometres of an existing dwelling. This does not apply to a Wind energy facility that is located on land in a residential zone, an industrial zone, a business zone or a special purpose zone.	Must meet the requirements of clause 52.32-3 as at the date of the relevant application being an application for permit, a request to amend a permit application or an application to amend a permit.
Land described in a schedule to the National Parks Act 1975	Must be principally used to supply electricity to a facility used in conjunction with conservation, recreation, administration or accommodation use of the land.
Land declared a Ramsar wetland as defined under section 17 of the Environment Protection and Biodiversity Conservation Act 1999 (Cwth)	
Land listed in a schedule to clause 52.32-2	Must be on land in a residential zone, industrial zone, business zone or special purpose zone and must be integrated as part of the development of the land.

52.32-3 Turbine within two kilometres of a dwelling

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An application that includes a turbine that is within two kilometres of an existing dwelling must be accompanied by:

- A plan showing all dwellings within two kilometres of a proposed turbine.
- Evidence of the written consent of any owner of an existing dwelling located within two kilometres of a proposed turbine that forms part of a Wind energy facility.

Application requirements

An application must be accompanied by the following information as appropriate:

Site and context analysis

A site and context analysis may use a site plan, photographs or other techniques to accurately describe the site and surrounding area and must include the following information:

- In relation to the site:
 - Site shape, dimensions and size
 - Orientation and contours
 - Current land use
 - The existing use and siting of buildings or works on the land
 - Existing vegetation types, condition and coverage
 - The landscape of the site
 - Species of flora and fauna listed under the *Flora and Fauna Act 1988* and the *Environment Protection and Biodiversity Conservation Act 1999* (Cwth)
 - Sites of cultural heritage significance
 - Wind characteristics
 - Any other notable features, constraints or other characteristics of the site.
- In relation to the surrounding area:
 - Existing land uses
 - Above-ground utilities
 - Access to infrastructure
 - Direction and distances to nearby dwellings, townships, urban areas, significant conservation and recreation areas, water features, tourist routes and walking tracks, major roads, airports, aerodromes and existing and proposed wind energy facilities
 - The siting and use of buildings on adjacent properties
 - Views to and from the site, including views from existing dwellings and key vantage points including major roads, walking tracks, tourist routes and regional population growth corridors
 - Sites of flora and fauna listed under the *Flora and Fauna Act 1988* and *Environment Protection and Biodiversity Conservation Act 1999* (Cwth) Acts, including significant habitat corridors, and movement corridors for these fauna
 - Sites of cultural heritage significance
 - National Parks, State Parks, Coastal Reserves and other land subject to the National Parks Act 1975
 - Land declared a Ramsar wetland as defined under section 17 of the Environment Protection and Biodiversity Conservation Act 1999 (Cwth)
 - Location of any land included in the schedule to clause 52.32-2 of the planning scheme
 - Any other notable features or characteristics of the area
 - Bushfire risks.

Design response

- Detailed plans of the proposed development.
- A concept plan of associated transmission infrastructure, electricity utility works and access road options.
- Accurate visual simulations illustrating the development in the context of the surrounding area and from key public view points.
- A rehabilitation plan for the site.
- A written report(s), including:
 - A description of the proposal.
 - An explanation of how the proposed design derives from and responds to the site analysis.
 - A description of how the proposal responds to any significant landscape features for the area identified in the planning scheme.
 - An assessment of:
 - the visual impact of the proposal on the surrounding landscape.
 - the visual impact on abutting land that is described in a schedule to the National Parks Act 1975 and Ramsar wetlands and coastal areas.
 - the impact of the proposal on any species (including birds and bats) listed under the Flora and Fauna Guarantee Act 1988 or the Environment Protection and Biodiversity Conservation Act 1999 (Cwth).
 - the noise impacts of the proposal prepared in accordance with the New Zealand Standard NZS6808:2010, Acoustics - Wind Farm Noise, including an assessment of whether a high amenity noise limit is applicable, as assessed under Section 5.3 of the Standard.
 - the impacts upon Aboriginal or non-Aboriginal cultural heritage.
 - A statement of why the site is suitable for the wind energy facility.
 - An environmental management plan including any rehabilitation and monitoring requirements.

If in the opinion of the responsible authority a requirement of the site and context analysis or design response is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

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Decision guidelines

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

- The State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement and local planning policies.
- The effect of the proposal on the surrounding area in terms of noise, blade glint, shadow flicker and electromagnetic interference.
- The impact of the development on significant views, including visual corridors and sightlines.
- The impact of the facility on the natural environment and natural systems.
- The impact of the facility on cultural heritage.

- The impact of the facility on aircraft safety.
- *Policy and planning guidelines for development of wind energy facilities in Victoria* (August 2011).
- The New Zealand Standard NZS6808:2010, Acoustics - Wind Farm Noise.

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Anemometer

Despite anything to the contrary in this scheme a permit may be granted to use and develop land for the purpose of wind measurement by an anemometer for a period of more than three years.

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Transitional arrangements

The requirements of clauses 19.01-1, 52.32, 61.01 and 81.01 as in force immediately before 15 March 2011 continue to apply to an application under section 69 and Division 1A and 3 of Part 4 of the Act and any application for review made under Division 2 of Part 4 arising from such an application that is made before 15 March 2012 relating to a permit for a Wind energy facility issued before 15 March 2011.

Any extension of time of a permit granted pursuant to these transitional arrangements must specify an expiry date for the commencement of the development no later than 15 March 2012.