



Planning Committee Minutes

Bannockburn Shire Hall

**Tuesday 10 March 2014
9.45am-10.48am**

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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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*.

Nil

3.2. CONFIRMATION OF MINUTES

File: 02-01-005

Moved Crs Phelan/Cameron

That the Minutes of the Planning Committee meeting held 9 December 2014 and 10 February 2015, as circulated, be confirmed.

Carried

4. REPORTS

4.1. KEY RESULT AREA: ENVIRONMENT & LAND USE PLANNING

4.1.1 Planning Permit Application P14-087 for the Variation of a Restrictive Covenant at 37 Glenora Place, Batesford

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Author	Leigh Page, Town Planner
File References	P14-114
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme Planning and Environment Act 1987
Proposal Summary	Vary a restrictive covenant
Land Address	37 Glenora Place, Batesford Lot 37 on Plan of Subdivision 538290
Applicant	Rodney Martin & Associates
Zone & Overlay Summary	<ul style="list-style-type: none"> ▪ Low Density Residential Zone (LDRZ) ▪ Design and Development Overlay 5 (DDO5) ▪ Development Plan Overlay 2 (DPO2)
Attachments	<ol style="list-style-type: none"> 1. P14-087 copy of restrictive covenant 2. P14-087 locality map 3. P14-087 objections 4. P14-087 Batesford Structure Plan

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.

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

Leigh Page: 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 the removal of a restrictive covenant at 37 Glenora Place, Batesford. The application has been referred to the Planning Committee for determination as two objections to the application have been received, one of which remains unresolved. This report provides background to the application, a summary of the relevant planning considerations and an officer recommendation.

Proposal

The application is seeking the variation of a restrictive covenant (refer to attachment 1 for the restrictive covenant). The covenant (AF690316D) among other things restricts the development of the site to allow no more than one single dwelling. The applicant seeks to remove this part of the covenant from the property to allow a second dwelling to be constructed on the lot with a potential subdivision in the future.

Site Description

The subject land is situated at 37 Glenora Place, Batesford, known as Lot 37 on Plan of Subdivision 538290 (refer to attachment 2 for a locality map). The site is located towards the western boundary of the Dog Rock Estate. The site is developed with a single dwelling and has a total area of 1 hectare. The site is predominantly flat and falls slightly to the north. The adjacent lots are developed with single dwellings ranging from 1 to 1.5 hectares in size. The land is affected by a restrictive covenant that restricts more than one dwelling, controls building materials, dwelling size and business operations on the land.

A Transmission of Electricity easement runs diagonally through the north west corner of the site. This easement contains the mains powerlines that traverse this area. No buildings can be constructed within this easement.



History

The application was received by Council on 2 April 2014 and a preliminary assessment was undertaken. The application was not required to be referred to any authorities or internal department.

Communications

Notice of the application was given in accordance with Section 52(1)(a) of the Planning and Environment Act 1987 (the Act). Notice was provided by mail to adjoining land owners and occupiers who are burdened and benefitted by the same covenant and by placing a sign on the site and a notice was placed in the newspaper.

Summary of Objections

As a result of the public notice, two objections were received (refer to attachment 3 for a copy of the objections), one of which is a beneficiary of the restrictive covenant. The objectors' concerns relate to:

- The integrity of the development being compromised as a result of this covenant being removed.
- The size of the lot could be reduced to create a smaller lot.
- Timeframes for development onsite.

A consultation meeting was conducted in June 2014 between Council Officers, the applicant, and the objectors. As an outcome of discussions in this meeting, an amended Plan of Variation of Restriction was submitted. This plan included a building envelope which limited the position of any potential future dwelling to the north of the existing dwelling.

As a result of the submitted amended plan, one objection has been withdrawn, the withdrawn objection was the beneficiary to the restrictive covenant.

Golden Plains Planning Scheme

State Planning Policy Framework (SPPF)

There are no specific state planning policies relevant to this application.

Clause 16 – Housing

This clause seeks to promote affordable and diverse housing options that meet the market and community needs. The most appropriate way of achieving this is to encourage a range of lot sizes within all residential areas to allow for diversity in housing stock and ultimately promote affordability. This is a state wide policy which does not exclude any one particular residential zone or area.

Local Planning Policy Framework (LPPF)

Clause 21.02 – Vision and Strategic Framework

Within this clause sits the Batesford Structure Plan which recognises the rural character of the area and seeks to retain the low density residential form. The plan as attached is clear in its direction that development and growth is within the Low Density Residential Zoned land (refer attachment 4 copy of Batesford Structure Plan map).

Clause 22.09 – Low Density Residential Development

The two main objectives of the policy are:

- To ensure new lots created in the Low Density Residential Zone are of sufficient size to be capable of treating and retaining wastewater within their property boundaries; and
- To maintain an open and spacious character for low density residential areas across the Shire through encouraging design that provides for open space and landscaping, retention of existing vegetation, and minimal use narrow battle-axe access.

Zone and Overlay Provisions

The site and surrounding land is in a Low Density Residential Zone (LDRZ). The purpose of the LDRZ is to provide for low density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater. A permit is required to subdivide land under the provisions of the LDRZ. The LDRZ sets a minimum lot size of 0.4 hectares. Before deciding on an application to subdivide land, 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 protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.
- The availability and provision of utility services including sewerage, water, drainage, electricity, gas and telecommunications.
- In the absence of reticulated sewerage:
 - The capacity of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
 - The benefits of restricting the size of lots to the minimum required to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria)
 - The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.
- The relevant standards of Clauses 56.07-1 to 56.07-4

The land is also affected by a Design and Development Overlay Schedule 5 (DDO5) and a Development Plan Overlay Schedule 2 (DPO2). A permit is not required for removal of a restrictive covenant under the provisions of the DDO5 or DPO2.

Particular Provision

Clause 52.02 – Easements, restrictions and reserves

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

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

Discussion

The remaining objector concerns relate to the potential impact of allowing a second dwelling on the lot and a subsequent subdivision on the low density character of the area. It should be noted that this application does not seek approval for a subdivision, however, it is acknowledged that typically the area is made up of larger 'rural lifestyle' allotments and buyers invest with an expectation that the area would maintain this character, particularly given the restrictive covenant.

It is considered this objection is a valid concern, however it is not believed that a refusal of this application would prevent other applications for subdivision being made. It would also be unreasonable to refuse this application due to the concerns relating to an increase in these types of applications. Council's policy under the Golden Plains Planning Scheme allows for each application to be assessed on its own merits and recognises that not all lots are suitable for subdivision.

The applicant has been advised that when considering the removal of this restriction, it does not guarantee approval for subdivision in the future.

Financial & Risk Management Implications

It is considered that this planning application has no specific impacts on current operating budgets for the Development Unit or Golden Plains Shire. There are no risk management implications.

Economic, Social & Environmental Implications

It is considered that this application does not present any economic, social or environment

Conclusion

It is considered the proposal meets the decision guidelines of the relevant provisions within the Golden Plains Planning Scheme. The variation to the restrictive covenant will allow the property owners to make an application to subdivide the land which will be assessed at the time. This application seeks removal of the covenant only.

Moved Crs Phelan/Cameron

That the Planning Committee resolves to issue a Notice of Decision to Grant a Permit to vary restrictive covenant AF690316D at 37 Glenora Place, Batesford, subject to the following condition:

Within 12 months of the date of this permit the covenant (AF690316D) contained in Instrument of Transfer PS538290N in the Registrar of Titles (Lot 37 on Plan of Subdivision 538290) is varied to remove 'any more than one single dwelling house' and a copy of the new title to be provided to Council.

Carried

4.1.2 Planning application P14-272 for a Shed at 16 Bilyana Road, Batesford.

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	Planning Application P14-272
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	Shed
Land Address	16 Bilyana Road, Batesford (Lot 7 PS 632917)
Applicant	Rodney Vautier
Zone & Overlay Summary	<ul style="list-style-type: none"> ▪ Low Density Residential Zone (LDRZ) ▪ Design & Development Overlay Schedule 5 (DD05) ▪ Development Plan Overlay Schedule 11 (DPO11)
Attachments	<ol style="list-style-type: none"> 5. P14-272 copy of application and plans. 6. P14-272 locality map. 7. P14-272 copy of objections & response.

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 relates to a planning permit application for a shed at 16 Bilyana Road, Batesford. 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 development of the land for a shed (Refer to Attachment 1 – copy of application and plans). The proposed shed has a total footprint of 260m². 60m² of the shed will be a covered parking area not fully enclosed, with the remaining 200m² being utilised for enclosed storage of sporting equipment, business and personal filing, excess materials, furniture, vehicles and machinery. The shed is 4.48m in height. The shed is proposed to be clad in colorbond material. The proposed shed will be situated at the south eastern corner of the property.

Site Description

The subject land is situated at 16 Bilyana Road, Batesford known as Lot 7 Plan of Subdivision 632917. The site is located within the Riverstone Estate and is approximately 400m north of the Midland Highway. A dwelling is currently under construction which is not subject to planning approval. Vehicle access to the site is from Bilyana Road. The site has a slight slope to the east towards the Moorabool River. The total area of the site is 4056m².

History

The application was received by Council on 6 November 2014 and a preliminary assessment of the application was undertaken. There are no referral authorities specified in the planning scheme for an application of this type.

Communications

Notice of the application was given in accordance with Section 52 (1)(a) of the Planning and Environment Act 1987 ('the Act'). Notice was provided by mail to adjoining owners and Occupiers.

Summary of Objections

As a result of the public notice two objections were received. A copy of the objections is provided in Attachment 3. The main grounds of objection are summarised as follows:

1. **Size,**
Objectors are concerned that the shed is excessive in length and height.
2. **Visual impact,**
Objectors have concern regarding the visual impact of the shed. The objectors believe that it will have a detrimental impact on the character of the neighbourhood and that the proposed colour (although colorbond) will cause glare.
3. **Use of Shed,**
Objectors have concern that as the applicant is a builder and electrical contractor, he will operate his business from his shed.
4. **Increased Non-residential traffic,**
Objectors have concerns that the potential use of the shed would create increased non-residential traffic within the estate. They are concerned that large commercial trucks will be required for transporting machinery associated with the applicants business and that this will cause a safety issue within the estate.
5. **Noise,**
Concern has been raised regarding noise impacts from the potential use of the shed and the effect of this on the enjoyment of their property.

A consultation meeting was not held as discussions have previously taken place between the applicant and neighbours. No resolution or agreement was reached through these discussions.

Golden Plains Planning Scheme

State Planning Policy Framework (SPPF)

There are no specific local planning policies relevant to this application.

Local Planning Policy Framework (LPPF)

21.02 Vision and Strategic Framework

Within this clause sits the Batesford Structure Plan which recognises the rural character of the area and seeks to retain the low density residential form.

Zone and Overlay Provisions

Low Density Residential Zone

The site is located in the Low Density Residential Zone (LDRZ). Land surrounding the site is similarly zoned. The purpose of the Low Density Residential Zone is, among other things, to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater. Before deciding on an application, 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.

Under the Schedule to the Low Density Residential Zone a planning permit is required to construct an outbuilding that exceeds 120m².

Design and Development Overlay Schedule 5

The land is affected by a Design and Development Overlay Schedule 5 (DDO5). A permit is not required except to construct a building if the following minimum setbacks are not met:

- 20 metres from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1
- 10 metres from any other road
- 5 metres from any other boundary
- 15 metres from a dwelling not in the same ownership.

The shed meets these setbacks and therefore a permit is not required for the development of a shed under the provisions of the DDO5.

Development Plan Overlay Schedule 11

The land is affected by a Development Plan Overlay Schedule 11 (DPO11). An approved development plan applies to the site which relates specifically to subdivision, therefore a permit is not required for the development of a shed under the provisions of the DPO11.

Discussion

Golden Plains Planning Scheme

The application is considered to satisfy the provisions of the State Planning Policy Framework, the Local Planning Policy Framework, Low Density Residential Zone, Clause 43.02, and Clause 65 of the Victoria Planning Provisions. The application is consistent with the local policy for Batesford which encourages that all housing and growth should be directed within the Low Density Residential Zone land. The application meets the objectives of Clause 43.02 (Design and Development Overlay 5) thereby ensuring that neighbourhood character and amenity is protected and maintained. It is recommended however that if a permit is issued a condition be placed on the permit requiring that all external materials be muted tones and non-reflective to ensure there is no visual impact on the surrounding area.

Issues Raised by Objectors

The concerns raised by objectors to the application are addressed as follows:

1. Size

Objectors raised concerns that the shed was excessive for the site and the Low Density Residential Zone. The total area of the subject site is 4055m²; the proposed footprint for all buildings (House, garage, alfresco, pool house & shed under roof areas) for the site is 812.67m², this equates to 20% building coverage for the site. A review has been undertaken of permits for existing sheds in the surrounding area and within the estate there are sheds of greater size and height.

2. Visual impact

It is not possible to completely screen the development from adjoining properties however landscaping is proposed and will be a condition of the planning permit. The landscaping proposed includes planting along sections of the southern and eastern boundaries which will assist in reducing the visual impact on the surrounding area. It is also proposed that a condition of the permit will ensure all external materials be of muted tones and non-reflective, further reducing impact on the surrounding area.

3. Use of Shed

As the site is located within the Low Density Residential Zone a condition of the permit will ensure the shed is used for storage and other domestic purposes only. The application does not seek to use the shed for commercial purposes.

4. Increased Non-residential traffic

The application is for the development of a shed, not for a commercial use. It is considered that the shed will be used for storage and other domestic purposes only and as a result of this, there will be no significant traffic generated from the development.

5. Noise

Concerns were raised by objectors about the potential noise being generated from the shed. As the application is for the development of a shed, it is considered that the potential noise impacts on the surrounding properties would only be those expected from usual domestic activity.

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.

Conclusion

The application satisfies the provisions of the State and Local Planning Policy Frameworks, the Low Density Residential Zone, Clause 43.02 ((Design and Development Overlay 5), and the decision guidelines of the Planning Scheme (Clause 65). The application is not considered to cause material detriment to any person.

Recommendation

That the Planning Committee resolve to issue a Notice of Decision to Grant a Permit for the development of the land at 16 Bilyana Road, Batesford (Lot 7 PS 632917) subject to the follow conditions:

- 1. Before construction of the shed commences, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must show:***
 - a) Dimensions of the shed and details including an example of the colour for the external materials which must be of muted tones and non-reflective,***
 - b) Landscaping with plants to provide an effective visual screen to the satisfaction of the responsible authority.***

When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and three copies must be provided.

- 2. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the responsible authority.***
- 3. All external materials to be used in the construction of the shed must be of muted tones and be non-reflective and must not result in any adverse visual impact on the amenity of the surrounding area.***

4. ***Appropriate trees and/or shrubs must be planted and maintained between the proposed shed and the southern and eastern property boundaries so as to visually screen the shed to the satisfaction of the responsible authority.***
5. ***The landscaping as shown on the endorsed plans must be established within 12 months of commencement of the use hereby permitted and must be maintained to the satisfaction of the responsible authority.***
6. ***This permit is granted for a shed for storage and other domestic purposes only and such use must not be altered without the written consent of the responsible authority.***
7. ***No human habitation of the proposed shed is permitted.***
8. ***The development hereby permitted must not cause any nuisance or loss of amenity in any adjacent or nearby land by reason of the discharge of drainage.***
9. ***All run off from the proposed buildings and works must be directed to a legal point of discharge to the satisfaction of the responsible authority.***
10. ***The development 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***
 - d) ***presence of vermin***
11. ***This permit will expire if one of the following circumstances applies:***
 - a) ***The development is not started within two years of the date of issue.***
 - b) ***The development is not completed within four years of the date of issue.***

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

Note: This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Moved Crs Blake/Hansford

That the Planning Committee suspend Standing Orders to hear submissions.

Carried

It was recorded that Standing Orders were suspended at 9.57am to allow Mark Rotheron and Rodney Vautier to address the Planning Committee.

Moved Crs Blake/Hansford

That the Planning Committee resume Standing Orders.

Carried

It was recorded that Standing Orders resumed at 10.15am.

Moved Crs Phelan/Hansford

That the Planning Committee resolve to issue a Notice of Decision to Grant a Permit for the development of the land for a shed at 16 Bilyana Road, Batesford (Lot 7 PS 632917) subject to the follow conditions:

- 1. Before construction of the shed commences, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must show:***
 - a) Dimensions of the shed and details including an example of the colour for the external materials which must be of muted tones and non-reflective,***
 - b) Landscaping with plants to provide an effective visual screen to the satisfaction of the responsible authority.***

When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and three copies must be provided.

- 2. The layout of the site and the size of the proposed buildings and works as shown on the endorsed plans must not be altered or modified without the written consent of the responsible authority.***
- 3. All external materials to be used in the construction of the shed must be of muted tones and be non-reflective and must not result in any adverse visual impact on the amenity of the surrounding area.***
- 4. Appropriate trees and/or shrubs must be planted and maintained between the proposed shed and the southern and eastern property boundaries so as to visually screen the shed to the satisfaction of the responsible authority.***
- 5. The landscaping as shown on the endorsed plans must be established within 12 months of commencement of the use hereby permitted and must be maintained to the satisfaction of the responsible authority.***
- 6. This permit is granted for a shed for storage and other domestic purposes only and such use must not be altered without the written consent of the responsible authority.***
- 7. No human habitation of the proposed shed is permitted.***
- 8. The development hereby permitted must not cause any nuisance or loss of amenity in any adjacent or nearby land by reason of the discharge of drainage.***
- 9. All run off from the proposed buildings and works must be directed to a legal point of discharge to the satisfaction of the responsible authority.***
- 10 The development 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***
 - d) presence of vermin***
- 11. This permit will expire if one of the following circumstances applies:***
 - a) The development is not started within two years of the date of issue.***
 - b) The development is not completed within four years of the date of issue.***

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

Note: This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

Carried

4.1.3 Amendment C63 - Special Use Zone, 798 Tall Tree Road, Lethbridge.

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	Blueprint: 60-02-063
Council Plan Link	Encourage and facilitate sustainable land use and development and protect and enhance the natural environment.
Relevant Council Strategies	N/A
Overlays	N/A
Relevant Legislation	Golden Plains Planning Scheme Planning & Environment Act 1987
Attachments	8. C63 amendment documents 9. C63 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 C63. The amendment to the Golden Plains Planning Scheme is requested by All Vet Waste Pty Ltd and I A and J M Buchanan. The amendment applies to land at Lot 2 PS 306560 and Lot 4 PS 306560 Tall Tree Road, Lethbridge.

The amendment seeks to rezone land at 616 Tall Tree Road from Special Use Zone (SUZ) to Farming Zone (FZ) to reflect existing title boundaries and ownership patterns. The amendment also amends Schedule 1 to Special Use Zone, to recognise the existing use of the site for the disposal of prescribed industrial wastes by incineration.

The total land area to be rezoned is approximately 54.2 hectares. The subject land is situated on the northern side of Tall Tree Road and is located approximately 6.5km west of the Lethbridge township.

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

Background

Land at 616 Tall Tree Road is owned by I A and J M Buchanan. All Vet Waste Pty Ltd and I A and J M Buchanan have requested the amendment to rezone the land from SUZ to FZ to reflect the existing title boundaries and ownership patterns.

All Vet Waste Pty Ltd owns and operates the refuse (waste) disposal facility located at 798 Tall Tree Road. This facility comprises of two operations. One aspect is the disposal of veterinary wastes, principally the disposal of animal carcasses, in a cremator or to landfill. The other aspect is the disposal of prescribed industrial waste in a high temperature incinerator. The amendments to Schedule 1 of the SUZ are proposed in order to recognise the existing use of the site for the disposal of prescribed industrial wastes by incineration.

The land located at 616 Tall Tree Road has approximately 54.2ha of land zoned SUZ1. This site currently does not contain a refuse or incineration facility. The 54.2ha is proposed to be rezoned from SUZ1 to FZ to appropriately reflect the existing use of the land.

Council resolved to seek authorisation for the amendment from the Minister for Planning on 11 June 2013. This authorisation was based on additional changes to the SUZ schedule which were not supported by the then Department of Transport Planning and Infrastructure (DTPLI). The proposed amendment was then changed to its current format authorisation was sought on the 8 July 2013 and granted on 22 July 2013. The authorisation subsequently expired. Council sought authorisation with proposed changes to the schedule on 10 October 2014. Authorisation to prepare the amendment was received on 12 November 2014.

Proposal

Exhibition of Amendment C63

Amendment C63 was exhibited from 6 December 2014 to 9 January 2015, with gazettal notice occurring on 2 December 2014. On the 5 December 2014 amendment notices were sent out to prescribed Ministers, relevant authorities and affected owners/occupiers. The amendment was advertised in the Ballarat Courier and Geelong Advertiser newspapers on 6 December 2014.

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 1.

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 six (6) submissions were received in relation to Amendment C63. 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 C63.

Direction

No further action required

Submission No.2 VicRoads**Summary of Submission**

VicRoads does not object to Amendment C63

Direction

No further action required

Submission No.3 Department of Environment, Water, Land & Planning**Summary of Submission**

Department of Environment, Water, Land & Planning does not object to Amendment C63

Direction

No further action required

Submission No.4 Corangamite CMA**Summary of Submission**

Corangamite CMA does not object to Amendment C63

Direction

No further action required

Submission No.5 Southern Rural Water**Summary of Submission**

Southern Rural Water does not object to Amendment C63.

Submission No.6 Country Fire Authority (CFA)**Summary of Submission**

CFA does not object to Amendment C63.

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.

Previous approvals for the operation at 798 Tall Tree Road have been the subject of rigorous assessment processes given the Environmental Protection Authority (EPA) controlled nature of the operation. All Vet Waste Pty Ltd has operated a thermal oxidiser for the incineration of veterinary waste on the site (Lot 2 PS306560) since 1993 under planning permit PP389 issued by the former Leigh Shire. This approval was translated into the Golden Plains Planning Scheme post amalgamation as the Special Use Zone Schedule 1. A second thermal oxidiser was commissioned in 2006 following the issue of Planning Permit P05-302 by Golden Plains Shire Council. In March 2007 Planning Permit P06-126 was issued for a medical waste facility. The EPA Work Authority and license was amended in 2010 to include recognition of the medical waste incineration operations.

On the 2 July 2009 All Vet Waste sought to amend planning permit P06-126 to allow 'use and development of the land for Prescribed Industrial Waste.' This application was not supported by an appropriate level of justification and officers subsequently requested further information. This application was taken to VCAT for failure of Council to make a decision on the amended permit within the prescribed time. Subsequent to the application being made, Council had determined not to support the amendments to the permit as there were concerns about the capability of the facility to safely dispose of the expanded range of prescribed industrial wastes.

VCAT determined that All Vet Wastes had demonstrated a capacity to receive, store and dispose of the range of prescribed industrial wastes at the facility and directed that the amended permit be issued. VCAT concluded amongst other things that *'it will be for the EPA to establish what specific prescribed industrial wastes can be disposed of at this facility and the detailed operation of the facility. It is not appropriate to include such matters in planning permit conditions.'* (All Vet Waste Pty Ltd V Golden Plains SC 2011 [VCAT 758] 2 May 2011). Since this decision, the operation has had a demonstrated compliance with all EPA requirements.

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 C63 proposes to rezone land at 616 Tall Tree Road, Lethbridge (Part of Lot 4 PS 306560) from Special Use Zone 1 to Farming Zone.

The amendment also proposes to amend Schedule 1 to the Special Use Zone to recognise the existing use of the site for the disposal of prescribed industrial wastes by incineration.

The amendment will ensure that Schedule 1 to the Special Use Zone reflects the existing use of the site and will realign the Special Use Zone 1 to reflect existing title boundaries and ownership patterns.

The amendment is straight forward and does not allow any change to use of the site.

Moved Crs Blake/Hansford

That the Planning Committee resolves to adopt Amendment C63 in the form of Attachment 8 and send to the Minister for Planning for approval in accordance with Section 31(1) of the Planning and Environment Act 1987.

Carried

10.21 Cr Cameron left the chamber.

10.22 Cr Cameron returned to the chamber.

4.1.4 Biosecurity Issues relevant to the Golden Plains Food Production Precinct

Department	Assets and Amenity
Unit	Development Unit
Senior Manager	Greg Anders, Director of Assets & Amenity
Responsible Manager	Tim Waller, Development Manager
Author	Tim Waller, Development Manager
File References	N/a
Council Plan Link	N/a
Relevant Council Strategies	Golden Plains Planning Scheme
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme <ul style="list-style-type: none"> - Clause 22.03 Intensive Animal Husbandry - Clause 65
Attachments	10. Golden Plains Food Production Precinct – Concept Plan 11. Clause 22.03 Intensive Animal Husbandry

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

This report seeks to brief Councillors on the buffer and setback requirements which apply to intensive animal farming operations within the Golden Plains Shire. The report has been requested by the Council in response to a number of resident enquiries specifically related to the future development of the Golden Plains Food Production Precinct.

Background

Intensive farming operations play an important role in the local economy. Golden Plains Shire is home to some of the largest and most sophisticated poultry and egg production facilities in the State. An important part of the safe operation of our farms is the implementation and protection of biosecurity buffers. In Victoria the Department of Environment and Primary Industries (DEPI) is the key agency in animal health and welfare. DEPI identifies biosecurity as the best form of defence against emergency diseases.

For each of the intensive animal industry codes, standards, policies and guidelines there are various recommended setbacks and buffer distances. Some setbacks refer to distances from property boundaries and others relate to distances from sheds or distances to and from the closest sensitive use. Some of the specified distances are designed to protect the amenity of adjoining dwellings and others focus specifically on biosecurity objectives.

The key purpose of this report is to detail the biosecurity requirements which are likely to influence development in the Golden Plains Food Production Precinct. The discussion chapter of this report will look at the various layers of control with reference to the Concept Plan for the development of the Food Production Precinct.

Discussion

The implementation of biosecurity policies through the planning and industry approval systems is a complex and multi-tiered process. In the assessment of new intensive farming developments our planners must consider both those policies contained within the Golden Plains Planning Scheme and a range of other industry codes and guidelines. The more important policy controls are summarised as follows.

Codes of Practise

There are three Codes of Practise pertaining to intensive animal husbandry incorporated into the Victorian Planning Provisions, they include the following:

- Victorian Code for Broiler Farms
- Victorian Code of Practice – Piggeries
- Victorian Code for Cattle Feedlots

These codes aim to facilitate the establishment and expansion of broiler farms, piggeries and cattle feedlots in a manner that is consistent with orderly and proper planning and the protection of the environment.

The Victorian Code for Broiler Farms provides a formula to determine the required minimum separation distance between a farm and sensitive land uses. The distance required depends on the proposed farm capacity and the farm classification.

An example of separation distances for Class A and Class B broiler farms is provided in figure 1.1 below:

Farm Capacity (Number of birds)	Minimum separation distance from the external edge of a broiler shed to a neighbouring dwelling (in metres)
Minimum	250
100,000	325
150,000	404
200,000	472
250,000	532
300,000	588
350,000	638
400,000	686

Figure 1.1

The Victorian Code for Broiler Farms also specifies setback requirements for litter stockpiles from sheds and litter spreading areas. No separation distance between poultry farms and farms of other industries are specified in the Code.

Like the broiler code, the Code of Practise for Piggeries includes a methodology for determining variable buffers from sensitive land uses. The formula distinguishes between townships, residential zones, isolated rural dwellings and adjoining farm houses. A variable buffer zone may be reduced by up to 40% if the subject piggery achieves and maintains conditions of a higher quality and efficiency than a standard piggery.

DEPI – Biosecurity Guidelines for Poultry Producers

The DEPI Biosecurity Guidelines for Poultry Producers were first published in June 2006 and were subsequently updated in June 2008. The guidelines recognise that the geographical separation of farms can limit the risk of disease spread by air borne particles but is not a substitute for good “on farm” biosecurity. The guidance document introduces a recommended table of buffer distances (see figure 1.2). However the document also states ‘*These guidelines should not be interpreted too prescriptively as effective biosecurity is achieved through a combination of measures*’.

Farm Type	Species	Buffer to existing poultry farm (metres)
New farm	Fowls/Turkeys/other avian species e.g. ratites, quail	1000
Units in large farm complex	Fowls/Turkeys/or other avian species	200-500
Farm complexes	Fowls/Turkeys/ or other avian species	Greater than 2000
Breeder farms	Fowls/Turkeys/other avian species	2000-5000
Duck or waterfowl	Duck, waterfowl	5000

Figure 1.2 A Guide on biosecurity buffer distances

Anecdotally we understand that it is the 2000 metre buffer distance detailed within the DEPI guidelines which has caused concern for owners of land located within the Food Production Precinct. It is understood that some of the residents own land which borders sites designated for poultry farm development.

Planning Scheme Requirements

Clause 22.03 – Intensive Animal Husbandry

Clause 22.03 was incorporated into the Golden Plains Planning Scheme as part of Amendment C40 (Rural Land Use Strategy) in 2009. Clause 22.03 applies to applications for the use and development of land for intensive animal husbandry, **except for** cattle feedlots, piggeries or broiler farms. The policy recognises that the detailed assessment of cattle feedlots, piggeries and broiler farms is covered by existing codes of practise.

Our local policy for intensive animal husbandry recognises the importance of the industry to our local economy and seeks to encourage ‘the proper siting and design of this form of use and development’ to protect residential amenity and environmental quality. The policy has five clear objectives and eight corresponding policies related to the design and siting of new developments.

Two policies are directly relevant to biosecurity buffers. The first states; *‘no enclosures, yards or buildings in which animals are raised on an intensive raising system should be located within 200 metres of any river, creek, water course or pondage, within 500 metres of a dwelling on any other property, or within 30 metres of any road’.*

The second policy seeks to ensure that *‘buffer areas should be contained wholly on the property where practical’.*

Clause 65 – Decision Guidelines

Clause 65 exists within the General Provision section of the Golden Plains Planning Scheme. Clause 65 states *‘Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause’.*

In effect Clause 65 serves as a ‘capture all’ requirement for a range of matters which are not otherwise addressed within the provisions of the Planning Scheme, however should be considered in any decision making process.

The first sub-section of this clause states ‘Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act.

Section 60 of the Planning and Environment Act 1987

Section 60 details those matters that the responsible authority must consider before deciding on a planning permit application. Part b (ii) of Section 60 states that if the circumstances appear to so require, the responsible authority may consider *'any strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council'*.

Section 60 effectively states that Council must consider the DEPI guidelines regarding biosecurity buffer distances before determining a planning permit application.

Golden Plains Food Production Precinct – Concept Plan

For more than ten years the Golden Plains Shire has been investigating new ways to encourage future investment in intensive farming. In 2004 the Shire completed a study titled *'Developing Suitable Areas for Intensive Agricultural Industries in Golden Plains'*. This study was closely followed by a second study titled *'Investing in Intensive Agriculture'* which focused primarily on the infrastructure requirements for new intensive farming development.

In 2011 a business case was prepared which identified that a lack of key water infrastructure was putting at risk the potential to expand intensive agriculture in the region. The business case, which closely referenced the earlier reports, initiated a program of consultation with the local farming community, industry and other key stakeholders. Council then worked to secure \$11.78 million from across Federal, State and Local Government and Barwon Water for the construction of a 12 kilometre pipeline on farm land to the west of Lethbridge.

A key component in the implementation of the infrastructure initiative was the development of a Concept Plan. It was envisaged that this document would serve as a guidance document for investors, landowners and decision makers.

A four- stage approach was undertaken to develop the Concept Plan. The approach included the following:

- Desktop analysis and review of existing information and mapping.
- Targeted consultation with existing businesses and prospective investors.
- Assessment of land use options for the Golden Plains Food Production Precinct.
- Development of the Concept Plan and models for implementation.

The Food Production Precinct Concept Plan was adopted by Council in June 2014. The identified precinct covers an area of approximately 4000 hectares, with the extent of the precinct boundary basically defined by the reach of water infrastructure (as opposed to the application of a 'hard and fast' boundary line).

Much of the land within the precinct is privately owned and a majority of properties are currently utilised for agriculture. The Concept Plan seeks to encourage further investment in an area of the Shire which is already home to a significant number of existing broiler and egg production facilities.

Models for development

The Precinct Concept Plan detailed a number of potential development scenarios or model concepts. Concept Model 1 effectively describes the current land use features of the Lethbridge region. Key elements such as a relatively flat topography, larger land holdings, existing intensive farming operations and good road access all combine to make the precinct an attractive location for future investment.

Concept Model 2 illustrates Council's least preferred future development model. This model highlights what might occur within the precinct if future intensive farming operations or new dwelling developments do not give consideration to the optimum use of land. Concept Two does not however tackle issues of water use (by volume) or the value of economic activity.

Concept Model 3 detailed Council's preferred outcome for investment in the Food Production Precinct. In Model 3 landowners are encouraged to work and invest together to achieve best land use outcomes. Existing land ownership arrangements could theoretically be reconfigured for the sake of achieving biosecurity buffers between operations.

The models were not designed to serve as a prescriptive blue print for success, however they did illustrate that there are a number of ways in which landowners can make the most of the landscape and its enabling infrastructure.

Consideration of future development

Applications which propose new poultry developments on sites located within 2000 metres of existing poultry operations are likely to attract objections. In most instances Council would be seeking referral advice from the appropriate regulatory bodies such as DEPI and the EPA. There are many examples of existing poultry developments within the Golden Plains Shire which encroach on the recommended biosecurity buffers (DEPI 2008) however it remains to be seen how a future proposal of this nature will be considered.

Community Engagement

A formal consultation process is not required. Biosecurity frameworks were discussed in the process of developing the Golden Plains Food Production Precinct Concept Plan. Properties impacted by site specific development proposals will be formally notified in accordance with Section 52 of the Planning and Environment Act 1987 as part of the assessment of any future planning application.

Financial or Risk Management Implications

This report provides a summary of current policies and guidelines specifically related to intensive farm development. It is considered that there are no unforeseen financial or risk management implications associated with the information provided in this report.

Economic, Social & Environmental Implications

It is considered that there are no unforeseen economic, social or environmental implications associated with the information provided in this report.

Communications

It is considered that a communications plan is not required.

Conclusion

Biosecurity requirements will have a significant and critically important influence on the future development of the Golden Plains Food Production Precinct. The Concept Plan was devised as a tool for communicating to land owners how a large area of land could be developed to realise its full economic potential. The Plan also clearly describes how certain types of development would impact on surrounding land. The Plan did not place definitive boundary lines on a map and it has not introduced a new local planning policy regime.

Existing policies and guidance documents provide discretion for Council to consider applications for developments which impose buffers on adjoining land. In many instances it will be those properties owners who are the first to obtain approvals that will stand to benefit from the protection afforded by biosecurity controls. Importantly biosecurity buffers will not 'sterilise' the use of land for existing broad acre farming activities nor will they necessarily rule out a range of other alternative rural land uses.

In conclusion it is must be acknowledged that the application of biosecurity controls is a complex process which is greatly influenced by the type and scale of farming activity proposed in a particular location. Council officers will continue to work closely with land owners to clarify issues regarding biosecurity and intensive animal farming.

Moved Crs Blake/Vaughan

That Council note the briefing report on biosecurity guidelines.

Carried

5. OTHER BUSINESS

Tim Waller, Development Manager, introduced Adrian Peggie to the Councillors who is a new town planner for the next 12 months.

6. ATTACHMENTS

Attachment 1	Item 4.1.1	P14-087 copy of restrictive covenant
Attachment 2	Item 4.1.1	P14-087 locality map
Attachment 3	Item 4.1.1	P14.087 objections
Attachment 4	Item 4.1.1	P14-087 Batesford Structure Plan
Attachment 5	Item 4.1.2	P14-272 copy of application and plans.
Attachment 6	Item 4.1.2	P14-272 locality map.
Attachment 7	Item 4.1.2	P14-272 copy of objections and response.
Attachment 8	Item 4.1.3	C63 amendment documents
Attachment 9	Item 4.1.3	C63 submission responses
Attachment 10	Item 4.1.4	Golden Plains Food Production Precinct – Concept Plan
Attachment 11	Item 4.1.4	Clause 22.03 Intensive Animal Husbandry

Attachments are available upon request.

7. DATE OF NEXT MEETING

To be advised.

8. CLOSE OF MEETING

The meeting closed at 10.48 am.

Confirmed, Chairperson, Cr Bill McArthur **Date**

Minutes (total printed)..... 8
 Councillors..... 7
 Minutes file 1
 Soft copy (portal, intranet, box) 1