



# **Planning Committee Minutes**

**Linton Customer Service Centre**

**Tuesday 8 December 2015  
10.25am-11.13am**

# Committee Charter

1. To oversee the effective planning of the Shire in accordance with Council's Municipal Strategic Statement, policies and provisions of the Golden Plains Planning Scheme.
2. To work with the Development Unit to identify opportunities for the development of local planning policies and provide direction in the preparation of such policies and any relevant state policies.
3. To implement the provisions of the Golden Plains Planning Scheme, including the Municipal Strategic Statement, Local Planning Policies, State Planning Policies and Victorian Planning Provisions.
4. To consider the views of written submissions from the public; relevant Government and resource bodies and the Planning Officer's report and recommendations in the assessment of planning applications which attract objection(s) or are recommended for refusal.
5. To make recommendations to Council on planning applications and other planning matters, where appropriate.
6. To take all reasonable steps to improve our knowledge of matters relevant to our planning duties.

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**1. PRESENT**

Cr Bill McArthur

Chairperson

Cr Jenny Blake

Cr Andrew Cameron

Arrived 10.28am

Cr Nathan Hansford

Cr Helena Kirby

Cr Des Phelan, Mayor

Cr Greg Vaughan

Rod Nicholls

Chief Executive Officer

Greg Anders

Director Assets & Amenity

Jillian Evans

Director Community Services

Richard Trigg

Director Corporate Services

Mike Barrow

Manager Executive Unit

Tim Waller

Development Manager

Leigh Page

Acting Planning Team Leader

Peter O'Brien

Town Planner

Gareth Pottinger

Strategic Planner

Alicia te Wierik

Senior Strategic Planner

Helena Charles

Senior Economic Development Officer

Petra Neilson (Minutes)

Council Support Officer

**Gallery**

Six members of the gallery

**2. APOLOGIES**

Nil

### **3. DECLARATIONS & MINUTES**

#### **3.1. DECLARATIONS OF INTEREST**

File: 02-03-007

Councillors must disclose a conflict of interest in accordance with Section 79 of the *Local Government Act 1989*.

#### **3.2. CONFIRMATION OF MINUTES**

*Moved Crs Phelan/Hansford*

*That the Minutes of the Planning Committee meeting held 10 November 2015, as circulated, be confirmed.*

*Carried*

## 4. REPORTS

### 4.1 KEY RESULT AREA: CIVIC LEADERSHIP

#### 4.1.1 Review Charter - Planning Committee

Department	Assets & Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets & Amenity
Responsible Manager	Tim Waller, Development Manager
Author	Tim Waller, Development Manager
File References	BluePoint 02-01-011
Council Plan Link	
Relevant Council Strategies	
Relevant Policies & Legislative Frameworks	<i>Local Government Act 1989</i>
Attachments	Nil

#### *Declarations of Interest: Councillors & Officers*

Greg Anders: In providing this advice as the senior manager I have no disclosable interests in this report.

Tim Waller: In providing this advice as the responsible manager and author, I have no disclosable interests in this report.

#### *Purpose*

The purpose of this report is for the Planning Committee to review and endorse its charter.

#### *Background*

The Charter for the Planning Committee was last reviewed in November 2014.

The Charter is reviewed following Council's annual Special Meeting. The Charter is provided below for the Committee's consideration.

1. To oversee the effective planning of the Shire in accordance with Council's Municipal Strategic Statement, policies and provisions of the Golden Plains Planning Scheme.
2. To work with the Development Unit to identify opportunities for the development of local planning policies and provide direction in the preparation of such policies and any relevant state policies.
3. To implement the provisions of the Golden Plains Planning Scheme, including the Municipal Strategic Statement, Local Planning Policies, State Planning Policies and Victorian Planning Provisions.
4. To consider the views of written submissions from the public; relevant Government and resource bodies and the Planning Officer's report and recommendations in the assessment of planning applications which attract objection(s) or are recommended for refusal.
5. To make recommendations to Council on planning applications and other planning matters, where appropriate.
6. To take all reasonable steps to improve our knowledge of matters relevant to our planning duties.

***Discussion***

The areas of Council that report to the Planning Committee are strategic and statutory planning.

This charter was reviewed in November 2014 and has served the committee well over the past 12 months.

***Community Engagement***

It is considered that a formal consultation process is not required.

***Financial Implications***

It is considered that there are no financial implications.

***Environmental Implications***

It is considered that there are no environmental implications.

***Social Implications***

It is considered that there are no social implications.

***Risk Management Implications***

It is considered that there are no risk management implications.

***Communications***

It is considered that a communication plan is not required.

***Conclusion***

The Planning Committee Charter has served the committee well over the past 12 months.

***Moved Crs Blake/Kirby***

***That the Planning Committee recommends to Council that it adopt the current Planning Committee Charter.***

***Carried***

## 5.1 KEY RESULT AREA: ENVIRONMENT & LAND USE PLANNING

### 5.1.1 Planning Application P15-129 for the use of the land for a store (skip bin storage) at 39 McCurdy Road, Gheringhap

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Leigh Page, Acting Planning Team Leader
Author	Peter O'Brien, Town Planner
File References	Planning Application P15-129
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	Store (skip bin storage)
Land Address	39 McCurdy Road, Gheringhap
Applicant	Abdel Dannaoui
Zone & Overlay Summary	Farming Zone (FZ) No overlays
Attachments	<ol style="list-style-type: none"> <li>1. P15-129 Copy of application and plans.</li> <li>2. P15-129 Locality map.</li> <li>3. P15-129 EPA referral advice.</li> <li>4. P15-129 Copy of objections.</li> </ol>

#### *Declarations of Interest: Councillors & Officers*

Greg Anders: In providing this advice as the senior manager, I have no disclosable interests in this report.

Tim Waller: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Leigh Page: In providing this advice as the responsible team leader, I have no disclosable interests in this report.

Peter O'Brien: In providing this advice as the author, I have no disclosable interests in this report.

#### *Purpose*

This report relates to a planning permit application for a store (skip bin storage) at 39 McCurdy Road, Gheringhap. The application has been referred to the Planning Committee for determination as objections to the application were received. This report provides a background to the application, a summary of the relevant planning considerations and an officer recommendation.

#### *Proposal*

The application proposes the use of the land for a store (refer to Attachment 1 – copy of application and plans). The proposal involves the storage of skip bins associated with a bin hire business conducted by the owner of the land. The business began and continues to operate without a planning permit.



The proposed operating hours of the business are 8am to 5pm daily. The operation involves the hiring out and delivery of skip bins to properties for the disposal of household rubbish and building site waste. The business does not accept organic (putrescible) or chemical waste. At the end of the hire period the bins are collected by the operator and the waste is taken to landfill. The empty bins are stored at the site while not in use. The applicant has explained that some waste is held and sorted on site before being taken to landfill.

The business has 40 skip bins and there are two trucks used to transport the bins. According to the company website a bobcat is also available for hire. A bin storage area is located behind the existing dwelling and sheds, adjacent to the eastern property boundary. The bin storage area is located approximately 230 metres from the nearest neighbouring dwellings. Vehicle access to the bin storage area is via driveway to the existing dwelling.

### *Site Description*

The subject land is situated at 39 McCurdy Road, Gheringhap and is formally described as Crown Allotment 3 Section 20 Parish of Gheringhap (refer to Attachment 2 – locality map). The site has a total area of 31.97 hectares and contains four broiler sheds, a dwelling and outbuildings. The site has two driveways; one driveway near the eastern boundary provides access to the dwelling and another driveway near the western boundary provides access to the broiler farm. The site is generally flat and cleared of vegetation except for planted trees on the boundaries and surrounding the dwelling and broiler sheds. Surrounding land is used for a mixture of rural residential and agricultural purposes, including broiler farms, cropping and grazing. The surrounding area contains a cluster of rural residential properties, with 13 dwellings located within 500 metres of the subject land. There are no restrictive covenants applying to the land.

### *History*

The business began operating without planning approval and was brought to Council's attention when a complaint was received. The business has continued to operate despite being instructed by Council's Investigations Officer to cease operations. A planning application was received by Council on 24 June 2015. A preliminary assessment of the application was undertaken and additional information was submitted on 13 July regarding the business practices.

Whilst an application has been made to use land for a 'store' (storage of skip bins) the applicant has admitted to Council officers that some waste is temporarily stored and sorted on site. The storage and sorting of waste falls under the planning scheme use of 'transfer station'. Both a 'store' and 'transfer station' are permissible uses in the Farming Zone however additional requirements would apply to the use of land for a transfer station.

There are no referral authorities specified in the planning scheme for an application of this type however Council sought the advice of the EPA in regard to the application. The EPA had no objection to the issue of a permit but recommended that conditions be placed on the permit to control nuisance dust and noise, that no washing of bins occurs on site, and that only empty bins are stored on site. A copy of the EPA advice is provided in Attachment 3.

### *Communications*

Notice of the application was given in accordance with Section 52 (1)(a) & (d) of the Planning and Environment Act 1987 ('the Act'). Notice was provided by mail to 10 adjoining and neighbouring owners and occupiers and by placing a sign on the site.

### *Summary of Objections*

As a result of the public notice five objections were received. A copy of the objections is provided in Attachment 4.

The primary concern of objectors relates to noise. Objectors have experienced a high level of noise emanating from the property which they believe is from the sorting and transfer of waste. The noise has occurred at all times of the day, including in the evening and at weekends and has resulted in unreasonable amenity impacts.

The objections raise other concerns regarding biosecurity risk, odour and vermin from organic waste being brought to the site and increased dust and traffic resulting from trucks coming and going from the site.

A consultation meeting with the objectors and the applicant was held on 8 October 2015. Whilst there was no resolution or agreement reached at the meeting the general consensus of the objectors was that noise was the major concern and that the noise was excessive.

### *Golden Plains Planning Scheme*

#### **State Planning Policy Framework (SPPF)**

Clauses 11.05-3, 11.07-5 & 14.01-1 Rural productivity and Protection of agricultural land

These policies aim to manage land use change and development in rural areas to promote agriculture and protect productive agricultural land. Factors to be considered include the desirability and impacts of removing the land from primary production, given its agricultural productivity; the impacts of the proposal on the continuation of primary production on adjacent land; and the compatibility between the proposal and the existing uses of the surrounding land.

Clause 13.04-1 Noise abatement

This policy aims to assist the control of noise effects on sensitive land uses and ensure that community amenity is not reduced by using design and land use separation techniques as appropriate to the land use functions and character of the area. The EPA publication *Noise from Industry in Regional Victoria (NIRV)* (October 2011) provides recommended maximum noise levels for commercial, industrial and trade premises. The recommended levels provide different degrees of amenity protection in different land use zones and for different times of the day (day, evening and night).

Clause 13.04-2 Air quality

The objective of this policy is to assist the protection and improvement of air quality. The policy seeks to ensure, wherever possible, that there is suitable separation between land uses that reduce amenity and sensitive land uses. The EPA publication *Recommended separation distances for industrial residual air emissions* (March 2013) sets out recommended separation distances between industrial uses that emit odour or dust, and sensitive land uses (i.e. dwellings). The guidelines do not specify a separation distance for storage facilities however a separation distance of 250m is required for a transfer station, which includes collecting, temporarily storing, and sorting of refuse or used materials for transfer to disposal elsewhere.

#### **Local Planning Policy Framework (LPPF)**

Clause 21 Municipal Strategic Statement (MSS)

Enhancing economic growth and maintaining and encouraging viable agricultural industries are two of the key land use issues for the Shire. The shire is well located to export and transport facilities, and this represents a competitive advantage. The major land use in the shire is agriculture, and particularly for extensive grazing and cropping. Compared with some municipalities, the Golden Plains Shire does not have a substantial amount of high quality agricultural land however there has been a growth of intensive agriculture.

Clause 21.04-3 Agriculture

The Agriculture policy emphasises the economic importance of agricultural industries to the Shire and aims to ensure that agricultural land is protected and used as an economically valuable resource. This is to be achieved by ensuring that the use and development of rural land is both compatible and complementary to agricultural activities.

### Clause 21.07-3 South East Area

This policy sets out the direction for future development and land use in the South East Area of the Shire, including the Gheringhap precinct. The South East contains large flat open areas with a number of infrastructure and locational advantages that make it attractive for development including potential industrial and commercial activities. Whilst there are extensive areas with development potential some areas are constrained by the need to protect the amenity of land committed to residential development and buffers associated with intensive animal husbandry. The policy aims to protect the amenity of existing houses in the area. This is to be achieved by ensuring that development planning and the siting, design and operation of business uses with potential for adverse amenity impacts incorporate relevant measures that minimise amenity impacts on existing rural residential areas in the Gheringhap Precinct.

### Clause 21.07-6 Gheringhap

The Gheringhap Structure Plan identifies land suitable as an employment area for commercial, industrial and agricultural development. Whilst the subject land is not inside the employment area it is located directly to the south. The policy seeks to ensure that new commercial and industrial development responds to and protects the amenity of existing residential development. In particular, the policy encourages appropriate development on land that abuts existing residential development along McCurdy Road. The policy also aims to ensure that new development improves the road network as required and ensure landscaping is undertaken using local indigenous plant species or other native plant species in order to achieve a high level of amenity.

### Rural Land Use Strategy

The Golden Plains Rural Land Use Strategy was adopted by Council in 2008 is a reference document to the planning scheme. The strategy is designed to guide future land use and development across the Shire's rural areas. Actions identified in the strategy include retaining high quality agricultural land in productive use and encouraging and supporting small business development across the Shire's rural areas consistent with zoning purposes.

### Farming Zone

The site and surrounding area is in a Farming Zone (FZ). The purpose of the Farming Zone is, among other things, to provide for the use of land for agriculture, to ensure that non-agricultural uses do not adversely affect the use of land for agriculture, and to encourage the retention of employment and population to support rural communities. As previously mentioned store and transfer station are Section 2 – permit required uses in the Farming Zone.

Before deciding on an application to use and develop land, Council must consider the decision guidelines contained in the Farming Zone, which include the following matters:

- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- Whether the use or development will permanently remove land from agricultural production and the potential to limit the operation and expansion of adjoining and nearby agricultural uses.

### Particular provisions

#### Clause 52.10 Uses with adverse amenity potential

The purpose of this clause is to define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood. The clause does not contain a specific threshold distance for the storage of skip bins however there is a minimum threshold distance of 100 metres from a transfer station or a depot for refuse (garbage) collection vehicles to a sensitive land use.

### Clause 52.45 Resource recovery

This clause applies specifically to transfer stations and seeks to facilitate the establishment of transfer stations in appropriate locations with minimal impact on the environment and amenity of the area. Before deciding on an application, in addition to the Decision Guidelines of Clause 65, the responsible authority must consider the impact of the proposal on the amenity of the surrounding area and the relevant guidelines applicable to the use including the Guide to Best Practice at Resource Recovery Centres (Sustainability Victoria, 2009).

### General provisions

The decision guidelines contained in Clause 65 of the planning scheme require Council to consider the following matters, as appropriate:

- The matters set out in Section 60 of the Act.
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

### *Discussion*

#### **Planning scheme**

The application is considered to satisfy the provisions of the State Planning Policy Framework, the Local Planning Policy Framework, Farming Zone, and Clause 65 of the Victoria Planning Provisions. State and local policies for Agriculture and the Farming Zone seek to protect productive agricultural land and ensure that use and development of rural land is compatible with adjoining and nearby land uses. The proposal will not remove land from productive agricultural use because the site does not contain prime agricultural land and only a small section of the site will be used for bin storage. It is considered that the proposed use will not impact surrounding uses if appropriate measures are taken, such as adequate separation distances, landscaping, restrictions on operating hours, the type of activities and the size of the business. In relation to the State policy for Noise Abatement, noise effects will be greatly reduced if restrictions are placed on the type of activities and operating hours of the proposed use.

The application is strategically supported by the local policies for the South East Area (Clause 21.07-3) and Gheringhap (Clause 21.07-6) which identifies land directly to the north of the site for potential industrial and commercial development. Whilst the area is currently in a Farming Zone and contains rural residential development the implementation of the Gheringhap Structure Plan will result in non-agricultural use and development similar to the proposed use in the Gheringhap precinct.

#### **Issues raised by objectors**

The main concern of objectors relates to noise. It is apparent through its current operations that the business has created a high level of noise, resulting in unreasonable amenity impacts to surrounding residents. The majority of the noise, described by the objectors as banging and crashing sounds, appears to be caused by the transfer of waste on site. As the site is located in a generally quiet rural area this type of noise is particularly audible. It is considered that much of the noise generated by the use would be eliminated if waste was not brought to and sorted on the site, and a condition to this effect should be placed on any permit issued.

The EPA publication Noise from Industry in Regional Victoria (NIRV) specifies recommended maximum noise levels for different land use zones and at different times of the day. The recommended levels provide a lesser degree of amenity protection for the day, and a higher degree of protection for the evening, night, weekends and public holidays. Restricting the operating hours of the business to daytime hours will ensure that the amenity of surrounding residents is protected during the evening, at night and on weekends. The daytime hours specified in NIRV are 7am to 6pm Monday to Friday and 7am to 1pm Saturdays.

The bin storage area is located at least 230 metres from the nearest neighbouring dwellings which is considered to be an adequate separation distance to ensure there are no impacts from ordinary noise associated with the use. In addition the siting of the bin storage area behind the existing dwelling and sheds has minimised the visual impact on the surrounding area. The establishment of landscaping around the bin storage area will further reduce any visual impact.

The objections also raised other concerns regarding biosecurity risk, odour and vermin from organic waste being brought to the site and increased dust and traffic resulting from trucks coming and going from the site. Firstly, it is considered that a permit condition requiring that no waste be brought onto the site will address potential issues regarding biosecurity, odour and vermin from waste. Secondly, in regard to dust and traffic impacts, the operation currently has only two trucks moving up to 40 skip bins and the existing road network is considered adequate for what is considered to be a relatively small number of vehicle movements. However a condition should be placed on the permit restricting the size of the business and the number of skip bins in order to ensure that the business does not expand without due consideration being given to the increased traffic movements.

### *Cultural Heritage Implications*

This proposal does not require the preparation of a Cultural Heritage Management Plan under the *Aboriginal Heritage Regulations 2007*.

### *Financial & Risk Management Implications*

It is considered that there are no financial or risk management implications.

### *Economic, Social & Environmental Implications*

It is considered that there are no economic, social or environmental implications.

### *Conclusion*

The application satisfies the provisions of the State and Local Planning Policy Frameworks, the Farming Zone and the decision guidelines of the Planning Scheme (Clause 65). The proposal will not remove land from productive agricultural use and is supported by the local policies for the South East Area and Gheringhap. The proposed use has adequate separation distances to neighbouring dwellings and will not have a visual impact on the surrounding area. The placement of strict permit conditions controlling the hours of operation, the type of activities carried out on the land and the size of the business will ensure that the proposed use has no impact on the amenity of surrounding residents and does not cause material detriment to any person.

### *Recommendation*

***That the Planning Committee resolve to issue a Notice of Decision to Grant a Permit for the use of the land for a store (skip bin storage) at 39 McCurdy Road, Gheringhap subject to the follow conditions:***

- 1. The use as shown on the endorsed plans must not be altered without the written consent of the responsible authority.***
- 2. An amended site plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the plan submitted with the application but be modified to show:***
  - (a) the planting of two rows of trees and shrubs on the eastern and southern sides of the bin storage area in order to provide an effective visual screen to adjoining properties.***

3. ***Within six months of the date of this permit, the landscaping works shown on the endorsed plans must be carried out and completed and thereafter be maintained to the satisfaction of the responsible authority.***
4. ***This permit allows the storage of empty skip bins only and under no circumstances shall waste be brought onto the land and/or sorted on the land.***
5. ***No washing of skip bins is to occur on site.***
6. ***A maximum of 40 skip bins may be stored on the land at any one time.***
7. ***The use hereby permitted must only operate between the hours of 7:00am – 6:00pm Monday to Friday and 7:00am – 1:00pm Saturday and must not operate on public holidays.***
8. ***All external lighting must be fitted with suitable baffles or otherwise directed to prevent the emission of light outside the perimeter of the subject land to the satisfaction of the responsible authority.***
9. ***Areas of the subject land occupied by the use must be maintained in a clean and tidy manner to the satisfaction of the responsible authority.***
10. ***No advertising signs are permitted to be erected, painted, or displayed on the subject land without the written consent of the responsible authority.***
11. ***The use must be managed so that the amenity of the area is not detrimentally affected, through the:***
  - (a) ***Transport of materials, goods or commodities to or from the land;***
  - (b) ***Appearance of any building, works or materials;***
  - (c) ***Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or***
  - (d) ***Presence of vermin***
12. ***Nuisance dust must not be discharged beyond the boundaries of the premises.***
13. ***Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.***
14. ***This permit will expire if the use is not started within two years of the date of this permit. The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.***

***Moved Crs Blake/Cameron***

***That Council suspend Standing Orders to hear two submissions.***

***Carried***

It is recorded that Council suspended Standing Orders at 10.36am.

It is recorded that John Wegman and Maurina Dannaoui addressed Council between 10.36am and 10.37am.

***Moved Crs Phelan/Cameron***

***That Council resume Standing Orders.***

***Carried***

It is recorded that Council resumed Standing Orders at 10.37am.

**Cr Blake Moved the Officer's Recommendation with an alteration to Condition 7. "That the use hereby permitted must only operate between the hours of 8:00am–5:00pm Monday to Friday and not operate on Saturdays and public holidays."**

**Motion lapsed for want of a seconder**

**Moved Crs Blake/Kirby**

**That the Planning Committee resolve to issue a Notice of Decision to Grant a Permit for the use of the land for a store (skip bin storage) at 39 McCurdy Road, Gheringhap subject to the follow conditions:**

- 1. The use as shown on the endorsed plans must not be altered without the written consent of the responsible authority.**
- 2. An amended site plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the plan submitted with the application but be modified to show:  
(a) the planting of two rows of trees and shrubs on the eastern and southern sides of the bin storage area in order to provide an effective visual screen to adjoining properties.**
- 3. Within six months of the date of this permit, the landscaping works shown on the endorsed plans must be carried out and completed and thereafter be maintained to the satisfaction of the responsible authority.**
- 4. This permit allows the storage of empty skip bins only and under no circumstances shall waste be brought onto the land and/or sorted on the land.**
- 5. No washing of skip bins is to occur on site.**
- 6. A maximum of 40 skip bins may be stored on the land at any one time.**
- 7. The use hereby permitted must only operate between the hours of 8:00am – 5:00pm Monday to Friday and 8:00am – 1:00pm Saturday and must not operate on public holidays.**
- 8. All external lighting must be fitted with suitable baffles or otherwise directed to prevent the emission of light outside the perimeter of the subject land to the satisfaction of the responsible authority.**
- 9. Areas of the subject land occupied by the use must be maintained in a clean and tidy manner to the satisfaction of the responsible authority.**
- 10. No advertising signs are permitted to be erected, painted, or displayed on the subject land without the written consent of the responsible authority.**
- 11. The use must be managed so that the amenity of the area is not detrimentally affected, through the:  
(a) Transport of materials, goods or commodities to or from the land;  
(b) Appearance of any building, works or materials;  
(c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or  
(d) Presence of vermin**
- 12. Nuisance dust must not be discharged beyond the boundaries of the premises.**
- 13. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.**

- 14. This permit will expire if the use is not started within two years of the date of this permit. The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.**

**Amendment**

*Moved Crs Phelan/Cameron*

**That the Planning Committee resolve to issue a Notice of Decision to Grant a Permit for the use of the land for a store (skip bin storage) at 39 McCurdy Road, Gheringhap subject to the follow conditions:**

- 1. The use as shown on the endorsed plans must not be altered without the written consent of the responsible authority.**
- 2. An amended site plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the plan submitted with the application but be modified to show:  
(a) the planting of two rows of trees and shrubs on the eastern and southern sides of the bin storage area in order to provide an effective visual screen to adjoining properties.**
- 3. Within six months of the date of this permit, the landscaping works shown on the endorsed plans must be carried out and completed and thereafter be maintained to the satisfaction of the responsible authority.**
- 4. This permit allows the storage of empty skip bins only and under no circumstances shall waste be brought onto the land and/or sorted on the land.**
- 5. No washing of skip bins is to occur on site.**
- 6. A maximum of 40 skip bins may be stored on the land at any one time.**
- 7. The use hereby permitted must only operate between the hours of 7:00am – 6:00pm Monday to Friday and 7:00am – 1:00pm Saturday and must not operate on public holidays.**
- 8. All external lighting must be fitted with suitable baffles or otherwise directed to prevent the emission of light outside the perimeter of the subject land to the satisfaction of the responsible authority.**
- 9. Areas of the subject land occupied by the use must be maintained in a clean and tidy manner to the satisfaction of the responsible authority.**
- 10. No advertising signs are permitted to be erected, painted, or displayed on the subject land without the written consent of the responsible authority.**
- 11. The use must be managed so that the amenity of the area is not detrimentally affected, through the:  
(a) Transport of materials, goods or commodities to or from the land;  
(b) Appearance of any building, works or materials;  
(c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or  
(d) Presence of vermin**
- 12. Nuisance dust must not be discharged beyond the boundaries of the premises.**
- 13. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.**



***14. This permit will expire if the use is not started within two years of the date of this permit. The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.***

**The amendment was put to the vote and was carried**

**The amendment became the motion and was carried**

### 5.1.2 Planning Application P14-290 to vary a restrictive covenant applying to 12 Carl Court, Inverleigh for a shed

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets & Amenity
Responsible Manager	Tim Waller, Development Manager
Author and Responsible Team Leader	Leigh Page, Acting Planning Team Leader
File References	Planning Application P14-290
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	The variation of Part (B) of Restrictive Covenant no. AG162288T, comprising the substitution of the figure "150" with the figure "165", and the development of the land for a shed
Land Address	12 Carl Court, Inverleigh
Applicant	Oxley Garages Pty Ltd
Zone & Overlay Summary	Low Density Residential Zone Design and Development Overlay 5 Development Plan Overlay 7
Attachments	5. P14-290 Plans 6. P14-290 Locality Plan 7. P14-290 Objections

#### *Declarations of Interest: Councillors & Officers*

Greg Anders: In providing this advice as the senior manager, I have no disclosable interests in this report.

Tim Waller: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Leigh Page: In providing this advice as the author and responsible team leader, I have no disclosable interests in this report.

#### *Purpose*

This report relates to a planning permit application for the variation of a restrictive covenant applying to the land and the development of the land for a shed. The application has been referred to the Planning Committee for determination as objections have been received. This report provides a background to the application, a summary of the relevant planning considerations and an officer recommendation.

#### *Proposal*

The application proposes to vary a restrictive covenant applying to 12 Carl Court, Inverleigh. The covenant is to be varied to allow an outbuilding of a size of up to 165 square metres, rather than the current 150 square metres. The application also proposes to construct a shed of 162 square metres. The shed is to be 9m wide and 18m deep. It is to have a dual-pitched roof with central pitch. The eaves are to be 3m high, with the apex to be 4.8m high. The shed is to be located 47m from the front boundary and 5m from the western (side) boundary. Colorbond metal cladding is proposed to be utilised as the external material.

Pursuant to Clause 52.02 of the Planning Scheme, a planning permit is required to vary or remove a restriction. Pursuant to Clause 32.03-4 of the Planning Scheme, a permit is required to construct an outbuilding of over 120 square metres in a Low Density Residential Zone.

### *Site Description*

The subject site is located at 12 Carl Court, Inverleigh. It is formally known as Lot 33 on Plan of Subdivision 610316, of the Parish of Carrah. The lot is nearly triangular. It has an area of 1 hectare. The site contains a dwelling at the front of the site towards the eastern boundary. The site contains perimeter planting. The site falls towards the rear.

The subject site forms part of an emerging low density residential area. Lots in this area are typically of a similar size to the subject site and contain relatively large dwellings with an associated outbuilding.

### *History*

The application was received on 25 November 2014. Further information was requested in regards to the covenant applying to the site, and the application was subsequently advertised in May and June.

The application was amended on 2 September 2015 to allow for the variation of the specific part of the covenant relating to outbuildings rather than to simply delete that part of the covenant.

### *Community Communication*

Notice of the application was given to thirty eight neighbouring owners and occupiers pursuant to Section 52 (1)(a) of the *Planning and Environment Act 1987* ("the Act"). An advertisement was displayed at the front of the site and a notice put in the Geelong Advertiser.

One objection was received following notification of the proposal. A copy of that objection is provided at Attachment 3. The main ground of the objection is that the removal of the covenant will allow other owners in the estate to build sheds in excess of 150 square metres.

A consultation meeting was held on 14 September 2015 to discuss the proposal. No agreement was reached in regards to the issues raised.

Following that meeting, the objector provided a further response to the issues discussed, also provided at Attachment 3.

### *Golden Plains Planning Scheme*

#### **ZONE PROVISIONS**

##### **LOW DENSITY RESIDENTIAL ZONE**

Council must consider, as appropriate, the Planning Policy Frameworks, including the Municipal Strategic Statement and local planning policies.

#### **PARTICULAR PROVISIONS**

##### **52.02 Easements, restrictions and reserves**

A planning permit is required under Clause 52.02 to create, vary or removal an easement or restriction.

Before deciding on an application, the responsible authority must consider the interests of affected people.

#### **GENERAL PROVISIONS**

##### **65 Decision Guidelines**

Relevant, additional matters to consider are:

- The purpose of the zone.
- The effect on the amenity of the area.

**SECTION 60 OF THE PLANNING AND ENVIRONMENT ACT 1987 (AS AMENDED)***Discussion***ZONE PROVISIONS****Low Density Residential Zone**

There is nothing in the Planning Policy Frameworks which is of relevance to the proposal, nor any local planning policies applicable to sheds.

**PARTICULAR PROVISIONS****52.02 Easements, restrictions and reserves**

The main ground of objection is relevant to the removal of the covenant. It is centred on the basis that the removal of the covenant will enable other landholders in the estate to build similar such sheds, as any covenants applicable to those other landholdings will be similarly varied.

The objection also foresees the creation of a precedent for such developments.

**GENERAL PROVISIONS****Clause 65**The purpose of the zone.

The purpose of the zone is to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

The proposal does not contravene the purpose in any way.

Given that the proposed shed is greater than that allowed by the registered covenant, Council cannot support the proposed shed in its current form.

The effect on the amenity of the area.

The shed would be unlikely to affect the amenity of the area in a detrimental way. The shed is relatively modest in size, with relatively modest eaves height and apex height. The shed is appropriately setback from the nearest boundary.

**SECTION 60 OF THE PLANNING AND ENVIRONMENT ACT 1987 (AS AMENDED)**

Section 60 of the Act specifies a number of matters that the responsible authority must consider before deciding an application. Under Section 60(2) of the Act Council must satisfy itself that the owners of any land benefited by a covenant will be unlikely to suffer detriment of any kind. Section 60(2) states the following:

The responsible authority must not grant a permit which allows the removal or variation of a restriction unless it is satisfied that the owner of any land benefited by the restriction will be unlikely to suffer:

- (a) financial loss; or
- (b) loss of amenity; or
- (c) loss arising from change to the character of the neighbourhood; or
- (d) any other material detriment – as a consequence of the removal or variation of the restriction.

Therefore if an objection is received from a person benefited by the covenant, Council must not grant a permit, as Council cannot be satisfied that the grant of a permit is unlikely to cause detriment to that person.

There have been numerous VCAT cases which directly speak about the powers that the responsible authority have when determining an application against the above criteria. The majority of the cases all make the same conclusions; one such decision is *Uzunovski v Wyndham CC* [2014] VCAT 494 (1 May 2014). In this decision, the tribunal discusses impacts of allowing a second dwelling on a lot in respect to neighbourhood character and states;

1. The Restrictive Covenant was intentionally put over the subject site and benefits some of the other properties in the immediate surrounds in order to create low density character. I find that the development proposal will change this established low density character of the immediate surrounds.
2. To allow a shed greater than the restriction will impact on the neighbourhood character of the beneficiaries to the covenant and so the benefitting owners or affected persons will suffer loss or detriment as a consequence.

It is considered in this application that Council cannot be convinced that the variation of the restrictive covenant will not result in any loss arising from change to the character of the neighbourhood. Therefore it is considered Council cannot issue a planning permit based on the decision guidelines of Section 60 under the Planning and Environment Act 1987

#### ***Financial & Risk Management Implications***

It is considered that there are no financial or risk management implications.

#### ***Economic, Social & Environmental Implications***

It is considered that the application does not present any economic, social or environmental implications.

#### ***Conclusion***

The proposed covenant variation is not considered to meet the objectives and requirements of the relevant particular and general provisions of the Scheme. The proposal is not considered acceptable. It is considered that the development will cause material detriment to beneficiaries of the covenant.

#### ***Moved Crs Vaughan/Blake***

***That the Planning Committee resolves to issue a Notice of Decision to Refuse to Grant a Permit to vary restrictive covenant AG162288T, and development of the land for a shed at (12 Carl Court, Inverleigh), on the following grounds:***

1. ***The application fails to meet subsection (b) and (c) of Section 60 (2) of the Planning and Environment Act 1987.***
2. ***The shed does not conform with the covenant registered on Title AG162288T***

***Carried***

### 5.1.3 Inverleigh Structure Plan 2005

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Leigh Paige, Acting Planning Team Leader
Author	Alicia te Wierik, Senior Strategic Planner
File References	BluePoint File 52-01-0402, 60-11-002
Council Plan Link	Encourage and facilitate sustainable land use and development and protect and enhance the natural environment.
Relevant Council Strategies	Inverleigh Structure Plan 2005
Overlays	Various overlays apply to the Inverleigh area including the Environmental Significance Overlay, Flood Overlay, Land Subject to Inundation Overlay, Salinity Management Overlay, Wildfire Management Overlay, Vegetation Protection Overlay, Development Plan Overlay, Design and Development Plan Overlay and Heritage Overlay.
Relevant Legislation	Clause 11 of the State Planning Policy Framework requires Councils to ensure that sufficient land is available to meet forecast growth and directs that planning for growth be undertaken for a 15 year time horizon.
Attachments	8. Inverleigh Structure Plan 2005 9. Submission from Golder Associated Pty Ltd on behalf of the McCann family

#### ***Declarations of Interest: Councillors & Officers***

Greg Anders: In providing this advice as the senior manager, I have no disclosable interests in this report.

Tim Waller: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Leigh Page: In providing this advice as the responsible team leader, I have no disclosable interests in this report.

Alicia te Wierik: In providing this advice as the author, I have no disclosable interests in this report.

#### ***Purpose***

This report looks at the need to review the Inverleigh Structure Plan prepared in 2005. At best there is a four (4) year supply of zoned rural residential land remaining in Inverleigh. Developers tell us that on the ground there is less than 1 years supply. Either way, there is an immediate need for rezoning of broad-hectare land identified for future residential within Inverleigh because there is less than the State Government required 10-15 years of zoned supply.

In the 10 years since the 2005 Inverleigh Structure Plan was prepared, the growth of Inverleigh has been faster than expected, while the northern side of Inverleigh has proved the popular choice for residential growth, there has been little or no take up of development opportunities to the south and south west areas of Inverleigh. There is little indication that this will change.

While the 2005 Structure Plan identifies sufficient land for future residential development within Inverleigh, the Staging Sequence Plan and minimum lot sizes provided in the 2005 version are outdated and obstructing continued and sustainable growth. Council's position on minimum lot sizes in the Low Density Residential Zone has changed since the 2005 Structure Plan. With the rewrite of the Low Density Residential Zone Local Planning Policy, together with Council's new Domestic Waste Water Management Plan, there is now opportunity to make more efficient use of available land in Inverleigh.

Developers are keen to continue to rezone land to the north which is 'out-of-sequence' according to the 2005 Structure Plan and at densities less than the minimum lot sizes stated on the 2005 Structure Plan. It is suggested that these matters be reviewed so that the momentum of residential growth can be accommodated in a logical, efficient and sustainable way. In any case, it is timely to undertake a minor review of the Structure Plan to produce an updated version which takes into account the rapid growth rate, willingness of owners to rezone and develop, land supply implications, minimum lot sizes and undertakes the necessary investigations and background technical data to support changes to density and staging of future residential development at Inverleigh.

### ***Background***

In April 2005, Council adopted the Inverleigh Structure Plan Review 2005. The 2005 Structure Plan describes Inverleigh as:

'A town that protects its environment, heritage assets and rural appeal while providing new residential opportunities, services and facilities in quality low-density environments'.

Key issues in the 2005 Plan included:

- The propensity for the Leigh and Barwon Rivers to inundate the town during flood conditions, threatening the heritage values of the town and restricting opportunities to further develop land in the 'old town' area. Investigations into flood mitigation opportunities was identified for future work, subject to funding through an appropriate program.
- Sewering the 'old town' area of Inverleigh was recommended by the Small Towns Effluent Study and consultation with the Inverleigh community resulted in an understanding that external funding would be necessary for residents to partake in a sewerage scheme. Barwon Water indicated that they would only investigate a possible sewerage scheme if the risks had been identified and there is demonstrated community support for a scheme (including paying for it). With flooding issues through most of the 'old town' there is limited opportunity for infill development and a sewerage scheme would therefore not necessarily increase development potential within the 'old town'.
- New residential development should generally be restricted to low density residential zones so as to retain the rural character of the 'old town' township area. These low density residential zones should be located to the west and to the north of the town and defined green buffer areas be implemented to further retain the rural character.
- Commercial growth should be directed to the existing High Street locations utilising infill sites and existing heritage buildings where appropriate. Health services should be encouraged to non-flood areas of the High Street area. A supermarket would be most appropriately located towards the eastern end of the High Street area.
- Light industrial businesses could be accommodated in the township and there is opportunity to utilise the railway sidings land which is outside the floodplain.
- The avenue of trees on High Street was recognised as an important feature of the town and development of a continuous looped pedestrian trail along the river and throughout the town was recommended as well as a pedestrian trail and green corridor from the 'old town' to the Common. Visual edges (concentrated native planting) to the development of the town was also recommended.

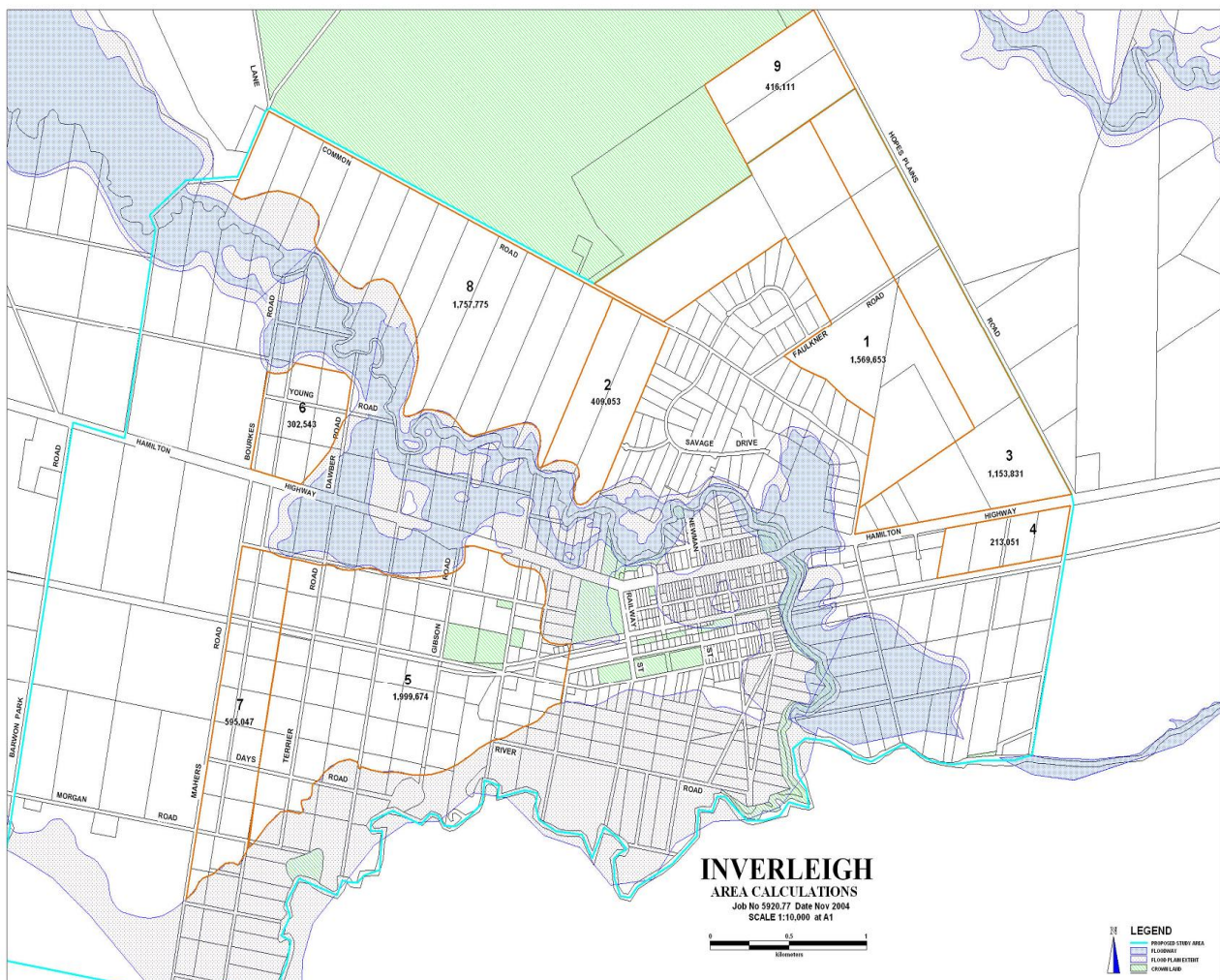
- Facilities at the recreation precinct were identified for upgrading and the second oval was suggested to be required with an increase in local population. Improvement and extension of footpaths to this precinct was suggested as well as improvements to the entrances to the grounds.
- It was further suggested that an Aboriginal Cultural Heritage assessment be undertaken to highlight areas of high or low archaeological sensitivity. Additional future strategic work identified included: Traffic circulation and movement assessment; River frontage master plan; and an Investigation into the Re-establishment of a Passenger Rail Service.

The State Government’s population forecasts predicted approximately 130 more households to be part of Inverleigh by the year 2021.

Immediate growth areas were identified in the Figure below titled Inverleigh Residential Growth Areas. Specifically, Areas 1, 2 and 3 in the Figure below were expected to provide for a 20 year residential land supply. To gauge uptake, it was recommended that regular reviews of the population trends be undertaken after development of the Geelong Ring Road.

Council’s statistics show that the population of Inverleigh has in fact increased by 148 households by 2015. In raw figures, there are an additional 400 people living in Inverleigh, representing an increase of 52% in 10 years, an annual growth rate of 5.2%. As anticipated in the 2005 Structure Plan Review, factors such as the introduction of the Geelong Ring Road have contributed to stimulate development and residential growth in the town. These figures demonstrate that Inverleigh’s population has grown faster in 10 years than was expected in 15 years.

**Staging plan for Residential Growth of Inverleigh from the Inverleigh Structure Plan 2005**





Since 2005, Areas 1 and 2 have been mostly rezoned. The areas contain 160 new dwellings with 60 lots currently vacant. An area of 26 hectares (within Area 1) remains in the Farming Zone. Area 3 (along Hopes Plains Road) remains in the Farming Zone and is the next logical step for rezoning, providing for approximately 56 new lots at a 2ha lot size as stipulated in the Structure Plan, see Attachment 8. Council's new Domestic Waste Water Management Plan justifies scope for increased densities in this area providing for improved efficiencies for infrastructure and service provision to new residential development in this area, subject to land capability assessments.

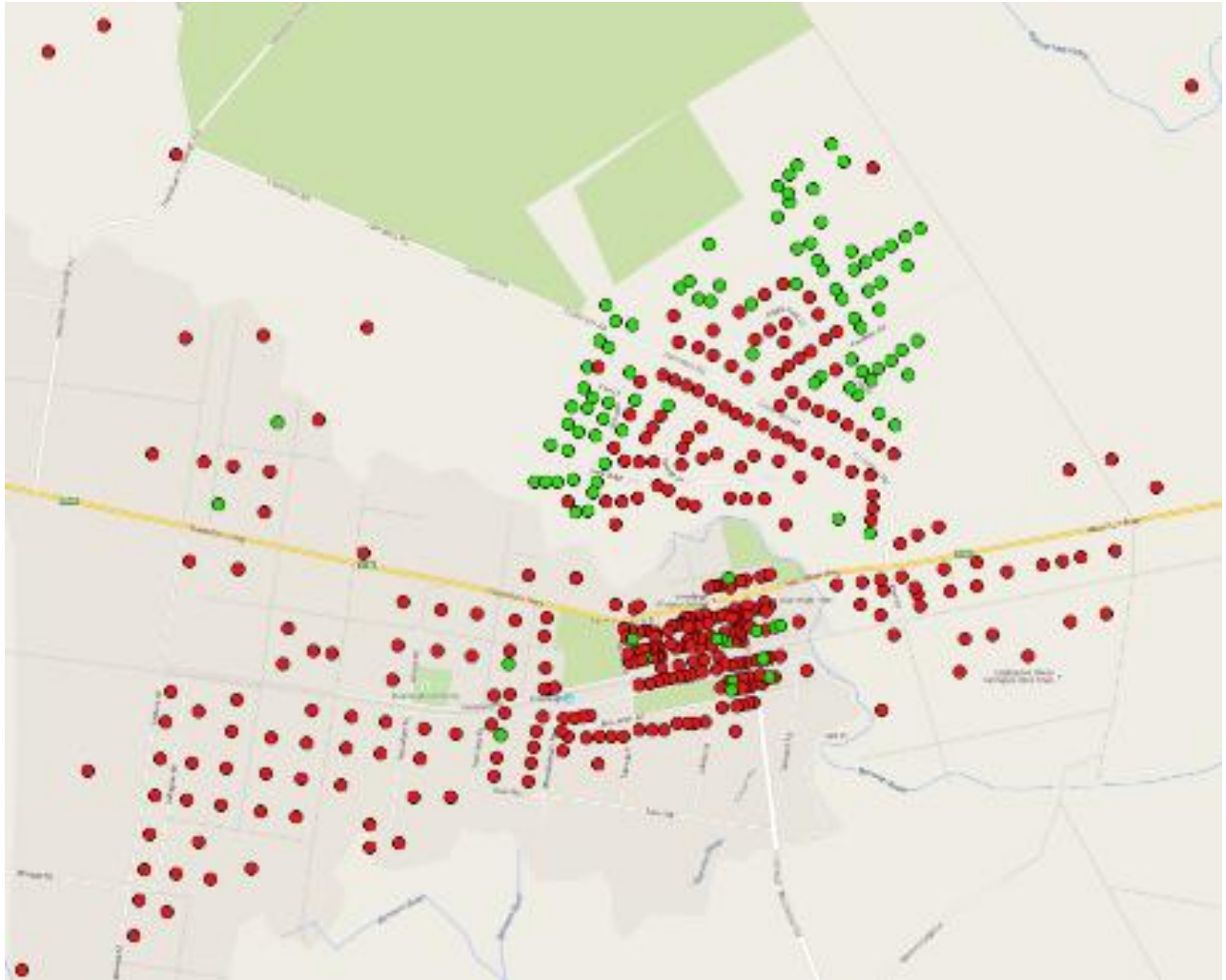
Areas 4, 5, 6 and 7 were identified for low density residential development, however these areas represent a patchwork of ownership with no interest (to date), shown from owners in this area to subdivide. These areas provide a development potential of 217 lots (at a development rate of 1 lot per ha). However the land supply analysis needs to acknowledge the fragmentation of ownership and the existing land use and development which provides limited infill potential only. At this stage, future development of these areas, seems distant and disparate and the sequencing for future rezoning should take account of these realities.

The *2009 Residential Land Supply Review* reported that the average annual number of dwellings in Inverleigh stood at 11. The Land Supply Review identified a 2 year supply of vacant lots, a 2 year supply of potential lots and a 4 year supply of zoned land yet to be developed. In total, an 8 year supply of land was calculated with a 47 year supply of strategically identified land. At the time (2009) it was recommended that no further strategic work needed to be undertaken with regards to land supply at Inverleigh.

In the period between 2005 and 2015, there has been 145 new dwellings constructed (14.5 houses per year). With 60 LDRZ vacant lots available, Inverleigh has a zoned residential land supply of 4 years remaining. Developers tell us that there are only 9 lots remaining to be sold. Lots in the Township Zone are not included, as there are significant constraints to development due to flooding and management of effluent disposal.

Rezoning the remaining 26 ha of strategically identified land within Area 1 of the Staging Plan shown above, will extend the residential supply for another 1-2 years. Given the likely sporadic nature of future residential development in Areas 4, 5, 6 and 7 there is at best, only a 5 year supply of zoned and strategically identified residential land supply remaining in Inverleigh.

### Where the Residential Growth has occurred in Inverleigh 2005-2015



The spread of dwellings across Inverleigh is shown by the red dots in the map above. The green dots show dwellings built between 2005 and 2015.

The pattern of development has clearly been concentrated to the north of Inverleigh with very little residential development occurring to the west which the Inverleigh Structure Plan 2005 had earmarked for low density residential growth.

The Inverleigh Structure Plan 2005 is provided in Attachment 8.

#### *Proposal*

It is timely to undertake a minor review of the Inverleigh Structure Plan based on the following factors:

- It is 10 years since the Inverleigh Structure Plan was last reviewed
- The population has grown faster than expected, almost doubling since 2005:
- There is less than 5 years supply of zoned land available (the planning scheme requires at least 10-15 years supply to be identified).
- Sequencing and staging of rezoning for low density residential development hampered by unwillingness of owners to develop at this stage.
- Significant change in Council's policy position on lot sizes in the Low Density Residential Zone.
- New and updated flood mapping from the CCMA
- Traffic management investigations required to determine capacity of intersections managing traffic from the north onto the Hamilton Highway.

### *Discussion*

As well as almost doubling the population of Inverleigh, a lot has happened in 10 years. New commercial ventures have established within the main street and historic buildings, including the Inverleigh Hotel, have been restored and expanded. The entry features upon arrival into Inverleigh from Geelong have been enhanced with the restoration of the two storey bluestone building known as Lawsons (formerly Horseshoe Inn).

The township has developed an enviable reputation and become a destination grounded in the rural, environmental and heritage values at its heart. New sporting and education facilities have been developed and a skate park has been installed. The area designated for Rural Activity and Industry has not been activated (see the Inverleigh Structure Plan 2005 at Attachment 8).

Retaining the heritage values and village feel of Inverleigh was a conscious strategy, aided by environmental constraints including the floodplain and the lack of reticulated sewerage – both of which served to restrict development in the ‘old town’ area Inverleigh. Nevertheless, there have been a few new dwellings in the southern portion of the ‘old town’, providing some infill.

The Domestic Wastewater Management Plan suggests that *“the situation at Inverleigh has changed very little since 2005, except that there is now perhaps more pressure for close-development and less appetite from water authorities and state government to fund reticulated sewerage. The feasibility of sewerage for Inverleigh should be revisited, with a focus on alternative non-traditional means of collecting, natural treatment and disposal or reuse. However there is a need to first build sufficient evidence to demonstrate that this is the best option for the town. The revised monitoring and audit program for existing systems will lead to increased understanding of the quality of wastewater management in the town. It is also recommended that stormwater quality monitoring is undertaken and an engagement/education program is established for residents to promote best practice onsite wastewater management.”* A program to monitor septic tank systems in Inverleigh is scheduled for 2017.

In regards to greenfield (broadhectare) development, the new Domestic Wastewater Management Plan encourages comprehensive Land Capability Assessments to inform the average lot size of development in unsewered areas. This is at odds with the Inverleigh Structure Plan 2005 which stipulates minimum lot sizes for future low density residential areas ranging from 1, 2 and 4 ha minimum lot sizes. There is unwillingness by developers to apply for rezoning of this land whilst these minimum lot sizes apply. A submission by Golder Associates Pty Ltd on behalf of the McCann family suggests that the potential of the land identified for future residential development could be better utilised, subject to land capability assessment. See Attachment 9.

In accordance with Section 9 of the 2005 Inverleigh Structure Plan:

*“A regular review of the Inverleigh Structure Plan is recommended because of the unknown growth and development impacts of the completion of the Geelong by-pass and the possible implementation of sewerage and flood control schemes. This review is recommended at five year intervals or sooner if there is a sudden change in circumstances or dramatic and sustained shift in growth rates in the town.”*

It is suggested a review be undertaken in response to the findings of Council’s new Domestic Wastewater Management Plan as well as the significant and sustained growth of the town. New areas for residential growth are not necessarily required to be identified as there are sufficient areas identified within the current plan. It is simply the staging plan for rezoning and the minimum lot sizes which require review. A few other matters will also need to be considered as flagged in the 2005 Inverleigh Structure Plan including:

- Investigate whether there is need for a third road link over the Leigh River if density of development on the northern side of the Leigh River is changed.
- Investigate options for additional road access for lots in the south east of the study area, south of Hamilton Highway.
- Apply updated CCMA Flood Mapping.
- A survey and report regarding important Aboriginal Cultural Heritage sites to highlight zones of high or low archaeological sensitivity.

The relevance of the Rural Activity/ Rural Industry area should also be included within the scope of the review, given the implications of the Gheringhap Structure Plan.

The Structure Plan review will not review the town boundaries as sufficient area exists with the current Structure Plan parameters.

There are already proposals being put forward which are inconsistent with the current 2005 Inverleigh Structure Plan. It is expected that pressure will soon be applied to Council to consider these proposals and there are mounting arguments to support proposals which are inconsistent with the current 2005 Inverleigh Structure Plan. This has implications for the rest of the Shire as Structure Plans have consistently provided the strategic basis for rezoning and future growth decisions. It is suggested that undertaking a limited review of the Structure Plan to strategically consider factors which have changed since 2005 will allow Council to make well-informed decisions regarding the sustainable future growth of Inverleigh and ensure Council continues to maintain the integrity of its Structure Plans.

### *Community Engagement*

Given the limited project scope of the review, the community engagement will involve an informative and consultative approach, including public notice of the review and an information session based around the project scope. There will also be targeted stakeholder engagement particularly with landholders in areas identified for future residential development and the area identified for Rural Activity/Rural Industry.

A formal consultation process will be required to incorporate any changes into the Golden Plains Planning Scheme.

### *Financial & Risk Management Implications*

The majority of the project will be co-ordinated in-house, however external consultants will be used to provide traffic management advice, Aboriginal and cultural heritage advice and to prepare material for visual presentation and publication.

A budget of \$30,000 is estimated to undertake a limited scope review as described in the Discussion above.

### *Economic, Social & Environmental Implications*

The 2005 Inverleigh Structure Plan takes into account the economic, social and environmental implications of future development of the town. These factors will continue to be considered as part of the strategic review of factors identified for inclusion as part of the Structure Plan Review.

### *Communications*

A Communication Plan will be prepared. It is expected to include informing the community of the review with engagement targeted to relevant stakeholders.

### *Conclusion*

The Inverleigh Structure Plan 2005 has provided a strong strategic foundation for the rapid growth of Inverleigh. The growth that was expected over 15 years, has occurred in less than 10 years. In the 10 years since the Structure Plan was adopted, Council's position on lot sizes in the Low Density Residential Zone has changed, new policy on waste water management has been adopted and land supply to the north of Inverleigh is now limited. Other identified growth areas have not been actioned and pressure is looming to compromise the 2005 Structure Plan to respond to these factors. It is suggested that a revision of the 2005 Structure Plan be undertaken to consider the land supply and staging factors at play within the town boundaries. The integrity of the town boundary remains, the scope of the review need only include the following matters:

- Staging and sequencing of future growth
- Minimum lot sizes
- New CCMA flood mapping
- Traffic implications at intersections with the Hamilton Highway
- Incorporate findings of other relevant strategic work by Council and G21.

***Moved Crs Phelan/Hansford***

***That the Planning Committee recommends to Council that at the time of preparing the 2016-17 budget, consideration be given to allocating an amount of \$30,000 to the review of the Inverleigh Structure Plan 2005, with the matters to be considered during the review being limited to:***

- a) staging and sequencing of future growth;***
- b) minimum lot sizes;***
- c) new CCMA flood mapping;***
- d) traffic implications at intersections with the Hamilton Highway***
- e) incorporating findings of other relevant strategic work by Council and G21.***

***Carried***

#### 5.1.4 Amendment C72 – Rezoning McPhillips Road, Bannockburn

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader	Leigh Page, Planning Team Leader (Acting)
Author	Gareth Pottinger, Strategic Planner
File References	Bluepoint file: 60-02-072
Council Plan Link	Encourage and facilitate sustainable land use and development and protect and enhance the natural environment.
Relevant Council Strategies	Bannockburn Urban Design Framework
Overlays	N/A
Relevant Legislation	Golden Plains Planning Scheme Planning & Environment Act 1987
Attachments	10. Amendment C72 Documents 11. Submission Responses

#### *Declarations of Interest: Councillors & Officers*

Greg Anders: In providing this advice as the senior manager, I have no disclosable interests in this report.

Tim Waller: In providing this advice as the responsible manager, I have no disclosable interests in this report.

Leigh Page: In providing this advice as the responsible team leader, I have no disclosable interests in this report.

Gareth Pottinger: In providing this advice as the author, I have no disclosable interests in this report.

#### *Purpose*

This report seeks Council support for the adoption of Planning Scheme Amendment C72. The amendment to the Golden Plains Planning Scheme was requested by the St Quentin Consulting Pty Ltd to rezone land at McPhillips Road, Bannockburn (Lot G PS722854).

The amendment seeks to rezone 15ha of Farming Zone to General Residential Zone Schedule 1 and to apply the Development Plan Overlay Schedule 1. The subject site is located within the Bannockburn Urban Design Framework Growth Boundary and is identified as a “Priority Residential Development Zone”.

A Council resolution is required before the amendment can be sent to the Minister for Planning for approval.

#### *Background*

In 2003, consultants RPD Group and Chris Dance Land Design embarked on a process of developing the Bannockburn Urban Design Framework (UDF). This incorporated input from key stakeholders including Golden Plains Shire Council and the Bannockburn community. It was later revised in 2005 to update key aspects of the UDF.

Since its adoption in 2003, the Bannockburn UDF has functioned as the key strategic reference through which to guide land use planning in the Shire's largest and fastest growing population centre. The framework has proven to be a well researched document, incorporating a range of sound planning principles such as growth boundaries, priority development zones, open space corridors and pedestrian linkages.

In 2011, the Bannockburn UDF underwent a comprehensive review as part of Council's strategic work in the area of land use planning. In December 2011 Council adopted the revised Bannockburn UDF.

On 18 April 2012 Council received authorisation to prepare Amendment C59 to implement the revised UDF into the Golden Plains Planning Scheme. Amendment C59 was adopted by Council on 18 December 2012.

Council resolved to seek authorisation for the amendment from the Minister for Planning on 9 June 2015.

### *Proposal*

#### **Exhibition of Amendment C72**

Amendment C72 was exhibited from 14 September 2015 to 14 October 2015, with gazettal notice occurring on 17 September 2015. On the 11 September 2015 amendment notices were sent out to prescribed Ministers, relevant authorities and affected owners/occupiers. The amendment was advertised in the Geelong Advertiser newspaper on 12 September 2015.

The amendment was exhibited in accordance with the requirements of Section 19 of the Planning and Environment Act 1987. A copy of the exhibited amendment documents are provided at Attachment 10.

#### **Planning Process for adoption of Amendments into a Planning Scheme**

Following the exhibition of an amendment, Council must consider all submissions made within the exhibition period and has three (3) options in dealing with the submissions. Council may:

- a) Change the amendment in the manner requested;
- b) Refer the submissions to a panel; or
- c) Abandon the amendment or part of the amendment.

Council also has the opportunity to approve parts of the amendment. This option means the amendment is divided into parts. These parts then operate as individual amendments.

#### **Submissions**

A total of two (2) submissions were received in relation to Amendment C72. The submissions have been summarised and considered. A copy of all submissions is provided at Attachment 2.

#### **Submission No.1 Barwon Water**

##### **Summary of Submission**

Barwon Water does not object to Amendment C72.

##### **Direction**

No further action required.

#### **Submission No.2 Corangamite CMA**

##### **Summary of Submission**

The Corangamite CMA provided a submission that recommended adding condition requirements for development plans on the Development Plan Overlay Schedule 1. Council highlighted that the Development Plan Overlay Schedule 1 has been approved and endorsed by Council and that the existing Development Plan has Corangamite CMA approval.

On this basis the Corangamite CMA withdrew their initial submission and provided a response that indicates their support for the amendment.

**Direction**

No further action required.

***Discussion***

No submissions have been raised which object to the amendment therefore approval can be sought without the need for an independent panel hearing.

***Community Engagement***

The amendment was exhibited in accordance with the Planning and Environment Act 1987.

***Financial & Risk Management Implications***

It is considered there are no financial or risk management implications.

***Economic, Social & Environmental Implications***

It is considered that there are no economic, environmental or social implications.

***Communications***

It is considered that a communication plan is not required.

***Conclusion***

Amendment C72 proposes to rezone 15ha of Farming Zone to General Residential Zone Schedule 1 and to apply the Development Plan Overlay Schedule 1. The subject site is located within the Bannockburn Urban Design Framework Growth Boundary and is identified as a "Priority Residential Development Zone".

This amendment will facilitate further residential growth opportunities within Bannockburn and the application of the approved Development Plan Overlay Schedule 1 will ensure that the future subdivision will occur in an orderly manner.

***Moved Crs Kirby/Cameron***

***That the Planning Committee resolves that Council adopt Amendment C72 in the form of Attachment 10 and send to the Minister for Planning for approval in accordance with Section 31(1) of the Planning and Environment Act 1987.***

***Carried***



## 6 OTHER BUSINESS

The Chair raised a matter around the Cultural Heritage Impacts on planning reports. Mr O'Brien advised that The Cultural Heritage Management Plan requirements are to be considered in planning applications.

Process for organising Planning inspections is to be clarified.

## 7 ATTACHMENTS

Attachment 1	Item 5.1.1	P15-129 copy of application and plans
Attachment 2	Item 5.1.1	P15-129 locality map
Attachment 3	Item 5.1.1	P15-129 EPA referral advice
Attachment 4	Item 5.1.1	P15-129 copy of objections
Attachment 5	Item 5.1.2	P14-290 plans
Attachment 6	Item 5.1.2	P14-290 locality plan
Attachment 7	item 5.1.2	P14-290 objections
Attachment 8	Item 5.1.3	Inverleigh Structure Plan 2005
Attachment 9	Item 5.1.3	Submission from Golder Associated Pty Ltd
Attachment 10	Item 5.1.4	Amendment C72 documents
Attachment 11	Item 5.1.4	C72 submission responses

Attachments are available upon request.

## 8 DATE OF NEXT MEETING

To be advised.

## 9 CLOSE OF MEETING

The meeting closed at 11.13am.

**5. CERTIFICATION**

In accordance with Section 93(5) of the Local Government Act 1989, I hereby certify that the minutes of this Planning Committee meeting have been confirmed as a true and correct record.

\_\_\_\_\_  
**Confirmed, Chair, Cr Bill McArthur**

\_\_\_\_\_  
**Date**

Agendas (total printed) ..... TBC  
 Councillors..... 4  
 Gallery ..... TBC  
 Minutes (committee & ordinary)..... 2  
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Attachments (total printed) ..... 9  
 Councillors..... 7  
 Minutes (committee & ordinary)..... 2  
 Soft copy (portal, intranet, box) ..... 1

Minutes (total printed)..... TBC  
 Councillors..... 7  
 Minutes file ..... 1  
 Soft copy (portal, intranet, box) ..... 1