

# DRAFT STRATEGIC EXTRACTIVE RESOURCE AREAS: PLANNING CONTROLS

## VICTORIA PLANNING PROVISIONS

### Planning Policy Framework

Clause 14.03-1S: Resource exploration and extraction

### Overlays

Clause 44.07: State Resource Overlay

### Particular Provisions

Clause 52.09: Extractive Industry and Extractive Industry Interest Areas

### General Provisions

Clause 66.05: Notice of Permit Applications Under State Standard Provisions

## MINISTERIAL DIRECTION

Schedule Template in Ministerial Direction 'The Form and Content of Planning Schemes'  
Schedule to the State Resources Overlay

## LOCAL PLANNING POLICY

### South Gippsland Planning Scheme

Schedule 8 to Clause 37.01: Special Use Zone  
Schedule 1 to Clause 44.07: State Resources Overlay

### Cardinia Planning Scheme

Schedule 1 to Clause 44.07: State Resources Overlay

### Bass Coast Planning Scheme

Schedule 1 to Clause 44.07: State Resources Overlay

### Wyndham Planning Scheme

Schedule 10 to Clause 37.01: Special Use Zone  
Schedule 1 to Clause 44.07: State Resources Overlay

# Victoria Planning Provisions

## Planning Policy Framework

Clause 14.03-1S: Resource exploration and extraction

Proposed amendments to an existing provision

## RESOURCE EXPLORATION AND EXTRACTION

~~Proposed VC--~~  
~~---/20---~~  
~~31/07/2018~~  
~~VC148~~

### Objective

To encourage exploration and extraction of natural resources in accordance with acceptable environmental standards.

### Strategies

Provide for the long-term protection of natural resources in Victoria.

Protect the opportunity for exploration and extraction of natural resources where this is consistent with overall planning considerations and acceptable environmental practice.

Recognise the possible need to provide infrastructure for the exploration and extraction of natural resources.

Ensure planning schemes do not impose conditions on the use or development of land that are inconsistent with the Mineral Resources (Sustainable Development) Act 1990, the Greenhouse Gas Geological Sequestration Act 2008, the Geothermal Energy Resources Act 2005, or the Petroleum Act 1998.

Develop and maintain buffers around mining and ~~quarrying extractive industry~~ activities.

Ensure planning permit applications clearly define buffer areas appropriate to the nature of the proposed extractive uses, which are to be owned or controlled by the proponent of an extractive industry.

Determine buffer areas between extractive activities and sensitive land uses on the following considerations:

- Appropriate limits on effects can be met at the sensitive locations using practical and available technology.
- Whether a change of land use in the vicinity of the extractive industry is proposed.
- Use of land within the buffer areas is not limited by adverse effects created by the extractive activities.
- Performance standards identified under the relevant legislation.
- Types of activities within land zoned for public use.

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.

Protect the brown coal resource in Central Gippsland by ensuring that:

- Changes in use and development of land overlying coal resources, as generally defined in *Framework for the Future* (Minister for Industry, Technology and Resources and Minister for Planning and Environment, 1987) and the *Land Over Coal and Buffer Area Study* (Ministry for Planning and Environment, 1988), do not compromise the winning or processing of coal.
- Coal-related development is adequately separated from residential or other sensitive uses and main transport corridors by buffer areas to minimise adverse effects such as noise, dust, fire, earth subsidence and visual intrusion.
- Use and development within the buffer areas are compatible with use and development adjacent to these areas.

### Policy guidelines

Consider as relevant:

- Any applicable State Environment Protection Policy.

## Policy documents

Consider as relevant:

- *Mineral Resources (Sustainable Development) Act 1990*
- *Greenhouse Gas Geological Sequestration Act 2008 Geothermal Energy Resources Act 2005*
- *Petroleum Act 1998*
- *Melbourne Supply Area - Extractive Industry Interest Areas Review* (Geological Survey of Victoria Technical Record, 2003/2)
- *Ballarat Supply Area - Extractive Industry Interest Areas* (Geological Survey of Victoria Technical Record, 1997/3)
- *Bendigo Supply Area - Extractive Industry Interest Areas* (Geological Survey of Victoria Technical Record, 1998/6)
- *Geelong Supply Area - Extractive Industry Interest Areas* (Geological Survey of Victoria Technical Record, 1999/2)
- *La Trobe Supply Area - Extractive Industry Interest Areas* (Geological Survey of Victoria Technical Record, 1999/4)
- [\*Strategic Extractive Resource Areas Pilot Project Report \(Victorian State Government, 2020\)\*](#)

## Overlays

Clause 44.07: State Resource Overlay

Proposed amendments to an existing provision

## 44.07 STATE RESOURCE OVERLAY

31/07/2018  
VC148

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

### Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

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.

### 44.07-1

19/01/2006  
VC37

#### Statement of resource significance and management objectives

A schedule to this overlay must contain:

- ~~a~~ statement of the significance of the resource, ~~in the area affected by the schedule.~~
- The management objectives to be achieved.

### 44.07-2 ~~Management objective~~

19/01/2006  
VC37

~~A schedule to this overlay must contain a statement of the management objective to be achieved for the area affected by the schedule.~~

### 44.07-2 Use and development

~~19/01/2006~~  
~~VC37~~

A schedule to this overlay may specify requirements for the use of land, the subdivision of land, the construction of a building, or the construction or carrying out of works.

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

### 44.07-3

19/01/2006  
VC37

#### Application requirements

An application under the zone to construct a building or construct or carry out works or subdivide land specified in a schedule to this overlay, or an application under a schedule to this overlay, must be accompanied by the following information:

- ~~a~~ report which explains how the proposed ~~how the building, works or subdivision use, building, works or subdivision~~:
  - Is consistent with the management objective specified in the schedule.
  - Responds to the decision guidelines.
- Any information specified in the schedule.

### 44.07-4

19/01/2006  
VC37

#### Referral of applications

An application of a kind specified in a schedule to this overlay must be referred to the specified referral authority in accordance with section 55 of the Act.

### 44.07-5

~~19/01/2019~~  
~~VCXXX~~

#### Exemption from notice and review

A schedule to this overlay may specify that an application under the schedule, or an application under any provision of this planning scheme to use or develop land for extractive industry, 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.

**44.07-65 Decision guidelines**

31/07/2018  
VC148

Before deciding on an application of a kind specified in a schedule to this overlay, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The statement of resource significance and the management objective contained in a schedule to this overlay.
- The significance of the future productive use of the resource to the State.
- When the resource is likely to be required for extraction.
- The desirability of preventing any ~~long term major capital development or intensive subdivision and associated residential development on the land use, buildings, works or subdivision~~ which may adversely impact on the future productive use of the resource.
- Any other matters specified in ~~the a~~ schedule to this overlay.

## Particular Provisions

Clause 52.09: Extractive Industry and Extractive Industry Interest Areas

Proposed amendments to an existing provision.



**52.09**

**EXTRACTIVE INDUSTRY AND EXTRACTIVE INDUSTRY INTEREST AREAS**

24/01/2020  
VC160

**Purpose**

To ensure that use and development of land for extractive industry does not adversely affect the environment or amenity of the area during or after extraction.

To ensure that excavated areas can be appropriately rehabilitated.

To ensure that stone resources, which may be required by the community for future use, are protected from inappropriate use and development.

**52.09-1**

**Application**

24/01/2020  
VC160

This clause applies to an application to use or develop land:

- For extractive industry;
- Within an Extractive Industry Interest Area; or
- Within 500 metres of an existing or proposed extractive industry operation.

**52.09-2**

**Application requirements**

24/01/2020  
VC160

An application to use and develop land for extractive industry must be accompanied by:

- A copy of a work plan or a variation to an approved work plan that has received statutory endorsement under section 77TD of the Mineral Resources (Sustainable Development) Act 1990.
- The written notice of statutory endorsement under section 77TD(1) of the Mineral Resources (Sustainable Development) Act 1990.
- Any conditions specified under section 77TD(3) of the Mineral Resources (Sustainable Development) Act 1990.

These requirements do not apply if the proposed extractive industry is exempt from:

- The requirement to obtain a work plan under section 77G of the Mineral Resources (Sustainable Development) Act 1990; or
- The provisions of the Mineral Resources (Sustainable Development) Act 1990 under section 5AA of that Act.

**52.09-3**

**Referral of applications**

24/01/2020  
VC160

An application to use or develop land for extractive industry must be referred under section 55 of the Act to the person or body specified as the referral authority in Clause 66.

Unless the referral authority is the Roads Corporation, the referral requirement in Clause 66 does not apply if a copy of a work plan or variation to an approved work plan accompanying the application was given to the referral authority under section 77TE of the *Mineral Resources (Sustainable Development) Act 1990*.

**52.09-4**

**Decision guidelines**

24/01/2020  
VC160

Before deciding on an application to use and develop land for extractive industry, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The effect of the proposed extractive industry on any native flora and fauna on and near the land.
- The impact of the proposed extractive industry on sites of cultural and historic significance, including any effects on Aboriginal places.
- The effect of the proposed extractive industry on the natural and cultural landscape of the surrounding land and the locality generally.
- The ability of the proposed extractive industry to contain any emissions within the boundaries of the land in accordance with relevant legislation.

- The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area.
- The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural systems or visual appearance of the surrounding area.
- The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community.
- The effect of the proposed extractive industry on groundwater quality and the impact on any affected water uses.
- The impact of the proposed extractive industry on surface drainage and surface water quality.
- Any proposed provisions, conditions or requirements in a work plan that has received statutory endorsement under the Mineral Resources (Sustainable Development) Act 1990.

**52.09-5 Permit conditions for extractive industry**

24/01/2020  
VC160

A permit to use and develop land for extractive industry must not include conditions which require the use to cease by a specified date unless either:

- The subject land is situated in or adjoins land which is being developed or is proposed to be developed for urban purposes.
- Such condition is suggested by the applicant.

A permit to use and develop land for extractive industry must include:

- A condition that allows for a period of not less than five years for the use and development to commence before the permit expires under section 68 of the Act.
- Conditions that are consistent with the requirements specified in Clause 52.09-6.

**52.09-6 Requirements for extractive industry**

24/01/2020  
VC160

The use and development of land for extractive industry must comply with the following requirements, to the satisfaction of the responsible authority:

- Except in accordance with a permit, no alteration may be made to the natural condition or topography of the land within 20 metres of the boundary of land. This does not apply to driveways, drains, bund walls or landscaping.
- Shrubs and trees must be planted and maintained to screen activity on the land.
- Parking areas must be provided for employees' cars and all vehicles used on the land.

**52.09-7 Notice of an application**

24/01/2020  
VC160

Notice of the following kinds of applications must be given in accordance with section 52(1)(c) of the Act to the Secretary of the *Department administering the Mineral Resources (Sustainable Development) Act 1990*:

- An application to use or subdivide land or construct a building for accommodation, child care centre, education centre or hospital:
  - Within an Extractive Industry Interest Area.
  - On land which is within 500 metres of land on which a work authority has been applied for or granted under the *Mineral Resources (Sustainable Development) Act 1990*.
- An application to construct a building or construct or carry out works on land for which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

This requirement does not apply to:

~~an~~ An application to extend a building or works; or

- An application that is required to be referred to the Secretary under section 55 of the Act.

## General Provisions

### Clause 66.05: Notice of Permit Applications Under State Standard Provisions

Proposed amendments to an existing provision.

66.05

24/01/2020  
VC160

**NOTICE OF PERMIT APPLICATIONS UNDER STATE STANDARD PROVISIONS**

Notice of an application of the kind listed in the table below must be given to the person or body specified as a person or body to be notified.

Clause	Kind of application	Person or body to be notified
Clause 45.08-6	An application to use or subdivide land, or to construct a building or construct or carry out works.	The airport lessee company of Melbourne Airport in accordance with the Commonwealth <i>Airports Act 1996</i>
Clause 52.09-8	<p>An application to use or subdivide land or construct a building for accommodation, education centre or hospital:</p> <ul style="list-style-type: none"> <li>▪ Within an Extractive Industry Interest Area.</li> <li>▪ On land which is within 500 metres of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</li> </ul> <p>An application to construct a building or construct or carry out works on land for which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</p> <p>These requirements do not apply to:</p> <ul style="list-style-type: none"> <li>▪ <del>An</del> application to extend a building or works; <u>or</u></li> <li>▪ <u>An application that is required to be referred to the Secretary of the Department administering the <i>Mineral Resources (Sustainable Development) Act 1990</i> under section 55 of the Act.-</u></li> </ul>	The Secretary of the Department administering the <i>Mineral Resources (Sustainable Development) Act 1990</i>
Clause 52.21	An application to construct, use or illuminate a private tennis court under any provision of this scheme.	The owners and occupiers of adjoining and opposite properties
Clause 52.27	An application in association with a hotel, tavern or nightclub that is to operate after 1am.	Chief Commissioner of Victoria Police
Clause 52.31	An application to use or develop land to establish a new broiler farm, or to increase the farm capacity of an existing broiler farm, that meets the requirements of a Special Class Broiler Farm or Farm Cluster as specified in the Victorian Code for Broiler Farms 2009.	Environment Protection Authority
Clause 67.02	An application for a permit which, except for the provisions of Clause 67, would be made to the Minister in accordance with Section 96 of the Act. This does not apply to an application for a sign or advertisement, or to remove, destroy or lop native vegetation under Clause 52.17 of this scheme	<p>The owners and occupiers of adjoining land</p> <p>The National Trust of Australia (Victoria), if the application relates to land on which there is a building classified by the Trust</p>
Clause 67.03	An application for a permit to remove, destroy or lop native vegetation under Clause 52.17, which, except for the provisions of Clause 67, would be made to the Minister in accordance with Section 96 of the Act. This does not apply	The Secretary to the Department administering the <i>Flora and Fauna Guarantee Act 1988</i>

## VICTORIA PLANNING PROVISIONS

Clause	Kind of application	Person or body to be notified
	if the application is of a kind which must be referred to the Secretary under Section 55 of the Act.	

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# Ministerial Direction

Schedule Template in Ministerial Direction 'The Form and Content of Planning Schemes'

Proposed amendments to an existing Ministerial Direction.

## Schedule to the State Resources Overlay

Proposed amendments to an existing Ministerial Direction.

## SCHEDULE [NUMBER] TO CLAUSE 44.07 STATE RESOURCE OVERLAY

Shown on the planning scheme map as **SRO[number]**.

### NAME OF SCHEDULE

#### 1.0 Statement of resource significance

~~1.1~~  
CXX

~~Insert statement of significance. Clause 44.07 requires a schedule to contain a statement of the significance of the resource.~~

#### 2.0 Management objectives

~~2.1~~  
CXX

~~Insert no more than five objectives. Clause 44.07 requires a schedule to this overlay to contain a statement of the management~~

~~objective to be achieved.~~

~~Insert a maximum of 1 objective~~

#### 3.0 Use of land

~~3.1~~  
CXX

~~Insert requirements. If no requirements are specified, insert "None specified."~~

#### 4.0 Subdivision

~~4.1~~  
CXX

~~Insert requirements. If no requirements are specified insert "None specified."~~

#### 5.0 Buildings and works

~~5.1~~  
CXX

~~Insert requirements. If no requirements are specified insert "None specified."~~

#### 6.0 Application requirements

~~6.1~~  
CXX

~~Insert requirements. If no requirements are specified, insert "None specified." Where no requirements are specified, insert "None specified."~~

~~or~~

~~Where application requirements are specified insert "The following application requirements apply to an application for a permit under Clause 44.07, in addition to those specified in Clause 44.07 and elsewhere in the scheme:~~

~~• [insert application requirements which must relate to the management objective]."~~

~~See 44.07-3 for relevant provisions.~~

#### 7.0 Referral of applications

~~7.1~~  
CXX

Kind of application	Referral authority
Insert "None specified"	Insert "None specified"
or	or
[kind of application to be referred]	[Referral authority for application referred]



**8.0 Exemption from notice and review**

~~---/---  
CXX~~ Insert exemption. If no exemption is specified insert “None specified.”

**95.0 Decision guidelines**

~~---/20-  
C--~~ Insert decision guidelines. If no decision guidelines are specified insert “None specified.” ~~Where no requirements are specified, insert “None specified”~~

~~or~~

~~Where decisions guidelines are specified insert “The following decision guidelines apply to an application for a permit under Clause 44.07, in addition to those specified in Clause 44.07 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:~~

~~[insert decision guidelines].”~~

~~See 44.07-5 for relevant provisions.~~

# Local Planning Policy

## South Gippsland Planning Scheme

Schedule 8 to Clause 37.01: Special Use Zone

Proposed new provision.

--/--  
Proposed  
CXX

## SCHEDULE 8 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ8**.

### EXTRACTIVE INDUSTRY

#### Purpose

To recognise or provide for the use and development of land for extractive industry.

To prohibit uses that are incompatible with the existing or future use and development of land for extractive industry.

To encourage land management practice and rehabilitation that minimises adverse impact on the use and development of nearby land.

#### 1.0

#### Table of uses

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Proposed  
CXX

##### Section 1 - Permit not required

Use	Condition
Grazing animal production	
Home based business	
Railway	
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

##### Section 2 - Permit required

Use	Condition
Agriculture (other than Animal husbandry, Domestic animal husbandry and Grazing animal production)	
Domestic animal husbandry (other than Domestic animal boarding)	Must be no more than five animals.
Caretaker's house	
Extractive industry	
Industry (other than Materials recycling, Refuse disposal, and Transfer station)	Must be used in conjunction with extractive industry
Landscape gardening supplies	
Leisure and recreation (other than Informal outdoor recreation)	
Manufacturing sales	
Materials recycling	
Refuse disposal	
Transfer station	
Utility installation (other than Minor utility installation)	
Warehouse	Must not be a purpose listed in the table to Clause 53.10.
Any other use not in Section 1 or 3	

**Section 3 - Prohibited**

Use
Accommodation (other than Caretaker's house)
Animal husbandry (other than Domestic animal husbandry and Grazing animal production)
Brothel
Education centre
Funeral parlour
Hospital
Office
Place of assembly
Recreational boat facility
Retail premises (other than Landscape gardening supplies and Manufacturing sales)
Saleyard
Service station
Transport terminal
Veterinary centre

**2.0 Use of land**  
 --/--/---  
 Proposed  
 CXX  
 None specified.

**3.0 Subdivision**  
 --/--/---  
 Proposed  
 CXX  
 None specified.

**4.0 Buildings and works**  
 --/--/---  
 Proposed  
 CXX  
 None specified.

**5.0 Signs**  
 --/--/---  
 Proposed  
 CXX  
 None specified.

Schedule 1 to Clause 44.07: State Resources Overlay  
Proposed new provision.

## SCHEDULE 1 TO CLAUSE 44.07 STATE RESOURCE OVERLAY

Shown on the planning scheme map as **SRO1**.

### STRATEGIC EXTRACTIVE RESOURCE AREA

#### 1.0 Statement of resource significance

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CXX

Existing extractive industry in the identified area west of Nyora makes a significant contribution to Victoria's total sand production. This extractive industry is a large supplier of sand to metropolitan Melbourne, surrounding peri-urban areas as well as locally. There is an opportunity for future potential extractive industry to continue to increase the resource contribution of this area.

Favourable geological characteristics in this area have been substantiated by the number of existing extractive industry operations. The area also has manageable environmental and planning constraints, is supported by transport networks and is proximate to demand markets.

It is estimated that extractive resources within South Gippsland Shire can supply approximately 22 per cent of Melbourne's demand for sand over the period 2015-2050. Protecting the sand resource in this area from incompatible uses is critical for maintaining certainty of supply to important markets.

This overlay includes buffer areas that are measured 250 metres from any existing work authority issued under the *Mineral Resources (Sustainable Development) Act 1990*. These buffer areas ensure incompatible development cannot inhibit the current or future productivity of existing extractive industry operations.

#### 2.0 Management objectives

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CXX

- 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.

#### 3.0 Use of land

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CXX

A permit is required to use land for:

- Accommodation.
- Crematorium.
- Education centre.
- Funeral parlour.
- Hospital.
- Leisure and recreation.
- Place of assembly.
- Retail premises.

- Winery.
- Veterinary Clinic.

#### 4.0 Subdivision

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CXX

A permit is required to subdivide land.

This does not apply, if:

- Each lot created by the subdivision is at least 40 hectares; or
- The land is in a Public Use Zone 4.

#### 5.0 Buildings and works

--/--  
CXX

A permit is required to construct a building or to construct or carry out works. This does not apply to:

- An alteration or extension to an existing building provided the gross floor area of the alteration or extension is not more than 200 square metres.
- A non-habitable building with a gross floor area not exceeding 200 square metres.
- A building or works associated with the use of land for extractive industry.
- Works with an area not exceeding 200 square metres.
- Works associated with the use of land for agriculture.
- A rainwater tank.
- Land in a Public Use Zone 4.

#### 6.0 Application requirements

--/--  
CXX

None specified.

#### 7.0 Referral of applications

--/--  
CXX

Kind of application	Referral authority
An application under this overlay.	Secretary to the Department administering the <i>Mineral Resources (Sustainable Development) Act 1990</i> .

#### 8.0 Exemption from notice and review

--/--  
CXX

An application under any provision of this planning scheme to use or develop land for extractive industry is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 65(1), (2) and (3) and the review rights of section 82(1) of the Act if:

- The land is at least 250 metres from land used for any uses listed in Clause 3.0; and
- The land has access to a road in a Road Zone, Category 1.

#### 9.0 Decision guidelines

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CXX

Before deciding on an application under this overlay, in addition to the decision guidelines in Clause 44.07 and Clause 65, the responsible authority must consider, as appropriate:

- Whether the proposed use or development is compatible with extractive industry use.
- The potential for the use or development within the buffer areas for the extractive industry use (250m of the boundaries of a work authority issued under the *Mineral Resources (Sustainable Development) Act 1990*) to limit the operation and expansion of adjoining and nearby extractive industry uses.

- Whether the proposed use or development will adversely impact future development of the resource.
- If existing natural features and topography will mitigate potential impacts of existing or future extractive industry use on the proposed use.
- Whether the proposed use or development is a major capital development which may adversely impact on the future productive extraction of the resource.
- Whether the proposed development is designed and sited in a location that minimises amenity impacts from resource extraction operations and its transportation.



## Cardinia Planning Scheme

Schedule 1 to Clause 44.07: State Resources Overlay

Proposed new provision.

## SCHEDULE 1 TO CLAUSE 44.07 STATE RESOURCE OVERLAY

Shown on the planning scheme map as **SRO1**.

### STRATEGIC EXTRACTIVE RESOURCE AREA

#### 1.0 Statement of resource significance

--/--/---  
CXX

Existing extractive industry in the identified area west of Nyora makes a significant contribution to Victoria's total sand production. This extractive industry is a large supplier of sand to metropolitan Melbourne, surrounding peri-urban areas as well as locally. There is an opportunity for future potential extractive industry to continue to increase the resource contribution of this area.

Favourable geological characteristics in this area have been substantiated by the number of existing extractive industry operations. The area also has manageable environmental and planning constraints, is supported by transport networks and is proximate to demand markets.

This overlay only includes buffer areas that are measured 250 metres from any existing work authority issued under the *Mineral Resources (Sustainable Development) Act 1990*. These buffer areas ensure incompatible development cannot inhibit the current or future productivity of existing extractive industry operations.

#### 2.0 Management objectives

--/--/---  
CXX

- 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.

#### 3.0 Use of land

--/--/---  
CXX

A permit is required to use land for:

- Accommodation.
- Crematorium.
- Education centre.
- Funeral parlour.
- Hospital.
- Leisure and recreation.
- Place of assembly.
- Retail premises.
- Winery.
- Veterinary Clinic.

#### 4.0 Subdivision

--/--/---  
CXX

A permit is required to subdivide land.

This does not apply, if:

- Each lot created by the subdivision is at least 40 hectares.

## 5.0 Buildings and works

--/--/---  
CXX

A permit is required to construct a building or to construct or carry out works. This does not apply to:

- An alteration or extension to an existing building provided the gross floor area of the alteration or extension is not more than 200 square metres.
- A non-habitable building with a gross floor area not exceeding 200 square metres.
- A building or works associated with the use of land for extractive industry.
- Works with an area not exceeding 200 square metres.
- Works associated with the use of land for agriculture.
- A rainwater tank.

## 6.0 Application requirements

--/--/---  
CXX

None specified.

## 8.0 Referral of applications

--/--/---  
CXX

Kind of application	Referral authority
An application under this overlay.	Secretary to the Department administering the <i>Mineral Resources (Sustainable Development) Act 1990</i> .

## 7.0 Exemption from notice and review

--/--/---  
CXX

None specified.

## 9.0 Decision guidelines

--/--/---  
CXX

Before deciding on an application under this overlay, in addition to the decision guidelines in Clause 44.07 and Clause 65, the responsible authority must consider, as appropriate:

- Whether the proposed use or development is compatible with extractive industry use.
- The potential for the use or development within the buffer areas for the extractive industry use (250m of the boundaries of a work authority issued under the *Mineral Resources (Sustainable Development) Act 1990*) to limit the operation and expansion of adjoining and nearby extractive industry uses.
- Whether the proposed use or development will adversely impact future development of the resource.
- If existing natural features and topography will mitigate potential impacts of existing or future extractive industry use on the proposed use.
- Whether the proposed development is designed and sited in a location that minimises amenity impacts from resource extraction operations and its transportation.

## Bass Coast Planning Scheme

Schedule 1 to Clause 44.07: State Resources Overlay

Proposed new provision.

## SCHEDULE 1 TO CLAUSE 44.07 STATE RESOURCE OVERLAY

Shown on the planning scheme map as **SRO1**.

### STRATEGIC EXTRACTIVE RESOURCE AREA

#### 1.0 Statement of resource significance

--/--/---  
CXX

Existing extractive industry in the identified area west of Nyora makes a significant contribution to Victoria's total sand production. This extractive industry is a large supplier of sand to metropolitan Melbourne, surrounding peri-urban areas as well as locally. There is an opportunity for future potential extractive industry to continue to increase the resource contribution of this area.

Favourable geological characteristics in this area have been substantiated by the number of existing extractive industry operations. The area also has manageable environmental and planning constraints, is supported by transport networks and is proximate to demand markets.

This overlay only includes buffer areas that are measured 250 metres from any existing work authority issued under the *Mineral Resources (Sustainable Development) Act 1990*. These buffer areas ensure incompatible development cannot inhibit the current or future productivity of existing extractive industry operations.

#### 2.0 Management objectives

--/--/---  
CXX

- 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.

#### 3.0 Use of land

--/--/---  
CXX

A permit is required to use land for:

- Accommodation.
- Crematorium.
- Education centre.
- Funeral parlour.
- Hospital.
- Leisure and recreation.
- Place of assembly.
- Retail premises.
- Winery.
- Veterinary Clinic.

#### 4.0 Subdivision

--/--/---  
CXX

A permit is required to subdivide land.

This does not apply, if:

- Each lot created by the subdivision is at least 40 hectares.

**5.0 Buildings and works**

--/--/---  
CXX

A permit is required to construct a building or to construct or carry out works. This does not apply to:

- An alteration or extension to an existing building provided the gross floor area of the alteration or extension is not more than 200 square metres.
- A non-habitable building with a gross floor area not exceeding 200 square metres.
- A building or works associated with the use of land for extractive industry.
- Works with an area not exceeding 200 square metres.
- Works associated with the use of land for agriculture.
- A rainwater tank.

**6.0 Application requirements**

--/--/---  
CXX

None specified.

**8.0 Referral of applications**

--/--/---  
CXX

Kind of application	Referral authority
An application under this overlay.	Secretary to the Department administering the <i>Mineral Resources (Sustainable Development) Act 1990</i> .

**7.0 Exemption from notice and review**

--/--/---  
CXX

None specified.

**9.0 Decision guidelines**

--/--/---  
CXX

Before deciding on an application under this overlay, in addition to the decision guidelines in Clause 44.07 and Clause 65, the responsible authority must consider, as appropriate:

- Whether the proposed use or development is compatible extractive industry use.
- The potential for the use or development within the buffer areas for the extractive industry use (250 metres of the boundaries of a work authority issued under the Mineral Resources (Sustainable Development) Act 1990) to limit the operation and expansion of adjoining and nearby extractive industry uses.
- Whether the proposed use or development will adversely impact future development of the resource.
- If existing natural features and topography will mitigate potential impacts of existing or future extractive industry use on the proposed use.
- Whether the proposed development is designed and sited in a location that minimises amenity impacts from resource extraction operations and its transportation.

# Wyndham Planning Scheme

Schedule 10 to Clause 37.01: Special Use Zone

Proposed amendments to an existing provision.

~~---/---/---~~  
Proposed  
CXX

## SCHEDULE 6 TO CLAUSE 37.01 SPECIAL USE ZONE

Shown on the planning scheme map as **SUZ6**.

### EXTRACTIVE INDUSTRY~~EARTH AND ENERGY RESOURCES~~

#### Purpose

To recognise or provide for the use and development of land for ~~earth and energy resources~~extractive industry.

~~To encourage interim use of the land compatible with the use and development of nearby land.~~

~~To prohibit uses that are incompatible with the existing or future use and development of land for extractive industry.~~

To encourage land management practice and rehabilitation that minimises adverse impact on the use and development of nearby land.

#### 1.0

#### Table of uses

~~---/---/---~~  
Proposed  
CXX

##### Section 1 - Permit not required

Use	Condition
Grazing animal production	
Home based business	
<del>Informal outdoor recreation</del>	
Minor utility installation	
Railway	
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

##### Section 2 - Permit required

Use	Condition
Agriculture (other than <del>Animal keeping, Animal training, Apiculture, Extensive animal husbandry, Domestic animal husbandry, and Grazing animal production</del> <u>Horse stables, and Intensive animal husbandry</u> )	
<del>Domestic animal husbandry (other than Domestic animal boarding)</del> <u>Animal keeping (other than Animal boarding)</u>	Must be no more than <del>four</del> <u>five</u> animals.
Caretaker's house	
<u>Extractive industry</u>	
Industry (other than <del>Materials recycling, Refuse disposal, and Transfer station</del> )	<del>Must not be a purpose listed in the table to Clause 52.10.</del> <u>Must be used in conjunction with extractive industry.</u>



Use	Condition
Landscape gardening supplies Leisure and recreation (other than Informal outdoor recreation) Manufacturing sales Materials recycling	
<del>Place of assembly (other than Amusement parlour and Nightclub)</del> Refuse disposal Transfer station Utility installation (other than Minor utility installation)	
Warehouse	Must not be a purpose listed in the table to Clause <del>52</del> 53.10.
<u>Any other use not in Section 1 or 3</u>	

**Section 3 - Prohibited**

Use
Accommodation (other than Caretaker’s house) <del>Amusement parlour</del> <u>Animal husbandry (other than Domestic animal husbandry and Grazing animal production)</u> <del>Animal boarding</del> <del>Animal training</del> Brothel <del>Cinema based entertainment facility</del> Education centre Funeral parlour Hospital <del>Nightclub</del> Office <u>Place of assembly</u> Recreational boat facility Retail premises (other than Landscape gardening supplies and Manufacturing sales) Saleyard Service station Transport terminal Veterinary centre

**2.0 Use of land**

--/--  
Proposed  
CXX None specified

**3.0 Subdivision**

--/--  
Proposed  
CXX None specified

**4.0 Buildings and works**

~~---/---~~  
Proposed  
CXX

None specified

~~The requirement for a permit does not apply to the construction of a building or the construction or carrying out of works which are a modification necessary to comply with a direction or licence under the Dangerous Goods Act 1985 or a Waste Discharge Licence, Works Approval or Pollution Abatement Notice under the Environment Protection Act 1970.~~

**5.0 Signs**

~~---/---~~  
Proposed  
CXX

None specified.

Schedule 1 to Clause 44.07: State Resources Overlay  
Proposed new provision.

## SCHEDULE 1 TO CLAUSE 44.07 STATE RESOURCE OVERLAY

Shown on the planning scheme map as **SRO1**.

### STRATEGIC EXTRACTIVE RESOURCE AREA

#### 1.0 Statement of resource significance

--/---  
CXX

Existing extractive industry in the identified area west of Werribee makes a significant contribution to Victoria's total hard rock production. This extractive industry is a large supplier of hard rock to metropolitan Melbourne, surrounding peri-urban areas as well as locally. There is an opportunity for future potential extractive industry to continue to increase the resource contribution of this area.

There are substantial hard rock resources in the area, from basalt lava flows. A number of extractive industry operations have established here. The area also has manageable environmental and planning constraints, is supported by transport networks and is proximate to demand markets.

Wyndham's high population growth is a major driver for local hard rock demand. The municipality is expected to use around 110 million tonnes of hard rock from 2015 to 2050. Protecting the resource from incompatible uses is critical for maintaining certainty of supply to important markets, particularly as the resource is located close to areas of both high demand and increasing urbanisation.

This overlay includes buffer areas that are measured 500 metres from any existing work authority issued under the *Mineral Resources (Sustainable Development) Act 1990*. These buffer areas ensure incompatible development cannot inhibit the current or future productivity of existing extractive industry operations.

#### 2.0 Management objectives

--/---  
CXX

- 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 500 metres of 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.

#### 3.0 Use of land

--/---  
CXX

A permit is required to use land for:

- Accommodation.
- Crematorium.
- Education centre.
- Funeral parlour.
- Hospital.
- Leisure and recreation.
- Place of assembly.
- Retail premises.

- Winery.
- Veterinary Clinic.

**4.0 Subdivision**

--/--/---  
CXX

A permit is required to subdivide land.

This does not apply if:

- Each lot created by the subdivision is at least 40 hectares; or
- The land is in a Public Use Zone 4.

**5.0 Buildings and works**

--/--/---  
CXX

A permit is required to construct a building or to construct or carry out works. This does not apply to:

- An alteration or extension to an existing building provided the gross floor area of the alteration or extension is not more than 200 square metres.
- A non-habitable building with a gross floor area not exceeding 200 square metres.
- A building or works associated with the use of land for extractive industry.
- Works with an area not exceeding 200 square metres.
- Works associated with the use of land for agriculture.
- A rainwater tank.
- Land in a Public Use Zone 4.

**6.0 Application requirements**

--/--/---  
CXX

None specified.

**9.0 Referral of applications**

--/--/---  
CXX

Kind of application	Referral authority
An application under this overlay.	Secretary to the Department administering the <i>Mineral Resources (Sustainable Development) Act 1990</i> .

**Exemption from notice and review**

--/--/---  
CXX

An application under any provision of this planning scheme to use or develop land for stone extraction 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 if:

- The land is at least 500 metres from land used for any uses listed in Clause 3.0; and
- The land has access to a road in a Road Zone, Category 1.

**10.0 Decision guidelines**

--/--/---  
CXX

Before deciding on an application under this overlay, in addition to the decision guidelines in Clause 44.07 and Clause 65, the responsible authority must consider, as appropriate:

- Whether the proposed use or development is compatible with extractive industry use.
- The potential for the use or development within the buffer areas for the extractive industry use (500 metres of the boundaries of a work authority issued under the *Mineral Resources (Sustainable Development) Act 1990*) to limit the operation and expansion of adjoining and nearby extractive industry uses.

- Whether the proposed use or development will adversely impact future development of the resource.
- If existing natural features and topography will mitigate potential impacts of existing or future extractive industry use on the proposed use.
- Whether the proposed use or development is a major capital development which may adversely impact on the future productive extraction of the resource.
- Whether the proposed development is designed and sited in a location that minimises amenity impacts from resource extraction operations and its transportation