

Where Can Wind Farms Be Located?

In Victoria, wind farms are typically located in areas covered by the Farming Zone. As the term suggests, the Farming Zone covers areas of land that are dedicated primarily to agriculture. While it is dedicated primarily to agriculture, the Farming Zone allows for a number of other land uses provided they do not conflict with the objectives of that zone, such as animal boarding, accommodation, and grain storage facilities.

Among other things, wind farms are one of the allowable land uses within the Farming Zone. A permit is required to develop a wind farm in the Farming Zone. When assessing a permit application for a wind farm, the decision maker must consider a range of matters, including but not limited to expert analysis of potential impacts arising from noise emissions, shadow flicker, and electromagnetic interference. This is to protect community amenity by ensuring impacts are suitably avoided and minimised, as well as to establish that a wind farm is compatible with adjoining and nearby land uses.

Wind farms are prohibited in certain areas, such as National Parks, State Parks, and Coastal Parks as well as within designated urban growth zones and within five kilometres of major regional cities and centres.

Wind Farms and Existing Dwellings

Wind turbines cannot be located within 1 km of an existing dwelling without the written consent of their owner. Accordingly, as part of the planning process for new wind farms, wind farm proponents must ensure that they locate turbines at least 1 km from existing dwellings. This ensures that potential impacts arising from noise and shadow flicker are kept below allowable limits.

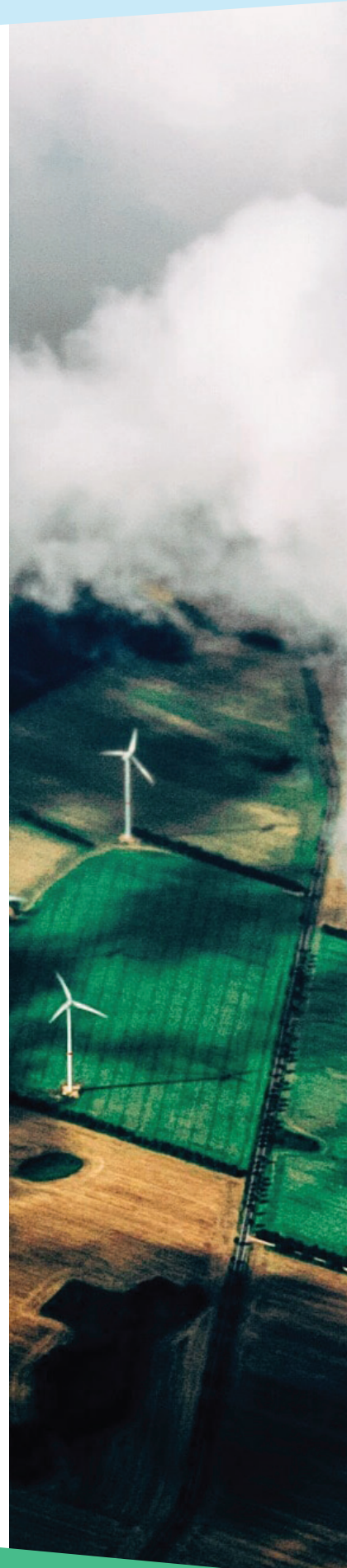
In addition to the mandatory 1 km setback, proposed wind farms must comply with strict limits in regards to noise and shadow flicker. This means that wind turbines must be located in areas where they will not result in an unacceptable level of noise or shadow flicker at an existing dwelling.

Wind Farms and New Dwellings

Historically, as a general rule, if someone owned a block of land equal to forty hectares (40 Ha) they could build a dwelling on their land without a planning permit from the local shire. However, this 'as of right' provision did not extend to building permits, meaning they would still have needed a separate building permit before they could start constructing their dwelling. Building permits also come from the local shire, however they are generally issued by a separate department to planning permits.

Following the introduction of Planning Scheme Amendment VC212 in October 2021, a planning permit is now required in order to build a dwelling within one kilometre (1 km) of the title boundary of a wind farm. That means if someone owns land in close proximity to a wind farm site and they want to build a dwelling on it, they will now need a planning permit as well as a building permit.

Importantly, Planning Scheme Amendment VC212 does not prohibit the construction of dwellings within these areas. Rather, it requires that local councils consider whether a proposed dwelling will be subject to unacceptable levels of noise or shadow flicker before they issue a permit for its construction. This means that if a dwelling is proposed in an area where it will not be subject to unacceptable levels of noise or shadow flicker, from the perspective of VC212 there is no reason why the local council should not issue a permit for its construction.



Wind Farms and Accommodation

Planning Scheme Amendments VC212 applies to all forms of accommodation—i.e. not just dwellings. However, given the Farming Zone is dedicated to agriculture not all forms of accommodation are allowed within it. The forms of accommodation that can be developed in the Farming Zone are as follows:

- Bed and breakfast;
- Camping and caravan park;
- Group accommodation;
- Host farm;
- Residential hotel;
- Rural worker accommodation; and
- Small second dwelling.

Historically, three of these land uses did not require a permit in the Farming Zone, namely bed and breakfast, rural worker accommodation, and small second dwelling. However, following VC212 a planning permit is now required in order to use land for these uses, where such land is located within one kilometre (1 km) of the title boundary of a wind farm. That means if someone owns land in close proximity to a wind farm site and they want to build a bed and breakfast, farmworker accommodation, or a small second dwelling, they will now need a planning permit in addition to other permits they might require for such uses.

Importantly, like the case of dwellings, VC212 does not prohibit these uses within 1 km of a wind farm title boundary. Rather, it requires that local councils consider whether a bed and breakfast, farmworker accommodation, or small second dwelling will be subject to unacceptable levels of noise or shadow flicker before they issue a permit for its construction. This means that if one of these buildings is proposed in an area where it will not be subject to unacceptable levels of noise or shadow flicker, from the perspective of VC212 there is no reason why the local council should not issue a permit for its construction.

Can Wind Farms Prohibit New Dwellings and Accommodation?

A wind farm operator cannot prohibit new dwellings or accommodation within 1 km of their project. However, a wind farm operator can object to a planning permit application for a dwelling or accommodation. It is then up to the local shire to decide whether or not to grant a planning permit it. In essence, the local shire will need to consider whether the proposed dwelling or accommodation will be subject to unacceptable levels of noise or shadow flicker. If the proposed location is in an area that will not be subject to unacceptable levels of noise or shadow flicker, then from the perspective of VC212 there is no reason why the local council should not issue a permit for its construction. By contrast, if the proposed location is in an area where there will be high levels of noise and shadow flicker, then the local shire may ask the proponent to find another location on their property for the proposed dwelling or accommodation.

What About Other Buildings?

Planning Scheme Amendment VC212 only applies to new dwellings and accommodation. This means it has no impact on other land uses in the Farming Zone, including feedlots, hay stacks, poultry farms, sheds, and timber plantations. The permit requirements for such land uses remain unchanged following VC212.

Who Will Be Told About an Application for Accommodation?

Just as notice of a planning permit application for a proposed wind farm is given to adjoining and nearby neighbours, VC212 requires that notice is given of an application for a dwelling or accommodation within 1km of the nearest title boundary of a wind farm. The persons who receive notice include the owners and occupiers of relevant land, as well as the wind farm operator.

What If I am Planning a New Dwelling or Accommodation Unit?

If you are planning a new dwelling or accommodation unit on your land, and your land is located within 1 km of the title boundary of one of our wind farms, please contact us to talk about your plans. We do not want to prevent people from constructing dwellings or accommodation units on their properties. As such, we will make every effort to find a compromise that works for both parties.

About This Information Sheet

The purpose of this information sheet is to answer frequently asked questions about wind farms and accommodation. This information sheet was prepared in partnership with NGH Pty Ltd. NGH are a national environmental, planning and advisory consultancy that have extensive experience in wind farm planning. For more information about NGH visit their website at www.nghconsulting.com.au.

