

Combined Amendment C185 to the Ballarat Planning Scheme & Environmental Protection Agency 'Works Approval' associated with the Proposed Central Victorian Livestock Exchange.

Sunraysia Highway, Miners Rest

Statement of Town Planning Evidence prepared by Stuart McGurn

June 2015

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INTRODUCTION

1. My name is Stuart Andrew McGurn and I am a Partner of the firm Environmental Resources Management Australia Pty Ltd (ERM) that conducts its business at Level 3, Tower 3, 18-38 Siddeley Street, Docklands. My qualifications and experience are described in **Appendix A**.
2. I have been requested by Harwood Andrews Lawyers, on behalf of 'RLX Investment Company Pty Ltd' to prepare a town planning assessment of proposed Amendment C185 to the Ballarat Planning Scheme which seeks to facilitate future approvals associated with the establishment of a regional livestock exchange on 45 hectares of land adjoining the Sunraysia Highway to the south west of Miners Rest township.
3. Amendment C185 has been prepared by the City of Ballarat at the request of RLX Investment Company Pty Ltd. The Amendment proposes to rezone the subject land from the Farming Zone (FZ) to Special Use Zone 15 (SUZ15) '*Central Victoria Livestock Exchange*', which is a new schedule that will require the preparation of further documentation, and approval of a Development Plan before use and development of the land for a 'saleyard' can commence.
4. Simultaneous with the Planning Scheme Amendment a 'Works Approval' Application has been made to the Environment Protection Authority (EPA). Given the interrelated nature of these matters they are to be considered concurrently by the Panel, however I note that matters relating to the 'Works Approval' are outside of my expertise and are not addressed in my statement.
5. In the course of preparing this evidence I have inspected the subject site and its environs and have reviewed the proposal with reference to the Ballarat Planning Scheme, and in relation to the context of the surrounding area. In addition, I have read the Planning Officer report of 10 December 2014 and 22 April 2015, and submissions lodged by third parties and referral authorities. Given the highly technical reports accompanying the Amendment my assessment of town planning and policy matters is informed by the expert reports and statements prepared on behalf of RLX Investment Company Pty Ltd.
6. A summary of my opinions with respect to the proposal is as follows:
 - **The proposed rezoning of the land to the Special Use Zone 15 has a sound strategic basis and is consistent with the State and Local Planning Policy Framework of the Ballarat Planning Scheme;**
 - **The conditions of the land are suitable for the future use and development of a Regional Livestock Exchange (saleyard) subject to the preparation of further detailed plans and reports required to approve a Development Plan under the Special Use Zone;**

- **The Amendment (subject to the minor modifications I have recommended at paragraph 82 of my report) makes appropriate use of the Victorian Planning Provisions and is consistent with Planning Practice Note 6 *'Strategic Assessment Guidelines for Preparing and Evaluating Planning Scheme Amendments'*.**
7. I declare that I have made all the enquiries that I believe are desirable and appropriate and that no matters of significance which I regard as relevant have, to my knowledge, been withheld from the Panel.

SUBJECT SITE AND SURROUNDS

8. The subject site comprises four parcels of land with a total area of 45 hectares located on the Sunraysia Highway, approximately 10.5 km north west from the centre of Ballarat. The land sits at the junction of the Sunraysia Highway and Western Highway, approximately 1.3 kilometres south-west of Miners Rest.
9. The land is presently fenced and used for open grazing. No buildings or structures exist on the site. Vegetation has generally been highly modified, except for a small cluster of trees in the central north east area of the site (0.1 hectares of remnant vegetation 'Plains Grassy Woodland' EVC) and an isolated 'remnant' tree in the south-east of the site.
10. The land slopes from the south-east to the north-west and has a fall of approximately 15 metres. The western boundary of the site is part of a floodplain, while the land is also located in proximity to two Declared Water Support Catchments and within a Water Supply Protection area.
11. The site is bounded by the Sunraysia Highway to the north and east, and the Western Highway to the south. To the west, the site abuts grazing land.
12. Beyond the highways to the north and east land also generally comprises grazing. A disused quarry is located to the east and Ballarat Airfield is located approximately 2.5km to the south-east.
13. The nearest residential property is 386 metres away. Farming Zoned land to the north east (in between the township and the Sunraysia Highway) appears to have been subdivided to smaller rural lots, but not developed with dwellings. Residentially zoned areas in Miners Rest are located approximately 520 metres to the north east of the subject site.

AMENDMENT C185 TO THE BALLARAT PLANNING SCHEME

14. The Amendment proposes to rezone the land in order to co-ordinate a future approvals process for the relocation of the Central Victorian Livestock Exchange ('Ballarat Saleyards') from its current location in Latrobe Street, Ballarat, to the proposed site at the north-west outskirts of Ballarat.
15. In particular the Planning Scheme amendment proposes:
 - To rezone the land from the Farming Zone to the Special Use Zone (Schedule 15);
 - Introduce the new Schedule SUZ15 'Central Victoria Livestock Exchange' to the Scheme; and
 - Introduce an Incorporated Document '*Central Victoria Livestock Exchange, Ballarat December, 2014*' in the Schedule to **Clause 81.01** and by way of reference in the schedule to **Clause 52.03** 'Specific Sites and Exclusions'.
16. The proposed Special Use Zone 15 (SUZ15) schedule to **Clause 37.01** has the purpose:
 - *To provide for the use and development of the land as a livestock exchange (saleyard) facility and ancillary facilities as part of the Central Victoria Livestock Exchange project.*
 - *To provide for the use and development of the land in accordance with the Incorporated Document entitled '*Central Victoria Livestock Exchange, Ballarat August 2014*'.*
17. The Schedule to the Zone includes use of the land for the purposes of a 'saleyard' as a 'Section 1' ('Permit Not Required') use, subject to the requirement for preparation and approval of a 'Development Plan' including various detailed plans and reports. It is proposed that once a Development Plan is approved, no planning permit would be required for the use and development of the land for the proposed 'Regional Livestock Exchange' and further, that use and development that meets the requirements of the schedule be approved without need for further public consultation. A copy of the proposed zone and schedule is contained at **Appendix B**.
18. The Incorporated Document has been drafted to '*allow[ing] certain activities as identified in this Incorporated Document to be undertaken in association with a saleyard on the affected land as permitted under Special Use Zone 15 without having to comply with certain particular provisions contained in the scheme*' including '*Clause 52.05 advertising signs*', '*Clause 52.06 car parking*' '*Clause 52.07 loading and unloading of vehicles*', '*Clause 52.17 native vegetation*', '*Clause 52.29 Land Adjacent to a road zone....*'. A copy of the proposed incorporated document is contained at **Appendix C**

19. An extensive range of material has been prepared in support of the proposed Planning Scheme Amendment and Works Approval. These documents form the background to the Amendment and provide a picture of the future use and development of the land for a future saleyard. Key elements of the proposal are:
- A purpose built livestock marketing and selling complex which will accommodate 78,000 cattle and 1.5 million sheep annually including weekly 'prime' cattle sales, weekly sheep sales, and monthly 'store' cattle sales.
 - Approximately 27,145 m² of 'roofed', and 13,081 m² of 'external' sheep yards;
 - Approximately 9,050 m² of 'roofed', and 4,080 m² of 'external' cattle yards;
 - Office and administrative buildings covering approximately 1,400 m²;
 - A maintenance and hay shed;
 - Approximately 3,800 m² of truck parking area as well as a truck wash down area for up to 4 trucks;
 - A car parking area of approximately 8,750 m² (comprising a formal area of 6,250 m² and a grassed overflow area of 2,500 m²);
 - A rain water storage dam; and
 - A series of water treatment ponds designed to capture and treat wastewater generated by various sources.
20. The balance of the site will be used as irrigated grazing land.
21. The saleyards are expected to cater for 17 staff, 48 agent personnel, 6 livestock contractors, 12 drovers, and up to 100 patrons on peak event days. It is proposed that the facility be accessed 24 hours, seven days a week and will include night lighting and security recording (CCTV).

BALLARAT PLANNING SCHEME

ZONING AND OVERLAY CONTROLS

22. The subject site is currently located within the Farming Zone (FZ) but is not affected by any Overlay Controls. A copy of the Farming Zone is contained at **Appendix D**.
23. The purposes of the Farming Zone at **Clause 35.07** are:
 - *'To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *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.'*
24. Under the provisions of the zone a permit is required to use land for a 'saleyard' as well as for buildings and works associated with a 'section 2' (permit required) use.
25. 'Saleyard' is defined at **Clause 74** 'Land Use Terms' as *'Land used to hold, sell, and buy farm animals'*.
26. The surrounding Highway land to the north, east and south is contained in the Road Zone Category 1, while beyond this, as well as to the west, land is generally contained in the Farming Zone. The nearest residentially zoned land is land to the north east which is contained in the General Residential Zone.

GENERAL AND PARTICULAR PROVISIONS

27. A range of General and Particular Provisions would usually be relevant to future land use and development considered under the Development Plan. However, the proposed Incorporated Plan (prepared as part of the Amendment) will exempt certain use and development from requiring further approval. The potential range of further approvals are:
- **Clause 52.03** 'Specific Sites and Exclusions'.
 - **Clause 52.05** 'Advertising Signs'.
 - **Clause 52.06** 'Car Parking'.
 - **Clause 52.07** 'Loading and Unloading of Vehicles'.
 - **Clause 52.17** 'Native Vegetation'.
 - **Clause 52.29** 'Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road'.
 - **Clause 52.26** 'Cattle Feedlot'.

STATE PLANNING POLICIES

28. Policies within the State Planning Policy Framework which are of relevance to the proposal are as follows:
- **Clause 10.04** 'Integrated Decision Making' - The need to integrate the range of policies relevant to the issues to be determined and to balance conflicting objectives in favour of 'net community benefit' and sustainable development.
 - **Clause 11** 'Settlement' seeks to '*anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure*'.
 - The site is located in the 'Central Highland Regional Growth Plan' area. **Clause 11.06** 'Central Highlands regional growth' includes the objective '*to strengthen the region's economy so that it is more diversified and resilient*' and includes the strategy to '*facilitate economic development opportunities based on the emerging and existing strengths of the region*' (**Clause 11.06-2**).
 - **Clause 11.06-7** 'Environmental assets' includes the strategy to '*manage, protect and enhance the region's land, soil, water and biodiversity*' and includes the strategy to '*minimise impacts from development on water catchments*'.

- **Clause 11.06-8** 'Agricultural productivity' seeks to 'support long-term agricultural productivity' and includes the strategies:
 - 'To support rural economies to grow and diversify and protect key agricultural assets from incompatible uses.
 - Support the ongoing viability of agriculture by identifying land for primary production and agriculture, including intensive agriculture'.
- **Clause 12.01-1** 'Protection of biodiversity' seeks to 'assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites'.
- **Clause 13.02-1** 'Floodplain management' seeks amongst other things to 'assist the protection of.....Life, property and community infrastructure from flood hazard.
- **Clause 13.04-1** 'Noise abatement' seeks to 'assist the control of noise effects on sensitive land uses'.
- **Clause 13.04-2** 'Air quality' seeks to 'assist the protection and improvement of air quality'.
- **Clause 14.01-2** 'Sustainable agricultural land use' includes the strategy to 'Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.'
- **Clause 14.02-1** 'Catchment planning and management' seeks to 'assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.'
- **Clause 14.02-2** 'Water Quality' includes the strategies (amongst others) to:
 - 'Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.
 - Discourage incompatible land use activities in areas subject to flooding, severe soil degradation, groundwater salinity or geotechnical hazards where the land cannot be sustainably managed to ensure minimum impact on downstream water quality or flow volumes.'
- **Clause 15** 'Built Environment and Heritage' states that planning 'should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value'.

- **Clause 17** 'Economic Development' states that planning '*is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.*'
- **Clause 18.01-1** 'Land Use and Transport Planning' seeks to '*create a safe and sustainable transport system by integrating land-use and transport*'.
- **Clause 18.02-5** 'Car Parking' seeks to '*ensure an adequate supply of car parking that is appropriately designed and located*'.
- Strategies of **Clause 18.01-2** 'Transport system' include to '*ensure careful selection of sites for freight generating facilities to minimise associated operational and transport impacts to other urban development and transport networks*'.
- **Clause 19.03-5** 'Waste and resource recovery' seeks to '*avoid, minimise and generate less waste to reduce damage to the environment caused by waste, pollution, land degradation and unsustainable waste practice*'.

MUNICIPAL STRATEGIC STATEMENT

29. The Municipal Strategic Statement (MSS) sets out the strategic directions for the municipality at **Clause 21** of the Ballarat Planning Scheme. The 'Municipal Overview' at **Clause 21.01** identifies that '*Ballarat is in a key strategic position at the centre of some of Victoria's most important freight, tourist and commuter transport routes.*'
30. **Clause 21.02** 'Key Issues' identifies the following relevant issues facing Ballarat municipality:
 - '*Rural land use issues include: the importance of agriculture to the local and regional economy; protecting natural resources and productive land of the rural areas; preventing the fragmentation of agricultural land; and maintaining an appropriate supply of rural living land.*'
 - '*Liveability issues include: using planning to minimise land use conflict; separating incompatible land uses; and creating a safe environment in which to live and work.*'
 - '*Water issues include: the long term availability of potable water; downstream water quality; the impacts of vegetation clearance on water supply and quality; and stormwater management.*'
 - '*Floodplain management issues include: the environmental benefits of flooding; conflicting pressures on the use of floodplains; pressure on floodplain areas by urban expansion; private flood mitigation measures; and risk to life and property.*'

- *Land capability issues include: the importance of primary production; encouraging sustainable land management practices; protecting productive agricultural land; managing degraded land; on-site effluent disposal; and appropriate rural lot sizes.*
 - *Road issues include: the importance of good road access; the creation of a south-west bypass road; and providing for increased vehicle movement on existing roads.*
 - *Infrastructure use issues include maximising the use of existing public infrastructure.'*
31. **Clause 21.04** 'Strategic Framework Plan' identifies the site as being 'rural' bounded by highways/freeways on three sides beyond which is more rural land except for land south of the Western Highway which is identified as 'long term industrial growth'.
32. **Clause 21.04** 'Land Uses' outlines a number of objectives relevant to housing, industrial and rural land uses. Of relevance are the following:
- *'Encourage new industrial development to take locational advantage of the transport and distribution opportunities provided by the Western Freeway, Western link Road, Ballarat Aerodrome, and rail services.'*
 - *'To support agriculture as an important element of the City's economic and employment base.'*
 - *'Support diversification of farming activities which support a sustainable agricultural economy.'*
 - *'Provide for agricultural value adding industries within the City in locations where appropriate services are available.'*
33. **Clause 21.05** 'Built Form and Amenity' provides the following relevant objectives and strategies:
- *'Improve the visual quality of major transport routes in recognition of their role in influencing the perception of residents and visitors, through such measures as signage consolidation and landscaping.'*
 - *'Require that visual improvements be made to existing sites at major city entrances where planning approval is sought for buildings and works on the land.'*
 - *'Improve the visual appearance of existing industrial areas at major entrances to the City in accordance with the Ballarat Entrances Strategy.'*
34. **Clause 21.06** 'Environment' addresses catchment management, water, floodplain management, and flora and fauna issues. With regard to water, **Clause 21.06-2** provides the following strategies:

- *'Ensure that new land use and development does not have a detrimental effect on rural flows and the natural conditions of waterways.'*
 - *'Prevent land use and development that requires on-site effluent disposal on land affected by shallow groundwater tables.'*
 - *'Include measures on development sites to intercept stormwater, runoff and pollutants before they enter the drainage system including undercarriage cleansing facilities for vehicles leaving the site and sediment control measures.'*
 - *'Incorporate current best practice urban stormwater design elements within new development to limit stormwater run-off, following the lead provided by Melbourne Water and the Environment Protection Authority and through the implementation of the Ballarat Stormwater Management Plan.'*
35. **Clause 21.06-3 'Floodplain Management'** includes the following strategies *'Prevent inappropriate development and works within flood prone areas that will impact on flood flow, water quality and river health.'*
36. **Clause 21.07 'Infrastructure'** states that *'Roads, drainage, reticulated sewerage and water, telephone, electricity and gas distribution networks infrastructure represent a significant public investment. It is essential that a full return is received on that investment by maximising its usage. Development must also be planned in a way which protects existing infrastructure and recognises that existing infrastructure has a limited capacity'*.
37. **Clause 21.08 'Local Areas'** states the following in relation to Miners Rest:
- 'Miners Rest is a small settlement to the north of the Ballarat urban area. It has been designated as a short to medium term residential growth area and it is projected that, with constraints on development such as the Western Highway by-pass, flood prone land and the airport flight paths the township has the capacity to accommodate a total of 970 lots (or an additional 2000 people).'*
38. This Clause includes the Miners Rest Outline Development Plan, prepared by Wilson Sayer Core Pty Ltd in March 1994.

REFERENCE DOCUMENTS

39. The following are relevant reference documents:
- *Central Highlands Regional Growth Plan (Victorian Government, 2014).*
 - *State Environment Protection Policy (Waters of Victoria).*
 - *State Environment Protection Policy (Air Quality Management).*
 - *Ballarat Stormwater Management Plan (City of Ballarat, 2010).*
 - *Miners Rest ODP (Wilson Sayer Core, March 1994).*

ASSESSMENT

40. The driver of this Planning Scheme Amendment proposal is the intended relocation of the existing Ballarat Saleyards to the subject land adjoining Sunraysia Highway, approximately 1 kilometre south of Miners Rest.
41. My instructions are that in general terms the existing saleyards (in Latrobe Street, Ballarat) are old and 'outdated', and do not meet acceptable modern standards for animal welfare, workplace health and safety, technological requirements and environmental management. Further, the location of the yards in close proximity to existing residential properties in Central Ballarat also raises offsite amenity issues associated with heavy vehicle movements, effluent management, and noise impacts on the local community.
42. Accordingly, I am instructed that it would be cost prohibitive as well as impractical to upgrade the existing facilities on the available existing land to meet operational and environmental expectations. As such it is proposed that the operations be relocated to a new purpose built facility.
43. The proposed site, in particular because of its proximity to Ballarat (and central to the wider agricultural region), as well adjoining two major Highways, and its separation from urban areas is ideally located for this purpose.
44. Putting aside the matter of the relocation I note that a planning permit application could be made to use and develop the subject land for a 'saleyard' under the existing Farming Zone. In that instance, the information required to seek the relevant approval, and the considerations would be substantially the same as the material prepared in support of the rezoning, save for additional final details of design and management.
45. Notwithstanding this, RLX Investment Company Pty Ltd have sought to rezone the land to put in place an approvals process for a future proposal to use and develop the land for the Livestock Exchange.
46. In undertaking my assessment of this proposal I have given consideration to the following key questions:
 - **Is there a sound strategic basis for the Amendment and future use and development of a regional livestock exchange (saleyard) and does it support and implement the State and Local Planning Policy Framework?**
 - **What are the relevant environmental considerations of the proposed Amendment?**
 - **Will the proposed future use and development of a regional livestock exchange (saleyard) unreasonably affect the amenity of the area?**

- Are there any other matters of relevance to the proposed Amendment having regard to the 'Strategic Assessment Guidelines for Preparing and Evaluating Planning Scheme Amendments' (Planning Practice Note 6)?

47. I address each of these questions in turn as follows.

Is there a sound strategic basis for the Amendment and future use and development of a regional livestock exchange (saleyard) and does it support and implement the State and Local Planning Policy Framework?

48. In general terms I consider that the proposed Planning Scheme Amendment is a sound strategic proposition that 'flags' the future use and development of the land for a 'saleyard'. As I have noted, a permit for the ultimate proposed use and development could be sought under the existing 'Farming Zone' and in this sense the Amendment is not necessarily 'required'. However I consider that there is merit in rezoning the land in a manner which contemplates the future purpose and sets a 'framework' for its approval, particularly given the size and significance of the intended land use.
49. At a State Policy level, Ballarat is identified as a 'Regional City' and the main centre for regional growth, services and employment within the Central Highlands area at **Clause 11.06**. In the 2011 Census, Ballarat was the third largest centre of population after Melbourne and Geelong. It is also located in relatively close proximity to Metropolitan Melbourne, and is well located in terms of access from surrounding rural townships and localities including Victoria's 'Western District'.
50. The proposal provides the opportunity to replace the existing central saleyards with 'state-of-the-art' facilities which will support the long term role of Ballarat in the Central Victorian livestock industry. The Local Planning Policy Framework gives particular encouragement for agricultural activities which support the Ballarat economy and wider agricultural sector (**Clause 21.04**).
51. To this end I consider that the proposed saleyards are a matter of Regional (and potentially State) significance given the role in the agricultural industry in the Region (and in Victoria generally). In recognition of this, I consider that it is appropriate to provide a future approvals framework through the Special Use Zone Schedule 15. In particular I consider that this will provide a level of certainty regarding future use and development whilst allowing more detailed aspects of the proposal to be finalised at a later date.
52. In terms of the particular site the land is appropriately located to accommodate the proposed use given its location adjoining two major Highways and surrounded by land located in the Farming Zone. These effectively provide a 'buffer' to more sensitive uses, thereby minimising the likelihood of future conflicting land uses. Within the Industrial Framework Plan at **Clause 21.04** land to the south of the Western Freeway in proximity to

the subject land is nominated as 'Long Term Industrial Growth' and this outcome would be compatible with the proposed use.

53. The site is also well located to maximise the use of existing road infrastructure, in accordance with **Clauses 18, 21.04 and 21.07**. In particular, it is well located with respect to the Western Freeway, to take advantage of the transport and distribution advantages supporting **Clause 21.04**. The high volume of freight movements associated with the proposed use will be able to enter and exit the State Highway network without unreasonably affecting other urban development and transport networks, in accordance with **Clause 18**.
54. Given the location of the site on a major transport route on the approach to Ballarat the Local Planning Policy at **Clause 21.05** seeks to improve the visual quality of such locations. In response, the proposed draft landscape masterplan includes tree planting along the Western Highway and Sunraysia Highway boundaries which will assist in screening the development and contribute to the visual amenity of the area. I am instructed that Mr Steve Schutt of Hansen Partnership will provide evidence in relation this matter.
55. I note that some concern has been raised about the future growth of Miners Rest and the impact of the proposed rezoning. However, Planning Scheme Amendment C127 to the Ballarat Planning Scheme sought (amongst other components) in 2010 to identify parts of Miners Rest as areas for future residential development. The Panel Report (October 2010), stated that:

'We have formed the view that there is no strategic justification to identify any additional residential or industrial land in Miners Rest at this time...'
56. As such the Amendment was finally abandoned. Accordingly, I am not aware of future plans for the expansion of Miners Rest which would bring sensitive uses closer to the proposed saleyards. Further, I note that those areas originally contemplated for residential expansion as part of Amendment C127 comprised land generally to the north and east of Miners Rest, and not in proximity to the subject land. Additionally the 'Miners Rest Preferred Development Pattern' plan comprising part of the Amendment indicated that the north east of the Highway junction (in proximity to the site) was proposed industrial zoned land, while land north of the Sunraysia Highway is constrained by flooding and was not earmarked for rezoning.
57. The remaining policy considerations largely go to environmental matters and whether the particular characteristics of the site are appropriate for the future land use and development contemplated. While I do not consider it necessary to resolve such matters to the final degree at this stage, it is nonetheless important that the rezoning of the land and the provision of a future approvals process is fundamentally 'sound'. That is, the suitability of the land needs to be reasonably 'tested' to ensure that acceptable outcomes can be achieved in the future.

58. Obviously, such outcomes should not be advanced where there is an unreasonable detrimental impact on the amenity of surrounding uses. However I am satisfied, relying on the evidence of experts in these particular matters and the opinion and recommendations of the relevant referral authorities, that the proposal will not unreasonably affect the amenity of the surrounding area.
59. I have summarised these matters in the following sections of my statement, and am satisfied that there are no significant impediments to the establishment of the future use and development on the land, subject to particular design and operational requirements which would be borne out through approval of the Development Plan in any case.
60. Finally, as I have noted I am instructed that the current Ballarat saleyards are outdated and inappropriately located, and 'fall short' of modern requirements regarding operational safety, transport access, animal welfare and environmental operations.
61. Given this, there are in my view clear benefits to be derived from the relocation of the existing saleyards away from Central Ballarat and inevitably this goes to achieving a 'net community benefit'. In particular I make this observation given that:
- The land use will be more appropriately located within a rural area and potentially surrounded by future industrial uses.
 - There will be an improved situation for residents in close proximity of existing facility.
 - The provision of the facility adjoining key freight routes will reduce the need for heavy vehicle traffic to traverse areas of Central Ballarat.
 - The facility will remain in proximity to Ballarat continuing to support the Region.
 - The facility is proposed to be constructed to contemporary standards, thereby:
 - providing benefits for workers in terms of operational conditions and occupational health and safety;
 - reducing amenity impacts on established sensitive uses in Central Ballarat;
 - improving animal welfare;
 - providing improved overall environmental outcomes through capture and reuse of water and the appropriate treatment of waste; and

- remaining operationally 'relevant' in an increasingly sophisticated and nationalised industry.
62. Having regard to the above I am satisfied that the rezoning of the land and associated introduction of an Incorporated Document proposed by Amendment C185 is appropriate having regard to the State and Local Planning Policy Framework of the Ballarat Planning Scheme.

What are the relevant environmental considerations of the proposed Amendment?

63. The State and Local Planning Policy Framework outlines extensive environmental objectives for the future use and development of land. The majority of the subject land is highly modified as a result of past disturbances which have included cattle grazing, hay cutting and fertilizer application. Small areas of remnant native vegetation (and a single native tree) are not proposed to be removed as part of future development.
64. In terms of potential environmental impacts, the proposal is supported by a number of technical assessments relating to environmental and amenity matters. These inform both the Planning Scheme Amendment, and the requirements of the EPA in respect of the Works Approval.
65. Reports advanced on behalf of RLX Investment Limited in support of the Amendment include:
- A flora and fauna assessment prepared by Biosis which indicates that there are no species of significance present which would mitigate against the proposed amendment. A final flora and fauna assessment is required to be undertaken in preparation and approval of a Development Plan and I am instructed that a report has been prepared in relation to the potential for 'bird strike' to be an interference to the operation of the nearby Ballarat Airfield, approximately 2.5 km to the south east of the subject land.
 - An Aboriginal Cultural Heritage Management Plan (CHMP) was prepared and includes recommendations for future management of three heritage sites within the subject land. The requirements of Clause 2.0 of the Special Use Zone indicate that a Development Plan must be consistent with any approved Cultural Heritage Management Plan under the '*Aboriginal Heritage Act 2006*'.
 - A Servicing Investigation Assessment which identified that there was no particular barrier to the proposed future use and development.
 - An Odour assessment prepared by 'The Odour Unit', which concludes that the proposal will comply with the relevant requirements of 'State Environmental Protection Policy (Air Quality Management). I am also

instructed that Dr Iain Cowan of ERM will provide evidence on potential odour impacts.

- A 'Stormwater Investigation Report' and a 'Water Cycle Management' prepared by Geolyse which concludes that adequate water supply can be achieved through a combination of roof and surface water harvesting, and top up supplies from the reticulated potable supply. This report details that an on-site wetland system is proposed to control peak discharge and volume flows.
 - A Noise Assessment prepared by Marshall Day Acoustics which concludes that the proposal will comply with the relevant noise criteria. Additional acoustic work has also been undertaken by acoustic consultants SLR.
 - An 'On-site Effluent Disposal Assessment' prepared by Douglas Partners, which concludes that the site is suitable for the disposal of effluent, subject to resolution of a number of detailed issues.
 - A Traffic and Car Parking Assessment prepared by Traffix Group.
 - A Memorandum in relation to the economic impact of the proposal prepared by Deep End Services.
 - An agronomy and water cycle management report prepared by Ag-Challenge Consulting Pty Ltd which concludes that the irrigation proposal is sustainable on the land.
66. Based on the conclusions of these studies, I am satisfied that the proposal will be capable of minimising environmental impacts to an acceptable level and meet the relevant policy objectives of **Clauses 11.06-7, 13.02-1, 13.04-1, 13.04-2, 14.02-1, Clause 15 and Clause 21.06**. While, areas of the site are prone to flooding the submitted material indicates that none of the operational components will be located within these areas and that consideration of the potential impacts of flooding have been made and deemed to be acceptable (subject to some qualification by the relevant water authorities).
67. Further I note that in each instance final technical assessments are required to be undertaken in preparation and approval of reports in support of a Development Plan. Through the process of exhibition and submission to Amendment C185 (and the Council's resolved position), these are now proposed to be subject to review by the relevant 'referral' authorities who are to be given notice during the approval of the Development Plan.
68. Given the highly specialised nature of these matters, this would appear to be the appropriate course of action. The proposed Special Use Zone Schedule could be (as suggested by Council) modified to indicate that notice is required to those specified parties, with any comments or recommended conditions to be considered in determining to approve a Development Plan. This should

also be addressed through the schedule to the 'notice and referral provisions' at **Clause 66.06**.

Will the proposal result in unreasonable impacts on amenity of the surrounding area?

69. Obviously, there is a degree of overlap between the environmental considerations I have identified in the preceding section of my report, and the potential for adverse amenity impacts to be generated by the future use and development of the land.
70. I make the following observations in relation to the potential impacts associated with the proposed future use and development, noting that these are to be contemplated finally in relation to approval of the Development Plan under the Special Use Zone.
71. The nearest residential property is located approximately 386 metres to the east from the subject land and the nearest residentially zoned areas are located approximately 520 metres to the north east. By contrast, in the existing conditions the use is located within 230 metres of the nearest residential property.

Odour

72. Given the nature of the future use and development there is a potential for surrounding land to be affected by odour impacts. The sheer scale of the facility requires specific and detailed contemplation of this matter. To this end I note that the rezoning request was accompanied by a report prepared by 'The Odour Unit' and is the subject of a peer review in the expert statement prepared by Dr Iain Cowan of ERM. In short, these reports conclude that potential odour impacts associated with the facility will not cause unreasonable impacts on residential uses.

Noise

73. The main noise impacts associated with the facility are those associated with truck movements on local road networks, or while loading on site, as well as those associated with the potential number of livestock to be present. The facility includes extensive roofed areas for livestock where they will be housed in preparation for sale days, as well as outdoor yards, and regular grazing paddocks around the perimeter of the facility.
74. It is anticipated that the facility will also have a 24 hour operation, given the timeframes involved with getting livestock 'into' and 'out of' the facility.
75. An acoustic assessment of the proposal was undertaken by Marshall Day Acoustics based on existing background noise levels and projecting noise

impacts based on other similar facilities. The acoustic assessment concluded that the proposal would not result in unreasonable impacts on the surrounding area. Further, I am instructed that Mr Jim Antonopoulos of SLR consulting Australia Pty Ltd has undertaken a peer review of the Marshall Day acoustic works and will provide expert evidence in relation to this matter. Recommendations relating to implementation of any amelioration techniques could be suitably 'bedded down' through the Approval of a Development Plan when the final details of the facility have been resolved.

Traffic

76. The site is ideally located at the junction of two major regional Highways and is surrounded on three sides by the Highways. To this end it is exceptionally well located to contain traffic movements to key freight routes and minimise the use of local streets and roads. I note that the potential for increased truck traffic has been a significant concern for residents in the Miners Rest Township.
77. One of the proposed Development Plan requirements is the preparation of a Traffic Management Plan. I am instructed that this will include a truck management plan which will identify truck routes that minimise impacts on townships. Further from this material I note, that in the case of the existing saleyards, heavy vehicles (utilising routes to the north of Ballarat) travel through Miners Rest to get to the existing saleyards
78. At a strategic level and having regard to the potential heavy traffic movements associated with a facility of this nature the characteristics of the site would seem to be ideal for freight access. To this end the proposed relocation of the saleyards affords the opportunity to impose the requirement for a traffic management plan which specifies designated commercial vehicle routes to the site in ordinary circumstances.

Other Potential Amenity Impacts

79. In other respects I make the following observations regarding potential future amenity impacts:
 - Contaminated stormwater must not be discharged beyond the boundary of the premises and must be properly collected and disposed of meeting requirements of the EPA.
 - Potentially hazardous chemicals and wastes must be stored in accordance with EPA guidelines.
 - Car parking provision has been made to provide on site parking for the majority of sale day events. In the event that overflow parking is required, I am instructed that this can be accommodated to the north-east of the

carpark as nominated on the 'Revised Conceptual Site Layout' plan (revision M).

- Dedicated areas are proposed for storage, truck circulation and truck wash bays, containing potential impacts associated with such heavy vehicles to the subject site.
- External lighting (given 24 hour operations) should be designed and sited to avoid light spill beyond the boundaries of the property.
- Standard 'amenity' conditions could be included in any Development Plan approval, noting that there is a requirement for a 'summary' document of 'consolidated conditions and requirements' which will bring together technical reports and operational conditions.
- An 'Operations and Environmental Management Plan' is required to be submitted as part of the approval of the Development Plan. This is required to include matters such as hours of operation, ongoing management and mitigation measures for noise attenuation, waste storage and disposal, odour and dust attenuation, lighting and the like.
- Visual impacts associated with the sizable facility are acceptable given that they are typical of the types of utilitarian structures associated with rural uses (albeit on a far larger scale) and that they are of a low scale and therefore only anticipated to be visible in close proximity to the subject land. Further, the surrounding area is not identified as having any particular landscape significance and is presently open and largely devoid of vegetation. Further, I note the requirement for a landscape plan to be prepared for submission and approval at the time of the preparation of the Development Plan.

Are there any other matters of relevance to the proposed Amendment having regard to the 'Strategic Assessment Guidelines for Preparing and Evaluating Planning Scheme Amendments' (Planning Practice Note 6)?

80. As I have identified I consider that the proposed Special Use Zone 15 has a sound strategic basis and is appropriate given the nature of the proposed future use and development and the significance of this particular facility. The Special Use Zone is an appropriate zoning control which has been specifically tailored for the subject site.

81. To this end I consider that it makes appropriate use of the Victorian Planning Provisions. In summary I make the following remaining observations regarding the proposed Amendment:

- The amendment is consistent with the objectives of planning in Victoria and has given adequate consideration of potential environmental impacts associated with the rezoning.

- The proposed rezoning will not cause any greater conflict with surrounding remaining Farming Zone land given that potential impacts are assessed through the approval of the Development Plan (and through advancement of the zoning). Further, the Zone is relatively 'narrow' in its focus - i.e. prohibits 'accommodation' and a wide range of other uses that would potentially conflict with the saleyard and the purposes of the Farming Zone.
 - Given the conditions of the land and the policy context I do not consider that there are any other planning scheme controls (such as overlays or particular provisions) which should accompany the proposed rezoning, save for reference to the proposed authority notice provisions through the schedule to **Clause 66.06** as I have noted below.
 - The use of an Incorporated Document (and associated identification through **Clause 53.02** and **Clause 81.01**) is an appropriate outcome and recognises the significant and wide ranging work which is required to be undertaken in preparation and approval of a Development Plan prior to the commencement of the future land use.
 - The proposed rezoning of the land has no broader implications for potential bushfire risk.
 - The amendment complies with the Ministerial Direction on the form and content of Planning Schemes (section 7(5) of the Planning and Environment Act).
 - The amendment has no broader implications for the Transport Integration Act 2010.
 - Provision is made to enable consideration of alternative use and development prior to preparation of a Development Plan if required.
82. I also make some further detailed observations regarding the content of the proposed zone and incorporated document:
- The Special Use Zone 15 should include an additional clause specifying the notice required to be undertaken to Vic Roads, Central Highlands Water, Southern Rural Water and the Environment Protection Agency ('the authorities').
 - The additional 'notice' clause should expressly exempt a Development Plan which is generally in accordance with the Concept Plan at Section 8.0 of the Schedule from public notice.
 - The proposed SUZ15 notice requirements to Vic Roads, Central Highlands Water, Southern Rural Water and the Environment Protection Agency ('the

authorities') should be included in the schedule to **Clause 66.06** '*Notice of permit applications under local provisions*'.

- Notwithstanding my general support for the Incorporated Document I consider that it could be clarified by simply stating that the listed clauses do not apply to the use and development of land for a Saleyard in accordance with an approved Development Plan under the SUZ15. To this end, the 'introduction' to the Incorporated Document is also somewhat confusing.
 - Additionally, the 'expiry provision' in the Incorporated Document appears to be incorrect in referring to extensions to be sought '*at least 3 months before the Approval date*'.
 - Within the SUZ 'Requirement for Development Plan' a statement should be added indicating that '*An application may be made to amend an approved Development Plan and must have regard to the Requirements of the Zone Schedule and subject to the Decision Guidelines at Clause 6.0*' (or similar).
83. Subject to the above I consider that the proposed Amendment makes proper use of the Victorian Planning Provisions and has given adequate consideration of the matters required in the '*Strategic Assessment Guidelines for Preparing and Evaluating Planning Scheme Amendments*' (Planning Practice Note 6).

CONCLUSION

84. In conclusion I am of the opinion that:

- The proposed rezoning of the land to the Special Use Zone 15 has a sound strategic basis and is consistent with the State and Local Planning Policy Framework of the Ballarat Planning Scheme;
- The conditions of the land are suitable for the future use and development of a Regional Livestock Exchange (saleyard) subject to the preparation of further detailed reports as required in preparation and approval of a Development Plan under the Special Use Zone;
- The Amendment (subject to the minor modifications I have recommended at paragraph 82 of my report) makes appropriate use of the Victorian Planning Provisions and is consistent with Planning Practice Note 6 *'Strategic Assessment Guidelines for Preparing and Evaluating Planning Scheme Amendments'*.



Environmental Resources Management Australia Pty Ltd

May 2015

Appendix A

Statement of Qualifications

STATEMENT OF QUALIFICATIONS AND EXPERTISE

NAME AND ADDRESS

Stuart Andrew McGurn
Environmental Resources Management Australia Pty Ltd
Level 3, Tower 3 (WTC)
18-38 Siddeley Street
DOCKLANDS VIC 3005

QUALIFICATIONS

- Bachelor of Arts 1984
- Graduate Diploma Urban Planning 1986

PROFESSIONAL EXPERIENCE

- Current Position Partner, Environmental Resources Management Australia Pty Ltd
- 1998 - 2010 Director, Fulcrum Town Planners Pty Ltd
- 1986 - 1998: Town Planner in local government – Cities of Broadmeadows and Melbourne, including role as Principal Planner – City of Melbourne

AREA OF EXPERTISE

- Statutory planning for local and state government on a range of residential, commercial and industrial issues.
- Consulting advice to a wide range of commercial and local government clients addressing the management of urban development and the statutory planning process.
- Extensive planning advice to architects, project managers and other professionals involved in a range of projects and the built form and visual impact issues associated with the development of land.

EXPERTISE TO PREPARE THIS REPORT

Professional qualifications and expertise in town planning both in the public and private sectors.

INSTRUCTIONS WHICH DEFINED THE SCOPE OF THE REPORT

My instructions required me to undertake a town planning assessment of Planning Scheme Amendment C185 with respect to the land adjoining the

Sunraysia Highway, Miners Rest. In so doing, I have relied upon those matters set down below.

FACTS, MATTERS AND ASSUMPTIONS RELIED UPON

I have relied upon the following in the preparation of this report:

- Inspection of the subject land and environs.
- Review of the Ballarat Planning Scheme.
- Review of Ballarat Planning Scheme Amendment C185 documentation and supporting documents.
- Review of the relevant strategic policy documents as noted in my statement

DOCUMENTS TAKEN INTO ACCOUNT

Relevant documents are described above.

IDENTITY OF PERSONS UNDERTAKING THE WORK

Stuart McGurn assisted by Christina McRae, Principal Planner.

SUMMARY OF OPINIONS

A summary of my opinions in relation to this matter is included at paragraph no. 6 of my evidence.

I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.



Stuart McGurn
Environmental Resources Management Australia Pty Ltd

Appendix B

Proposed Special Use Zone 15 (SUZ15)

Clause 37.01

37.0119/01/2006
VC37**SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ** with a number.

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To recognise or provide for the use and development of land for specific purposes as identified in a schedule in this zone.

37.01-119/01/2006
VC37**Table of uses****Section 1 - Permit not required**

USE	CONDITION
Any use in Section 1 of the schedule to this zone	Must comply with any condition in Section 1 of the schedule to this zone

Section 2 - Permit required

USE	CONDITION
Any use in Section 2 of the schedule to this zone	Must comply with any condition in Section 2 of the schedule to this zone.

Any other use not in Section 1 or 3 of the schedule to this zone

Section 3 - Prohibited

USE
Any use in Section 3 of the schedule to this zone

37.01-219/01/2006
VC37**Use of land**

Any requirement in the schedule to this zone must be met.

Application requirements

An application to use land must be accompanied by any information specified in the schedule to this zone.

Exemption from notice and review

The schedule to this zone may specify that an application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Decision guidelines

Before deciding on an application, 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.
- Any guidelines in the schedule to this zone.

37.01-3
19/01/2006
VC37

Subdivision

Permit requirement

A permit is required to subdivide land.

Any requirement in the schedule to this zone must be met.

Application requirements

An application to subdivide land must be accompanied by any information specified in the schedule to this zone.

Exemption from notice and review

The schedule to this zone may specify that an application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Decision guidelines

Before deciding on an application, 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.
- Any guidelines in the schedule to this zone.

37.01-4
19/01/2006
VC37

Buildings and works

Permit requirement

A permit is required to construct a building or construct or carry out works unless the schedule to this zone specifies otherwise.

Any requirement in the schedule to this zone must be met.

Application requirements

An application to construct a building or construct or carry out works must be accompanied by any information specified in the schedule to this zone.

Exemption from notice and review

The schedule to this zone may specify that an application is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

Decision guidelines

Before deciding on an application, 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.
- Any guidelines in the schedule to this zone.

37.01-5

19/01/2006
VC37

Advertising signs

Advertising sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.

Notes:

Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

--/20--
C185**SCHEDULE 15 TO THE SPECIAL USE ZONE**Shown on the planning scheme map as **SUZ15**.**CENTRAL VICTORIA LIVESTOCK EXCHANGE****Purpose**

To provide for the use and development of the land as a livestock exchange (saleyard) facility and ancillary facilities as part of the Central Victoria Livestock Exchange project.

To provide for the use and development of the land in accordance with the Incorporated Document entitled 'Central Victoria Livestock Exchange, Ballarat August 2014'.

1.0**Table of uses**--/20--
C185**Section 1 - Permit not required**

Use	Condition
Agriculture (other than Animal keeping, Animal training, Apiculture, Intensive animal husbandry, Rice growing and Timber production)	
Minor utility installation	
Office	Must be in accordance with an approved Development Plan.
Primary produce sales	Must not be within 100 metres of a dwelling in separate ownership. The area used for the display and sale of primary produce must not exceed 50 square metres.
Saleyard	Must be in accordance with an approved Development Plan
Any use listed in Clause 62.01	Must meet requirements of Clause 62.01

Section 2 - Permit required

Use	Condition
Carpark	
Caretaker's house	Must be in conjunction with a saleyard..
Convenience restaurant	Must be in conjunction with a saleyard.
Convenience shop	Must be in conjunction with a saleyard.
Education centre (other than Primary school and Secondary school)	Must be associated with agriculture.
Function centre	
Hall	
Intensive animal husbandry (other than Broiler farm)	
Market	

Research and development centre	Must be associated with agriculture.
Restricted place of assembly	
Rural industry (other than Abattoir and Sawmill)	
Rural store	Must be used in conjunction with Agriculture. Must be in a building, not a dwelling and have a gross floor area of less than 100 square metres. Must be the only Rural store on the lot.
Renewable energy facility (other than Wind energy facility)	Must meet the requirements of Clause 52.42.
Take away food premises	Must be in conjunction with a saleyard.
Utility installation	
Any other use not in Section 1 or 3	

Section 3 - Prohibited

Use

Abattoir
Animal training (other than Racing dog training)
Art and craft centre
Accommodation (other than Caretaker's house)
Animal keeping
Apiculture
Broiler farm
Brothel
Cemetery
Child care centre
Cinema based entertainment facility
Crematorium
Display Home
Industry (other than Research and development centre and Rural industry)
Freeway service centre
Funeral parlour
Helicopter landing site
Home occupation
Hospital
Leisure and recreation
Nightclub
Place of assembly (other than Function centre, Hall and Restricted place of assembly)
Pleasure boat facility
Primary school
Wind energy facility
Racing dog training
Retail premises (other than Convenience restaurant, Take away food premises, Market, Primary produce sales and Convenience shop)
Rice growing
Secondary school
Service centre
Timber production
Tramway
Transport terminal

Warehouse (other than Rural store)**Winery**

2.0--/20--
C185**Use and development of land for a saleyard**

The use of the land for the Central Victoria Livestock Exchange may include a saleyard and associated access ways, car parking, drainage infrastructure, and ancillary amenities and services for staff and patrons including, but not limited to, offices and food and drink premises.

The use of the land must be in accordance with a Development Plan approved under this Schedule.

Requirement for Development Plan

A Development Plan for the use of the land for the Central Victoria Livestock Exchange must be prepared, submitted and endorsed to the satisfaction of the responsible authority.

Only one Development Plan may be approved for the land covered by this Schedule.

The Development Plan must be consistent with any Works Approval or other approval / licence required under the *Environment Protection Act 1970*. The Development Plan may be amended to the satisfaction of the responsible authority.

The Development Plan may consist of plans or other documents.

The Development Plan must be consistent with any approved Cultural Heritage Management Plan under the *Aboriginal Heritage Act 2006*.

The Development Plan must be generally in accordance with the Concept Plan in Section 8.0 of this Schedule.

The Development Plan must include the following to the satisfaction of the responsible authority:

An **Existing Conditions Plan** that includes:

- The boundaries and dimensions of the land;
- Adjoining roads;
- The location, height and purpose of buildings and works on adjoining land;
- Relevant ground levels; and
- The location and quality of any existing vegetation.

A **Site Layout Plan** drawn to scale showing:

- The layout of proposed buildings and works including building setbacks from boundaries, finished floor levels, and an indicative internal layout for each building;
- Elevations, showing the dimensions, colours and materials of all buildings and works;
- Driveways, vehicle parking areas, car parking spaces, and loading and unloading areas;
- Finished site levels and the location of any proposed cut and fill;
- Removal or protection of any existing vegetation;
- Any proposed advertising signage; and
- External storage and waste treatment areas.

A **Landscaping Master Plan** which shows:

- The proposed landscaping requirements of the land;
- Details and locations of the vegetation species to be planted;
- The number of trees and surface treatments;

- A written description of the timing and management requirements of all landscaped areas; and
- A detailed description of any areas to be used as native vegetation removal offset areas.

A **Vegetation Management Plan** which includes:

- Details of the nature and extent of native vegetation on the land;
- A schedule or plan identifying which native vegetation is to be removed and which native vegetation is to be retained; and
- The requirements necessary to protect and conserve native vegetation, to reduce the impact of land and water degradation and provide habitat for plants and animals-

The Vegetation Management Plan must specify any requirements that must be observed as part of the removal of any native vegetation and must address the following objectives:

- To avoid the removal of native vegetation where practicable;
- If the removal of native vegetation is not practicable, to minimise the removal of native vegetation through appropriate planning and design; and
- To consider whether any offset is appropriate and the form of such offset.

A **Car Parking and Traffic Management Plan** that explains and details:

- The likely traffic generation and impacts of the proposed use and development on the surrounding road network;
- How access to a road in a Road Zone Category 1 is to be addressed.
- Vehicle access points;
- The location and treatment of circulation areas, driveways and other accessways within the land;
- The location, layout, treatment and maintenance of all vehicle parking areas and loading and unloading areas;
- The minimum number of car parking spaces to be provided on the land;
- A truck management plan that identifies heavy vehicle truck routes which minimise impacts on townships and peripheral housing to the extent practicable, including driver induction protocols;
- Carparking provision and maintenance;
- Loading and unloading arrangements;
- Traffic management including external intersection and internal road design; and
- A Traffic Impact Assessment Report to the satisfaction of VicRoads.

A **Flood Investigation** that includes:

- A *Flood Study/Hydraulic Analysis* which is to be prepared by a suitably qualified and experienced engineer. The plans are to include the extent of flooding in a 1% AEP (1:100 year) flood event for pre-development and post-development conditions.

An investigation of the post-development conditions must be undertaken by a suitably qualified engineer and must employ best practice methods (to the satisfaction of the Glenelg Hopkins Catchment Management Authority) for flood estimation. This review may be subject to an independent peer review at the cost of the applicant.

- A *Flood Risk Report* that must consider the following:
 - The State Planning Policy Framework and the Local Planning Policy Framework.
 - The existing use and proposed development of the land.
 - Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside the identified flood extent.

- The susceptibility of the development to flooding and flood damage.
- The potential flood risk to life, health and safety associated with the development.
- Flood risk factors to consider include:
 - The frequency, duration, extent, depth and velocity of flooding of the land and access way.
 - The flood warning time available.
 - The danger to the occupants of the development, other floodplain residents and emergency personnel if the land or access way is flooded.
- The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities. No loss of floodplain storage will be permitted as part of any development.
- The effects of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.
- This report must be completed to the satisfaction of the Glenelg Hopkins Catchment Management Authority.
- *A Drainage Report* that:
 - Identifies waterways, major flood paths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by stormwater and overland flooding.
 - Provides for the collection, treatment and disposal of stormwater runoff that reflects best practice such as the provision of water detention basins and water quality treatment wetlands within the open space and bio-retention systems within the local street network.
 - Ensures a design philosophy of ‘zero adverse impacts’ to surrounding areas for up to and including the 1% AEP flood event.
 - Details any short and long term maintenance requirements and responsibilities for the wetlands, detention basins and aesthetic lakes; Identifies any other elements or issues to assist long-term management of these systems.
 - Provides for the design of overflow paths for a 1 in 100 year flood event.
 - Identifies measures to improve stormwater quality before it is discharged downstream, including details of design to ensure that floating debris is removed, such as the installation of litter and gross pollutant traps to the satisfaction of the responsible authority.
 - Details of the construction procedures and practices to ensure there is no unreasonable off-site impact to stormwater quality during the construction phase.
 - The measures to be undertaken for the management and control of erosion and silt discharged beyond the land during the construction phase of the development.

The responsible authority may accept an alternative report dealing with the drainage and flood issues if the report is to the satisfaction of the responsible authority.

A **Stormwater Management Plan** including design detail to ensure that flooding is not increased and that there is no deterioration in water quality in the area surrounding the site as a result of the development, including retarding basins, floodways, and wetlands as mitigation measures. It should identify any sites where levels are required to be raised, and the location of retarding basins required at different stages of development.

The Stormwater Management Plan must take into account any relevant report prepared by the Glenelg Hopkins Catchment Management Authority in 2013.

An **Operations and Environmental Management Plan** which includes:

- A Construction Management Plan;

- How any land not required for immediate use is to be maintained;
- Hours of operation of the facility;
- Implementation of best practice Environmentally Sustainable Design principles in the use and development of the land;
- Anticipated stocking rate of cattle and sheep;
- All ongoing management, monitoring, reporting and mitigation measures required to satisfy all relevant environmental legislation requirements, including but not limited to the following:
 - Noise attenuation including public address;
 - Storage and disposal of waste;
 - Onsite water management;
 - Odour attenuation;
 - Dust attenuation;
 - Lighting of the land and measures to minimise light spill and glare from the land.
- Having regard to the above, any requirements that must be observed as part of the use of the land for the purposes for a Saleyard.
- Any other matters as required by the responsible authority

Consolidated conditions and requirements

A consolidated **schedule of conditions and requirements** that must be observed by the use and development of the land for the purpose of Saleyards as informed by the various plans referred to in this clause 2.0.

3.0 Subdivision

--/20--
C185

A permit is required to subdivide land.

4.0 Buildings and works

--/20--
C185

A permit is required to construct or carry out buildings or works associated with a use outlined in Section 2 of Clause 1.0 of this Schedule.

5.0 Application requirements

--/20--
C185

An application for a use of land in Section 2 of Clause 1.0 of this Schedule or an application to construct a building or construct or carry out works associated with a use outlined in Section 2 of Clause 1.0 of this Schedule must not prejudice the implementation of the use and development described in any approved development and be accompanied by the following information, as appropriate:

A plan drawn to scale which shows:

- The boundaries and dimensions of the land;
- The location, height and purpose of buildings and works on adjoining land;
- Relevant ground levels;
- The layout of existing and proposed buildings and works;
- All existing and proposed driveway, car parking and loading areas;
- Proposed and existing landscape areas;
- All external storage and waste treatment areas;

- Areas not required for immediate use;
- Elevation drawings to scale showing the colour and materials of all buildings and works;
- Construction details of all drainage works, driveways, vehicle parking and loading areas; and
- Any other matters as required by the responsible authority

6.0 Decision guidelines

--/20--
C185

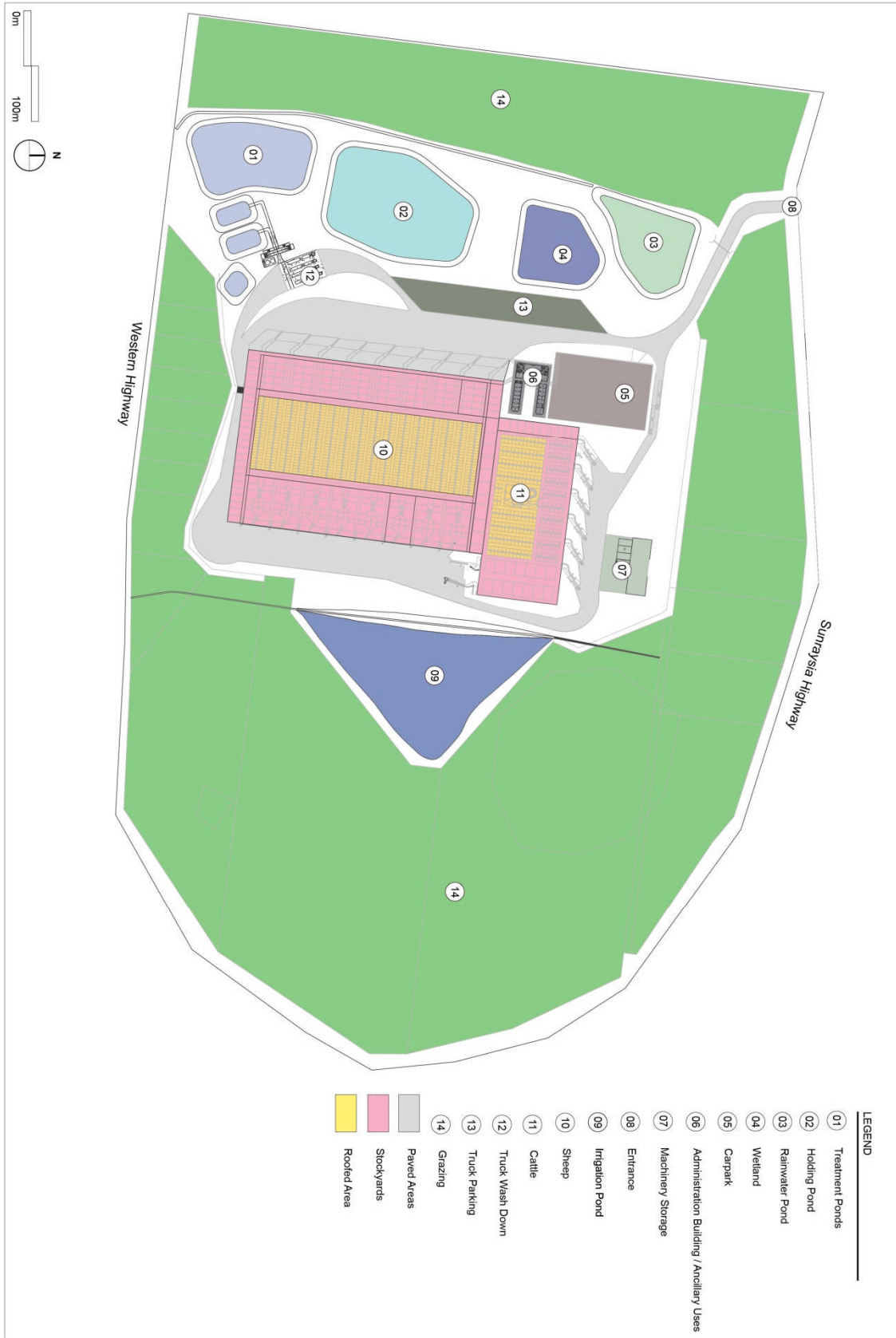
Before deciding on an application for a use outlined in Section 2 of Clause 1.0 of the Schedule or to develop or subdivide the land, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The approved Development Plan for the land and whether the application would prejudice the implementation of that plan;
- The cumulative impact on amenity of the proposed use or development having regard to the use and development approved under the Development Plan;
- The interface with adjoining land;
- The interim use of those parts of the land not required for the proposed use;
- The drainage of the land;
- The availability of and connection to services;
- The location and type of access to the land;
- The effect of traffic to be generated on roads;
- Provision for car parking;
- Provision for loading and unloading of vehicles;
- The storage of rubbish and materials for recycling; and
- Provision made for vegetation protection and landscaping.

7.0

Concept Plan

--/20--
C185



Appendix C

Proposed 'Incorporated Document
'Central Victoria Livestock Exchange,
Ballarat December 2014'

BALLARAT PLANNING SCHEME

INCORPORATED DOCUMENT

'Central Victoria Livestock Exchange, Ballarat December 2014'

This document is an Incorporated Document in the Planning Scheme pursuant to Section 6(2)(j) of the Planning and Environmental Act 1987.

INTRODUCTION:

This document is an Incorporated Document in the Schedule to clause 52.03 of the Ballarat Planning Scheme (the Scheme). It is also listed in the Schedule to clause 81.01 of the Scheme.

This Incorporated Document has the effect of allowing certain activities as identified in this Incorporated Document to be undertaken in association with a saleyard on the affected land as permitted under Special Use Zone Schedule 15 without having to comply with certain particular provisions contained within the Scheme.

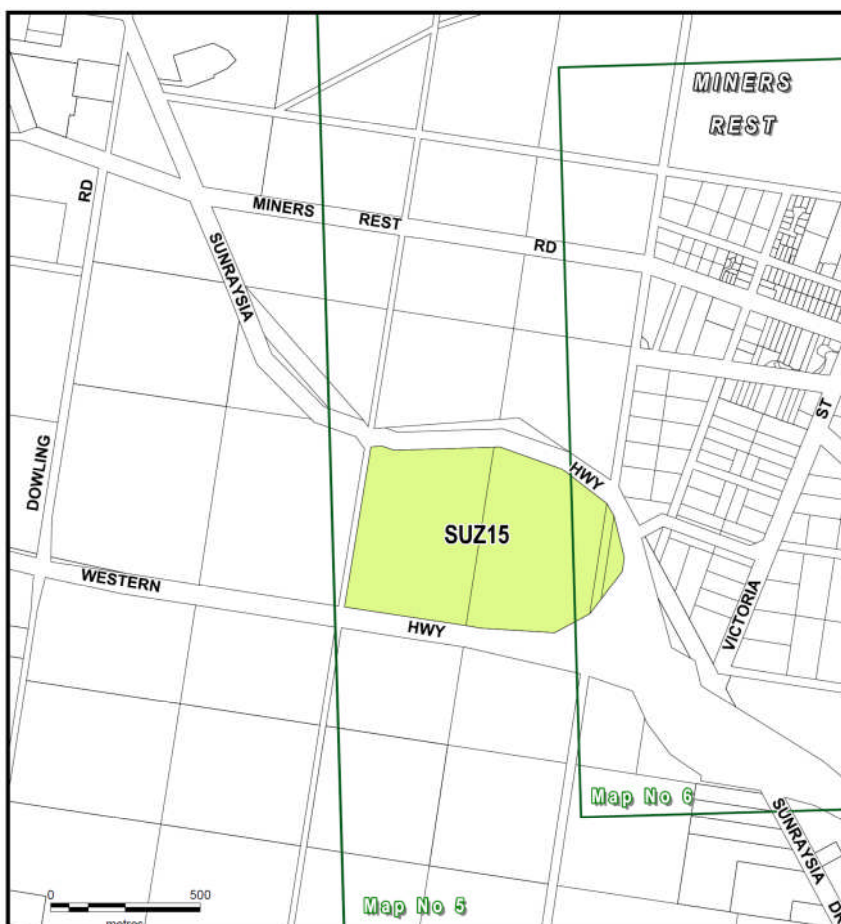
The particular provisions which would otherwise require the grant of a planning permit are to be dealt with in a development plan which is required to be approved under Schedule 15 to the Special Use Zone to the satisfaction of the responsible authority. Accordingly the exemptions under this document only extend to activities that are in accordance with a development plan approved under Special Use Zone Schedule 15.

ADDRESS OF THE LAND:

This Incorporated Document applies to the land to which the Special Use Zone Schedule 15 applies.

The land is more particularly described in the following Certificates of Title:

- Lots 1 and 2, TP840697G;
- Lot 2, PS341031L; and
- Lot 1, TP944606J.



APPLICATION OF PLANNING SCHEME PROVISIONS:

Notwithstanding the following provisions of the Scheme, namely:

- Clause 52.05 – Advertising Signs
- Clause 52.06 – Car Parking
- Clause 52.07 – Loading and Unloading of Vehicles
- Clause 52.17 – Native Vegetation
- Clause 52.29 – Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

The following activities are authorized in association with the use of the land for saleyard under the Special Use Zone Schedule 15 namely:

- Erection and display of signage;
- The provision of car parking at a rate different to that set out in clause 52.06;
- The loading and unloading of vehicles different to the requirements set out in clause 52.07;
- The removal of native vegetation; and
- The provision of new access on land adjacent to a Road Zone Category 1.

EXPIRY OF PROVISIONS

The provisions of this Incorporated Document expire if one of the following circumstances applies:

- i) The use and development of the land for saleyard is not started within three years of the date of the Approval Date.
- ii) The development of the land for saleyard is not completed within four years of the Approval Date.

The Responsible Authority may extend the period referred to if a request is made in writing at least 3 months before the Approval Date.

END OF DOCUMENT

Appendix D

Existing Farming Zone - Schedule 1 (FZ1)

Clause 35.07

35.07**FARMING ZONE**05/09/2013
VC103

Shown on the planning scheme map as **FZ** with a number (if shown).

Purpose

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

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.

35.07-1**Table of uses**05/09/2013
VC103**Section 1 – Permit not required**

Use	Condition
Agriculture (other than Animal keeping, Apiculture, Intensive animal husbandry, Rice growing and Timber production)	
Animal keeping (other than Animal boarding)	Must be no more than 5 animals.
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Cattle feedlot	Must meet the requirements of Clause 52.26. The total number of cattle to be housed in the cattle feedlot must be 1000 or less. The site must be located outside a special water supply catchment under the Catchment and Land Protection Act 1994. The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.
Dependent person's unit	Must be the only dependent person's unit on the lot. Must meet the requirements of Clause 35.07-2.
Dwelling (other than Bed and breakfast)	Must be the only dwelling on the lot. The lot must be at least the area specified in a schedule to this zone. If no area is specified, the lot must be at least 40 hectares. Must meet the requirements of Clause 35.07-2.

Use	Condition
<p>Home occupation</p> <p>Informal outdoor recreation</p> <p>Minor utility installation</p>	
<p>Primary produce sales</p>	<p>Must not be within 100 metres of a dwelling in separate ownership.</p> <p>The area used for the display and sale of primary produce must not exceed 50 square metres.</p>
<p>Railway</p>	
<p>Rural industry (other than Abattoir and Sawmill)</p>	<p>Must not have a gross floor area more than 200 square metres.</p> <p>Must not be within 100 metres of a dwelling in separate ownership.</p> <p>Must not be a purpose shown with a Note 1 or Note 2 in the table to Clause 52.10.</p> <p>The land must be at least the following distances from land (not a road) which is in a residential zone or Rural Living Zone:</p> <ul style="list-style-type: none"> ▪ The threshold distance, for a purpose listed in the table to Clause 52.10. ▪ 30 metres, for a purpose not listed in the table to Clause 52.10.
<p>Rural store</p>	<p>Must be used in conjunction with Agriculture.</p> <p>Must be in a building, not a dwelling and have a gross floor area of less than 100 square metres.</p> <p>Must be the only Rural store on the lot.</p>
<p>Timber production</p>	<p>Must meet the requirements of Clause 52.18.</p> <p>The plantation area must not exceed any area specified in a schedule to this zone. Any area specified must be at least 40 hectares.</p> <p>The total plantation area (existing and proposed) on contiguous land which was in the same ownership on or after 28 October 1993 must not exceed any scheduled area.</p> <p>The plantation must not be within 100 metres of:</p> <ul style="list-style-type: none"> ▪ Any dwelling in separate ownership. ▪ Any land zoned for residential, commercial or industrial use. ▪ Any site specified on a permit which is in force which permits a dwelling to be constructed. <p>The plantation must not be within 20 metres of a powerline whether on private or public land, except with the consent of the relevant electricity supply or distribution authority.</p>
<p>Tramway</p>	
<p>Any use listed in Clause 62.01</p>	<p>Must meet requirements of Clause 62.01.</p>

Section 2 – Permit required

Use	Condition
Abattoir	
Animal boarding	
Broiler farm	Must meet the requirements of Clause 52.31.
Camping and caravan park	
Car park	Must be used in conjunction with another use in Section 1 or 2.
Cattle feedlot – if the Section 1 condition is not met	Must meet the requirements of Clause 52.26. The site must be located outside a catchment area listed in Appendix 2 of the Victorian Code for Cattle Feedlots – August 1995.
Cemetery	
Crematorium	
Dependent person's unit – if the Section 1 condition is not met	Must meet the requirements of Clause 35.07-2.
Dwelling (other than Bed and breakfast) – if the Section 1 condition is not met	
Emergency services facility	
Freeway service centre	Must meet the requirements of Clause 52.30.
Group accommodation	
Host farm	
Industry (other than Rural industry)	
Intensive animal husbandry (other than Broiler farm and Cattle feedlot)	
Landscape gardening supplies	
Leisure and recreation (other than Informal outdoor recreation)	
Manufacturing sales	
Market	
Place of assembly (other than Amusement parlour, Night club, Carnival and Circus)	
Primary school	
Renewable energy facility (other than Wind energy facility)	Must meet the requirements of Clause 52.42.
Residential hotel	
Restaurant	
Rice growing	
Sawmill	
Secondary school	
Timber production – if the Section 1 condition is not met	Must meet the requirements of Clause 52.18.

Use	Condition
Trade supplies	
Utility installation (other than Minor utility installation and Telecommunications facility)	
Warehouse (other than Rural store)	
Wind energy facility	Must meet the requirements of Clause 52.32.
Winery	
Any other use not in Section 1 or 3	

Section 3 – Prohibited

Use
Accommodation (other than Bed and breakfast, Camping and caravan park, Dependent person's unit, Dwelling, Group accommodation, Host farm and Residential hotel)
Amusement parlour
Brothel
Child care centre
Cinema based entertainment facility
Education centre (other than Primary school and Secondary school)
Nightclub
Office
Retail premises (other than Market, Landscape gardening supplies, Manufacturing sales, Primary produce sales, Restaurant and Trade supplies)

35.07-2

19/01/2006
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Use of land for a dwelling

A lot used for a dwelling must meet the following requirements:

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
- The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.
- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

These requirements also apply to a dependent person's unit.

35.07-3

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Subdivision

A permit is required to subdivide land.

Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 40 hectares.

A permit may be granted to create smaller lots if any of the following apply:

- The subdivision is to create a lot for an existing dwelling. The subdivision must be a two lot subdivision.
- The subdivision is the re-subdivision of existing lots and the number of lots is not increased.
- The subdivision is by a public authority or utility service provider to create a lot for a utility installation.

35.07-4 Buildings and works

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A permit is required to construct or carry out any of the following:

- A building or works associated with a use in Section 2 of Clause 35.07-1. This does not apply to:
 - An alteration or extension to an existing dwelling provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
 - An out-building associated with an existing dwelling provided the floor area of the out-building is not more than the area specified in a schedule to this zone or, if no area is specified, 100 square metres. Any area specified must be more than 100 square metres.
 - An alteration or extension to an existing building used for agriculture provided the floor area of the alteration or extension is not more than the area specified in a schedule to this zone or, if no area is specified, 200 square metres. Any area specified must be more than 200 square metres. The building must not be used to keep, board, breed or train animals.
 - A rainwater tank.
- Earthworks specified in a schedule to this zone, if on land specified in a schedule.
- A building which is within any of the following setbacks:
 - The setback from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road, Category 1 specified in a schedule to this zone or, if no setback is specified, 50 metres.
 - The setback from any other road or boundary specified in a schedule to this zone.
 - The setback from a dwelling not in the same ownership specified in a schedule to this zone.
 - 100 metres from a waterway, wetlands or designated flood plain.

35.07-5 Application requirements for dwellings

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An application to use a lot for a dwelling must be accompanied by a written statement which explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.

35.07-6 Decision guidelines

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VC103

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:

General issues

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

Agricultural issues and the impacts from non-agricultural uses

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

Dwelling issues

- 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.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

Design and siting issues

- The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.

35.07-7 Advertising signs

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Advertising sign requirements are at Clause 52.05. This zone is in Category 4.

Notes: Refer to the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement, for strategies and policies which may affect the use and development of land.

Check whether an overlay also applies to the land.

Other requirements may also apply. These can be found at Particular Provisions.

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