



GOLDEN PLAINS SHIRE

Planning Committee Minutes

Linton Customer Service Centre

**Tuesday 11 October 2016
9.00am-9.29am**

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
Cr Jenny Blake
Cr Andrew Cameron
Cr Nathan Hansford
Cr Helena Kirby
Cr Des Phelan, Mayor
Cr Greg Vaughan

Rod Nicholls
Greg Anders
Richard Trigg
Tim Waller
Laura Wilks
Petra Neilson (Minutes)

Chairperson
Chief Executive Officer
Director Assets & Amenity
Director Corporate Services
Development Manager
Planning Team Leader
Council Support Officer

Gallery

Murray Ellis
Peter Asbury

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*.

Cr Andrew Cameron declared a conflict of interest in item 4.1.1 Planning Application P16-127 for the use and development of the land for an outdoor recreation facility at Lot 2 PS 326994 Teesdale Tip Road, Teesdale as he is an objector to this application.

3.2. CONFIRMATION OF MINUTES

Moved Crs Phelan/Kirby

That the Minutes of the Planning Committee meeting held 13 September 2015, as circulated, be confirmed.

Carried

4. REPORTS

4.1. KEY RESULT AREA: ENVIRONMENT & LAND USE PLANNING

It is recorded that Cr Andrew Cameron declared a conflict of interest to this report as he is an objector to this application and left the chamber at 9.01am.

4.1.1 Planning Application P16-127. The use and development of the land for an outdoor recreation facility at Lot 2 PS326994 Teesdale Tip Road, Teesdale

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets & Amenity
Responsible Manager	Tim Waller, Development Manager
Author	Laura Wilks, Planning Team Leader
File References	Planning Application P16-127
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	The use and development of the land for an outdoor recreation facility
Land Address	Lot 2 PS 326994 Teesdale Tip Road, Teesdale
Applicant	Geelong Miniature Aircraft Association
Zone & Overlay Summary	Public Use Zone Schedule 6
Attachments	<ol style="list-style-type: none"> 1. P16-127 Application and Plans 2. P16-127 Locality Plan 3. P16-127 Objections (2)

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 author, I have no disclosable interests in this report.

Purpose

This report relates to a planning permit application for the use and development of the land for an outdoor recreation facility (miniature aircraft facility). The application has been referred to the Planning Committee for determination as two objections to the proposal 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 use and develop part of the land located on lot 2 Plan of Subdivision 326994 Teesdale Tip Road, Teesdale for the purposes of an outdoor recreation facility; specifically a miniature aircraft club.

The Geelong Miniature Aircraft Association (GMAA) has been operating from their current site in Golden Plains Shire at Dog Rocks Road, Batesford in excess of 40 years. The GMAA is seeking relocation due to a change of ownership, which has seen the new owner of the leased land requesting that the club relocate by December 2016.

This proposal would see a club building constructed onsite located to the centre of the northern boundary of the site, 177 metres from the western and 5 metres from the northern boundaries. The 144 square metre shed (24 x 6) will have an overall height of 2.4 metres and a total height of 3.2 metres to the peak of the gable roof. The structure will be clad of colourbond sheet non-reflective materials and will have a concrete slab floor. Kitchen and toilet facilities will be maintained within the bounds of the shed which will be open at both ends.

The proposed operational hours of the GMAA club will remain as they are now:

- 0800 until dusk Monday to Saturday; and
- 0900 until dusk on Sunday.

The club estimated that on a fair weather day approximately 12-15 cars may be present onsite. The club has indicated that very seldom would there be any more than 15 members participating in the activities on any given day. Provisions for car parking have been made with a carpark area to be set aside from the proposed shed and fenced off, with a minimum of 12 carparks to be provided.

The proposed flight area for the club will be contained within the bounds of the site. The current flight field being used at the Dog Rocks Road site is approximately 150 metres in length and 50 metres in width. The field and the remainder of the site is mowed on a regular basis in order to maintain the area for the proposed activity.

The club will seek access to the site from the Teesdale Tip Road which intersects with the Bannockburn-Shelford Road on the eastern outskirts of the Teesdale Township. Part of the road will require an upgrade to enable access to the proposed site.

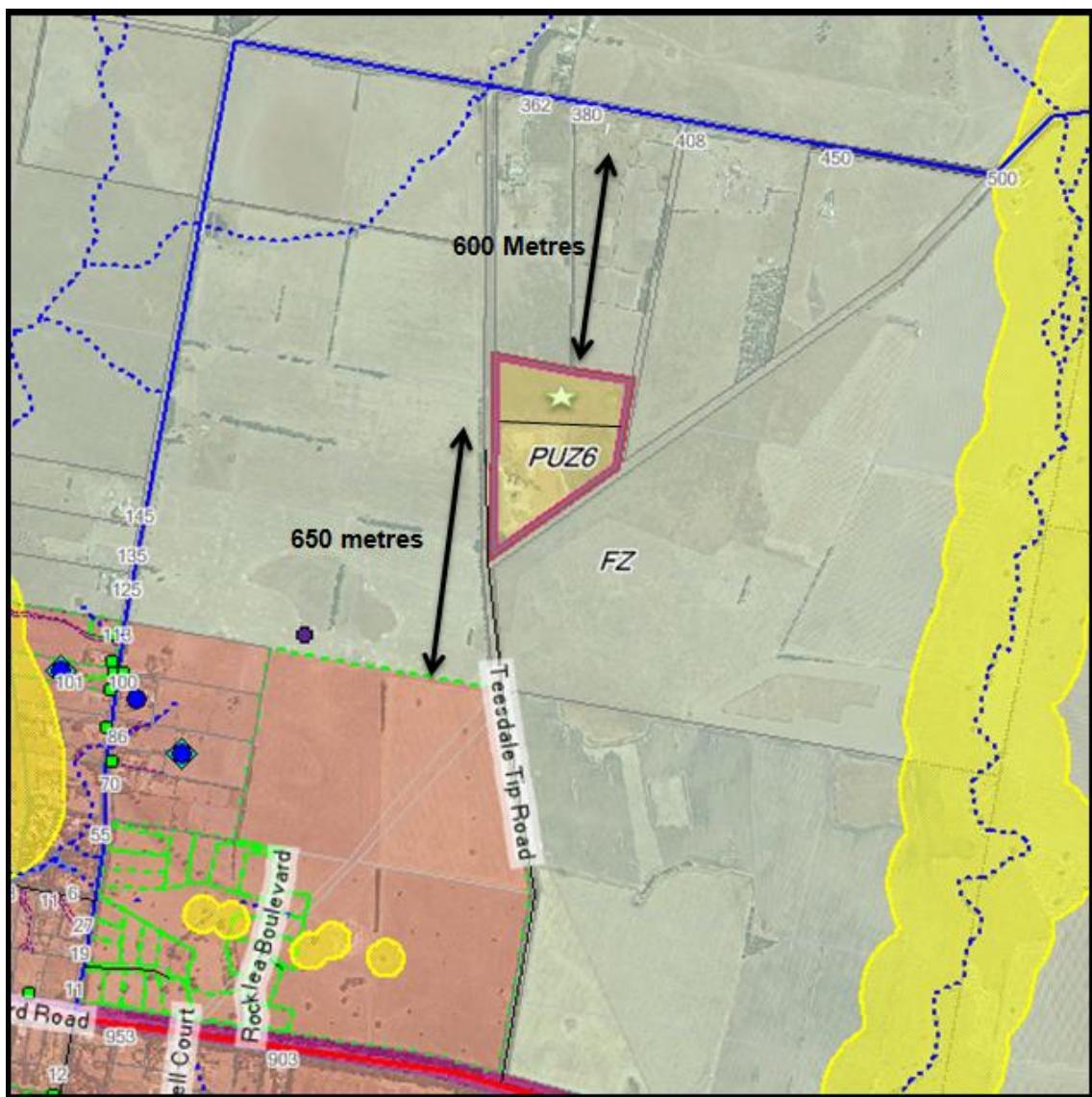
The club is affiliated with the Victorian Model Aeronautical Association (VMAA), in turn the VMAA is affiliated with the Model Aeronautical Association of Australia (MAAA). Both associations have advisory regulations regarding noise levels which the club must adhere to, furthermore the club must comply with all relevant requirements of the Environmental Protection Authority.

Site Description

The part of the subject site proposed to be leased for the miniature aircraft club has a total area of 3.3 hectares, with a frontage of approximately 90 metres to Teesdale Tip Road and a depth of 380 metres along the northern boundary. The site is vacant and is currently free of any stock. A dam exists towards the eastern boundary of the site. The site is accessed via a gravel all weather road (Teesdale Tip Road), however the made section of this road stops at the entrance of the former Teesdale Tip site located directly to the south. The section of this road directly fronting the site is currently unmade.

The site is zoned Public Use Zone Schedule 6 (*the purpose of the public use for schedule 6 is listed as local government*). The site shares its southern boundary with the former Teesdale Tip site, a waste disposal site no longer in use. The site is bound to the north by two lots of approximately 20 hectares both of which contain dwellings. The closest dwelling is approximately 520 metres from the northern boundary of the site. Farming zoned land used primarily for grazing purposes bounds the remainder of the site. Land zoned Low Density Residential is in excess of 650 metres from the south western corner of the proposed lease boundary. This land is not yet developed.

A Council property lease of the land has been arranged with specific conditions requiring that the lessee be responsible for the control of the declared pest plants and the declared pest animals.



History

The application was received on 10th of May 2016. The application was referred to Council's Works Department and the EPA of Victoria both of whom have consented to the issue of a permit. Only Council's Works Department require conditions to be included if a permit is granted.

Community Communication

Notice of the application was given to adjoining properties pursuant to Section 52 of the *Planning and Environment Act 1987* ("the Act"). Two objections were received, a copy of each is provided at Attachment 3. The objections were made on the following grounds:

- The loss of amenity to adjoining properties caused by the noise associated with the model aircraft
 - The ability of the GMAA to maintain the upkeep of the site
 - Potential for increased fire risk
 - The negative effects associated with increased traffic along Teesdale Tip Road, Teesdale

A consultation meeting was held with representatives of the GMAA and one objector.

Golden Plains Planning Scheme

State Planning Provisions

13.04 Noise and air

13.04-1 Noise abatement

Objective

To assist the control of noise effects on sensitive land uses.

Strategy

Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Policy guidelines

Planning must consider as relevant:

- State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.
- State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (in metropolitan Melbourne).
- Interim Guidelines for Control of Noise from Industry in Country Victoria (Environment Protection Authority, 1989).
- A Guide to the Reduction of Traffic Noise (VicRoads 2003)

Zone & Overlay Provisions

Clause 36.01 Public Use Zone Schedule 6

The purpose of the Zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To recognise public land use for public utility and community services and facilities.*
- *To provide for associated uses that are consistent with the intent of the public land reservation or purpose*

Pursuant to Clause 36.01-1, a permit is required to use and develop the land for an outdoor recreation facility.

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The comments of any Minister or public land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.

General Provisions

The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines contained in Clause 65 of the planning scheme.

65.01 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.
- 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 proposed development is considered to meet the objectives and requirements of the state and local planning policy frameworks, zoning and overlay provisions, and the relevant particular and general provisions of the Scheme.

State Planning Provisions

13.04 Noise and air

The application was referred to the EPA as a Section 52 recommending referral authority. The EPA advised that it does not have applicable guidelines and it is not specifically responsible for noise emissions from model aircraft club activities.

A site visit was conducted by officers to observe the GMAA's current club site at Dog Rocks Road, Batesford. The purpose of the visit was to gather an understanding of the amenity impacts any noise emissions that could be caused by the model aircraft on neighbouring lands. It was concluded that the noise the aircraft emit is not substantial and would not impact upon any properties existing or future developments located within the vicinity of the site.

Zoning

Clause 36.01 Public Use Zone Schedule 6

- The proposal meets the objectives of the zone.
- The site is appropriately sited away from any significant sensitive uses with the surrounding land uses being used primarily for agricultural pursuits and the closest dwelling approximately 520 metres from the site.
- The site is serviced by the Teesdale Tip Road which Council's Works department have indicated would require some minor upgrades including suitable access to the site and car parking. The use and development proposed is not expected to cause any traffic management issues with the potential for increased use due to the GMAA club.
- A Council property lease of the land has been arranged with specific conditions around the responsibilities of the lessee. The details of the lease will ensure that the property is maintained to the satisfaction of the responsible authority.

Objector's Concerns

The objectors are primarily concerned about the impact of the proposed miniature aircraft club on the amenity of the surrounding area caused by any noise emitted, the ability of the GMAA to maintain the upkeep of the site, the potential for increased fire risk and the negative effects associated with increased traffic along Teesdale Tip Road.

The site is appropriately situated away from any significant sensitive uses. The surrounding land is suitably used for agriculture. The flight paths of the model aircraft are to be retained primarily within the bounds of the site. After an inspection of the current operation at Dog Rocks, Council officers consider that there will be no significant impacts upon the surrounding area due to noise. Officers are recommending that a condition of permit limits the operation of the club from 8am – 5pm Monday to Saturday and 9am – 5pm on Sundays. With no use of the site on days of total fire ban.

The ability of the GMAA to upkeep the site is not considered to be a concern as the proposed airfield is required to be maintained in order for the operational capacity of the model aircraft. An inspection of the GMAA's current site showcased the importance the club placed on maintaining the outfield and general club facilities. The Council property lease of the land that has been arranged also includes the specific conditions that the lessee is responsible for the control of the declared pest plants and animals.

The GMAA has indicated that in the unlikely scenario of a fire appropriate extinguishers and facilities will be maintained within the bounds of the clubhouse for use as required.

The site is serviced by the Teesdale Tip Road which Council's Works department have indicated would require some minor upgrades which include suitable access to the site and car parking. The use and development proposed is not expected to cause any traffic management issues with the potential for increased use due to the GMAA club. Access and provisions for any emergency vehicle services which may need to use the road will be made in accordance with Council's requirements.

General Provisions

Clause 65 Decision Guidelines

It is considered that the proposal is supported by the Planning Policy Frameworks, the zoning and overlay provisions and the particular provisions.

Cultural Heritage Implications

There are no cultural heritage implications.

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 outdoor recreation facility; specifically the miniature aircraft club is considered to meet the objectives and requirements of the state and local planning policy frameworks, the zoning and overlay provisions, and the relevant particular and general provisions of the Scheme. The proposal is considered appropriate for the site and will not cause unacceptable material detriment to any person.

Caretaker Statement

The recommended decision is not a 'Major Policy Decision', as defined in Section 93A of the *Local Government Act 1989*, or a 'Significant Decision' within the meaning of the Code of Conduct.

Recommendation

That the Planning Committee resolves to issue a Notice of Decision to Grant a Permit for an outdoor recreation facility at Lot 2 PS 326994 Teesdale Tip Road, Teesdale subject to the following conditions

- 1. 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.***
- 2. The area for the hereby approved use must be maintained to the satisfaction of the responsible authority.***
- 3. The model aircraft club must only operate between the hours of 8am – 5pm Monday to Saturday and 9am – 5pm on Sundays. The use must not operate on a day of Total Fire Ban. No alterations to the operating hours may be made without prior written consent of the responsible authority.***
- 4. 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.***
- 5. No human habitation of the proposed shed is permitted.***
- 6. 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.***
- 7. 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.***
- 8. The use and 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***
- 9. 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 use is not started and 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.

Works

- 10. Prior to the commencement of the use access to the site must be constructed from the existing gravel road to the proposed entry to the site. The road construction must conform to Council's standard drawing SD600 and the works shall include drainage, a service and emergency vehicle turning circle, appropriate signage and pavement depth in accordance with Council requirements, and to the satisfaction of the responsible authority.***
- 11. Prior to the commencement of the use a vehicle crossing must be constructed conforming to current Infrastructure Design Manual (IDM) standard drawing SD 255 and to the satisfaction of responsible authority.***

12. Prior to the commencement of the use the area set aside for car parking of vehicles and access lanes as shown on the endorsed plans must:

- a) **Have a minimum of 12 car parks.**
- b) **Be provided with an all-weather surface**
- c) **Be drained**
- d) **Be maintained in a continuously useable condition**
- e) **Be provided with a car park space for the exclusive use of persons with disabilities.**
- f) **Be line marked or otherwise signed to indicate spaces.**

All to the satisfaction of the responsible authority.

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.

Note: A 'Works within Road Reserve' permit must be obtained from the responsible authority prior to the carrying out of any vehicle crossing works.

Moved Crs Phelan/Hansford

That Council suspend standing orders to hear a submission from Murray Ellis.

Carried

It is recorded that Council suspended Standing Orders at 9.06am.

Mr Ellis addressed the committee between 9.06am and 9.12am.

Moved Crs Hansford/Blake

That Council resume Standing Orders.

Carried

It is recorded that Council resumed Standing orders at 9.12am.

Moved Crs Kirby/Hansford

That the Planning Committee resolves to issue a Notice of Decision to Grant a Permit for an outdoor recreation facility at Lot 2 PS 326994 Teesdale Tip Road, Teesdale subject to the following conditions

- 1. 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.**
- 2. The area for the hereby approved use must be maintained to the satisfaction of the responsible authority.**
- 3. The model aircraft club must only operate between the hours of 8am – 5pm Monday to Saturday and 9am – 5pm on Sundays. The use must not operate on a day of Total Fire Ban. No alterations to the operating hours may be made without prior written consent of the responsible authority.**
- 4. 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.**
- 5. No human habitation of the proposed shed is permitted.**

6. *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.*
7. *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.*
8. *The use and 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*
9. *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 use is not started and 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.

Works

10. *Prior to the commencement of the use access to the site must be constructed from the existing gravel road to the proposed entry to the site. The road construction must conform to Council's standard drawing SD600 and the works shall include drainage, a service and emergency vehicle turning circle, appropriate signage and pavement depth in accordance with Council requirements, and to the satisfaction of the responsible authority.*
11. *Prior to the commencement of the use a vehicle crossing must be constructed conforming to current Infrastructure Design Manual (IDM) standard drawing SD 255 and to the satisfaction of responsible authority.*
12. *Prior to the commencement of the use the area set aside for car parking of vehicles and access lanes as shown on the endorsed plans must:*
 - a) *Have a minimum of 12 car parks.*
 - b) *Be provided with an all-weather surface*
 - c) *Be drained*
 - d) *Be maintained in a continuously useable condition*
 - e) *Be provided with a car park space for the exclusive use of persons with disabilities.*
 - f) *Be line marked or otherwise signed to indicate spaces.*
13. *A properly fitted and equipped firefighting unit with a minimum water storage capacity of 1000 litre must be on-site (and full of water) at all times during the fire danger period whilst the site is being used for miniature aircraft use and activities, to the satisfaction of the responsible authority.*

All to the satisfaction of the responsible authority.

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.*

Note: *A 'Works within Road Reserve' permit must be obtained from the responsible authority prior to the carrying out of any vehicle crossing works.*

Carried

Cr Cameron returned to the chamber at 9.22am.

5. OTHER BUSINESS

Tim Waller, Development Manager:

- provided an update on a Murgheboluc broiler farm application, and
- explained the process for considering development proposals on land that may be subject to overland water flows.

5.1. IN CAMERA MEETING

Nil

6. ATTACHMENTS

Attachment 1 Item 4.1.1 P16-127 application and plans
Attachment 2 Item 4.1.1 P16-127 locality plan
Attachment 3 Item 4.1.1 P16-127 objections (2)

Attachments are available upon request.

7. DATE OF NEXT MEETING

To be advised.

8. CLOSE OF MEETING

The meeting closed at 9.29 am.

9. 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

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