



Planning Committee Minutes

Linton Customer Service Centre

**Tuesday 14 April 2014
10.45am-11.55am**

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.

Table of Contents

1.	PRESENT	4
2.	APOLOGIES.....	4
3.	DECLARATIONS & MINUTES.....	4
	3.1. DECLARATIONS OF INTEREST	4
	3.2. CONFIRMATION OF MINUTES.....	4
4.	REPORTS.....	5
	4.1. KEY RESULT AREA: ENVIRONMENT & LAND USE PLANNING	5
	4.1.1 Napoleons Structure Plan	5
	4.1.2 Planning application P14-105 for a two lot subdivision and variation of a restrictive covenant at 15 Fleurs Lane, Batesford.....	9
	4.1.3 Planning application P14-247 for a dwelling at Lot 11 Linton-Naringhil Road, Linton	16
	4.1.4 Planning Application to Amend Planning Permit P12-128 to Alter the Work Authority	22
5.	OTHER BUSINESS	29
6.	ATTACHMENTS	29
7.	DATE OF NEXT MEETING.....	29
8.	CLOSE OF MEETING	29

4. REPORTS

4.1. KEY RESULT AREA: ENVIRONMENT & LAND USE PLANNING

4.1.1 Napoleons Structure Plan

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	Angela Vary, Strategic Planner
File References	BluePoint: 60-11-005
Council Plan Link	Implement Urban Design Framework Plans
Relevant Council Strategies	N/A
Overlays	N/A
Relevant Legislation	Planning & Environment Act 1987
Attachments	1. Amendment documents 2. 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.

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

Purpose

This report seeks Council adoption of Planning Scheme Amendment C71 Napoleons Structure Plan 2014. A council resolution is required before the amendment can be sent to the Minister for Planning for approval.

Background

In March 2014 Council commenced the process of reviewing the 1997 Napoleons Structure Plan and Streetscape element of the Napoleons Town Place Plan as part of Council's strategic work in the area of land use planning.

The development of the structure plan has been through a significant consultation process, which included the community, referral authorities and Council representatives. The structure plan provides the strategic support and direction for the future vision of Napoleons. Similarly it provides clarity for the residents, local community and Council in terms of what type of development is likely to be encouraged and where this will be located.

Proposal

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.

Amendment C71 was exhibited from 29 January 2015 to the 2 March 2015, with gazettal notice occurring on 29 January 2015. Amendment notices were sent out to prescribed Ministers relevant authorities and affected owners/occupiers. The amendment was advertised in the Ballarat Courier and the Geelong Advertiser newspapers on the 24 January 2015.

Planning Process for adoption of Amendment 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 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.

Submissions

Council received five (5) non-objecting submissions.

Submission 1: Central Highlands Water

This submission from the Central Highlands Water supports the amendment in its current form.

Direction

No further action is required.

Submission 2: Wadawurrung Aboriginal Corporation

This submission highlights the cultural heritage sensitivity which applies to the land identified as 'Long Term Low Density Residential' in particular the area within 200 metres of Dog Trap Creek.

A Cultural Heritage Management Plan (CHMP) will be required for any high impact activity i.e. subdivision of more 3 or more lots. A CHMP protects and manages Aboriginal Cultural Heritage with the involvement of the registered Aboriginal Parties.

Section 50-52 of the Aboriginal Heritage Act applies to permits, amendments to permits, and any authorisation to develop land. This would not apply to a structure plan but may apply to a rezoning if it resulted in certain development becoming 'as of right'.

Direction

The revised structure plan does not alter the land already identified for long term residential.

Take up of land identified as 'Long Term Low Density Residential' is not expected to occur until supply of land zoned township has reached capacity. There is significant land available as identified in the structure plan which is not subject to cultural heritage sensitivity mapping.

Clarity sort from the Wathaurung Aboriginal Corporation confirmed the submission is advice only and not an objection.

No further action is required.

Submission 3: EPA Victoria

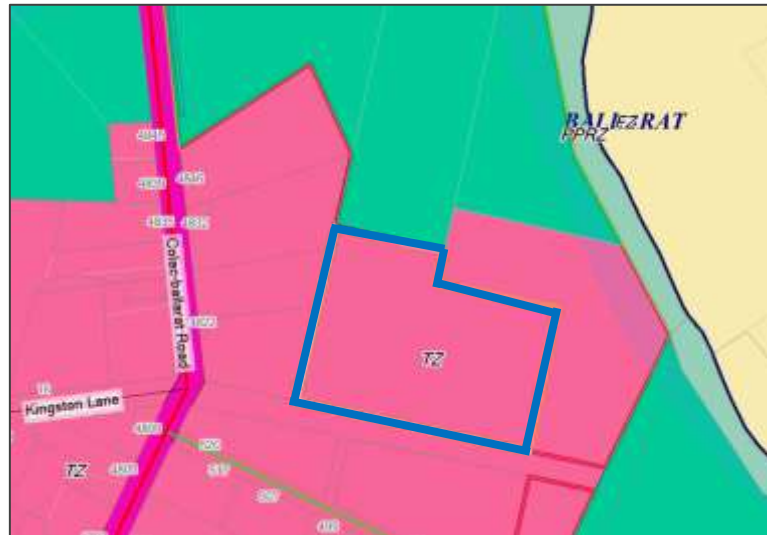
This submission from EPA Victoria supports the amendment in its current form.

Direction

No further action is required.

Submission 4: Department of Environment, Land, Water and Planning (DELWP)

This submission from DELWP's Heritage Victoria division advises the subject area contains one site included in the Victorian Heritage Inventory. The subject site consists mainly of a remnant mullock heap that was formed during the operations of the Leviathan Gold Mining Company, working the Napoleons Lead from 1858 onwards. The site of the mullock heap is located at CA520 Q\PP5573 and is zoned Township.



DELWP further advice the submission should only be treated as background information.

Direction

The subject site will be considered as a listing in the future Golden Plains Heritage Study Strategy. A heritage overlay does not currently apply to this site.

No further action is required.

Submission 5: Corangamite Catchment Management Authority (CCMA)

This submission from the CCMA does not object to Amendment C71 however makes the following points:

- The structure plan acknowledges the existence of a number of waterways yet makes no comment to their relevance with regard to town planning and emergency management.

The township is likely to be impacted in some capacity by flooding of both the Yarrowee River and Dog Trap Creek, however currently the CMA, SES and Council are unable to quantify the seriousness of the risk.

Direction

The revised structure plan acknowledges differing threats to water quality and quantity from the rural landscape and the need to employ appropriate solutions for reducing any negative impacts on waterways. It also highlights the environmental benefits derived from vegetated drains on land in the township zone that slow water movement and filter silt and pollutants from township stormwater prior to entering Dog Trap Creek or the Yarrowee River.

Whilst the reviewed structure plan uses the most up to date information available to determine impacts to town planning from risks such as flood, the CCMA acknowledges limitations of current flood mapping data to determine the levels of flood risk to the Napoleons township. The revised structure plan does not propose to rezone or increase land zoned township. Development of land identified as township is subject to environmental management through land capability assessment to determine whether a development can sustainably contain all treated wastewater onsite.

The role of a structure plan is not to provide direction on flood emergency management.

Direction

No further action is required.

Submission 6: Corangamite Catchment Management Authority (CCMA)

This submission from the Department of Environment, Land, Water & Planning is in support of Amendment C71.

Direction

No further action is required.

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, social or environmental implications.

Communications

It is considered that a communication plan is not required.

Conclusion

Amendment C71 proposes to adopt the Napoleons Structure Plan into the Golden Plains Planning Scheme. The structure plan was exhibited in accordance with Section 19 of the Planning and Environment Act 1987. The structure plan provides the strategic support and direction for the future vision of Napoleons and provides clarity in terms of what type of development is likely to be encouraged and where this will be located.

The amendment will ensure that future development in Napoleons will occur in an orderly manner.

Moved Crs Vaughan/Hansford

That the Planning Committee adopts Amendment C71 in the form of Attachment 1 and send to the Minister for Planning for approval in accordance with Section 31 (1) of the Planning and Environment Act 1987.

Carried

4.1.2 Planning application P14-105 for a two lot subdivision and variation of a restrictive covenant at 15 Fleurs Lane, 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, Acting Planning Team Leader
Author	Peter O'Brien, Town Planner
File References	Planning Application P14-105
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	Two lot subdivision and variation of a restrictive covenant
Land Address	15 Fleurs Lane, Batesford
Applicant	TGM Group Pty Ltd
Zone & Overlay Summary	Low Density Residential Zone (LDRZ) Design & Development Overlay Schedule 5 (DDO5) Development Plan Overlay Schedule 2 (DPO2)
Attachments	3. P14-105 Copy of application and plans. 4. P14-105 Locality map. 5. P14-105 Copy of 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 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 two lot subdivision and variation to a restrictive covenant at 15 Fleurs Lane, 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 two lot subdivision and the variation of a restrictive covenant (refer to Attachment 3 – copy of application and plans). The proposed subdivision will create a lot containing the existing dwelling and sheds with an area of 8689m² ('lot 1') and a vacant lot with an area of 4187m² ('lot 2'). Lot 1 will have a wide frontage and existing access to Fleurs Lane and Lot 2 will be a corner lot with frontage to both Fleurs Lane and Bates Court. The application also seeks to vary restrictive covenant number AC778401B. Among other things, the covenant prohibits more than one dwelling being constructed on the land. The application proposes to vary the covenant by removing that part of the covenant that prohibits more than one dwelling.

Site Description

The subject land is situated at 15 Fleurs Lane, Batesford and is formally described as Lot 15 on Plan of Subdivision 523081G. The site is located in a low density residential area of Batesford (refer to Attachment 4 – locality map). The site contains an existing dwelling and sheds and has a total area of 1.29 hectares. The site is generally flat and cleared except for planted trees and gardens. The surrounding area contains similar development with single dwellings on lots ranging from 1 to 2.5 hectares in size. The subject land is part of the Dog Rocks North estate that was developed 10 to 15 years ago. The covenant that is the subject of this application was created on 3 April 2004 and similar covenants apply to many of the lots in the surrounding subdivision.

History

The application was submitted to Council on 15 April 2014 and a preliminary assessment of the application was undertaken. The application was referred under Section 55 of the *Planning & Environment Act 1987* ('the Act') to AusNet Transmission Group as the application proposes to subdivide land crossed by a gas transmission pipeline and easement. AusNet had no objection to the issue of a permit subject to conditions being placed on the permit. An application for a two lot subdivision is exempt from referral to utility authorities. The application was internally referred to Council's Works Engineer and Environmental Health Officer. These parties had no objection to the issue of a permit subject to conditions being placed on a permit.

Communications

Notice of the application was given in accordance with Section 52 (1)(cb) of the *Planning & Environment Act 1987*. Notice was provided by mail to owners and occupiers of land benefited by the covenant. Notice was carried out by placing a sign on the site and by placing an advertisement in The Miner newspaper.

Summary of Objections

Two objections to the application were received by Council (refer to Attachment 5). A third objection was originally received however this objection was withdrawn as a result of negotiations between the applicant/owner and objector. The objection was withdrawn on the condition that each lot has a minimum size of 1.4 acres (0.57ha). The remaining two objections are from persons who are not beneficiaries of the covenant. The objectors are concerned that the application will adversely affect the character of the area and their lifestyle.

Council arranged a consultation meeting with the applicant and objectors however the objectors declined the invitation and the meeting was cancelled. As mentioned above, one of the objections was withdrawn as a result of negotiations between the owner/applicant and objector.

Golden Plains Planning Scheme

State Planning Policy Framework (SPPF)

Clause 11.02 Urban growth

The objective of the policy for the supply of urban land (Clause 11.02-1) is to ensure a sufficient supply of land is available for residential and other uses. Planning for urban growth should consider:

- Opportunities for consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.

Clause 15.01 Urban environment

The objective of the policy for neighbourhood and subdivision design (Clause 15.01-3) is to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods. In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by, among other things, providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.

Clause 16.01-2 Location of residential development

This policy aims to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. The policy seeks to ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development and to identify opportunities for increased residential densities to help consolidate urban areas.

Local Planning Policy Framework (LPPF)**Clause 21.02 Vision and strategic framework**

This policy incorporates the Batesford Structure Plan into the planning scheme. The subject land is shown within a residential area of the Batesford township. The policy does not make any specific references to the subject land or contain any policies that relate specifically to the application.

Clause 21.03 Settlement

The local policy for subdivision for dwellings outside townships (Clause 21.03-4) relates to the development of land in low density residential areas. The policy seeks to control the density and overall lot sizes of land according to environmental conditions and established character and to avoid indiscriminate subdivision of land. To satisfy this policy new subdivision must recognise and maintain the surrounding lot configurations and lot size, provide appropriate infrastructure, including drainage and roads, and provide for on-site effluent disposal including on-going maintenance of septic systems.

Clause 22.09 Low Density Residential Subdivision Policy

This policy seeks to ensure the elements of land capability and character are addressed when considering subdivision applications. The objectives of the policy are to ensure that new lots are of sufficient size for on-site effluent disposal and to maintain an open and spacious character in low density residential areas. Character will be maintained by encouraging:

- Design that provides for open space and landscaping.
- Retention of existing vegetation.
- Minimal use of narrow battle-axe access.
- The provision of wide driveways with sufficient areas available for landscaping.
- Lot sizes with sufficient area to accommodate setbacks required by the Design and Development Overlay Schedule 5.

It is policy that support for subdivision in the LDRZ will be considered only where a land capability assessment demonstrates that the proposed lots can contain on site effluent disposal and there will be no impact on the surrounding area, and where subdivision respects and positively contributes to the lot configuration and character elements of the surrounding area.

Zone and overlay provisions**Clause 32.03 Low Density Residential Zone (LDRZ)**

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.

Clause 43.02 Design & Development Overlay Schedule 5 (DDO5)

The land is affected by the Design & Development Overlay Schedule 5 (DDO5) which relates to setbacks for the construction of buildings. The DDO5 does not contain any specific requirements relating to subdivision.

Clause 43.04 Development Plan Overlay Schedule 2 (DPO2)

The land is also affected by the Development Plan Overlay Schedule 2 (DPO2). The DPO states that a permit must not be issued to subdivide land until a development plan has been prepared to the satisfaction of the responsible authority. Schedule 2 to the Development Plan Overlay sets out the requirements for a development plan. A development plan meeting the

requirements of the DPO2 has been submitted with this application. The DPO also exempts an application to subdivide land from the notice requirements and review rights of the Act.

Particular provisions

Clause 52.02 Easements, Restrictions and Reserves

The purpose of this clause is to enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered. A permit is required before a person proceeds under Section 23 of the *Subdivision Act* 1988 to create, vary or remove a restriction. Before deciding on an application, the responsible authority must consider the interests of affected people.

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.

Section 60 of the Planning & Environment Act 1987

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.

Discussion

Planning scheme

The proposed subdivision is considered to satisfy the relevant provisions of the planning scheme including State and Local planning policies, the Low Density Residential Zone, Design & Development Overlay Schedule 5, Development Plan Overlay Schedule 2 and Clause 65 of the Victoria Planning Provisions. The application satisfies the local policy for Low Density Residential Development (Clause 22.09) which seeks to maintain the character and appearance

of low density residential areas and ensure that new subdivision has the capacity for on-site effluent disposal and adequate infrastructure. In particular the proposed subdivision design will maintain the character of the area as the proposed lots are of sufficient size to provide setbacks in accordance with the DDO5 and which are consistent with surrounding properties, retains existing vegetation and provides sufficient space for additional landscaping, and provides wide street frontages. Land capability assessments submitted with the application demonstrate that the proposed lots are capable of accommodating on-site effluent disposal.

In relation to the proposed variation of the covenant, notice of the application was carried out in accordance with the Act and there are no objections to the variation of the covenant from persons benefited by the covenant. As noted above, one objection was originally received from a beneficiary to the covenant however this was later withdrawn on the condition that each lot has a minimum size of 1.4 acres (0.57ha). It is proposed that a condition be placed on the permit requiring that each lot has a minimum size of 0.57ha. Therefore, in accordance with Section 60(2) of the Act, as there are no objections from any persons benefited by the covenant it is considered that the grant of a permit will not cause detriment to any person benefited by the covenant.

Objections

Under the provisions of the Development Plan Overlay an application to subdivide land is exempt from the notice requirements and review rights of the Act. Therefore objections to the proposed subdivision cannot be formally considered by Council, and an objector cannot apply to VCAT to review Council's decision. In relation to the application to vary the covenant no objections have been received from any person benefited by the covenant. Therefore in accordance with Section 57(1)(A) an objector who is not benefited by the covenant is not deemed to be a person affected by the grant of a permit.

Nevertheless the application is considered to address the objectors concerns that the proposal will have an adverse effect on the character of the area and on their lifestyle. As discussed above, the proposed subdivision design is considered to satisfy Council's local policy for Low Density Residential Development which is designed to protect the character of existing low density residential areas and will ensure there is no adverse effect on the amenity of surrounding area.

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 local policy for Low Density Residential Development (Clause 22.09), Low Density Residential Zone, Design & Development Overlay Schedule 5, Development Plan Overlay Schedule 2 and the decision guidelines of the Planning Scheme (Clause 65). The proposed subdivision design will ensure there is no adverse effect on the character of the area and the proposed lots are considered to be capable of on-site effluent disposal. In relation to the proposed variation of the covenant notice of the application was provided to all persons benefited by the covenant and no objections were received. For these reasons the issue of a permit is not considered to cause material detriment to any person.

Moved Crs Blake/Phelan

That the Planning Committee resolve to issue a Notice of Decision to Grant a Permit for the development of the land for a two lot subdivision and the variation of a restrictive covenant at 15 Fleurs Lane, Batesford subject to the follow conditions:

- 1. Before the plan of subdivision is certified under the Subdivision Act 1988 and the variation of the restrictive covenant, amended plans must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with***

- the plans submitted with the application but modified to show each lot having a minimum lot size of 0.57ha.*
- 2. The development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.*
 - 3. Before the plan of subdivision is certified under the Subdivision Act 1988, restrictive covenant number AC778401B must be varied to the satisfaction of the responsible authority and evidence of registration of the varied covenant must be provided to the responsible authority. The covenant must be varied by removing that part of the restriction that prohibits more than one dwelling being constructed on the land.*
 - 4. Before the issue of a statement of compliance under the Subdivision Act 1988, a restriction must be placed on the plan of subdivision, or an agreement entered into under section 173 of the Planning and Environment Act 1987, that provides for the following:*
 - a) Any septic tank system installed on Lot 2 must be a packaged treatment plant that treats effluent to a minimum of secondary level, with effluent disposal via a mound system or imported topsoil to a minimum depth of 550mm, in accordance with Australia/New Zealand Standards 1547 'On-site domestic wastewater management' to the satisfaction of the responsible authority.*
 - b) This requirement is at the owner's expense and must not be varied except with the written consent of the responsible authority.*
 - 5. Before the issue of a statement of compliance under the Subdivision Act 1988, the existing septic tank system must be altered and brought into compliance with the latest version of the 'EPA Code of Practice — Onsite Wastewater Management' and the relevant certificate of approval to the satisfaction of the responsible authority.*
 - 6. All dwellings on the proposed new allotments must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater must be treated and retained within the lots in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*
 - 7. Before the issue of a statement of compliance under the Subdivision Act 1988, open drains must be constructed along the western boundary of lots 1 and 2 and southern boundary of Lot 2 so that the open drains collect and prevent stormwater runoff discharging to adjacent lots in accordance with the requirements of Golden Plains Shire Council contained in the Infrastructure Design Manual (IDM) and to the satisfaction of the responsible authority. The drain along the western boundary of Lot 1 must be contained within a 5m easement which must be set aside on the Plan of Subdivision for this purpose.*
 - 8. Before the issue of a statement of compliance under the Subdivision Act 1988, each lot must be provided with a drainage point in accordance with the requirements of Golden Plains Shire Council contained in the Infrastructure Design Manual (IDM) and to the satisfaction of the responsible authority.*
 - 9. Before the issue of a statement of compliance under the Subdivision Act 1988, a vehicle crossing must be provided to each lot or existing vehicle crossings upgraded by provision of a crushed rock drive entry, reinforced concrete culvert and mountable end walls conforming to the requirements of Golden Plains Shire Council contained in the Infrastructure Design Manual (IDM) standard drawing SD 255 and to the satisfaction of responsible authority.*
 - 10. Before the issue of a statement of compliance under the Subdivision Act 1988, services to the existing dwelling must be modified so that they are exclusive to and totally within the boundaries of the new lot to which it is appurtenant. In particular, the following existing services must be modified:*
 - a) All downpipes, stormwater drainage and sanitary drainage must be taken to an approved legal point of discharge to the satisfaction of the Responsible Authority.*
 - b) Electricity, telephone, gas, water and sewerage.*

- 11. The Owner of the land must enter into an agreement with:**
- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where National Broadband Network will not be provided by optical fibre.**
- 12. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:**
- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time.**
 - b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**
- 13. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
- 14. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
- 15. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**
- 16. This permit will expire if:**
- a) The plan of subdivision is not certified within two years of the date of this permit; or**
 - b) The registration of the subdivision is not completed within five years of the date of certification.**
- 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: Prior to certification the responsible authority will require a plan showing the location of all existing and proposed vehicle crossings. The plan is required to show setback distances of existing and proposed crossovers from the closest property boundary to the satisfaction of the responsible authority. The plan is required to satisfy Regulation 29 of the Subdivision (Procedures) Regulations 2011, allowing the allocation of street numbers.**

Carried

4.1.3 Planning application P14-247 for a dwelling at Lot 11 Linton-Naringhil Road, Linton

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 P14-247
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme
Proposal Summary	Dwelling
Land Address	Lot 11 Linton-Naringhil Road, Linton
Applicant	Ivan Kerr
Zone & Overlay Summary	Farming Zone (FZ) No overlays.
Attachments	6. P14-247 Copy of application and plans. 7. P14-247 Locality map.

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 dwelling at Lot 11 Linton-Naringhil Road, Linton. The application has been referred to the Planning Committee for determination as Council officers' are of the opinion that the application does not satisfy the provisions of the planning scheme and should be refused. 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 and development of the land for a dwelling (refer to Attachment 6 – copy of application and plans). The proposed dwelling is a single storey residence containing three bedrooms, living and meals areas, and amenities. The external materials of the dwelling consist of colourbond walls and roofing. The application states that the proposed dwelling will be occupied by persons employed in animal husbandry activities carried out on the land.

Site Description

The subject land is situated on Linton-Naringhil Road, Linton and is formally described as Portion 11 Parish of Argyle. The site is located in a broad acre farming area approximately 3 kilometres south of the Linton township (refer to Attachment 7 – locality map). The site is vacant and is used for grazing. The total area of the site is approximately 28.5ha. The land is

undulating and mostly cleared except for exotic trees. The surrounding area is predominately used for agricultural activities such as grazing and cropping and contains large farming properties comprised of multiple small lots. The site is located amongst a cluster of dwellings which are mainly farmhouses associated with adjoining farming properties.

History

The application was received by Council on 24 September 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.

The applicant was advised by letter on 17 November 2014 that Council officers' did not support the application and that it would be recommended for refusal. The applicant had previously made an application for a dwelling on the land in April 2014 (P14-092) however this application was withdrawn after Council officers' advised the applicant that they did not support the application. It is also noted that in 2010 the Planning Committee refused a similar application by the applicant for a dwelling at Crown Allotment 130D Linton Naringhil Road in 2010 (P10-137).

Communications

The applicant was not required to give notice of the application as it was considered that the application would not cause material detriment to any person.

Golden Plains Planning Scheme

State Planning Policy Framework (SPPF)

Clause 11.05-3 Rural Productivity

The objective of this policy is to manage land use change and development in rural areas to promote agriculture and rural production. The policy seeks to prevent inappropriately dispersed urban activities in rural areas and limit new housing development in rural areas by directing housing growth into existing settlements, discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses and encouraging consolidation of existing isolated small lots in rural zones.

Clause 11.06 Central Highlands Regional Growth

The Central Highlands Regional Growth Plan identifies the site within a designated broad acre cropping and grazing area. The policy for agricultural productivity (Clause 11.06-8) aims to support long-term agricultural productivity by identifying land for primary production and protecting key agricultural assets from incompatible uses.

Clause 14.01-1 Protection of agricultural land

The objective of this policy is to protect productive farmland which is of strategic significance in the local or regional context. The policy seeks to ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use. In considering a proposal to develop agricultural land, factors to be considered include the impacts of the proposed development on the continuation of primary production on adjacent land, with particular regard to land values. Where inappropriate subdivisions exist on productive agricultural land, priority should be given by planning authorities to their re-structure.

Clause 16.02-1 Rural residential development

This policy aims to identify land suitable for rural residential development to avoid or significantly reduce adverse economic, social and environmental impacts. This is to be achieved in part by discouraging development of isolated small lots in rural zones from use for rural living or other incompatible uses and by encouraging consolidation of existing isolated small lots in rural zones.

Local Planning Policy Framework (LPPF)

Clause 21 Municipal Strategic Statement (MSS)

According to the Municipal Profile (Clause 21.01) the main use of land in the shire is for primary production including grazing and broad acre cropping. Agricultural industries generate approximately \$44 million worth of product and 14% of the workforce is employed in primary industry.

Clause 21.01-7 identifies managing residential growth, economic growth and maintaining and encouraging viable agricultural industries as major issues affecting the Shire's land use planning and development. The policy states that the Shire contains a relatively large number of small townships and that Council seeks to focus residential development within the boundaries of these townships. It is recognised that there is pressure for development outside these townships particularly for subdivision and hobby farm development therefore the urban-rural interface needs to be managed appropriately. The policy also recognises that the Shire relies on the strength of its grazing and cropping industries as its economic base therefore it is vitally important to maintain a viable agricultural sector.

The vision for the Shire contained in Clause 21.02 includes, among other things, recognising a prosperous agricultural industry. This will be achieved in part by focusing urban development into existing townships, sustainable management and protection of natural resources, facilitating productive agricultural activities, and protecting rural areas.

The Settlement policy (Clause 21.03) states that the Shire is characterised by a number of small towns located in the midst of productive agricultural areas and the maintenance of a clear distinction between urban and rural areas is essential to continued agriculture. The policy contains strategies which seek to restructure the land in the north-west of the shire to maintain viable agricultural holdings, establish an urban edge to all settlements by using zoning to provide a clear urban growth boundary, and protect land in agricultural production from adjoining uses and development inconsistent with normal farming practices.

The Agriculture policy (Clause 21.04-3) emphasises the economic importance of agricultural industries to the Shire however this is potentially threatened by the fragmentation of land for non-agricultural purposes, including rural residential development and conflict between sensitive uses and agricultural practices. A critical element in the planning for agricultural uses in the Golden Plains Shire is to maintain farm size. The policy aims to ensure that agricultural land is protected and used as an economically valuable resource and to maintain farm size to allow for viable agriculture. This will be achieved by avoiding sensitive uses near agricultural operations where there may be conflict, ensuring that the use and development of rural land is both compatible and complementary to agricultural activities and avoiding fragmentation of land for non-agricultural purposes, including rural residential development.

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. The site is located in an area of the Shire identified as the 'Central Core Agricultural Area'. The rural strategy recommends that the Central Core Agricultural Area be zoned Farming Zone in order to protect and maintain land for agriculture. The strategy recognises the existence of inappropriate subdivisions containing small lots located in broad acre farming areas. These areas have limited access to social and physical infrastructure that would be required for residential development. The strategy states that although these lots can be sold individually no provision should be made for their development. The strategy recognises that the loss of agricultural land through conversion of land to rural living is a significant issue and that these changes have caused the inflation of rural land values thereby preventing farmers from purchasing land for agriculture.

Zone provisions

Farming Zone

The site and surrounding area is in a Farming Zone. The purpose of the Farming Zone is, among other things, to provide for the use of land for agriculture, to encourage the retention of productive agricultural land and to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture. The schedule to the Farming Zone specifies that a permit is required for a dwelling where the lot area is less than 100 hectares.

An application for a dwelling must include a written statement responding to the decision guidelines for dwellings in the zone. Before deciding on an application Council must consider, among other things, the decision guidelines for dwellings which are as follows:

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.

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 proposed dwelling is not considered to satisfy the relevant policies and decision guidelines contained within the Golden Plains Planning Scheme. An assessment against the relevant provisions of the planning scheme is provided as follows:

State and Local Planning Policy Frameworks

The State and Local Planning Policy Frameworks and Rural Land Use Strategy all recognise the importance of agriculture to State and local economies and aim to avoid the loss of productive agricultural land. The policies seek to protect agricultural land from use and development that is inconsistent with existing agricultural activities, discourage the development of small lots for dwellings and encourage the consolidation and restructure of small lots to maintain viable farm sizes. Whilst it is acknowledged that the applicant currently uses the subject land for agricultural activities and intends to continue this use, the applicant currently resides in a dwelling on an adjoining lot and there appears to be little justification for the need for an additional dwelling. Given the small size of the lot and it being separated from the rest of the farming property by Linton Naringhil Road there is also the potential that the land could be removed from primary production and used for rural residential purposes. The subject land is located in a core agricultural area according to Council's Rural Land Use Strategy therefore a dwelling not related to an agricultural use has the potential to impact the continuation of agricultural activities in the surrounding area.

Farming Zone

The decision guidelines of the Farming Zone sets out the matters that must be considered before deciding on an application for a dwelling. The matters relevant to this application are addressed as follows:

Whether the dwelling will result in the loss or fragmentation of productive agricultural land.

As discussed, the applicant has an existing dwelling on the property and the current use and continued use of the land for animal husbandry as described in the application does not justify the need for an additional dwelling. The planning scheme seeks to maintain viable farm sizes and sets a minimum lot size of 100 hectares in the Farming Zone. The subject land has an area of only 28.5 hectares and based on the ongoing agricultural activities conducted on the land the need for a dwelling is questionable. It is inevitable that due to the unviable size of the lot and it's separation from the main farming property that the land will eventually be used for rural residential property resulting in the loss of productive agricultural land.

The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture. The site is one of many small lots located in a broad acre farming area. The majority of these lots are contained in larger farming parcels however these lots could be individually sold and developed. The approval of a dwelling on such a small lot would set an undesirable precedent which would lead to pressure for residential development of surrounding small lots, the inflation of land values preventing farmers purchasing land for agriculture and resulting in the loss of productive agricultural land.

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 is not considered to satisfy the State and Local Planning Policy Frameworks, Rural Land Use Strategy and the decision guidelines of the Farming Zone. It is therefore recommended that the application be refused.

Recommendation

That the Planning Committee resolves to Refuse to Grant a Permit for the use and development of a dwelling at Portion 11 Parish of Argyle Linton-Naringhil Road, Linton, for the following reasons:

- 1. The proposal is inconsistent with the State Planning Policy Framework, in particular Clauses 11.05-3, 11.06, 14.01-1 & 16.02-1 which seeks to protect the State's agricultural base from the unplanned loss of productive agricultural land, as it will potentially remove land from primary production and impact the continuation of primary production on adjacent land.**
- 2. The proposal is contrary to the Local Planning Policy Framework, in particular Clauses 21.01-2, 21.02, 21.03 & 21.04-3, which seek to protect agricultural land, by discouraging use and development that is inconsistent with agricultural activities and the development of dwellings on small lots in rural areas.**
- 3. The proposal does not satisfy the objectives and decision guidelines of the Farming Zone, in particular, it does not provide any justification for the need for a dwelling based on any agricultural activities conducted on the land, and has the potential to lead to the loss of productive agricultural land and a proliferation of dwellings in the surrounding area.**

Moved Crs Hansford/Vaughan***That the Planning committee suspend standing orders to hear a submission.******Carried***

It was recorded that Standing Order were suspended at 11.14am to allow Ivan Kerr to address the Planning Committee.

Moved Phelan/Vaughan***That the Planning Committee resume standing orders.******Carried***

It was recorded that Standing Orders resumed at 11.24am.

Moved Crs Phelan/Blake***That the Planning Committee resolves to Refuse to Grant a Permit for the use and development of a dwelling at Portion 11 Parish of Argyle Linton-Naringhil Road, Linton, for the following reasons:***

- 1. The proposal is inconsistent with the State Planning Policy Framework, in particular Clauses 11.05-3, 11.06, 14.01-1 & 16.02-1 which seeks to protect the State's agricultural base from the unplanned loss of productive agricultural land, as it will potentially remove land from primary production and impact the continuation of primary production on adjacent land.***
- 2. The proposal is contrary to the Local Planning Policy Framework, in particular Clauses 21.01-2, 21.02, 21.03 & 21.04-3, which seek to protect agricultural land, by discouraging use and development that is inconsistent with agricultural activities and the development of dwellings on small lots in rural areas.***
- 3. The proposal does not satisfy the objectives and decision guidelines of the Farming Zone, in particular, it does not provide any justification for the need for a dwelling based on any agricultural activities conducted on the land, and has the potential to lead to the loss of productive agricultural land and a proliferation of dwellings in the surrounding area.***

Carried

4.1.4 Planning Application to Amend Planning Permit P12-128 to Alter the Work Authority

Directorate	Assets and Amenity
Unit	Development
Senior Manager	Greg Anders, Director Assets and Amenity
Responsible Manager	Tim Waller, Development Manager
Responsible Team Leader and Author	Leigh Page, Acting Planning Team Leader
File References	P12-128
Relevant Policies & Legislative Frameworks	Golden Plains Planning Scheme Planning and Environment Act 1987
Proposal Summary	Brief summary of application
Land Address	<ul style="list-style-type: none"> ▪ Lot 5 on Title Plan 809823 (80 Carrs Road, Rokewood) ▪ Lot 2 on Title Plan 861589 (Main Street, Corindhap)
Applicant	Robert McKerry
Zone & Overlay Summary	<ul style="list-style-type: none"> ▪ Farming Zone ▪ Significant Landscape Overlay – Schedule 4
Attachments	<ul style="list-style-type: none"> 8. P12-128 Copy of amended excavation sequence plan 9. P12-128 Copy of amended stockpile plan 10. P12-128 Copy of amended work plan 11. P12-128 Copy of objection 12. P12-128 Copy of stockpile photos

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 and author, I have no disclosable interests in this report.

Purpose

The application seeks to amend the previously approved planning permit P12-128 to allow changes to the endorsed extraction process. The draft work plan has been endorsed by the Department of State Development, Business and Innovation (now Department of Economic Development, Jobs, Transport and Resources) under Section 77TD(1) of the Mineral Resources (Sustainability Development) Act 1990 (MRSDA).

The application was advertised to surrounding land owners and occupiers and as a result one objection has been received.

Due to the receipt of an objection, the application has been referred to the Planning Committee for consideration.

Proposal

The amended application proposes to amend the planning permit to:

- Provide for new storage locations for topsoil as shown on submitted plans
- Outline the requirements to remove materials from the site for further processing, as shown within the submitted work plan
- Show temporary storage areas for the 'wash material' before it is removed from the site, shown on submitted plans.
- Alteration to the excavation methodology to increase the size of the segments located within each of the columns, shown in the work plan.

There are no proposed alterations to the boundary of the previously approved extraction area.

Site Description

The subject land is located within the Farming Zone. The township of Corindhap is located to the north west side of the site and contains a number of dwellings located within close proximity to the subject site.

The extraction area extends across two titles on both the northern and southern side of Colac Ballarat Road, Corindhap. The land to be used for extraction has a total area of 3.75 hectares.

History

This amended application was requested by Council following the investigation of a complaint made by the owners of an adjoining property. The complaint was the owner/operator was not operating within the currently approved planning permit and neighbouring properties were experiencing a range of amenity impacts as a result.

An onsite meeting was conducted between Council Officers, the operator, and the then Department of Primary Industries (now Department of Economic Development, Jobs, Transport and Resources).

It was advised at this meeting by the operator that as a result of a Work Safe inspection and audit, the operation did not meet the standards of Work Safe and the licensee was instructed to alter the work procedures to bring the mine into accordance with safe working procedures. This required an alteration to the way that the excavation works are carried out and would increase the size to the individual excavation columns and segments. Each excavation segment would be approximately 50 metres wide representing a large increase in the size of the exposed mining area from the previous work plan (refer attachment 8 copy of amended excavation sequence plan).

Given the alterations to the excavation operations, small topsoil stockpiles were required to be positioned onsite. Two large topsoil stockpiles are located on the north lot, one towards the south west corner and one to the north west corner with approximately 10 smaller topsoil stock piles located in areas towards the west side of the lot as shown on the submitted plan (refer 92 copy of amended stockpile plan). The south lot has a large topsoil stockpile located towards the west boundary and approximately four small stockpiles as shown on the submitted plan.

It is also proposed to remove 'wash' material from the site to extract gold. This wash material was therefore required to be temporarily stockpiled onsite (refer attachment 9) and requires a variation to the work plan to allow this. The amended plan submitted shows the northern worksite stockpile area to be located towards the south west corner of the lot, outside of the 20 metre buffer from the Colac-Ballarat Road. This stock pile is to be no greater than 30 metres x 10 metres and 2 metres high. The stockpile for the southern worksite is a small stock pile located in the north west corner of the lot, outside the 20 metre buffer from the Colac-Ballarat Road.

The amended work plan (refer attachment 10 copy of amended work plan) also outlines the process for the removal of the wash material from the site for processing. The amounts to be removed from site are minimal and will not be returned to the site once processed. The applicant has received written confirmation from Council that the planning permit was not required to be amended to remove a small amount of material from the site or for the minimal truck movements from the site to transport the material. Any more than 2 truck movements from the site in one week would be deemed to significantly increase the traffic movements around the site and will require an amendment to the planning permit to consider traffic control measures.

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 to the same properties as undertaken in the original planning application P12-128. This notification was sent to adjoining land owners and occupiers within 1km of the site.

Summary of Objections

One objection has been received relating to the proposal (refer attachment 11 copy of submission). This objector objected to the original planning permit and is located to the east of the site. The grounds for objection are summarized as follows:

- The operators disregard for the original planning permit and work plan
- Operating outside of designated hours
- No dust controls
- Working within the buffer areas
- Noise levels
- Dirt piles being over the 2 metres in height
- Visual impact
- Extraction method has been altered before the application to amend was submitted.
- No community engagement
- Contamination issues

Subsequent meetings have been conducted between the applicant, the objector, and Council representatives to lessen any impacts of the operation on the adjoining lands. This is discussed later in this report.

Golden Plains Planning Scheme

State Planning Policy Framework (SPPF)

Clause 13.04-1 Noise Abatement

This clause aims to assist the control of noise effects on sensitive land uses.

Clause 13.04-2 Air Quality

The principal objective of this Clause is to assist with the protection and improvement of air quality.

Clause 14.03 Resource exploration and extraction

The key objective of this policy is to encourage exploration and extraction of natural resources in accordance with acceptable environmental standards and to provide a planning approval process that is consistent with the relevant legislation.

Clause 15.03 Heritage conservation

This policy seeks to ensure the conservation of places of heritage significance. Of particular relevance to this application, a key strategy of this policy seeks to provide for the protection of natural heritage sites and retain elements that contribute to the importance of the heritage place.

Local Planning Policy Framework (LPPF)

Clause 21.06-1 Heritage

The key objective of this policy is to protect, maintain and enhance heritage areas and features in private and public ownership.

Zone and Overlay Provisions

Clause 35.07 Farming Zone

The purpose of the zone is:

- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The permit was triggered under Clause 35.07-1 and 35.07-4 of the Farming Zone for the use and development of land for the purposes of Mineral Extraction. As per the previous application, an application to amend the planning permit is required to amend the previously issued planning permit.

The proposed alteration will not alter the use or the development of the land, this proposal will only alter the way the operation is conducted.

Clause 42.03 Significant Landscape Overlay (Schedule 4)

As per the previous planning application this schedule to the overlay relates to the Corindhap Avenue of Honour. This Avenue of Honour is of social and historical significance to the Golden Plains Shire as a site for community commemoration and a landscape feature.

This is an important Avenue of Honour and the proposed changes contained within the planning permit will not alter the buffer distances as required in the original planning permit.

General Provisions

Clause 52.08 Earth and Energy Resource Industry

The purpose of this Clause is:

- To encourage land to be used and developed for exploration and extraction of earth and energy resources in accordance with acceptable environmental standards.
- To ensure that mineral extraction, geothermal energy extraction, greenhouse gas sequestration and petroleum extraction are not prohibited land uses.
- To ensure that planning controls for the use and development of land for the exploration and extraction of earth and energy resources are consistent with other legislation governing these land uses.

Clause 65 Decision Guidelines

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.

Clause 65 requires Council to consider the decision guidelines as set out above for all use and development applications. The proposal is considered to be consistent with both the State and Local Planning Policy Framework, including the Municipal Strategic Statement and relevant zoning provisions.

The proposed amendment will not alter the work plan area or buffer distances to any nearby dwellings. The proposal will alter the visual impact as the operator is required to create large pits in the ground and store the excavated material in stock piles in areas on the site. These stockpiles should not exceed 2 metres in height as per the submitted plans for endorsement and should not create any detrimental visual impacts. Once each excavation section has been

examined and any gold removed, the pits will then be back filled with this excavated material. There will be no long term visual effects created as a result of the amended application.

Discussion

The majority of the issues outlined in the objection received are not being altered from the original planning permit as a result of this amended planning application.

Dust

As per the original planning application, there is potential for dust to be generated by the use of the land. The condition in the previous planning permit requires the relevant standards for dust emissions as contained within the State Environment Protection Policy (Air Quality Management) and in accordance with the Environmental Protection Authorities requirements, remain in the amended planning permit.

Hours of operation

To date no complaints have been received relating to the operations being conducted on-site outside of the hours outlined in the planning permit.

Buffer Areas

The proposed amendment will not alter the buffer areas as required in the original planning permit. No excavation works are to be conducted within this 20 metre buffer area.

Noise

There will be no alteration to the condition relating to noise. It will be required to comply with the State Environment Protection Policy Interim Guidelines for the Control of Noise in Country Victoria (N3/89).

Height of Stockpiles

The height stockpiles on-site will not be altered within the amended work plan. The amended stamped work plan requires that the stockpiles be no greater than 2 metres in height.

Visual Impact

As mentioned previously in this report, as part of the alterations to the work plan, the size of the stock piles located on-site will be larger than initially approved. The height of the amended stock piles is to remain at being no greater than 2 metres and will be strategically scattered towards the western boundary of the site (refer attachment 12).

It is acknowledged that the size of the stockpiles will create a visual impact to the adjoining land owners to the east of the site. Once each area has been searched, these stockpiles will be used to fill in the excavated areas and rehabilitate the site.

Contamination

There will be no alterations to the proposal that will impact on the contamination of the site.

General Issues

It is noted that the operator of the gold mine was previously operating outside the bounds of the previous planning permit. As outlined earlier, as part of a Work Safe inspection and audit of the operation, the gold mine was deemed to be in breach of safe working practices and was required to be brought into accordance with the Work Safes standards. The operator has then applied to the Department of Economic Development, Jobs, Transport and Resources (previously Department of State Development, Business and Innovation), for an amended Mining Licence and work plan, this has then been approved by the Department in September 2014. The operator has advised that they were unaware that they were also required to amend the previously approved planning permit.

The Department of Economic Development, Jobs, Transport and Resources have advised that two compliance audits were conducted last year, one of which has just recently been completed. It was found that the operator was complying with the current work plan and licence conditions.

Community engagement is part of the mining licence process as conducted through the Department, and not the planning permit process. Council's notification process is the process for community consultation through the planning stage.

Council will be working with the Department of Economic Development, Jobs, Transport and Resources to ensure that gold mine continues to operate in accordance with the approved mining licence, work plan, and approved planning permit.

A Planning Infringement Notice has been issued to the operator of the site for breaches of the original planning permit. Numerous site inspections and audits have been conducted onsite to ensure operation are in accordance with the current endorsed work plan, however this is not in accordance with the current planning permit.

Council understands that the new onsite practices create ongoing visual impacts given the original proposal outlined that each small excavation hole would be filled in once it was searched. The original process proposed fairly minor visual impacts on the surrounding areas, but the process of excavation would be lengthy and the landscape impacted over a greater length of time. The new excavation process creates a more significant visual impact as the stockpiles are larger and will remain visible for a longer period of time. However, this process shortens the lifespan of the mine exponentially with the land being rehabilitated within a shorter period of time.

It should be acknowledged the efforts of the operator to reduce impacts of the gold mine on the owners to the east of the site. Due to discussions with Council officers arising from complaints to the operations onsite, the operator has relocated the excavation operations to the southern site for the warmer tourist months and will relocate to the north site during the winter period to complete the excavation works.

Given this site is within Farming Zone, properties in close proximity to the site should expect some form of farming activity onsite. Normal farming practices such as plowing and cropping create noise from trucks and tractors as well as dust emanating from the site. In this instance a framework of conditions will ensure that impacts are monitored and addressed where appropriate.

Clause 14.03 of the planning scheme, which is a State Planning Policy, requires that Council should encourage exploration and extraction of natural resources. This policy supports all forms of mineral extraction. The requirements of this policy along with the requirements of the Department of Economic Development, Jobs, Transport and Resources help to ensure that mining operations are supported and are conducted in a manner that significantly reduces any impacts on adjoining and surrounding lands.

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, social, or environmental implications.

Conclusion

In conclusion, it is considered that the proposed amendment to the mineral extraction use and development complies with the relevant policies within the Golden Plains Planning Scheme and should be supported. The application is not considered to cause material detriment to any person.

Given the increase in size of the excavation areas due to the Work Safe compliant practices, the mining timeframes have reduced considerably.

Recommendation

That the Planning Committee resolves to issue a Notice of Decision to Amend a Permit for the use and development of land for mineral extraction (gold) at 80 Carrs Road, Rokewood (Lot 5 on Title Plan 809823) and Main Street, Corrindhap (Lot 2 on Title Plan 861589), subject to the following amendments:

- ***Endorse new excavation sequence plan V2.0***
- ***Endorse new wash and topsoil stockpiles plan.***
- ***Endorse new workplan as approved by the Department of Economic Development, Jobs, Transport and Resources.***

Moved Crs Vaughan/Hansford

That the Planning Committee suspend standing orders to hear a submission.

Carried

It was recorded that Standing Orders were suspended at 11.36am to allow Mark Kendall to address the Planning Committee.

Moved Kirby/Blake

That the Planning Committee resume standing orders.

Carried

It was recorded that Standing Orders resumed at 11.43am.

Moved Crs Hansford/Vaughan

That the Planning Committee resolves to issue a Notice of Decision to Amend a Permit for the use and development of land for mineral extraction (gold) at 80 Carrs Road, Rokewood (Lot 5 on Title Plan 809823) and Main Street, Corrindhap (Lot 2 on Title Plan 861589), subject to the following amendments:

- ***Endorse new excavation sequence plan V2.0***
- ***Endorse new wash and topsoil stockpiles plan.***
- ***Endorse new workplan as approved by the Department of Economic Development, Jobs, Transport and Resources.***

Carried

5. OTHER BUSINESS

Nil

6. ATTACHMENTS

Attachment 1	Item 4.1.1	Amendment documents
Attachment 2	Item 4.1.1	Submission responses
Attachment 3	Item 4.1.2	P14-105 Copy of application and plans.
Attachment 4	Item 4.1.2	P14-105 Locality map.
Attachment 5	Item 4.1.2	P14-105 Copy of objections.
Attachment 6	Item 4.1.3	P14-247 Copy of application and plans
Attachment 7	Item 4.1.3	P14-247 Locality map
Attachment 8	Item 4.1.4	P12-128 Copy of amended excavation sequence plan
Attachment 9	Item 4.1.4	P12-128 Copy of amended stockpile plan
Attachment 10	Item 4.1.4	P12-128 Copy of amended work plan
Attachment 11	Item 4.1.4	P12-128 Copy of objection
Attachment 12	Item 4.1.4	P12-128 Copy of stockpile photos

Attachments are available upon request.

7. DATE OF NEXT MEETING

To be advised.

8. CLOSE OF MEETING

The meeting closed at 11.55 am.

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