



STRATHBOGIE SHIRE COUNCIL

PLANNING COMMITTEE

AGENDA

MEETING TO BE HELD ON TUESDAY 25 MARCH 2014

COMMENCING AT 4.00 P.M.

AT THE VIOLET TOWN COMMUNITY COMPLEX

Councillors: Malcolm Little (Chair)
Colleen Furlanetto
Alister Purbrick
Patrick Storer
Debra Swan
Robin Weatherald
Graeme (Mick) Williams

Officers: Steve Crawcour - Chief Executive Officer
Steven Hicks – Manager, Statutory Services
Emma Kubeil – Manager, Economic Growth
Jennifer Dowling – Team Leader, Planning
Roy Hetherington – Director, Asset Services

Business:

1. Welcome
2. Acknowledgement of Traditional Land Owners

'In keeping with the spirit of Reconciliation, we acknowledge the traditional custodians of the land on which we are meeting today. We recognise indigenous people, their elders past and present'.

3. Apologies

Phil Howard - Director, Sustainable Development

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 11 March 2014
5. Disclosure of Interests

EXCERPT FROM MEETING PROCEDURE LOCAL LAW NO. 1

CONDUCT OF PUBLIC

52. VISITORS

- (1) Visitors must not interject or take part in debate.
- (2) Silence shall be preserved in the gallery at all times.
- (3) If any visitor is called to order by the Chairperson and again acts in breach of this Local Law, the Chairperson may order that person to be removed from the gallery.

53. CALL TO ORDER

Any person who has been called to order including any Councillor who fails to comply with the Chairperson's direction will be guilty of an offence.

Penalty: \$500

54. REMOVAL FOR DISRUPTION

The Chairperson has discretion to cause the removal of any person including a Councillor who disrupts any meeting or fails to comply with a direction under the provisions of this Local Law.

6. Planning Reports
7. Other Business

Steve Crawcour
CHIEF EXECUTIVE OFFICER

20 March 2014

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PLANNING COMMITTEE REPORT NO. 1 (TEAM LEADER, PLANNING – JENNIFER DOWLING)

6. PLANNING REPORTS

6.1 Planning Permit Application No. P2013/147 – Two (2) Lot Subdivision ~ Alexandersons Road, Locksley

Application Details:

Application is for:	Two (2) lot subdivision
Applicant's/Owner's Name:	Troy Spencer
Date Received:	28 November 2013
Statutory Days:	79 days
Application Number:	P2013-147
Planner: Name, title & department	Jennifer Dowling Team Leader- Planning Sustainable Development
Land/Address:	Crown Allotment 49 Parish of Monea South, Certificate of Title Volume 9945 Folio 843, Alexandersons Road, Locksley VIC 3665
Zoning:	Farming Zone
Overlays:	No Overlay
Under what clause(s) is a permit required?	Clause 35.07-03
Restrictive covenants on the title?	No
Current use and development:	Agriculture

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 subdivision of the land at Alexandersons Road, Locksley into two (2) allotments each comprising of 64.85 hectares in area.
- The site is located within the Farming Zone and is not affected by any overlays.
- The site is approximately 129.7 hectares in size.
- The site is located in Locksley on the south side of the Hume Freeway. The application was referred to Council's Asset Services Department who offered no objection, subject to conditions.

6.1 Planning Permit Application No. P2013/147
- Two (2) Lot Subdivision ~ Alexandersons Road, Locksley (cont.)

- The application was advertised, one objection was received relating to the potential increase in traffic and resultant dust pollution from development along this road.
- This application is being presented to Planning Committee as there is one (1) unresolved objection.
- An assessment against the Farming Zone decision guidelines and the objectives of the State Planning Policy Framework and Local Planning Policy Framework indicates the proposal is consistent with the provisions of the Strathbogrie Planning Scheme.
- The application has not been assessed within the statutory timeframes due to the consultation with the applicant and the objector.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Planning Permit in accordance with the Officer's recommendation.

RECOMMENDATION

That Council:

- **having caused notice of Planning Application No. P2013-147 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 Grant a Permit under the provisions of the Strathbogrie Planning Scheme in respect of the land known as Crown Allotment 49 Parish of Monea South, Certificate of Title Volume 9945 Folio 843, Alexandersons Road, Locksley VIC 3665 for the Two (2) lot subdivision, in accordance with endorsed plans, subject to the following conditions:

- 1. Prior to the issue of Statement of Compliance for the subdivision the Applicant must upgrade the section of road in accordance with SSC-SD05-0 (Unsealed Rural Road) along the frontage of lot 1 which will provide suitable access to both lots 1 and 2 to the satisfaction of the Responsible Authority.**
- 2. Prior to the issue of Statement of Compliance for the subdivision the Applicant/ Owner must obtain a vehicle crossing permit from the Responsible Authority for each lot and construct the vehicle crossing in accordance with the requirements. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. Final location of vehicle crossing must be approved by Responsible Authority via vehicle crossing permit. Reference should be made to Clause 12.9.2 "Rural Vehicle Crossings" of the Infrastructure Design Manual. Standard drawing SD255 should be referred to.**

6.1 Planning Permit Application No. P2013/147
- Two (2) Lot Subdivision ~ Alexandersons Road, Locksley (cont.)

3. **Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:**
 - (a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - (b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
4. **Prior to the construction of the road and or driveways a "works within road reserve permit" must be obtained and a registered contractor must be used.**
5. **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.**
6. **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.**
7. **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.**
8. **The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
9. **All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
10. **The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.**

6.1 Planning Permit Application No. P2013/147
- Two (2) Lot Subdivision ~ Alexandersons Road, Locksley (cont.)

11. **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.**
12. **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.**
13. **This permit will expire if one of the following circumstances applies:**
 - (a) **The development is not started within two (2) years of the date of this Permit,**
 - (b) **The development is not completed within four (4) years of the date of this Permit.**

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.**

6.1 Planning Permit Application No. P2013/147
- Two (2) Lot Subdivision ~ Alexandersons Road, Locksley (cont.)

Proposal

The application proposes the subdivision of land into two lots. Each lot will have a total area of 64.85 hectares both will be generally rectangular in shape. Each lot will have a frontage of 503 metres to Alexandersons Road from which access will be provided.

Subject site & locality

The site is located on the northern side of Alexandersons Road and has a total area of 129.7ha. The land is generally flat in topography and has trees scattered throughout. A number of watercourses run through the property in an east-west direction. The land is currently vacant and used primarily for agricultural purposes. While the use of the area is primarily agricultural, there are a number of dwellings dispersed along Alexandersons Road, particularly on the northern side.

Permit/Site History

A search of Council's electronic record system has shown no previous planning permits have been issued for this site.

Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by way of letters to all adjoining land owners as well as a sign being displayed on the site for two weeks. The notification has been carried out correctly.

Council has received one (1) objection to date. The key issues that were raised in the objection are:

- Access
- Impact on surrounding land owners due to potential increase in traffic and resultant levels of dust pollution.

The objection states it was not an objection to the subdivision per se and was instead a request for a Council response to their concerns.

Consultation

The objection was acknowledged by Council before being forwarded to the applicant. The applicant has been in contact with the objector who has advised that they would not withdraw the objection.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	N/A
Section 52 Notices	N/A
Internal Council Referrals	Advice/Response/Conditions
Asset Services	No objection, subject to conditions

6.1 Planning Permit Application No. P2013/147
- Two (2) Lot Subdivision ~ Alexandersons Road, Locksley (cont.)

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.*
- *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 subdivision of land within the Farming Zone. Pursuant to Clause 35.07-3, the minimum lot size for subdivision is 40 hectares. The proposed subdivision meets this minimum lot size requirement as the proposed lots are both 64.85 hectares in area.

The application has been assessed against the relevant decision guidelines of the Farming Zone:

- The proposal will create two lots which are still capable of being used for agricultural purposes, which are above the minimum lot size and large enough to treat wastewater.
- The subdivision will provide greater flexibility for agricultural uses in the future.
- Grazing currently occurs on the site and will be able to be continued or intensified following the subdivision; this is in line with the use of the surrounding areas for agriculture.
- The subdivision will utilise existing agricultural infrastructure.
- No native vegetation removal is proposed.

The State Planning Policy Framework (SPPF)

Clause 11.05-3 Rural productivity - Strategies

- *Prevent inappropriately dispersed urban activities in rural areas.*
- *Limit new housing development in rural areas, including:*
 - *Directing housing growth into existing settlements.*
 - *Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.*
 - *Encouraging consolidation of existing isolated small lots in rural zones.*

Clause 11.05-4 Rural planning strategies and principles

- *Directing growth to locations where utility, transport, commercial and social infrastructure and services are available or can be provided in the most efficient and sustainable manner.*

6.1 Planning Permit Application No. P2013/147
- Two (2) Lot Subdivision ~ Alexandersons Road, Locksley (cont.)

- *Managing the impacts of settlement growth and development to deliver positive land use and natural resource management outcomes.*
- *Siting and designing new dwellings, subdivisions and other development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards, such as bushfire and flooding.*

Clause 13.03-2 (Erosion and Landslip) of the Strathbogrie Planning Scheme seeks to:

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

Clause 13.03-3 (Salinity) of the Strathbogrie Planning Scheme seeks to:

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

Clause 13.05 (Bushfire) of the Strathbogrie Planning Scheme seeks to:

- *To assist to strengthen community resilience to bushfire.*

Clause 14.01-1 – (Protection of agricultural land)

- *In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:*
 - *The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.*
 - *The compatibility between the proposed or likely development and the existing uses of the surrounding land.*
- *Planning for rural land use should consider:*
 - *land capability; and*
 - *the potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*

Clause 14.01-2 (Sustainable agricultural land use) of the Strathbogrie Planning Scheme directs that agricultural activities should:

- *Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.*
- *Encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices.*
- *Support effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibly to market changes.*

6.1 Planning Permit Application No. P2013/147
- Two (2) Lot Subdivision ~ Alexandersons Road, Locksley (cont.)

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

Clause 21.03-5, Environment, of the Strathbogie Planning Scheme states:

- *Wildfire threat is associated with heavily vegetated and steep areas within the Shire, particularly the Strathbogie Ranges. In consultation with the Country Fire Authority, wildfire risk environments must be identified in the Planning Scheme. In addition, fire hazards must be considered in planning decisions affecting wildfire risk environments to avoid intensifying the risk through inappropriately located or designed uses or developments.*

It is considered the proposal does not increase the risk of fire. The proposal was referred to the CFA who offered no objection, subject to conditions.

Clause 21.03-6, *Environmental Objectives*, is relevant to this proposal. The relevant objective is:

- *To minimise erosion throughout the Strathbogie Ranges and along watercourses.*

It is considered that the proposal will not lead to increase the risk of salinity. No vegetation is proposed to be removed and no earthworks are required.

Relevant Particular Provisions

There are no relevant particular provisions.

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.*

6.1 Planning Permit Application No. P2013/147
- Two (2) Lot Subdivision ~ Alexandersons Road, Locksley (cont.)

- *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.

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 subdivision of the land into two lots. Each lot is greater than the minimum lot size of 40 ha.

With regard to the Farming Zone:

- The application was referred to Council's Asset Services Department who offered no objection, subject to conditions.
- The application was advertised, one objection was received relating to the potential increase in traffic and resultant dust pollution from development along this road.

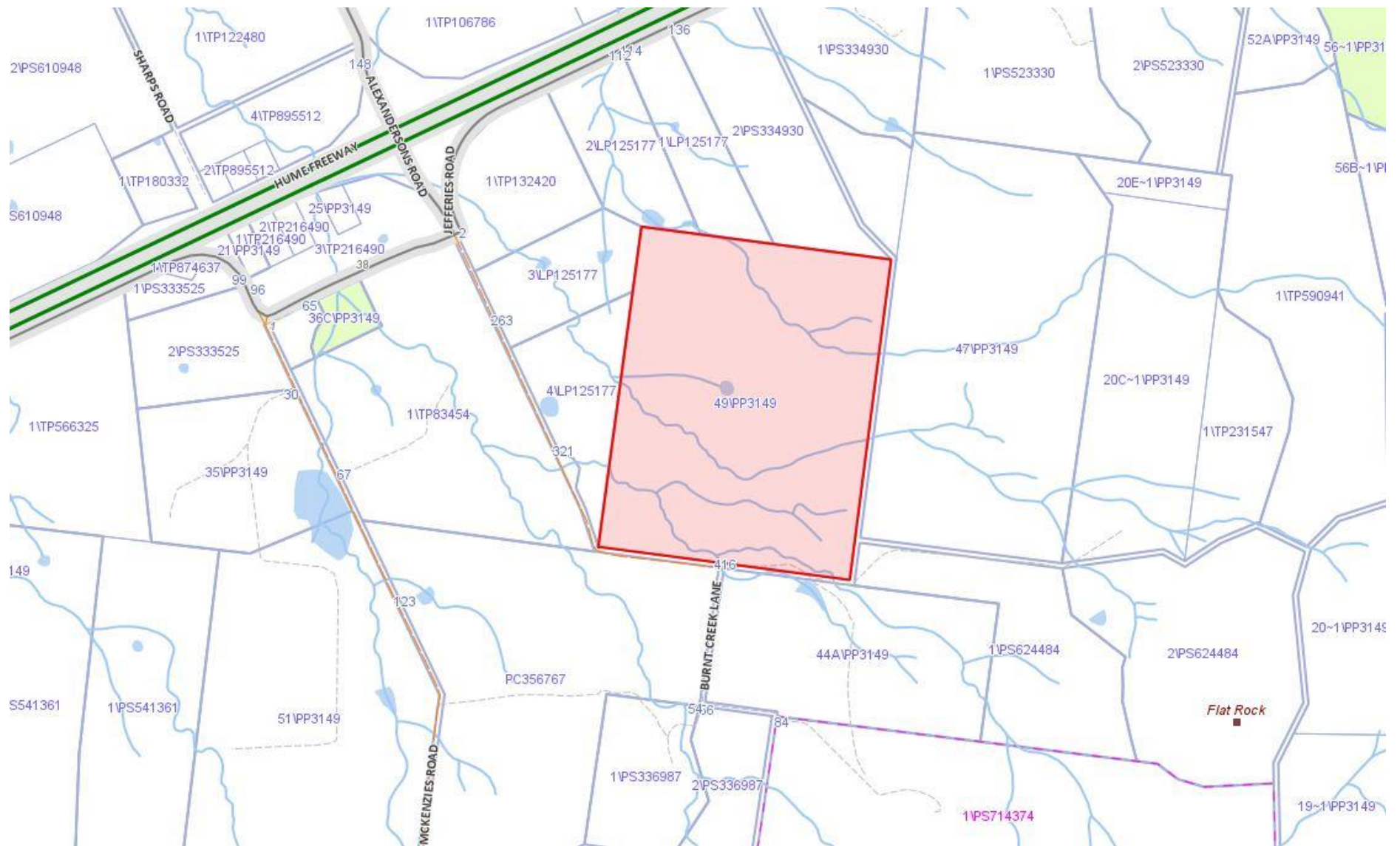
The proposal is consistent with the purpose of the Farming Zone and meets the objectives of the State Planning Policy Framework and Local Planning Policy Framework.

Conclusion

It is recommended that Council resolve to issue a Notice of Decision to grant a planning permit in accordance with the officers recommendation.

Attachments

Site Plan



PLANNING COMMITTEE REPORT NO. 2 (TEAM LEADER, PLANNING – JENNIFER DOWLING)

**6.2 Planning Permit Application No. P2013/150
- Removal of Native Vegetation, One (1) Tree ~ 2 Tulip Street, Violet Town**

Application Details:

Application is for:	Removal of native vegetation, one (1) tree
Applicant's/Owner's Name:	Strathbogie Shire Council
Date Received:	12 December 2013
Statutory Days:	85 Days
Application Number:	P2013-150
Planner: Name, title & department	Jennifer Dowling Team Leader – Planning Sustainable Development
Land/Address:	Crown allotment Part 4, Section 27, Parish of Shadforth, known as 2 Tulip Street, Violet Town
Zoning:	Public Park and Recreation Zone
Overlays:	Floodway Overlay
Under what clause(s) is a permit required?	Clause 52.17
Restrictive covenants on the title?	n/a
Current use and development:	Recreation Reserve

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 removal of native vegetation, one (1) tree.
- The site is located in the Public Park and Recreation Zone.
- The application was referred to the Department of the Environment and Primary Industry. No response has been received to date.
- An assessment against the Decision Guidelines of Clause 52.17 State and Local Policies indicates the proposal is consistent with these provisions of the Strathbogie Planning Scheme.
- The application was advertised to adjoining landholders, 12 objections and 23 letters of support have been received to date.

6.2 Planning Permit Application No. P2013/150
- Removal of Native Vegetation, One (1) Tree ~ 2 Tulip Street, Violet Town (cont.)

- The objectors concerns can be summarised as follows:
 - Aesthetic value of the tree.
 - The health of the tree could be managed with lopping, the relocation of the entrance and an exclusion zone.
 - The impact on recently planted vegetation located in the exclusion zone.
 - Community consolation showed support for retaining the tree.
 - The precedence removing a tree would set for other trees in the area.

- The letters of support can be summaries as follows:
 - The risk and danger associated with dropping limbs.
 - The exclusion zone is impractical for the uses of the reserve.
 - The need to keep the entrance clear for emergency vehicles to access the site, reference was made to the firefighting in 2013.
 - Several letters referenced the incident in Bendigo where a falling limb fatally wounded a child.

- The application is being presented to Planning Committee as objections have been received.

- The application has been assessed outside the 60 day statutory time period. This is due to the extensive community consultation period.

- It is recommended that Council resolve to issue a Notice of Decision to grant a permit in accordance with the Officer's recommendation.

RECOMMENDATION

That Council:

- **having caused notice of Planning Application No. P2013-150 to be given under Section 52 of the *Planning and Environment Act 1987* and or Strathbogie Planning Scheme**

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Permit under the provisions of Clause 52.17 of the Strathbogie Planning Scheme in respect of the land known Crown allotment Part 4, Section 27, Parish of Shadforth, 2 Tulip Street, Violet Town for the removal of native vegetation, in accordance with endorsed plans, subject to the following conditions:

- 1. Prior to the commencement of works, the permit holder must advise all persons undertaking the (vegetation removal/works) on site of all relevant conditions of this permit.**

6.2 Planning Permit Application No. P2013/150
- Removal of Native Vegetation, One (1) Tree ~ 2 Tulip Street, Violet Town (cont.)

2. In order to offset the removal of one (1) scattered tree approved in this permit, the Applicant must provide a native vegetation offset that meets the following requirements, and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*:

The offset must:

- contribute gain of 0.002 general biodiversity equivalence units
 - be located within the Goulburn Broken Catchment Management Authority boundary; and
 - have a strategic biodiversity score of at least 0.080.
3. Prior to the removal of the native vegetation, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*. Offset evidence can be either:
- a security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.
 - a credit register extract from the Native Vegetation Credit Register.
4. The amenity of the area must not be detrimentally affected by the use, through the:
- (f) Appearance of any building, works or materials;
 - (g) Transport of materials, goods or commodities to or from the land;
 - (h) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;
 - (i) Presence of vermin, and;
 - (j) Others as appropriate.
5. This permit will expire if one of the following circumstances applies:
- (a) The development is not started within two (2) years of the date of this Permit,
 - (b) The development is not completed within four (4) years of the date of this Permit.

6.2 Planning Permit Application No. P2013/150
- Removal of Native Vegetation, One (1) Tree ~ 2 Tulip Street, Violet Town (cont.)

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.**

Proposal

The application proposes the removal of one (1) native tree in the Violet Town Recreational Reserve. The proposal includes the removal of one tree due to concerns regarding safety. The tree is marked v62 and is located at the entrance to the eastern recreation reserve gate.

Subject site & locality

The subject site is located to the centre of Violet Town. The site is occupied by a football oval, netball and tennis courts, bowling greens and associated club buildings, a skate park, swimming pool, a pavilion and a toilet block. Honeysuckle Creek runs from east to west through the centre of the site. The sporting facilities detailed above are located to the south of the creek. To the north the site is vacant of any building and occupied by scattered trees.

The adjoining lots to the north and south are residential lots generally occupied by a dwelling. To the south east is a railway track. To the west is Violet Town Primary School.

Permit/Site History

P191-2002	Development of lighting for existing blowing green
P2007-142	Removal of three (3) sugar gum trees to enable construction of new netball court
P2009-032	Removal of high risk tree for public safety

6.2 Planning Permit Application No. P2013/150
- Removal of Native Vegetation, One (1) Tree ~ 2 Tulip Street, Violet Town (cont.)

Public Notification

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

- Placing a sign on site
- Newspaper notice, Euroa Gazette
- Public “drop in” consultation meeting

The notification has been carried out correctly.

Council has received 12 objections against the tree removal and 23 letters of support to remove the tree to date. The key issues that were raised in the objections are:

Objections:

- Aesthetic value of the tree.
- The health of the tree could be managed with lopping, the relocation of the entrance and an exclusion zone.
- The impact on recently planted vegetation located in the exclusion zone.
- Community consolation showed support for retaining the tree.
- The precedence removing a tree would set for other trees in the area.

Support:

- The risk and danger associated with dropping limbs.
- The exclusion zone is impractical for the uses of the reserve.
- The need to keep the entrance clear for emergency vehicles to access the site, reference was made to the firefighting in 2013.
- Several letters referenced the incident in Bendigo where a falling limb fatally wounded a child.

Consultation

An information session was held on Tuesday 11 March 2014. The session was advertised in the Euroa Gazette and letters were sent to all objectors and supporters. The purpose of the session was to allow the community to ask questions regarding the proposal.

Approximately 30 people attended the meeting. The majority were in support of removing the tree due to the risk associated with potential falling limbs. Questions were asked if other trees will be proposed to be removed in the future and if trees will be replanted to offset this tree.

Issues regarding traffic management during the football season were raised. This will be dealt with outside the planning process by Council.

6.2 Planning Permit Application No. P2013/150
- Removal of Native Vegetation, One (1) Tree ~ 2 Tulip Street, Violet Town (cont.)

Referrals

External Referrals/Notices Required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	n/a
Section 52 Notices	Department of Environment and Primary Industry – No response received
Section 52	Public Notice, 12 objections and 23 supports received

Assessment

The zoning of the land and any relevant overlay provisions

Clause 36.02 Public Park and Recreation 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 recognise areas for public recreation and open space.

To protect and conserve areas of significance where appropriate.

To provide for commercial uses where appropriate.

A permit is not required to remove native vegetation.

Clause 52.17 Native Vegetation

Purpose

To ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:

- *Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.*
- *Minimise impacts on Victoria's biodiversity from the removal of native vegetation.*
- *Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.*

To manage native vegetation to minimise land and water degradation.

To manage native vegetation near buildings to reduce the threat to life and property from bushfire.

A permit is required for the removal of native vegetation.

Clause 52.17 Decision Guidelines

For all applications

- *The contribution that native vegetation to be removed makes to Victoria's biodiversity. This is determined by:*
 - *The extent and condition of the native vegetation.*

6.2 Planning Permit Application No. P2013/150
- Removal of Native Vegetation, One (1) Tree ~ 2 Tulip Street, Violet Town (cont.)

- *The biodiversity value of the native vegetation, including whether the native vegetation is important habitat for rare or threatened species.*
- *Whether the removal of native vegetation is defined as being in the low, moderate or high risk-based pathway, as defined in the Permitted clearing of native vegetation -Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013) and apply the decision guidelines accordingly.*

Other matters

The responsible authority must also consider the following issues, as appropriate:

- *The need to remove, destroy or lop native vegetation to create defensible space to reduce the risk of bushfire to life and property, having regard to the other available bushfire risk mitigation measures.*
- *The role of native vegetation in:*
 - *Protecting water quality and waterway and riparian ecosystems, particularly within 30 metres of a wetland or waterway and in special water supply catchment areas listed in the Catchment and Land Protection Act 1994.*
 - *Preventing land degradation, including soil erosion, salination, acidity, instability, and water logging, particularly:*
 - *Where ground slopes are more than 20 per cent.*
 - *On land which is subject to soil erosion or slippage.*
 - *In harsh environments, such as coastal or alpine area.*
 - *Preventing adverse effects on groundwater quality on land:*
 - *Where groundwater recharge to saline water bodies occurs.*
 - *That is in proximity to a discharge area.*
 - *Which is a known recharge area.*
- *In the case of timber production, the benefits of including a condition requiring operations to be carried out in accordance with any relevant code of practice under Part 5 of the Conservation, Forests and Land Act 1987.*
- *Managing native vegetation to preserve identified landscape values.*
- *The conservation of native vegetation protected under the Aboriginal Heritage Act*

The application is assessed against the above decision guidelines:

For all applications:

- *A Biodiversity Assessment Report was undertaken on the Native Vegetation Management System. The subject tree is categorised as *low risk-based pathway* which means “*native vegetation removal of this size is not expected to have a significant impact on the habitat of any rare or threatened species*”.*
- *According to the Biodiversity Assessment Report the tree is located in a low risk area with the lowest condition score.*

6.2 Planning Permit Application No. P2013/150
- Removal of Native Vegetation, One (1) Tree ~ 2 Tulip Street, Violet Town (cont.)

- The assessment generates an offset, in this instance it is required to be 0.002 general biodiversity equivalence units in the Goulburn Broken Catchment region.

Other matters:

- The role of the subject vegetation does not particularly include:
 - Protecting water quality and waterway and riparian ecosystems, the tree is not located within 30m of a waterway or wetland.
 - Preventing land degradation, the land is not sloped and is not covered by an Erosion Management Overlay.
 - Preventing adverse effects on groundwater quality.
- The native vegetation could be considered to be important to landscape values. Several objections referenced the aesthetic value of the tree. However it is noted that the tree is not specifically identified in the Planning Scheme.
- The tree is not protected under the *Aboriginal Heritage Act 2006*.

The State Planning Policy Framework (SPPF)

Clause 12.01-2 Native vegetation management

Objective

To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.

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

Clause 21.04-4 Native vegetation and biodiversity

Overview

The Strathbogrie Shire includes endangered ecosystems, wetlands, significant remnant vegetation and many threatened species. Remaining native vegetation outside larger state managed public land areas occur mainly on roadsides and on private land, including waterways and steeper and less arable areas. Approximately 97% of the Violet Town Plains area occurs on private land with over 95% of native vegetation cover already cleared.

Within the Shire these assets include box woodland remnants on roadsides in the gently sloping plains, peatlands and spring soaks on the tablelands and River Red Gum on the floodplains.

Past clearing of vast tracts of native vegetation and ongoing incremental losses have meant that many species of plants and animals are threatened with extinction.

There are 52 ecological vegetation classes represented in the Shire, with the most dominant classes being Dry Forest, Plains Woodland or Forest and Riverine Grassy Woodland or Forest. Almost 50% of the vegetated area is rated as 'depleted', with 7% considered 'endangered' and a further 6% considered 'vulnerable'. Typically the level of concern increases moving from the highlands, for example at Boho South, on to the plains at Violet Town or Euroa where remnants of native vegetation are scattered and more fragmented.

6.2 Planning Permit Application No. P2013/150
- Removal of Native Vegetation, One (1) Tree ~ 2 Tulip Street, Violet Town (cont.)

Clause 65

Decision Guidelines

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 other policies/strategies to be considered.

Relevant incorporated, reference or adopted documents

There are no other documents to be considered.

Relevant Planning Scheme amendments

There are no relevant Planning Scheme amendments.

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 has been made due to concerns regarding safety. The tree has previously dropped limbs. Due to its proximity to the entrance and the intensity at which the site is used the risk and potential damage of a falling limb is considered to be high.

6.2 Planning Permit Application No. P2013/150
- Removal of Native Vegetation, One (1) Tree ~ 2 Tulip Street, Violet Town (cont.)

The application included two arborists reports. Both acknowledged there are issues with the tree. The report by Richard Kelaart states that the tree is *“a veteran tree and exhibits significant past major limb failures on the west sector and is a structurally poor subject, as such it presents as an unmanageable risk”*. The second report by Jim Robinson provides two options, firstly that the *“tree is an unmanageable risk within the landscape and should be removed immediately”*, the second option states an *“exclusion zones be placed around the tree to ensure safety of public, a large area would need to be fenced off to ensure that no public park or set up stalls within exclusion zone, gateway to oval would need to be relocated as well as toilet facilities”*

One report details a number of factors that are likely to have led to the current situation. These include:

- Reactive response in terms of lopping and pruning
- Vehicles parking under the tree are compacting the roots
- The intensity at which the recreation reserve is used

An objection received by Council included an arborists report. The report recommended that the tree be retained with a program of regular inspections and maintenance, relocating the entrance gate and a program of mulching and understorey planting.

The decision guidelines of Clause 52.17 do not require an arborist report. Clause 52.17 focuses on the results of the Biodiversity Assessment Report and factors such as protecting water quality, preventing land degradation and adverse effects on groundwater quality. When the proposal is assessed against these decision guidelines it is considered appropriate to remove the tree subject to conditions requiring offsets.

The application has received strong opinion from the community for both the retention and removal of the tree. In order to avoid a lengthy planning process for other trees that may be considered dangerous in the future it is suggested to form a management plan specific to the Violet Town Recreation Reserve. Given the reserve is currently in the process of creating an overall management plan it is considered appropriate to include vegetation management within this document.

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



PLANNING COMMITTEE REPORT NO. 3 (DIRECTOR, SUSTAINABLE DEVELOPMENT - PHIL HOWARD)

7. OTHER BUSINESS

7.1 Planning Applications Received
- 7 to 18 March 2014

Following are listings of Planning Applications Received for the period 7 to 18 March 2014.

RECOMMENDATION

That the report be noted.

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

STRATHBOGIE SHIRE COUNCIL
PLANNING APPLICATIONS RECEIVED
7 TO 18 MARCH 2014

Application Number Display	Planner Name	Lodged Date	Reason For Permit	Applicant Name	Site Address Full Address
Not yet allocated	Emma Kubeil	03/03/2014	Two (2) lot subdivision and construction of a dwelling on each lot	Abcad Design Pty Ltd	97 Anderson Street, Euroa VIC 3666
Not yet allocated	Jennifer Dowling	11/03/2014	Use & development of land for a studio/shed	Neal Cartledge Pty Ltd	164 Steens Road, Boho VIC 3669
Not yet allocated	Jennifer Dowling	12/03/2014	Development of land for a machinery shed	Stanmore Management Pty Ltd	2355 Bonnie Doon Road, Strathbogie VIC 3666