Planning and Environment
Regulations 2015

Form 7

Sections 65(1) and 66(4)

NOTICE OF DECISION TO REFUSE TO GRANT A PERMIT

Application No.:	PA2503956
Planning Scheme:	Frankston Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	60 Valley Road, Langwarrin *(Lot 1 on Title Plan 759169L)* 150 Quarry Road, Langwarrin *(Crown Allotments 17 (Section A and B), 18 (Section B) and 18A (Section B), Parish of Langwarrin)*

WHAT HAS BEEN REFUSED?

An application for a permit under the following clauses of the planning scheme:

Planning scheme clause	Matter for which the permit has been refused
Clause 35.06-1	Use the land for an extractive industry (sand quarry).
Clause 35.06-5	Construct a building or construct or carry out works for a Section 2 use.
Clause 35.06-5	Earthworks which change the rate of flow or discharge point of water across the property boundary.
Clause 52.08-1	Use and develop land for earth and energy resource industry.
Clause 52.09-1	Use and develop land for extractive industry (sand quarry).

GROUNDS OF REFUSAL:

1. **The proposal is incompatible with the purpose and decision guidelines of the Rural Conservation Zone (Schedule 2).** The proposal is inconsistent with the purpose of Clause 35.06 and the decision guidelines at Clause 35.06-6, having regard to the capability of the land, its conservation values and environmental sensitivity, and the compatibility of the proposed use and development with adjoining land uses.

[redacted]

2. **The proposal would result in unacceptable impacts on biodiversity and habitat connectivity.** The proposed removal of native vegetation and associated excavation would sever the C1 high-priority biodiversity corridor identified in the Frankston Planning Scheme, which provides ecological connectivity between the Pines Flora and Fauna Reserve, the Royal Botanic Gardens Cranbourne and the Langwarrin Flora and Fauna Reserve. The proposal is inconsistent with Clauses 12.01-1S and 12.01-1L, which seek to avoid impacts on important areas of biodiversity, minimise habitat fragmentation and protect and enhance habitat corridors.

3. **The proposal is inconsistent with the environmental and landscape objectives of the Frankston Green Wedge.** The scale and nature of the proposed extraction and associated works would diminish the environmental and landscape values of the land and is inconsistent with the Municipal Planning Strategy, the Frankston Green Wedge Management Plan and the relevant Green Wedge planning framework, including Clauses 02.03-1 (Settlement, Frankston's Green Wedge) and 12.05-2L (Frankston Landscapes).

4. **The proposal would result in unacceptable loss of high-value native vegetation.** The extent of vegetation removal is inconsistent with Clauses 12.01-1L and 12.01-2S, which seeks to prioritise retention of high-value vegetation and encourage retention of remnant indigenous vegetation on extractive sites, and does not achieve the environmental outcomes sought by the Environmental Significance Overlay (Schedule 1) and Clause 52.17.

5. **The proposal would create unacceptable land use and amenity conflicts.** The proposal would encroach into land that currently provides separation between existing extractive industry and nearby residential development, reducing the existing separation and increasing the potential for adverse impacts from noise, dust, vibration, traffic and other emissions. The proposal is therefore inconsistent with the decision guidelines at Clauses 35.06-6 and 52.09-4, along with strategic directions at Clause 02.03-3 and objectives of Clauses 13.05-1S (Noise management), 13.06-1S (Air quality management), 13.07-1S (Land use compatibility).

6. **The proposal does not demonstrate an environmentally acceptable extractive industry or rehabilitation outcome.** The proposal does not satisfactorily demonstrate that the extractive industry can be undertaken, and the land subsequently rehabilitated, without unacceptable environmental or amenity impacts. Having regard to the matters required to be considered under Clause 52.09-4, the proposal does not demonstrate that the affected land can be rehabilitated to a condition compatible with the natural systems and visual appearance of the surrounding area or otherwise achieve the outcomes sought by Clause 52.09.

7. **The application does not represent orderly planning for the area.** Having regard to the Rural Conservation Zone, Environmental Significance Overlay, Municipal Planning Strategy, Planning Policy Framework, Green Wedge framework and the specific planning considerations applying to extractive industry, the proposal would result in an unacceptable planning outcome for the site and its surrounds and is therefore not consistent with the orderly planning of the area having regard to Clause 65.01.

[redacted]

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IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

- The responsible authority has decided to refuse to grant a permit.

  (Note: This is not a refusal under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987.)**

- This notice sets out the grounds on which the application has been refused.

- The grounds on which the application has been refused are those of the responsible authority unless otherwise stated.

WHAT ABOUT REVIEWS?

For the applicant–

- The person who applied for the permit may apply for a review of the refusal.
- The application for review must be lodged within 60 days of the giving of this notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form, which can be obtained from the Victorian Civil and Administrative Tribunal and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority, each other party and each other person entitled to notice of the application for review under the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1998** within 7 days after lodging the application with the Victorian Civil and Administrative Tribunal.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

[redacted]

Date of notice: **Signature for the responsible authority:**