MINUTES
SECTION 86 DEVELOPMENT ASSESSMENT
COMMITTEE MEETING

Wednesday 13 April, 2016
Council Chambers
15 Stead Street, Ballan
4.00pm

MEETING OPENING

Councillor Paul Tatchell welcomed all and opened the meeting at 4.01pm.

ATTENDANCE

Cr. Allan Comrie (Mayor)  Councillor – East Moorabool Ward  
Cr. Paul Tatchell (Chair)  Councillor – Central Moorabool Ward  
Cr. Tonia Dudzik  Councillor – East Moorabool Ward  
Mr. Robert Fillisch  Acting Manager Statutory Planning  
Mr. Mark Lovell  Senior Statutory Planner  
Ms. Victoria Mack  Statutory Planner  
Ms. Sharon Duff  Minute Taker  

APOLOGIES

Cr. David Edwards (Chair)  Councillor – East Moorabool Ward  
Mr. Satwinder Sandhu  General Manager Growth and Development  

MEETING CHAIR

In the absence of Councillor Edwards as the chair, Councillor Tatchell was nominated as interim Chair of the S86 Development Assessment Committee.

CONFIRMATION OF PREVIOUS MEETING MINUTES

Resolution:

Moved:  Cr. Dudzik  
Seconded:  Cr. Comrie  

That the Minutes of the Section 86 Development Assessment Committee for Wednesday 9 March, 2016 be confirmed as a true and correct record.  

CARRIED.

CONFLICT OF INTEREST

No conflicts of interest were declared at the meeting.
Item 4.1 Planning Permit Application PA2015 244

PA 2015 244; Buildings and Works associated with a major electricity transmission line and removal of vegetation at multiple addresses in Buninyong, Clarendon, Elaine, Navigators, Scotsburn, Warrenheip and Yendon

This application was listed to go before the S86 Development Assessment Committee on the 13 April, 2016, however it has been called in to be considered at an Ordinary Meeting of Council in accordance with the Terms of Reference.
### Item 4.2 Planning Permit Application PA2016 004

**PA2016 004; Use and Development of the Land for Minor Sports and Recreation (Model Aircraft Club) including restricted camping on site, business identification signage and vegetation removal at 374 Monteville Lane, Ballan**

<table>
<thead>
<tr>
<th>Application Summary:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit No:</td>
<td>PA2016 004</td>
</tr>
<tr>
<td>Lodgement Date:</td>
<td>21 December, 2015</td>
</tr>
<tr>
<td>Planning Officer:</td>
<td>Victoria Mack</td>
</tr>
<tr>
<td>Address of the land:</td>
<td>374 Monteville Lane, Ballan</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Use and Development of the Land for Minor Sports and Recreation (Model Aircraft Club) including restricted camping on site, business identification signage and vegetation removal.</td>
</tr>
<tr>
<td>Lot size:</td>
<td>33.21ha</td>
</tr>
</tbody>
</table>

| Why is a permit required? | Clause 35.07-1 Section 2 - Use of land for leisure and recreation (minor sports and recreation facility)  
Clause 35.07-4 Buildings and works  
Clause 35.07-7 Advertising signs  
Clause 42.01-2 Buildings and works |

<table>
<thead>
<tr>
<th>Public Consultation:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Was the application advertised?</td>
<td>Yes to neighbouring land owners and occupiers</td>
</tr>
<tr>
<td>Notices on site:</td>
<td>Yes</td>
</tr>
<tr>
<td>Notice in Moorabool Newspaper:</td>
<td>No</td>
</tr>
<tr>
<td>Number of Objections:</td>
<td>4 (Four)</td>
</tr>
<tr>
<td>Consultation meeting:</td>
<td>Yes, held on 24 February, 2016</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policy Implications:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Key Result Area</td>
<td>Enhanced Natural and Built Environment.</td>
</tr>
<tr>
<td>Objective</td>
<td>Effective and efficient land use planning and building control.</td>
</tr>
</tbody>
</table>
| Strategy             | Implement high quality, responsive, and efficient processing systems for planning and building applications  
Ensure that development is sustainable, resilient to change and respects the existing character. |

**Victorian Charter of Human Rights and Responsibilities Act 2006**

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.
Officer’s Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

Manager – Rob Fillisch

In providing this advice to Council as the Manager, I have no interests to disclose in this report.

Author – Victoria Mack

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Executive Summary:

Application Referred? | Yes
---|---
Any issues raised in referral responses? | No
Preliminary Concerns? | Operational matters including noise, traffic and risk management
Any discussions with applicant regarding concerns | Yes
Any changes made to the application since being lodged? | Additional information was provided in relation to airspace and fire risk strategy
VCAT history? | Nil
Previous applications for the site? | PA2001-0912 Use and development of a dwelling

General summary

The application from the Bacchus Marsh Model Aircraft Association (BMMAA) is to move its Flying Field from its current 2ha Parwan site, currently leased from Western Water, to the Monteville Lane site which would be purchased by the National Model Aeronautical Association of Australia to give the club a permanent Flying Field.

The land is 33.21Ha and would give the Club more space to fly its aircraft. The balance of the land would be offered to local farmers for agistment or lease to run livestock. The use of the land for a minor sports and recreation facility would involve a membership base of 32 current members who would additionally hold occasional competition events on the site and an annual display day.

The BMMAA has been established for 46 years. The governance of the club is generally in accordance with policies and procedures established by both the state and national model aircraft organisations.

Subject to conditions on the permit it is considered that the use of the land for this purpose would not impact on the use of the land for agricultural purposes and that subject to conditions the amenity of the area would not be detrimentally affected by the proposed use.

Objectors to the application raised three key concerns: noise, fire risk and traffic to the site. A response to objector concerns is included in this report.
General summary cont. | There is sufficient information about the existing operation of the club to demonstrate this site can be effectively managed to prevent adverse amenity impacts to adjoining owners and occupiers. It is considered that the application should be supported.

**Summary Recommendation:**

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Permit for this application in accordance with Section 61 of the Planning and Environment Act 1987, subject to conditions detailed at the end of this report.

**Background**

The Bacchus March Model Aircraft Association (BMMAA) Inc. was established in 1970. The Club has had four different locations since inception and currently operates from a flying field at Mills Road, Parwan which is a 5 acre parcel of land leased from Western Water and which was formerly Moorabool Shire Council land. The Club meets monthly and has a Club Committee and 32 members.

The BMMAA is an associated Member of the State body the Victorian Model Aeronautical Association (VMAA) which administers 67 Clubs in Victoria with approximately 3000 members. Throughout Australia there are approximately 300 clubs with approximately 10,500 members in all states and territories.

The National body, the Model Aeronautical Association of Australia (MAAA) has a Manual of Procedures (MoP) which includes a framework and governance policies and a range of operating policies. The MAAA MoP is designed to meet the requirements of Civil Aviation Safety Authority (CASA) Part 101 relating to unmanned aircraft and rocket operations.

The National body is supporting and funding the proposed purchase of the subject land to assist the BMMAA find a permanent base.

**Public Notice**

The application was notified to adjoining and surrounding landowners and occupiers.

**Summary of Objections**

The objections received are detailed below with officer’s comments accompanying them:

<table>
<thead>
<tr>
<th>Objection</th>
<th>Any relevant requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise and amenity impacts on neighbours and livestock; air space encroachment; seven day per week operation excessive; PA systems; disturbance of quiet rural amenity.</td>
<td>Acoustic controls Airspace controls</td>
</tr>
</tbody>
</table>

**Officer’s response –**

The property is 33ha and the flying field air space has been defined and is shown in this report. The air space to be used does not encroach on neighbouring land. Noise impacts are controlled at 3m from an aircraft at 94-98 Db. This is quite loud if you are 3m from the aircraft. Model aviation ([www.modelaviation.com](http://www.modelaviation.com)) states that sound dissipates at 6db per doubling of the distance according to the inverse square law. Sound measured at 92db at 3m = 66db at 100m. 66Db is equivalent to normal conversation at 1m. It is not considered that the sound of the aircraft at 200m from the site will create any detriment to neighbours. All neighbouring dwellings are more than 200m from the Flying Field.
<table>
<thead>
<tr>
<th>Impact of extra traffic on the road condition; dead end road; only a single lane; not suitable for this purpose</th>
<th>Infrastructure Department</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Officer’s response</strong> – Council’s Infrastructure Department was asked to comment on Monteville Lane and the impact that additional traffic may place on this road. They stated that Monteville Lane is a public road and is managed in accordance with Council’s road management plan and the traffic volume being discussed is of no consequence.</td>
<td></td>
</tr>
<tr>
<td>Fire risk; planes crashing and setting fire to the district; flammable fuels on the site; water supply inadequate.</td>
<td>CFA regulations – requirement for a fire risk management plan</td>
</tr>
<tr>
<td><strong>Officer’s response</strong> – No flammable fuels or liquids to power the aeroplanes would be stored on the site. The applicant was asked to provide a Fire Risk management strategy which they have done. A water supply will be provided on the site and appropriate fire risk apparatus and equipment. The Club has a good track record with one fire started in its history which was last December. It was quickly extinguished.</td>
<td></td>
</tr>
<tr>
<td>Impact on natural resources and biodiversity; weed management and management of the balance of the land</td>
<td>Land Management Plan</td>
</tr>
<tr>
<td><strong>Officer’s response</strong> – The applicants have stated that the balance of the land would be made available to local farmers for agistment or lease. The flying field and airstrips would be fenced to protect it from stock and maintained by club members to keep grass low. The Club has a band of volunteers and hold regular working bees. While members may not be farmers, they are open to learning about best practice land management and would seek advice and support from neighbours, Landcare as well as government departments in relation to weed management, establishing new native vegetation plantations and pasture improvement; and water authorities about stream side management and regeneration. The pine trees to be removed would be cut off above the base for minimal ground disturbance and replaced with more suitable habitat trees and native vegetation plantings across the site, particularly along the southern riparian area on the land. A comprehensive Land Management Plan is required.</td>
<td></td>
</tr>
<tr>
<td>Suitability of the site for the proposed use including zoning and overlays</td>
<td>Clause 35.07 – Farming Zone</td>
</tr>
<tr>
<td>Requirement to rezone the land?</td>
<td></td>
</tr>
<tr>
<td><strong>Officer’s response</strong> – The Farming Zone under Section 2 of Clause 35.07-1 allows for both the uses of Leisure and recreation (minor sports and recreation facility) and also camping and caravan park. The camping proposed would be restricted to BMMAA members and/or visiting club members and would be restricted to specific event types on weekends. The applicants have stated that camping would probably involve between 10 and 25 people on some occasions.</td>
<td></td>
</tr>
<tr>
<td>Use of drones and other inappropriate aircraft - invasion of privacy</td>
<td>See Club rules</td>
</tr>
<tr>
<td><strong>Officer’s response</strong> – No drones or other like aircraft are supported by the club.</td>
<td></td>
</tr>
</tbody>
</table>
Proposal

It is proposed to relocate the Bacchus March Model Aircraft Association to the subject site as follows:

The proposed site plan is shown below:

A flying field would be constructed as per the attached diagram with the red and yellow lines showing two runways which would be constructed each of approximately 160m in length and would be marked out and maintained. Runways would be cleared of rocks and other obstacles and hollows filled and the new grass established as required, but no earthworks for any site levelling is proposed.

Airspace would be from the “pilot’s box” on the western side of the airspace with all flying to be conducted to the north, east and south of the pilots box. Flying would be restricted to the airspace shown on the plan.
Two runways are required to compensate for wind directions.

Remote controlled aircraft use sophisticated computer controlled radio systems. The planes range in size from 500mm to 2.6m models. The types of aircraft flown are:

- Jets / turbines;
- Internal combustion engines / ICs
- Electric motorised engines / batteries
- Silent flight / gliders.

Model aircraft have “fail safe” mechanisms which, in the event of the pilot losing radio contact with the plane the engine shuts down and the aircraft goes into a circular holding pattern until it lands.

Flying Model aircraft is weather and daylight dependent. No flying occurs on days of total fire ban. Wind speed impacts on flying conditions and high wind speeds restrict flying for most aircraft. No flying occurs at night.

The modelling community have specific rules in relation to noise which is undertaken by a self-management approach directed by local circumstances. Clubs at a State and National level are self-regulating with respect to noise to ensure that they do not upset other land users and neighbours.

Land not used for the runways or the core operational area would be fenced and leased to local farmers for grazing, which is a similar practice to other clubs with spare land.

The experience of the BMMAA, and other clubs, is that livestock become accustomed to the aircraft and are not disturbed by the aircraft operations. This applies equally to birds such as eagles which fly around the plane at first but generally lose interest.

Existing shade shelters at the current club would be moved to the site to provide protection for pilots in the “pit” area.

No alcohol would be sold from the site and a liquor licence in not proposed.

Event types include as follows:
a) **General flying** for club members only and includes training sessions and practice sessions and would generally involve small numbers using the field at any one time: 2-4 pilots on weekdays and maybe 8-10 pilots on weekends. It is requested that general flying is permitted 7 days a week during daylight hours.

b) **Competition flying** involves BMMAA members and guest members from other clubs. These events would involve approximately 10-15 pilots and their families resulting in approximately 20 – 25 people attending on a competition day. Competition days are held on weekends.

Competition days include **Special interest group events** – seven events per year are proposed. The seven Special Interest Groups are:
- Scale flying;
- Pattern Aerobatics;
- Glider;
- Old Timer (Combinations of Glider and power model);
- Jets;
- Scale Aerobatics; and
- Control Line.

c) **Annual Display Day** - held once per year and the public would be able to attend. Display days are generally held on a Sunday between 10am and 3.30pm. A percentage of gate takings (gold coin donations) are generally given to supporters on the day, e.g. CFA or local community organisations. Up to 100 people may attend a Display Day. Display Days are governed by the MAAA and are strictly controlled. The MAAA Manual of Procedures No 19 covers Display Procedure in significant detail.

A carpark would be delineated and suitably constructed for 30 cars including 2 disabled parking spaces. Specific car park details have not yet been provided.

A traffic management plan is required for Display Days that are open to the public.

The crossover to Monteville Lane and access driveway would be suitably constructed to Council requirements.

A toilet and shower block would be constructed on the site. Portable toilets would be used until the toilet block is able to be constructed. The Club owns two portable toilets. The site for the toilet block is outside the ESO1 overlay. A Land Capability Assessment was provided with the application.

Kitchen and food preparation – the Club currently owns a converted shipping container which is used as a kitchen. Waste from the shipping container is currently removed from the site after each use. The shipping container would be transferred to the subject site. It would be connected to the waste water treatment system. A new kitchen would be constructed within the existing shed on the site in the future.

The existing shed would also be modified to provide safe storage for equipment and would be used as a meeting area for Club activities. The Club currently owns a ride-on-mower and has access to other required equipment.

Approximately 12 non-native pine trees would be removed from the south-west corner of the site on the ridge line above the river. The trees would be cut off at the base to minimise soil disturbance.

Existing signage at the Parwan site would be modified and moved to the subject site and located at the entrance gateway to the property.

Club members contribute to a working bee levy and members participate in working bees to ensure their field and surrounds are maintained.
The Club intends to implement an environmental management plan which would include: pest plant and animal control; native vegetation plantings; riparian zone management and improvement (stream side restoration program); pasture improvement including fertiliser applications; fencing; and water conservation.

The club has developed a 5 year strategic plan which would see the following features added to the site over time:

a) Solar wind power generation system.
b) Watering of the runways (sprinkler system).
c) Camping facilities.
d) Development of a slope soaring (glider) site at the edge of the plateau (southern side).

It is planned that membership will increase to 40 – 50 members over time.

**Site Description**

The site is located on the south side on Monteville Lane approximately 675m west of the “end” of the made section of the road. It is located approximately 3.1km east of the intersection of Monteville Lane with the Old Melbourne Road and the “Ballan” Western Freeway interchange. The site is located approximately 6.4km from the centre of the Ballan Township.

The land is 33.21ha and is approximately rectangular in shape, however the southern boundary is irregular in shape being along the Werribee River.

Surrounding land is used for agriculture where land parcels are similar or larger in size. Many have dwellings with agricultural sheds and infrastructure.

A neighbouring dwelling is located approximately 330m to the north of the Flying Field airspace. A neighbouring dwelling is also located approximately 240m to the east of the Flying Field airspace. A dwelling with an approved permit PA2015065 issued on 1 October 2015 would be located approximately 580m to the west of the Flying Field airspace. This dwelling has not yet been constructed.

Agricultural activities in the surrounding area include sheep and cattle production, a horse enterprise and cropping and hay making.

Land to the south-west of the site is in the Public Use Zone 1 – Service and Utility – and is owned by Central Highlands Water and contains the Ballan Sewerage Farm.

There is a narrow strip of land on the east side boundary in private ownership that leads down to the Werribee River. Across the river to the south is a small parcel of land in the Public Use Zone 6 – Local Government – which is also in private ownership.
Locality Map

An aerial map of the subject site is shown outlined in blue below:

The site below indicates the location of the subject site and the zoning applicable to the surrounding area.

Planning Scheme Provisions

Council is required to consider the Victoria Planning Provisions and give particular attention to the State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

State Planning Policy Framework

- 12.01-1 Protection of biodiversity
- 14.01-1 Protection of agricultural land
- 14.01-2 Sustainable agricultural land use
Local Planning Policy Framework

- 21.02-1 Key Issues and Influences: Water and Catchment Management; and Biodiversity
- 21.04-2 Objective—Agriculture

Zone

The land is in the Farming Zone. The purpose of the Farming Zone is to:

- Implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Provide for the use of land for agriculture.
- 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.
- Encourage the retention of employment and population to support rural communities.
- Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The proposal is generally consistent with the purposes of the zone. The balance of the land not used for the model aircraft activities, including the runways and car spaces, would remain available for productive agriculture. The applicants are keen to ensure that they implement sustainable land management practices on the site and is it considered that the proposed use is compatible with agricultural activities.

Overlays

Environmental Significance Overlay – Schedule 1 (ESO1)

Proclaimed Water Catchment area

It is proposed to construct a toilet / shower block on the site for use by club members and patrons. The site for the toilet block is located outside, but relatively close to, the ESO1 area. A Land Capability Assessment was provided with the application, which was referred to Southern Rural Water, Western Water and Council’s Environmental Health. Consent was provided by all authorities subject to conditions being placed on the permit. A permit is also required to remove vegetation under this overlay.

Environmental Significance Overlay – Schedule 2 (ESO2)

Waterway protection

The ESO2 extends for a width of 100m on each side of the Werribee River which makes up the southern boundary of the site.

As no works would be undertaken within the ESO2 area and a permit is not triggered by this overlay.

Design and Development Overlay – Schedule 2 (DDO2)

Visual Amenity and Building Design
The DDO2 requires a permit if reflective materials are to be used for the external cladding of any buildings or works. As reflective materials will not be used to construct the toilet block on this site a permit is not triggered by this overlay.

**Aboriginal Affairs Victoria Overlay (AAV)**

The AAV overlay extends for a width of 200m on each side of the Werribee River which makes up the southern boundary of the site.

The removal of non-native vegetation (pine trees) would occur within the AAV overlay area. The removal of trees is not listed as a high impact activity using the AAV assessment tool, and as the trees would be cut-off at the base with the lower trunk and roots remaining in the ground there would be minimal ground disturbance. A Cultural Heritage Management Plan is not required for the removal of the pine trees in the AAV overlay.

**Particular Provisions**

**Clause 52.05 Advertising signage**

A business identification sign is proposed to be located at on the northern boundary of the property near the access gateway which will identify that the land is operated by the Bacchus Marsh Model Aircraft Association and the site is the location of the Flying Filed. There would be a contact phone number and some discrete sponsorship information.

The Farming Zone is Category 4 for signage – Sensitive areas – where a business identification sign requires a permit and where the total advertisement area to each premises must not exceed 3sqm.

**Clause 52.06 – car parking**

In accordance with Table 1 of Clause 52.06-5 of the Moorabool Planning Scheme the use of land for a minor sports and recreation facility is not a listed category in the Table of uses. Therefore the requirement for car spaces is at Council’s discretion.

The nearest equivalent use in Table 1 would appear to be a Place of Assembly which requires 0.3 car spaces for each patron. It is recommended that this is used as a guide and that the number of car spaces required for the site to accommodate the maximum number of patrons (members, visitors and the public) of 100 people that a 30 car spaces would be required.

**Discussion**

The application is to create a new home for the Bacchus Marsh Model Aircraft Association (BMMAA). For the enthusiasts of this sport the subject site would afford a considerably larger flying field than available to them at their current location.

The sport generates considerable economic activity as the aircraft are quite expensive to purchase and members make a considerable investment in their sport on an ongoing basis.

The BMMAA is affiliated with the state and national model aircraft associations and the proposal has addressed the required planning requirements. With conditions it is considered that the proposal can adequately address land management issues and improve the overall environmental and agricultural performance of the property.

A shipping container which has been converted for use as a kitchen would be moved to the site. The shipping container must be connected to the waste water treatment system. Environmental Health permits are required for the use of a kitchen on the site and the serving of food.
Business Identification signage is proposed. The total area of all signs on the property sign must not exceed 3sqm.

The operations area of the Flying Field would be setback over 200m from Monteville Lane and it is not considered that the proposed use would create a detriment to neighbours.

Noise impacts are controlled at 3m from the aircraft at 94-98 Db. This is quite loud if you are 3m from the aircraft. Model aviation (www.modelaviation.com) states that sound dissipates at 6db per doubling of the distance according to the inverse square law. Sound measured at 94db at 3m is equivalent to 66db at 120m. 66Db is equivalent to normal conversation at 1m. It is not considered that the sound of the aircraft at 200m from the site will create a detriment to neighbours. All neighbouring dwellings are more than 200m from the Flying Field.

General Provisions

Clause 65 – Decision Guidelines have been considered by officers in evaluating this application.

Clause 66 - stipulates all the relevant referral authorities to which the application must be referred.

Referrals

The following referrals were made pursuant to s.55 of the Planning and Environment Act 1987 and Council departments were provided with an opportunity to make comment on the proposed development plan.

<table>
<thead>
<tr>
<th>Authority</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western Water</td>
<td>Consent with conditions</td>
</tr>
<tr>
<td>Southern Rural Water</td>
<td>Consent with conditions</td>
</tr>
<tr>
<td>Melbourne Water</td>
<td>Consent no conditions</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>Consent with conditions</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>Consent with one condition</td>
</tr>
</tbody>
</table>

Financial Implications

If Council was to refuse the application it may result in the applicant appealing the decision at VCAT. There are unlikely to be additional costs to Council to defend the decision.

Risk and Occupational Health and Safety Issues

The recommendation of approval of this use and development does not implicate any risk or OH & S issues to Council

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. All submitters and the applicant were invited to attend this meeting and invited to address Council if desired.

Conclusion

It is considered that the concerns raised by neighbours about traffic, noise and fire risk can be managed with appropriate conditions on the permit.
The BMMAA is an established Club and they have expressed respect for their neighbours, for the local environment and for the best practice management of their sport and the proposed site. It is considered with appropriate conditions on the permit relating to noise control, fire risk management, and land management that the proposed use can coexist with neighbouring farmers.

The proposal generally accords with the state and local planning policies, the requirements of the zone and overlays and the Clause 65 decision guidelines.

It is considered that the application should be supported.

Consideration of Deputations – Planning Permit Application PA2016 004; Use and Development of the Land for Minor Sports and Recreation (Model Aircraft Club) including restricted camping on site, business identification signage and vegetation removal at 374 Monteville Lane, Ballan.

Mr. Joseph Finnocchiaro addressed the S86 Development Assessment Committee in favour of granting a planning permit for the application.

Ms. Louise Lagerche addressed the S86 Development Assessment Committee against the granting of a planning permit for the application.

Ms. Alma Beckman addressed the S86 Development Assessment Committee against the granting of a planning permit for the application.

Recommendation:

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Permit to PA2016 004 for the Use and Development of the Land for Minor Sports and Recreation (Model Aircraft Club) including restricted camping on site, business identification signage and vegetation removal, for the land known as 374 Monteville Lane, Ballan, subject to the following conditions:

Endorsed plans

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority 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 drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:
   a) Dimensioned elevations and floor plan of the proposed toilet / shower block.
   b) A detailed Land Management plan for the whole of the site over a five year time period including and not limited to:
      • Pest plant and animal control.
      • Native vegetation plantings across the site including trees, shrubs and understory plantings in plantations or small woodlots.
      • Riparian zone management and protection including any support that may be provided by other organisations in cash or kind.
      • Water conservation practices including stock watering points for the land that is to be agisted or leased for livestock.
      • How the balance of the land will be managed to ensure that the land is managed in accordance with best agricultural practices.
   c) An Emergency Management Plan, including fire risk management plan, prepared by a suitably qualified person specifically for this site, or a plan that is endorsed by a suitably qualified person as being appropriate for the use of the site for Model Aircraft and related uses.
d) A dimensioned car parking area plan with construction details including surface finishes and safety barriers to accommodate at least 30 cars plus 2 disabled car spaces.

e) A detailed camping area plan including rules governing camping on the site.

f) An amended site plan showing the proposed location of the shipping container.

g) Submit full details including the location, dimensions, colours and content of the business identification sign which must not exceed an area of 3 square metres.

Use:

2. Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

3. A Land Management Plan to the satisfaction of the Responsible Authority must be endorsed as part of this permit and cannot be varied without the written consent of the Responsible Authority.

4. An Emergency Management Plan, including a fire risk management plan, to the satisfaction of the Responsible Authority, must be endorsed as part of this permit, and cannot be varied without the written consent of the Responsible Authority.

5. The Flying Field is permitted to operate as follows:
   a) General Flying – Seven days per week restricted to the hours of 9.00am to 7.00pm for powered models.
   b) Competition Flying – restricted to weekends only between 9.00am and 5.00pm.
   c) Display days – weekends only restricted to 10.00am to 4.00pm

The operating hours cannot be varied without the written consent of the responsible authority.

6. Camping on the site is restricted to Friday and Saturday nights for up to 30 members of Model Aircraft clubs for Competition events only. No fires are to be lit on the property during restricted periods as determined by the Country Fire Authority.

Amenity:

7. All waste including food waste and any packaging materials associated with the camping activity must be disposed to an approved bin storage that is regularly cleaned and maintained.

8. Noise emissions from the site must be in accordance with required EPA noise guidelines.

9. Any public address system installed must not be audible beyond the boundaries of the site.

10. The amenity of the area must not be detrimentally affected by the use or development, through the:
   a) Transport of materials, goods or commodities to or from the land;
   b) Appearance of any building, works or materials;
   c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
   d) Presence of vermin;
   e) Any other way.

Advertising Sign conditions:

11. Business Identification signage approved by this permit is restricted to a total advertisement area to the premises of 3sqm.
12. The advertising sign must be not contain any moving parts or flashing lights.

Infrastructure conditions:

13. Prior to the use commencing, the proponent must prepare and submit a Traffic Management Plan to the Responsible Authority for approval, detailing the measures to control the traffic entering and exiting the site. The TMP should also include a plan showing the location and types of advanced warning signs on the intersection of Old Melbourne Road and Monteville Lane, and on the approaches to the site. The existing crossing on Monteville Lane must be upgraded to a two lane rural standard vehicle crossing with a culvert to the satisfaction of the Responsible Authority.

14. Prior to the use commencing, the designated car park area must be constructed with an all-weather material to the satisfaction of the Responsible Authority.

15. Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).

16. Unless otherwise approved by the Responsible Authority there must be no buildings, structures, or improvements located over proposed drainage pipes and easements on the property.

17. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.

Environmental Health condition:

18. A permit to install an onsite wastewater management system must be submitted to Environmental Health.

Southern Rural Water conditions:

19. A new secondary (sand filter) septic system must be installed to service the toilet block.

20. A wastewater treatment system that produces wastewater to a minimum standard of 20/30/ (BOD/suspended solids) shall be installed to the satisfaction of the Councils Environmental Health and primarily in line with the recommendations of the Land Capability Assessment report prepared by Provincial Geotechnical (reference K5046 – December 2015);

21. Wastewater is to be dispersed using methods to the satisfaction of the Council’s Environmental Health Department and primarily in line with the Land Capability Assessment report prepared by Provincial Geotechnical (reference K5046 – December 2015);

22. Certification must be provided to Southern Rural Water and the Responsible Authority that the septic system has been installed and operating in accordance with permit conditions.

23. The effluent system must be maintained by a suitably qualified person, in accordance with the manufactures’ specifications and EPA requirements, with reports submitted to the responsible authority at the completion of each maintenance period. This report must be made available to Southern Rural Water on request.

24. The owner at their expense shall have the wastewater effluent being released from the treatment facility monitored to ensure compliance with the above standards and the disposal area inspected annually by a suitably qualified person. A written report shall be provided to the Council Environmental Health Officer within 28 days of the inspection. This report must be made available to Southern Rural Water on request.
25. The owner shall carry out such works as are considered necessary by the inspector to ensure the satisfactory operation of the wastewater treatment and disposal system and prevent waste and treated waste from discharging from the property at all times.

26. The owner shall carry out such works as required, including replacing effluent treatment, storage, pumping and disposal systems within the time frame as specified by Council's Environmental Health Officer or Southern Rural Water to cease and prevent waste from discharging from the property.

27. The system’s sludge build up shall be monitored annually and be desludged as required but at least once every 3 years with evidence provided to Council.

28. Cut-off diversion drains must be installed upslope of the effluent disposal field to prevent surface and subsurface water entering the effluent disposal system. No storm water must be allowed to enter the effluent dispersal area.

29. Sediment control measures as outlined in the EPA’s publication No 275 Sediment Pollution Control must be employed during the construction of the dwelling and maintained until the disturbed areas have been regenerated.

30. If any works will impact on a waterway or groundwater or will include the use of water from these resources or from a dam, soak or spring, a licence in accordance with Section 51 or 67 Water Act 1989 is required.

Western Water conditions:

31. A wastewater treatment system that produces wastewater to a minimum standard of 20/30 (BOD/suspended solids) shall be installed to the satisfaction of the Council’s Environmental Health Officer and Western Water to treat all sullage and sewage waste on site.

32. Wastewater is to be dispersed to the satisfaction of Council's Environmental Health Officer and Western Water using methods that will prevent waste and treated waste from discharging from the property at all times.

33. The effluent system must be maintained by a suitably qualified person in accordance with the manufacturer’s specifications and EPA requirements.

34. The owner shall carry out such works including replacing effluent treatment, storage pumping and disposal systems within the time specified to do so by the Council’s Environmental Health Officer or Western Water to cease and prevent waste and treated waste from discharging from the property.

35. If the wastewater program proves to be unsustainable, the land holder must immediately rectify the sewerage disposal system.

36. The owner shall have the wastewater treatment system desludged at least once every three years.

37. The effluent disposal field must be protected by being isolated from any building, driveway, livestock, vehicles or permanent recreational area that could render it unavailable in the future and should be planted with suitable grasses that will aid in moisture removal.
38. The wastewater treatment and disposal systems, cut off drains and pumping system must be installed in accordance with the Land Capability Assessment prepared by Provincial Geotechnical Pty Ltd dated 4 December 2015 Reference No. K5046 and the accompanying management plan followed and implemented.

39. Sediment Pollution Controls shall be employed during construction and maintained until the disturbed area has been regenerated.

40. Stormwater is to be managed in a way to minimise risk to erosion of the surrounding land. No stormwater should be allowed to move into the effluent disposal field.

41. Low volume water fittings such as water efficient showerheads, dual flush toilets and tap aerators are to be fitted to all water fixtures.

42. The obligations under this agreement shall run with the land.

Expiry condition:

43. This permit will expire if one of the following circumstances applies:

   a) The development and the use are not started within two years of the date of this permit;
   b) The development is not completed within four years of the date of this permit.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

44. Advertising signage approved by this permit expires 15 years from the date of this permit.

Permit note: Planning Department.

If a kitchen is to be added to the shed or within a shipping container on the site in the future this permit will be required to be amended.

Resolution:

Moved: Cr Dudzik
Seconded: Cr. Tatchell

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council issue a Notice of Decision to Grant a Permit to PA2016 004 for the Use and Development of the Land for Minor Sports and Recreation (Model Aircraft Club), business identification signage and vegetation removal, for the land known as 374 Monteville Lane, Ballan, subject to the following conditions:

Endorsed plans

1. Before the use and/or development starts, amended plans to the satisfaction of the Responsible Authority 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 drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:
   a) Dimensioned elevations and floor plan of the proposed toilet / shower block.
b) A detailed Land Management plan for the whole of the site over a five year time period including and not limited to:
   • Pest plant and animal control.
   • Native vegetation plantings across the site including trees, shrubs and understory plantings in plantations or small woodlots.
   • Riparian zone management and protection including any support that may be provided by other organisations in cash or kind.
   • Water conservation practices including stock watering points for the land that is to be agisted or leased for livestock.
   • How the balance of the land will be managed to ensure that the land is managed in accordance with best agricultural practices.

c) An Emergency Management Plan, including fire risk management plan, prepared by a suitably qualified person specifically for this site, or a plan that is endorsed by a suitably qualified person as being appropriate for the use of the site for Model Aircraft and related uses.

d) A dimensioned car parking area plan with construction details including surface finishes and safety barriers to accommodate at least 30 cars plus 2 disabled car spaces.

e) An amended site plan showing the proposed location of the shipping container.

f) Submit full details including the location, dimensions, colours and content of the business identification sign which must not exceed an area of 3 square metres.

Use:

2. Unless otherwise approved in writing by the Responsible Authority, all buildings and works are to be constructed and or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority prior to the commencement of the use.

3. A Land Management Plan to the satisfaction of the Responsible Authority must be endorsed as part of this permit and cannot be varied without the written consent of the Responsible Authority.

4. An Emergency Management Plan, including a fire risk management plan, to the satisfaction of the Responsible Authority, must be endorsed as part of this permit, and cannot be varied without the written consent of the Responsible Authority.

5. The Flying Field is permitted to operate as follows:
   a) General Flying – Seven days per week restricted to the hours of 9.00am to 7.00pm for powered models.
   b) Competition Flying – restricted to spring, summer and autumn - weekends only between 9.00am and 5.00pm (No competition flying during winter months).
   c) Display days – restricted to spring, summer and autumn - weekends only between 10.00am to 4.00pm (No display days during winter months).

The operating hours cannot be varied without the written consent of the responsible authority.

Amenity:

6. Noise emissions from the site must be in accordance with required EPA noise guidelines.

7. Any public address system installed must not be audible beyond the boundaries of the site.
8. The amenity of the area must not be detrimentally affected by the use or development, through the:
   a) Transport of materials, goods or commodities to or from the land;
   b) Appearance of any building, works or materials;
   c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
   d) Presence of vermin;
   e) Any other way.

Advertising Sign conditions:

9. Business Identification signage approved by this permit is restricted to a total advertisement area to the premises of 3sqm.

10. The advertising sign must be not contain any moving parts or flashing lights.

Infrastructure conditions:

11. Prior to the use commencing, the proponent must prepare and submit a Traffic Management Plan to the Responsible Authority for approval, detailing the measures to control the traffic entering and exiting the site. The TMP should also include a plan showing the location and types of advanced warning signs on the intersection of Old Melbourne Road and Monteville Lane, and on the approaches to the site. The existing crossing on Monteville Lane must be upgraded to a two lane rural standard vehicle crossing with a culvert to the satisfaction of the Responsible Authority.

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19. Wastewater is to be dispersed using methods to the satisfaction of the Council’s Environmental Health Department and primarily in line with the Land Capability Assessment report prepared by Provincial Geotechnical (reference K5046 – December 2015);

20. Certification must be provided to Southern Rural Water and the Responsible Authority that the septic system has been installed and operating in accordance with permit conditions.

21. The effluent system must be maintained by a suitably qualified person, in accordance with the manufactures’ specifications and EPA requirements, with reports submitted to the responsible authority at the completion of each maintenance period. This report must be made available to Southern Rural Water on request.

22. The owner at their expense shall have the wastewater effluent being released from the treatment facility monitored to ensure compliance with the above standards and the disposal area inspected annually by a suitably qualified person. A written report shall be provided to the Council Environmental Health Officer within 28 days of the inspection. This report must be made available to Southern Rural Water on request.

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26. Cut-off diversion drains must be installed upslope of the effluent disposal field to prevent surface and subsurface water entering the effluent disposal system. No storm water must be allowed to enter the effluent dispersal area.

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39. Low volume water fittings such as water efficient showerheads, dual flush toilets and tap aerators are to be fitted to all water fixtures.

40. The obligations under this agreement shall run with the land.

Expiry condition:

41. This permit will expire if one of the following circumstances applies:
   a) The development and the use are not started within two years of the date of this permit;
   b) The development is not completed within four years of the date of this permit.

Council may extend the periods referred to if a request is made in writing before the permit expires or in accordance with the timeframes as specified in Section 69 of the Planning and Environment Act 1987.

42. Advertising signage approved by this permit expires 15 years from the date of this permit.
Permit note: Planning Department.

If a kitchen is to be added to the shed or within a shipping container on the site in the future this permit will be required to be amended.  

CARRIED.

Report Authorisation:

Authorised by: 

Name: Satwinder Sandhu 
Title: General Manager Growth and Development  
Date: Friday 18 March, 2016

UPDATE ON TRENDS, ISSUES AND OTHER MATTERS

Robert Fillisch, Acting Manager Statutory Planning and Community Safety provided the Committee with a verbal update on various other Planning Permit Applications that are currently in the system.

CLOSED SESSION OF THE MEETING – 4.46pm

Resolution:

Moved: Cr. Dudzik 
Seconded: Cr. Comrie

That pursuant to the provisions of the Local Government Act 1989, the meeting now be closed to members of the public to enable the meeting to discuss further matters, which the Council may, pursuant to the provisions of Section 89(2) of the Local Government Act (the Act) resolve to be considered in Closed Session, being a matter contemplated by Section 89(2) of the Act as follows:

a) Personnel matters;
b) The personal hardship of any resident or ratepayer;
c) Industrial matters;
d) Contractual matters;
e) Proposed developments;
f) Legal advice;
g) Matters affecting the security of Council property;
h) Any other matters which the Council or special committee considers would prejudice the Council or any person;
i) A resolution to close the meeting to members of the public. 

CARRIED.

RETURN TO OPEN SESSION – 5.10pm

Resolution:

Moved: Cr. Dudzik 
Seconded: Cr. Tatchell

That the meeting now return to open session.

CARRIED.
DATE OF NEXT MEETING

Wednesday 11 May, 2016
4.00pm
James Young Room, Lerderderg Library
215 Main Street, Bacchus Marsh

MEETING CLOSURE

The Chair thanked all Committee members and attendees and closed the meeting at 5.13pm