

## MILDURA PLANNING SCHEME

### Mallee Solar Park Incorporated Document 2010

#### Introduction

This document is an incorporated document in the schedule to Clause 81.01 of the Mildura Planning Scheme.

Despite any provision to the contrary in the planning scheme, pursuant to Clause 52.03 of the Mildura Planning Scheme the land identified in this incorporated document may be used and developed in accordance with the specific controls contained in this document.

If there is any inconsistency between the specific controls in this document and other provisions of the Scheme, the specific controls in this document will prevail.

#### Purpose

To provide for the use and development of the land for a Renewable Energy Facility (Solar Energy Facility) ("SEF") using Photovoltaic (PV) technology and associated uses and technologies to generate, store and transmit electricity from sunlight.

#### The Land

That land is that is the subject of the specific controls in this document is located on the north and south side of Rifle Range Road, Yatpool (known as Crown Allotment Lot 1 & 2 LP203129F, CA 20, CA 25, and CA 31 Parish of Yatpool, more particularly described in Certificate of Title Volume 09683 Folio 890 Volume 09683 Folio 891, Volume 10043 Folio 589 & 411 and Volume 07189 Folio 775) and abutting road reserves.

## 1.0

### Table of uses

#### Section 1 - Permit not required

USE	CONDITION
Caretaker's house	Must be for the SEF and meet the requirements of Clause 2.0
Education centre	Must be for the SEF and meet the requirements of Clause 2.0
Industry	Must be a SEF and meet the requirements of Clause 2.0
Interpretation centre	Must be for the SEF and meet the requirements of Clause 2.0
Research and development centre	Must be for the SEF and meet the requirements of Clause 2.0
Utility installation	Must be for the SEF and meet the requirements of Clause 2.0

## Section 2 - Permit required

USE	CONDITION
Any use in Section 1 – if the Section 1 condition is not met	Must be for the SEF

### 2.0 Use and development of land – Solar Energy Facility

A permit is not required to:

- Use land for the SEF.
- Construct a building or construct or carry out works for a SEF including:
  - building or structures;
  - plant and equipment;
  - emerging renewable energy technology;
  - related facilities used in connection with the generation, storage or transmission of electricity by sunlight.
- Create or alter access to a road in a Road Zone Category 1.
- Reduce or waive a car parking requirement pursuant to Clause 52.06.
- Remove native vegetation.

The use and development must generally be in accordance with the Concept Plan as shown in Clause 8.0 of this incorporated document, or as amended in accordance with Clause 4.0 of this incorporated document.

The use of land for a SEF must not in the opinion of the Responsible Authority adversely affect the local amenity including through the:

- Transport of materials, goods, or commodities to or from the land.
- Appearance of any stored goods or materials.
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste produces, grit or oil.

### 3.0 Subdivision

#### Exemption

A permit is not required to subdivide land where:

- lots created meet any minimum requirement in the underlying zone relating to minimum lot sizes; and
- lots created are generally in accordance with the Concept Plan at Cause 8.0 or as amended in accordance with Clause 4.0; or
- lots created are for a SEF or a utility installation for the benefit of a public authority or utility service provider.

### **Permit requirement**

A permit may be granted to create lots that do not meet the minimum area requirements in the underlying zone relating to minimum lot sizes if the subdivision is for the SEF and is generally in accordance with the Concept Plan contained at Clause 8.0 or as amended in accordance with Clause 4.0.

Where the land is subdivided in stages, the lots should be consolidated with each subsequent stage to the satisfaction of the Responsible Authority.

### **Exemption from notice and review**

An application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

### **Decision Guidelines**

Before deciding on an application to subdivide land, in addition to the decision guidelines in 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 need to have lots of less than 100 hectares

## **4.0 The Concept Plan**

The Concept Plan may consist of a plan and other documents and may with the agreement of the Responsible Authority, be prepared and implemented in stages.

The Concept Plan should be prepared having regard to the following requirements, as applicable:

- The SEF and associated buildings or structures, plant and equipment and related facilities used in or in connection with the generation or storage of electricity are located only within the solar field.
- A buffer is to be provided around the perimeter of the solar field, as appropriate.
- No building to exceed a maximum height of 10 metres (excluding transmission infrastructure).
- The provision of adequate access and car parking in association with the SEF.

The Concept Plan may be amended to the satisfaction of the Responsible Authority and is exempt from any notice requirement provided that any amendment is generally consistent with the above requirements, as applicable.

If in the opinion of the Responsible Authority a requirement above is not relevant to an amendment to the Concept Plan, the Responsible Authority may waive or reduce the requirement.

## 5.0 Requirements prior to commencement of the SEF

Before the use or development commences on the land, the following should be prepared to the satisfaction of the Responsible Authority:

- Details of access points to be upgraded/constructed to the satisfaction of VicRoads (where applicable).
- An Environmental Management Plan (EMP) which shows as appropriate:
  - Goals and objectives of the EMP.
  - A Native Vegetation Management Plan that provides the details of management of native vegetation and any required native vegetation offsets. The Native Vegetation Management Plan should include:
    - Measures to be taken to ensure disturbance to native vegetation is minimised.
    - A preferred native vegetation clearance limit of 9 hectares (unless an approved Fire Protection Plan or planning permit authorises greater than this). Any proposed native vegetation clearance over this preferred limit should demonstrate how it meets the goals and objectives of the EMP and how it has considered 'Victoria's Native Vegetation Management – A Framework for Action' (or successor document).
  - A Native Fauna Management Plan that provides the details of management of native fauna and any required mitigation of impacts on significant species. The Native Fauna Management Plan should include:
    - Recommendations for any surveys of significant species (if required).
    - Measures to be taken to ensure disturbance to native fauna is minimised.
    - Impact mitigation and management of any significant species.
  - Construction Management Plan.
  - Fire Management and Protection Plan.
  - Erosion and siltation control during construction and operation.
  - Restricted access areas and methods of access restriction.
- A Cultural Heritage Management Plan (CHMP) prepared and approved in accordance with the Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2007 (or successor documents).
- A detailed landscape plan.
- A Water Management Plan that provides details of water collection, storage, reuse and disposal.

Prior to the approval of the Environmental Management Plan (EMP), the Responsible Authority may consider, as appropriate, the views of the Department of Sustainability and Environment (DSE).

## 6.0 Permit requirement

A permit may be granted to construct a building or construct or carry out works which is not generally in accordance with the Concept Plan, or to amend the Concept Plan in a way which is not generally in accordance with Clause 4.0, provided the building or works are for the SEF.

## **Application requirements**

An application for permit must be accompanied by the following information:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant ground levels.
  - The layout of any existing and proposed buildings and works.
  - Driveways and vehicle parking and loading areas.
  - Proposed landscape areas.
- Elevation drawings to scale which show the colour and materials of all buildings and works;
- Construction details of all drainage works, driveways and vehicle parking and loading areas;
- Construction details and elevations of any bund walls or fencing used to screen the development;
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a sites works specification and the method of preparing, draining, watering and maintaining the landscape area.
- Information regarding any additional traffic likely to be generated.
- The purpose of the development and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety (major Hazard Facilities) Regulation 2000 is required, a licence under the Dangerous Goods Act 1995 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2000 is exceeded.
- The likely effects, if any, on the local area, including:
  - Noise levels.
  - Air Borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.
- Provision for water reuse / disposal.
- A context plan identifying:
  - Location and use of existing buildings on adjacent land.
  - Significant views to and from the site.
  - Location of significant vegetation or natural features on adjacent land.

## **Decision Guidelines**

Before deciding on an application, in addition to the decision guidelines in Clause 35.07 and Clause 65, the Responsible Authority must consider, as appropriate:

- The visual impact of the proposal on the landscape;

- The contribution of the proposal to increasing Victoria's diversity and securing of energy supply and minimising greenhouse gas emissions;
- The economic and social impact of the proposal;
- The extent to the which the proposal has been designed to manage any potential adverse impacts;
- The likely amenity effects on the surrounding area;
- The drainage of the land;
- The availability of and connections to services;
- The effect of traffic to be generated on roads;
- The interim use of those parts of the land not required for the proposed use;
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation;
- The effect of the proposal on the operation of any road and public safety.

## **7.0 Expiry of Specific Control**

The specific controls contained in this incorporated document expire if the development is not completed within 7 years of the date of commencement of construction.

The Responsible Authority may extend this period if a request is made in writing before these provisions expire, or within three months after the expiry.

# 8.0 Concept Plan

