

CHANGES TO PLANNING PROVISIONS

A high level summary of the proposed planning provisions

The proposed SERA controls make changes to the following provisions:

State level (Planning Policy Framework):

- Updates to Clause 14.03-1: Resource exploration and extraction:
 - To reference and outline the need to identify and secure stone resources that are of strategic significance through SERAs.
- Updates to Clause 44.07: State Resource Overlay (SRO):
 - To enable the use of the State Resource Overlay to identify and protect designated SERAs by:
 - > Updating the 'purpose' of the SRO.
 - > Adding in a 'management objective' in addition to a 'resource significance' statement.
 - > Adding in the ability to specify use, development, and subdivision requirements.
 - > Updating application requirements.
 - > Adding in the ability to specify exemptions from notice and review.
 - > Updating decision guidelines.
- Updates to Clauses 52.09 (Extractive Industry and Extractive Industry Interest Areas) and 66.05 (Notice of Permit Applications under State Standard Provisions):
 - To ensure that DJPR no longer needs to be notified of permit applications in EIIA areas where they will be referred applications under the proposed SERA controls.

Local level (Local Planning Policy Framework):

Changes to the South Gippsland and Wyndham Planning Schemes:

- Applying a Special Use Zone Schedule.
 - To designate existing Work Authority areas.
- Applying a State Resources Overlay Schedule
 - To designate buffer areas from existing Work Authority areas and to designate future extractive supply areas.

Changes to the Cardinia and Bass Coast Planning Schemes:

- To designate buffer areas from existing Work Authority areas in the South Gippsland SERA that apply into neighbouring municipalities.

Detailed changes to planning provisions

The revised planning controls that have been drafted and their specific attributes are detailed below:

Resource Exploration and Extraction (Clause 14.03-1S)

- Additional strategies to:
 - Identify and protect stone resources within identified Strategic Extractive Resource Areas, based on their current or potential contribution to State supply, access to supporting transport networks and proximity to demand markets.
 - Facilitate the use and development of Strategic Extractive Resource Areas for extractive industry and other compatible land uses.
- Insertion of the SERA Pilot Project Report as a relevant policy document.

Special Use Zone (Clause 37.01) – Parent provision

- No changes are required to the SUZ parent provision.

Special Use Zone Schedules – Local application to existing extractive industry in Wyndham and South Gippsland

- Template provisions developed specifically for extractive industry.
- Purposes have been aligned to recognise and provide for the use and development of land for extractive industry, prohibit incompatible uses and encourage land rehabilitation practices.
- Earth and energy resources continues to be exempt from a permit for use through exemptions at Clause 62.01 if an Environmental Effects Statement has been prepared.
- Details a range of uses within agriculture (including some exemptions) that require a permit for use, along with industry, warehouse, leisure and recreation and some limited place of assembly uses.
- A large amount of uses are prohibited that are considered incompatible with an extractive industry use such as accommodation.
- Industry uses can only acquire a permit if they are used in conjunction with extractive industry.

State Resource Overlay (Clause 44.07) - Parent provision

- The purpose of the existing parent provision has been largely retained, with minor changes which now reads:
 - To identify and protect areas of mineral, stone and other resources, which have been identified as being of State significance, from use and development that would prejudice the current or future productive use of the resource.
- In addition to the existing 'Resource Significance' heading, 'Management Objectives' to be achieved must now also be specified in any schedule to the overlay.
- A new 'Use and Development' heading has been added. This now gives the overlay the ability to specify requirements for:
 - The use of land
 - Development (including subdivision).
- Existing 'Application Requirements' have largely been retained with additions to ensure applications respond to the new requirements that are being enabled in the overlay.
- A new 'Exemption from Notice and Review' heading has been added to allow a local schedule to specify exemptions from standard notice and review requirements for particular types of applications.
- Decision guidelines have been retained and strengthened for consideration by the responsible authority.

State Resource Overlay Schedule - Local application to proposed SERA area in Wyndham and South Gippsland

- 'Statement of resource significance' heading:
 - Text has been inserted that validates the strategic importance of the resource for metropolitan Melbourne.
- 'Management objectives' heading, includes the following objectives:
 - To ensure that identified and future extractive industry can establish and operate by protecting resources from incompatible land uses and developments and maintaining sufficient buffer areas.
 - To ensure existing extractive industry operations are not inhibited by incompatible uses and developments, and to ensure uses and development on future extractive industry areas are compatible with the potential future extraction of the resources.
 - To ensure the use and development of land within 250 metres the boundaries of a work authority issued under the *Mineral Resources (Sustainable Development) Act 1990* does not adversely impact the continued operation of existing operations, as well as the ability for the existing operation to expand in the future.
 - To ensure subdivision and land fragmentation does not prejudice future extraction of the resource.
- 'Use of land' heading specifies that the following uses will trigger the need for a planning permit:
 - Accommodation.
 - Crematorium.
 - Education centre.
 - Funeral parlour.
 - Hospital.
 - Leisure and recreation.
 - Place of assembly.
 - Retail premises.
 - Winery.
 - Veterinary Clinic.