



STRATHBOGRIE SHIRE COUNCIL
PLANNING COMMITTEE
MINUTES

OF THE MEETING HELD ON TUESDAY 24 NOVEMBER 2015
AT THE EUROA COMMUNITY CONFERENCE CENTRE
COMMENCING AT 4.00 P.M.

Councillors:

Malcolm Little (Chair)	(Hughes Creek Ward)
Colleen Furlanetto	(Seven Creeks Ward)
Alister Purbrick	(Lake Nagambie Ward)
Patrick Storer	(Honeysuckle Creek Ward)
Debra Swan	(Lake Nagambie Ward)
Robin Weatherald	(Mount Wombat Ward)
Graeme (Mick) Williams	(Seven Creeks Ward)

Officers:

Steve Crawcour - Chief Executive Officer
Phil Howard - Director, Sustainable Development
Jennifer Boyle - Manager, Planning
Cameron Fraser – Senior Planner
Roy Hetherington - Director, Asset Services
David Woodhams – Director, Corporate and Community

Business:

1. Welcome
2. Acknowledgement of Traditional Land Owners

*'I acknowledge the Traditional Owners of the land on which we are meeting.
I pay my respects to their Elders, past and present, and the more recent
custodians of the land'*

3. Apologies

Emma Kubeil – Executive Manager, Sustainable Development

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 27 October 2015

01/16 **CRS FURLANETTO/STORER** : *That the Minutes of the Planning Committee held on Tuesday 27 October 2015 be confirmed.*

CARRIED

5. Disclosure of Interests
6. Planning Reports
7. Other Business

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PLANNING COMMITTEE REPORT NO. 1 (MANAGER, PLANNING – JENNIFER BOYLE)

6. PLANNING REPORTS

6.1 Planning Permit Application No. 2015/006 – Use and Development of Land for Animal Breeding and Keeping (up to 50 Greyhounds) ~ 104 Allowah Court, Whroo

Application Details:

Application is for:	Use and development of land for animal breeding and keeping (up to 50 greyhounds)
Applicant's/Owner's Name:	Pia Triaca
Date Received:	28 January 2015
Statutory Days:	74
Application Number:	P2015-006
Planner: Name, title & department	Jennifer Boyle Manager Planning Sustainable Development Department
Land/Address:	Lot 9 on Plan of Subdivision 133724 Certificate of Title Volume 09382 Folio 210 104 Allowah Court, Whroo VIC 3612
Zoning:	Farming Zone
Overlays:	No Overlay
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-4
Restrictive covenants on the title?	No
Current use and development:	Dwelling, Animal Keeping and breeding (this is a retrospective application for animal keeping and breeding)

Disclosure of Conflicts of Interest in relation to advice provided in this report

The author of this report and officers/contractors providing advice in relation to this report do not have a direct or indirect interest, as provided in accordance with the *Local Government Act 1989*.

Summary

- The proposal is for the use and development of land for a greyhound keeping and breeding facility. This is a retrospective application for animal keeping and breeding.
- The site has an area of 24.5 hectares and is located in the Farming Zone.
- The application was referred internally to Council's Health Officer and Asset Services Department who offered no objection subject to conditions.
- The EPA were notified of the application and have advised that they have no objections to the proposal, subject to conditions.

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- Use and Development of Land for Animal Breeding and Keeping (up to 50 Greyhounds) ~ 104 Allowah Court, Whroo (cont.)

- The Department of Environment and Primary Industries, now Department of Environment, Land, Water and Planning were notified of the application and have advised that they have no objections. No conditions were required by DELWP.
- The application was advertised to adjoining land holders, four objections have been received.
- The objections raise issues in relation to noise, smell, ongoing compliance, property values and animal welfare.
- It is considered that the issues raised can be managed where relevant by conditions on the permit.
- An assessment against the Farming Zone Decision Guidelines, State and Local Policies indicates the proposal is consistent with these provisions of the Strathbogrie Planning Scheme.
- The application is being presented to Planning Committee as objections have been received and at the request of Councillors.
- The application has been assessed outside the 60 day statutory time period due to detailed assessment and consultation with objectors and the applicant.
- It is recommended that Council resolve to issue a Notice of Decision in accordance with the Officer's recommendation.

RECOMMENDATION

That Council

- **having caused notice of Planning Application No. P2015-006 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme**

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 35.07-1 and Clause 35.07-4 of the Strathbogrie Planning Scheme in respect of the land known as Lot 9 on Plan of Subdivision 133724 Certificate of Title Volume 09382 Folio 210, 104 Allowah Court, Whroo VIC 3612, for the use and development of animal breeding and keeping (up to 50 greyhounds), in accordance with endorsed plans, subject to the following conditions:

Amended Plans

1. **Within one month of the date of the permit except with the written consent of the Responsible Authority, amended plans 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 a minimum of three copies must be provided. Such plans must be generally in accordance with the plan submitted but modified to show:**

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- a) **An amended site plan showing:**
 - a. **Location of proposed buildings and works including exercise yards and other enclosures with setbacks from two adjacent boundaries**
 - b. **Legal point of vehicular access to the property**
 - c. **Location of on site effluent disposal system**
 - b) **Scaled Elevation and Floor Plans of all buildings proposed which show:**
 - a. **Materials and colours**
 - b. **Animal enclosures**
 - c. **Soundproofing techniques**
 - c) **Floor and elevation plans of the existing building on site to be used as part of the approved use.**
2. **Within three months of the date of the permit except with written consent of the Responsible Authority, an Environmental and Risk Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must detail:**
- (a) **Waste management of both solid and liquid waste produced by the dogs and during the wash down and cleaning of kennels and other dog areas.**
 - (b) **Stormwater management to ensure no water contaminated with waste be discharged beyond the boundary of the premises.**
 - (c) **Noise control measures in place, including any sound proofing or other measures that are to be taken for noisier dogs and/or times.**
 - (d) **A letter of compliance from Greyhound Racing Victoria. The letter must state an inspection of the subject site has been undertaken by Greyhound Racing Victoria and the use and development meets the Code of practice for the operation of Greyhound Establishments.**

Engineering Conditions

3. **Within three months of the date of the permit, all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority. Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4m.**
4. **All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.**

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5. **Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.**
6. **Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb& channel, trees, nature strip etc), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.**

Environmental Health Conditions

7. **Within one month of the date of the permit a Plumber's Report must be provided detailing the capacity of the existing wastewater system in use. Wastewater disposal must be to the satisfaction of Council's Environmental Health Department.**
8. **Within one month of the date of the permit a management plan must be provided detailing how each aspect will be controlled to the satisfaction of the Responsible Authority:**
 - a) **Disposal of waste products**
 - b) **Disposal of carcasses**
 - c) **Dust**
 - d) **Lighting**
 - e) **Noise**
 - f) **Odour issues**
 - g) **Disposal of wastewater / drainage**
 - h) **Littering issues**

EPA Conditions:

9. **Offensive odours must not be discharged beyond the boundaries of the premises.**
10. **Nuisance dust must not be discharged beyond the boundaries of the premises.**
11. **Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.**
12. **Stormwater contaminated with waste oil, grease, chemicals, leachate and/or sediments must not be discharged beyond the boundary of the premises.**
13. **The applicant should install bunds and/or cut –off drains around the boundary of operational area to prevent contaminated run-off entering into a waterway.**

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14. **Stormwater contaminated with effluent must not be discharged beyond the boundary of the premises.**
15. **Discharge of wastewater to land must not adversely affect the land.**
16. **Within three months of the date of the permit except with written consent of the Responsible Authority, a noise assessment must be prepared and submitted to the satisfaction of the responsible authority. The assessment must identify predicted noise emissions from the site and identify attenuation measures to be implemented to reduce these issues. The assessment must demonstrate that noise levels do not exceed levels established in the 'Noise from Industry in Regional Victoria' (NIRV) EPA publication 1411. When approved, this plan will be endorsed to form part of the permit.**

General Conditions

17. **At all times during the operation of the animal boarding facility, no more than 50 Greyhounds (*including puppies*) may be kept on the land to the satisfaction of the Responsible Authority and the Code of Practice for the Operation of Greyhound Establishments.**
18. **At all times the operation must be in accordance with the Code of Practice for the Operation of Boarding Establishments to the satisfaction of the Responsible Authority.**
19. **The use and development must be sited and constructed in accordance with the endorsed plans. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.**
20. **The external cladding of the proposed buildings, including the roof, must be constructed of new materials of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.**
21. **The amenity of the area must not be detrimentally affected by the use, through the:**
 - (a) **Appearance of any building, works or materials;**
 - (b) **Transport of materials, goods or commodities to or from the land;**
 - (c) **Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;**
 - (d) **Presence of vermin, and;**
 - (e) **Others as appropriate.**

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

- (a) The requirements of permit conditions are not satisfied within six months of the date of the permit unless with the written consent of the Responsible Authority.
- (b) The development is not started within two (2) years of the date of this Permit,
- (c) The development is not completed within four (4) years of the date of this Permit.
- (d) The use ceases for a period of (2) years.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- before the permit expires; or
- within six months afterwards if the use or development has not yet started; or
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Planning Notes:

- This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.
- This Permit does not authorise the removal of any native vegetation including for access. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.
- A Land Capability Assessment may be required and should be undertaken by a suitability qualified person. The Responsible Authority reserves the right to accept, reject or amend the recommendations of an LCA report.
- Written consent to extend the time periods detailed in the permit will only be extended with a valid reason for the request.
- This permit has been issued subject to a number of strict, ongoing requirements. The compliance with these conditions by the permit holder will be closely monitored by Council. Should three breaches be recorded, the Responsible Authority may undertake to cancel the permit.
- **The existing use and development of the site must not expand until all conditions are complied with to the satisfaction of the Responsible Authority.**

CRS WEATHERALD/WILLIAMS –

That the Recommendation be adopted.

THE MOTION WAS NOT ACCEPTED.

- 6.1 Planning Permit Application No. 2015/006
- Use and Development of Land for Animal Breeding and Keeping (up to 50 Greyhounds) ~ 104 Allowah Court, Whroo (cont.)

CRS SWAN/FURLANETTO –

Amendment:

That the following adjustments be made to the Recommendation –

The inclusion of (d) to Condition 2, as detailed below and shown by italics and underlining in the body of the report –

- (d) ***A letter of compliance from Greyhound Racing Victoria. The letter must state an inspection of the subject site has been undertaken by Greyhound Racing Victoria and the use and development meets the Code of practice for the operation of Greyhound Establishments.***

The inclusion of additional wording in Condition 17, as detailed below and shown by italics and underlining in the body of the report –

At all times during the operation of the animal boarding facility, no more than 50 Greyhounds (including puppies) may be kept on the land to the satisfaction of the Responsible Authority and the Code of Practice for the Operation of Greyhound Establishments.

The inclusion of an additional Planning Note, as detailed below and shown by italics and underling in the body of the report –

The existing use and development of the site must not expand until all conditions are complied with to the satisfaction of the Responsible Authority.

02/16

ON BEING PUT, THE AMENDMENT WAS CARRIED

Cr Weatherald voted against the Amendment

Cr Weatherald called for a division

For the Amendment

Cr Swan
Cr Furlanetto
Cr Purbrick
Cr Storer
Cr Williams
Cr Little

Against the Amendment

Cr Weatherald

CRS SWAN/WILLIAMS –

That the Recommendation, as amended, be adopted.

03/16

ON BEING PUT, THE MOTION WAS CARRIED

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Cr Weatherald called for a division

For the Amendment

Cr Swan
Cr Furlanetto
Cr Purbrick
Cr Storer
Cr Williams
Cr Little

Against the Amendment

Cr Weatherald

Proposal

This is a retrospective application for the use and development of the subject land for keeping and breeding greyhounds. Clause 75, Nesting Diagrams of the Strathbogie Planning Scheme nests animal keeping, animal boarding and dog breeding under Agriculture. The facility is proposed to have the capacity for up to 50 greyhounds at any one time.

The following buildings are proposed to be used in association with the use of the land for animal keeping and boarding:

- Forty five kennels
- Seven sheds
- Four yards
- One track

The areas of the sheds vary in size from 4.68 meters squared to 56 meters squared.

The facility will be managed by a resident on the subject site who currently lives in an existing dwelling on the property. A daily schedule for the operation and management of the facility has been provided with the application.

Subject site & locality

The subject site is located at the end of Allowah Court and has an area of 24.5 hectares. The land is generally flat in topography and is irregular in shape. A watercourse traverses the site in a south-north alignment towards the rear of the property. Native vegetation is scattered throughout the subject site.

The land is currently developed with a single dwelling and associated outbuildings. Access to the subject site is available to the south west of the site from Allowah Court.

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The adjoining and surrounding lots are a similar size to the subject site, with each lot in excess of 20 hectares. To the south the adjoining two lots are in the same ownership. The lot directly south is vacant. The second lot further south is occupied by a dwelling approximately 200 metres from the subject site. To the north the adjoining lot is occupied by a dwelling approximately 250 metres from the subject site. To the west is a dwelling approximately 400 metres from the subject site. Further north there are similar size occupied, each occupied by a dwelling generally greater than 500 metres from the subject site. To the east the lots are generally vacant and used for agriculture.

Permit/Site History

A search of Council's electronic records system shows that no planning permits have previously been issued for the subject site.

Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by

- Sending letters to adjoining land owners
- Placing a sign on site

The notification has been carried out correctly.

Council has received four objections to date. Two of the four objections received are the same objection and relate to two lots to the south which are in the same ownership. The key issues that were raised in the objections are:

- Noise
- Odour
- Insufficient provisions made for effluent and runoff
- Injury to other pets and stock if animal escapes
- Attraction of vermin and pests to area
- Welfare of dogs at the facility
- Loss of property values
- Development has continued on the site since application was lodged

Officers Response:

The subject site has an area of 24.5 hectares and is located within the Farming Zone. The purpose of the Farming Zone is "to provide for the use of land for agriculture". The proposed use is defined in the Strathbogie Planning Scheme as an agricultural use. Given the size of the lot board acre farming is not considered a likely use. The proposed use can be accommodated on a smaller site. It is considered the proposed use is appropriate to the subject site.

With regard to issues of noise and odour measures can be put in place to ensure these issues are managed. The applicant will be required to comply with DELWP codes of practice and Greyhound Racing Victoria requirements. The level of noise and odour must be appropriate to the zoning of the land, in this instance the Farming Zone.

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- Use and Development of Land for Animal Breeding and Keeping (up to 50 Greyhounds) ~ 104 Allowah Court, Whroo (cont.)

Consultation

A copy of the objections was forwarded to the applicant who has provided an individual response to each objection.

The response can be summarised as follows:

- The submitted management plan will ensure issues of noise, effluent and odour are managed appropriately.
- The welfare of the animals is not a planning issue and will be dealt with by Greyhound Racing Victoria.
- Property values are not a planning concern.
- The subject site is located within the Farming Zone and the proposed use is permissible and appropriate in the zone.

These responses were then forwarded to the objectors for their review. No objections have been withdrawn as a result of this consultation process.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	DELWP – No objections, no conditions
Section 52 Notices	Public Notice EPA – No objections, comments provided (discussed below)

Internal Council Referrals	Advice/Response/Conditions
Asset Services	No Objection, subject to conditions
Health Department	No Objection, subject to conditions

Notice of the application was given to the Environment Protection Authority (EPA) who have advised that they do not object to a permit being granted however have recommended that conditions relating noise and dust and stormwater to be placed on any permit issued. The EPA also recommended a noise assessment and attenuation measures are required. A condition will be included on any permit issued requiring a noise assessment and attenuation measures.

Assessment

The zoning of the land and any relevant overlay provisions

Farming Zone

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*

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- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

A permit is required for the use and development of the land for animal keeping and dog breeding.

The use of the land for the purpose of training animals does not require a planning permit under the provisions of the Farming Zone. It is noted that 'training' of animals, as defined by the Victoria Planning Provisions does not include accommodation or any other activities. Animal Training is defined under Clause 74 of the Strathbogie Planning Scheme as:

- *Land used to train animals.*

When assessing an application for animal husbandry including boarding and breeding, under the provisions of this zone, in addition to the requirements of Clause 65 of the Strathbogie Planning Scheme, consideration must be given to the agricultural capacity of the land as well as a number of environmental and amenity impacts. An assessment of the proposal against the relevant decision guidelines of the Farming Zone is tabled below:

General Issues	Complies	Officers Comment
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	Assessment against SPPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	N/A	There is no relevant regional catchment strategy.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	The application was referred to Councils Health Officer as well as the EPA who did not object subject to conditions being included on the permit.
<i>How the use or development relates to sustainable land management.</i>	Yes	The site is 24.5 hectares in area and is considered inappropriate for more traditional broad acre agricultural practices. The proposal provides a more economically sustainable use of the land. Environmentally, the proposal will be required to be managed in accordance with legislative requirements.

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- Use and Development of Land for Animal Breeding and Keeping (up to 50
Greyhounds) ~ 104 Allowah Court, Whroo (cont.)

<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	Yes	The subject site is considered to be a small lot suitable for the proposed intensive animal husbandry use. Some land surrounding the subject site is developed for residential purposes. The application proposes an agricultural land use in a farming area. Consideration has been given to surrounding land uses including dwellings. Conditions relating to noise attenuation and management of the facility should ensure the proposal integrates well with surrounding land uses. This will also be required to be demonstrated through an environmental management plan.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	The site is currently developed with a single dwelling and associated shedding and is connected to all available services. The site is proposed to be accessed by an existing crossover from Allowah Court into the site.
Agricultural Issues		
<i>Whether the use or development will support and enhance agricultural production.</i>	No	Intensive Animal Husbandry is nested under 'Agriculture' pursuant to Clause 74 of the Strathbogie Planning Scheme. The use of the land for this purpose is consistent with the purpose of the zone.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	The proposal will provide for the continued use of the land for Agriculture. This proposal would result in an overall improvement in the use of the subject site for agriculture.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	The use of the land for intensive animal husbandry is unlikely limit the operation or expansion of nearby agricultural uses. Surrounding lots are primarily used for residential purposes.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The site is capable of containing the proposed animal husbandry use.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The quality of the land in this area is generally considered non productive due to lot sizes.
<i>Any integrated land management plan prepared for the site.</i>	n/a	As detailed above the site is not capable of accommodating a larger traditional agricultural use.

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Greyhounds) ~ 104 Allowah Court, Whroo (cont.)

Environmental issues		
<i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i>	Yes	The application was referred to Council's Environmental Health Officer and the Environmental Protection Authority who assessed the application and did not object to the proposal subject to conditions.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	The proposal does not include the removal of any vegetation and is appropriately located not to damage any vegetation.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The proposal does not include the removal of any vegetation.
<i>The location of on-site effluent disposal areas to minimize the impact of nutrient loads on waterways and native vegetation.</i>	Yes	Should a permit be issued a condition will be included requiring a permit for a septic tank and a management plan for the disposal of waste products. This is also a specific requirement of the relevant code relating to intensive animal husbandry.
Design and siting issue		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimize the loss of productive agricultural land.</i>	Yes	The proposed buildings and works will take place in the front of the site which is close to the existing dwelling and outbuildings. This is considered an appropriate location to ensure the site is properly managed.
<i>The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimize any adverse impacts.</i>	Yes	The proposed siting and design is considered appropriate. Should a permit be issued a condition will be placed on the permit requiring muted tones. To ensure the development does not significantly impact on the amenity of the area as well as a potential noise attenuation measure, a landscaping plan will be required as part of the development of the site. Basic plans have been submitted to Council for consideration. Detailed plans would be required should a permit be issued.
<i>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</i>	Yes	The proposed sheds in which the use will operate are unlikely to impact the character and appearance of the area.

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<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	The proposed shedding and associated infrastructure is considered to be appropriately located within the site.
<i>Whether the use and development will require traffic management measures.</i>	Yes	The application was referred to Councils Assets Department who raised no concerns in relation to traffic management measures. The proposed animal keeping and breeding facility is unlikely to have significant traffic implications which would lead to a significant reduction in amenity.

The proposed use and development of the land for a greyhound breeding and boarding facility is considered to be generally consistent with the purpose and decision guidelines of the Farming Zone. Although located within the Farming Zone, consideration must be given to the sensitive land uses surrounding the subject site. It is considered that with appropriate noise attenuation and site management, the proposed use can successfully co-exist with surrounding amenity expectations.

The State Planning Policy Framework (SPPF)

Clause 12.01-1 Protection of biodiversity

Objective:

- *To assist the protection and conservation of Victoria’s biodiversity, including important habitat for Victoria’s flora and fauna and other strategically valuable biodiversity sites.*

No vegetation is proposed to be removed. It is not expected that the proposed use and development of the land for a domestic animal boarding facility is likely to impact on the biodiversity values of the area.

Clause 12.04-1 Environmentally sensitive areas

Objective:

- *To protect and conserve environmentally sensitive areas.*

The proposed use of the land for a domestic animal boarding facility is unlikely to have a significant impact on the environs of the adjoining creek or waterway networks. Waste water generated on the site by the proposed use will be managed and treated on site to ensure that waste water does not impact or harm the environmentally sensitive areas of the site or adjoining properties.

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- Use and Development of Land for Animal Breeding and Keeping (up to 50 Greyhounds) ~ 104 Allowah Court, Whroo (cont.)

Clause 12.04-2 Landscapes

Objective:

- *To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.*

The area in which the proposed development is to occur has not been identified as a significant landscape. It is considered however that the proposed development is unlikely to detriment the visual amenity of the area.

Clause 13.03-2 Erosion and landslip

Objective:

- *To protect areas prone to erosion, landslip or other land degradation processes.*

The area is not within an Erosion Management Overlay however surrounding waterways do render the area vulnerable to possible erosion. No vegetation is proposed to be removed and earthworks are minimal, based on the plans submitted.

Clause 13.03-3 Salinity

Objective:

- *To minimise the impact of salinity and rising watertables on land uses, buildings and infrastructure in rural and urban areas and areas of environmental significance and reduce salt loads in rivers.*

The area is not within a Salinity Management Overlay however surrounding waterways do render the area susceptible to salinity issues if buildings and works are not appropriately managed both during and post construction activity. No vegetation is proposed to be removed and earthworks are minimal, based on the plans submitted.

Clause 13.04-1 Noise abatement

Objective

- *To assist the control of noise effects on sensitive land uses.*

The impact of noise from the proposed development on surrounding land uses is considered as part of the assessment of this application. The applicant has advised the dogs will be muzzled to reduce the amount of noise generated from the site. This and other measures will be required to be addressed through an Environmental Management Plan to be prepared as part of the use and development of the land.

The site is located in the Farming Zone. The proposal is for an agricultural use. To minimise noise impact conditions will be included on the permit to restrict noise by sound proofing, access to the dogs for feeding and exercise and providing screening.

6.1 Planning Permit Application No. 2015/006
- Use and Development of Land for Animal Breeding and Keeping (up to 50
Greyhounds) ~ 104 Allowah Court, Whroo (cont.)

Clause 14.01-1 Protection of agricultural land

Objective

- *To protect productive farmland which is of strategic significance in the local or regional context.*

The subject site is located within the Farming Zone. The use of the land for intensive animal husbandry is nested under 'Agriculture' pursuant to Clause 74 of the Strathbogie Planning Scheme. The site is located in an area of land with smaller rural living sized lots. The use of these parcels for agriculture is limited due to their size. The proposal will ensure the land is able to be used for an agricultural purpose into the future.

Clause 14.02-1 Catchment planning and management

Objective

- *To assist the protection and, where possible, restoration of catchments, waterways, water bodies, groundwater, and the marine environment.*

The use and development of the land as proposed is not likely to impact on the overall health of the surrounding waterways and dams. The proposal will be connected to an appropriate on site waste water management system to the satisfaction of Council's Environmental Health Officer. The ongoing use of the land for a boarding facility will be required to comply with the requirements of the *Health Act 1958* and other relevant legislation.

Clause 17.01-1 Business

Objective

- *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*

The proposal provides for an additional business which will contribute to the local economy.

The Local Planning Policy Framework (LPPF) – including the Municipal Strategic Statement (MSS) and local planning policies

Clause 21.02-4 Rural Zones

Objective

- *To protect and maintain established farming areas.*
- *To ensure suitable land is available to provide for emerging rural enterprises, e.g. intensive animal husbandry, horticulture and equine industry.*

6.1 Planning Permit Application No. 2015/006
- Use and Development of Land for Animal Breeding and Keeping (up to 50 Greyhounds) ~ 104 Allowah Court, Whroo (cont.)

The proposed use and development of the land is located within the Farming Zone. The use of the land for emerging rural enterprises is encouraged on land within this zone. The site is a suitable size to allow for animal husbandry. Due to its size, topography and soil type, it is unlikely to be used for traditional agricultural practices. The site is large enough to accommodate the development of the land for kennels and associated buildings. It is also large enough to accommodate a sufficient buffer on site and comply with the relevant regulations of the Department of Environment, Land, Water and Planning.

Clause 21.02-6 Building Material – Muted Tones

Objective

- *To ensure that all structures blend in with the surrounding environment and that the aesthetic amenity of the area is preserved and/or enhanced.*

The proposed buildings will be constructed of muted tones so as not to impact on the aesthetic amenity of the surrounding area. This will be enforced by way of planning permit condition.

Clause 21.04-7 Bushfire

Objective

- *To minimise the risk to life, property and the environment from bushfire.*

The proposal is unlikely to lead to an increase in the risk to life, property or the environment from bushfire. The site is generally clear of vegetation and is able to be appropriately managed in the event of a bushfire.

Clause 21.06-2 Adapting and diversifying agriculture

Objective

- *To support and encourage the retention and diversification of agriculture.*

As intensive animal husbandry is nested under 'Agriculture' pursuant to Clause 74 of the Strathbogie Planning Scheme, the use of the land is able to be supported on land in this zone. The use is considered appropriate on this site as its size constrains its potential to be used for traditional agricultural purposes.

Clause 22.02 Sustainable Intensive Agriculture

Objective:

- *To ensure that all development is appropriately located.*
- *To ensure that all applications have addressed, considered and will implement sustainable use and development practices.*
- *To encourage innovation, quality design and environmentally sustainable intensive agriculture.*
- *To encourage businesses to implement the highest standards and be leaders in their industry.*
- *To support development growth through partnerships between EPA Victoria and other relevant authorities.*

6.1 Planning Permit Application No. 2015/006
- Use and Development of Land for Animal Breeding and Keeping (up to 50 Greyhounds) ~ 104 Allowah Court, Whroo (cont.)

The proposal is considered to be consistent with the objectives of this clause. The proposed boarding and training facility is located on land zoned for this purpose. The development will be undertaken subject to a number of conditions relating to amenity, environmental management and other issues which have been considered in this report. As part of the assessment of the application, the Environment Protection Authority was notified and have consented to the proposal subject to a number of requirements which will be managed by way of conditions on any permit issued.

Relevant Particular Provisions

There are no particular provisions relevant for the proposed use and development.

The decision guidelines of Clause 65

Clause 65.01, *Approval of an application or plan*, states that; *before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:*

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

Other relevant adopted State policies/strategies – (e.g. Melbourne 2030.)

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

6.1 Planning Permit Application No. 2015/006
- Use and Development of Land for Animal Breeding and Keeping (up to 50 Greyhounds) ~ 104 Allowah Court, Whroo (cont.)

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

Summary of Key Issues

The application proposes the use and development of the land for animal boarding. The land is located within the Farming Zone and the application has been assessed against the relevant decision guidelines.

With regard to the Zone:

- The proposed use and development of the land for animal boarding for up to 50 Greyhounds is considered appropriate.
- The application has been referred internally to Council's Asset Services Department and Environmental Health Departments. They did not object subject to conditions. The conditions relate to access, drainage and waste water management.
- The EPA and Department of Environment and Primary Industries were notified of the application. EPA has no objection subject to conditions and DEPI have no objection and do not require conditions.
- The proposal will utilise existing agricultural land for the proposed use. The use of the land is consistent with the purpose and decision guidelines of the Farming Zone.
- The issues raised in the four objections have been address in the report. Conditions on the permit and compliance wot the relevant codes of practice will mitigate many concerns.

In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework and the Farming Zone.



Conclusion

After due consideration of all the relevant factors, it is recommended that Council resolve to issue a Notice of Decision to grant a permit in accordance with the officers recommendation.

Attachments

Site Plan



	Shire of Strathbogie Prepared By: Jennifer Boyle	<p>Disclaimer Note This map is a representation of the information currently held by Strathbogie Shire Council. While every effort has been made to ensure the accuracy of the data, Council declines all liability for any loss, cost, damage or injury, howsoever arising, in connection with the use of this data. Any feedback on omissions or errors would be appreciated. Contains Council Information © Strathbogie Shire Council Contains VU map information © Department of Environment, Land, Water & Planning</p>	17/11/2015	
			1:9056	

PLANNING COMMITTEE REPORT NO. 2 (DIRECTOR, SUSTAINABLE DEVELOPMENT – PHIL HOWARD)

7. OTHER BUSINESS

**7.1 Planning Applications Received
- 22 October to 18 November 2015**

Following are listings of Planning Applications Received for the period 22 October to 18 November 2015.

RECOMMENDATION

That the report be noted.

04/16 CRS FURLANETTO/WILLIAMS : That the Recommendation be adopted.

CARRIED

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.43 P.M.

Confirmed as being a true and accurate record of the Meeting

.....
Chair

.....
Date

Planning Applications Received

Friday, 23 October 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
15 Woodlea Court, Kirwans Bridge VIC 3608	P2015-126	Development of land for an extension to an existing dwelling	Bruce Mactier Building	\$300,000.00

Monday, 26 October 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
37 Kettels Road, Kirwans Bridge VIC 3608	P2015-125	Develop land to construct a fixed jetty	Vaughan Bradshaw	\$60,000.00

Tuesday, 27 October 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
321 Alexandersons Road, Locksley VIC 3665	P2014-117 - 2	Amendment - Delete Condition 7 Development of land for an extension to existing dwelling and the addition of relocatable portables	Michael Bannister	\$0.00 *

Wednesday, 28 October 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
99 McMasters Road, Wahring VIC 3608	P2015-127	Removal of Native Vegetation (14 trees)	Charles Leone	\$5,000.00

Thursday, 29 October 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1215 Lambing Gully Road, Avenel VIC 3664	P2015-128	Use and development of land for a two storey dwelling	Ivan Dukovic	\$350,000.00
470 Mitchellstown Road, Mitchellstown VIC 3608	P2015-131	Use of land for a place of assembly (Day on the Green Event) twice a year for three years	Michael Newton	\$0.00 *

Friday, 30 October 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
63 Gilliland Road, Euroa VIC 3666	P2015-129	Re-subdivide nine (9) existing lots to create six (6) lots	Graeme Schneider	\$0.00 *

Monday, 2 November 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
203 Goulburn Weir Road, Goulburn Weir VIC 3608	P2015-130	Use and Development of land for a Jetty	Mark Potter	\$5,000.00

Wednesday, 4 November 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
11 Dunns Lane, Creightons Creek VIC 3666	P2015-132	Use and development of land for a bird cage	Gregory Jamieson	\$12,000.00
12 Clifton Street, Euroa VIC 3666	P2015-133	Development of land for an extension to an existing dwelling	Paul Couch Architect	\$220,000.00
252 McKendry's Road, Arcadia South VIC 3631	P2015-136	Use and development of land for a single dwelling	David Callerame	\$200,000.00
Marmo Lane, Marraweeney VIC 3669	P2015-134	Use and development of land for a single dwelling	Troy Spencer	\$310,000.00

Thursday, 5 November 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
16 Vearings Road, Avenel VIC 3664	P2015-124	Use and development for a single storey dwelling	Sessions Builders Pty Ltd	\$369,930.00

Monday, 9 November 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
14 Lorraine Avenue, Nagambie VIC 3608	P2015-139	Use and Development of land for a two (2) unit development	Knoxvale Pty Ltd	\$350,000.00
805 Upton Road, Avenel VIC 3664	P2015-137	Use and Development of land for a second dwelling	Nicholas Ridd	\$600,000.00

Tuesday, 10 November 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
52 Clarkes Road, Longwood VIC 3665	P2015-140	Use of land for a place of assembly for the 2016 F3K Asia-Pacific Open	RCGA Inc	\$0.00 *

Thursday, 12 November 2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
130 High Street, Violet Town VIC 3669	P2015-135	Installation of two (2) signs	MAREGA, Dianne Rhys	\$90.00

*NB – '\$0.00' in Cost of Works means either no development, endorsement of plans or amendment to the original permit

Example Legend	Description
P2014-001	Planning permit application
P2014-001- PC 1	Plans to comply with a condition on the permit
P2014-001- 1	Proposed amendment to a planning permit