



STRATHBOGIE SHIRE COUNCIL
PLANNING COMMITTEE
MINUTES

OF THE MEETING HELD ON TUESDAY 24 APRIL 2018
AT THE EUROA COMMUNITY CONFERENCE CENTRE
COMMENCING AT 4.00 P.M.

Chair: Malcolm Little (Hughes Creek Ward)

Councillors: Amanda McClaren (Lake Nagambie Ward)
John Mason (Seven Creeks Ward)
Debra Swan (Lake Nagambie Ward)
Alistair Thomson (Mount Wombat Ward)
Graeme (Mick) Williams (Seven Creeks Ward)

Officers: Steve Crawcour - Chief Executive Officer
Phil Howard - Director, Innovation and Performance
Roy Hetherington - Director, Community Assets
David Roff – Director, Corporate and Community
Emma Kubeil – Manager, Planning and Investment
Cameron Fraser – Principal Planner
Trish Hall - Technical Officer, Planning

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'*

3. Apologies

Councillor Kate Stothers (Honeysuckle Creek Ward)

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 27 March 2018

16/18 **CRS THOMSON/McCLAREN** : *That the Minutes of the Planning Committee meeting held on Tuesday 27 March 2018 be confirmed.*

CARRIED

5. Disclosure of Interests

Councillor Thomson declared an Interest (Indirect) in Item 6.2 as 'Objector (*name of objector redacted for privacy reasons*) is known to me and I regularly attend functions at (*name of venue redacted for objector identity privacy reasons*)'

6. Planning Reports
7. Other Business

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting, as per Local Law No. 1 - Meeting Procedure (2014) or as updated from time to time through Council Resolution

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PLANNING COMMITTEE REPORT NO. 1 (PRINCIPAL PLANNER - CAMERON FRASER)

6. PLANNING REPORTS

**6.1 Planning Permit Application No. P2017-076
- Development of Land for an Additional Poultry Shed ~ 1956 Upton Road, Upton Hill**

Application Details:

Application is for:	Development of land for an additional poultry shed
Applicant's/Owner's Name:	T & C Developments
Date Received:	21 July 2017
Statutory Days:	118 days
Application Number:	P2017-076
Planner: Name, title & department	Cameron Fraser Principal Planner Sustainable Development Department
Land/Address:	Lot 1 on Plan of Subdivision 418512S, Certificate of Title Volume 10397 Folio 376 1956 Upton Road, Upton Hill VIC 3664
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay
Is a CHMP required?	No
Is it within an Open Potable Catchment Area?	No
Under what clause(s) is a permit required? (include description)	Clause 44.06 BMO/WMO, Clause 35.07 FZ
Restrictive covenants on the title?	Nil
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 application proposes the development of land at 1956 Upton Road, Upton Hill for the development of land for an additional poultry shed.
- The proposed shed will be 15 metres wide by 130 metres long.
- The additional poultry shed will be used in conjunction with the four existing sheds and does not propose to accommodate any additional poultry

6.1 Planning Permit Application No. P2017-076
- Development of Land for an Additional Poultry Shed ~ 1956 Upton Road, Upton Hill (cont.)

- The application was advertised and 1 objection was received. The objection raises a number of issues including odour, noise, property values and visual amenity
- The application has not been assessed within the 60 day statutory timeframe.
- The application is being heard before Planning Committee due to the 1 unresolved objection.
- The proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework as well as the relevant particular provision and
- 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. P2017-076 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 35.07-4 of the Strathbogrie Planning Scheme in respect of the land known as Lot 1 on Plan of Subdivision 418512S, Certificate of Title Volume 10397 Folio 376

1956 Upton Road, Upton Hill VIC 3664, for the Development of land for an additional poultry shed, in accordance with endorsed plans, subject to the following conditions:

Amended Plans:

- 1. Prior to the commencement of development, 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:**
 - (a) Amended elevation plans showing the length of the approved building which reflects site plan submitted on 20 February 2018**

Endorsed Plans:

- 2. The 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.**

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Environmental Health Conditions:

3. All wastewater on site must be treated and contained within the property boundaries in accordance with the current EPA Code of Practice – Onsite Wastewater Management: Guidelines for Environmental Management, Australian Standards 1547 and Council requirements.
4. Animal wastes on the property must be treated or dispersed in such a manner to ensure that:
 - (a) Offensive odours are reduced to a minimum; and
 - (b) The wastes are not a nuisance as described in the Public Health and Well Being Act 2008 and are contained within the boundaries of the site to the satisfaction of the Responsible Authority.

Engineering Conditions:

5. Prior to the occupancy of the building new or otherwise vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard satisfactory to the Responsible Authority. 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. The final location of the crossing is to be approved by the Responsible Authority via a Vehicle Crossing Permit. Refer to Clause 12.9.2 “Rural Vehicle Crossings” of the Infrastructure Design Manual and to standard drawing SD255.
6. Prior to the occupancy of the building 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.
7. 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.
8. 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.

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9. **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.**

Goulburn Murray Water Conditions:

10. **All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).**
11. **Stormwater run-off from the roof of the sheds must be directed to storage tanks with the overflow discharged in a manner which does not cause soil erosion or transport of sediment to the creek. Consideration must be given to the capacity of the tanks required and their ability to cater for storm events from such a large roof area.**
12. **Potentially contaminated stormwater and drainage from hard stand areas and the areas around the sheds must be directed to retention dams which must be designed with a capacity and freeboard to enable the run-off from a 1 in 10 year storm to be retained.**
13. **There must be no litter from the sheds stockpiled on the site. Any temporary storage areas for wet litter must have an impermeable base and bunding to ensure contaminated run-off does not discharge from the temporary storage area.**
14. **All dead birds must be disposed of off-site or managed on-site to the satisfaction of the Environment Protection Authority.**
15. **No contaminated run-off is permitted to discharge off-site therefore all stormwater captured from the works area must be retained on site.**
16. **Irrigation and Wastewater reuse must be managed in accordance with the principles and requirements outlined in the 'Guidelines for Wastewater Reuse' (EPA Publication #464, 1996) and the 'EPA Guidelines for Wastewater Irrigation' (EPA Publication #168, April 1991).**
17. **Before the works begin an Environmental Management Plan (EMP) for the operation of the egg farm must be submitted to and be to the satisfaction of the responsible authority and Goulburn Murray Water (GMW).**
18. **When approved by the Responsible Authority and GMW the EMP will be endorsed and form part of this permit. The EMP must be prepared including a nutrient monitoring and management strategy.**
19. **The operation of the Free Range Egg farm must comply with the requirements of Code of Practice for Biosecurity in the Commercial Egg Industry"**

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20. The Use and Development must be managed so that the amenity of the area is not detrimentally affected through the:

- Emission of noise, artificial light, smell, dust, waste water or waste products.
- Presence of vermin

EPA Conditions:

21. Offensive odours must not be discharged beyond the boundaries of the premises.

22. Nuisance dust and/or airborne particles must not be discharged beyond the boundaries of the premises.

23. 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.

24. Stormwater contaminated with effluent must not be discharged beyond the boundary of the premises.

25. The applicant must install bunds and/or cut -off drains around the boundary of operational area to prevent contaminated run-off entering into a waterway.

26. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.

27. Storage areas/pads for manure, spent litter or dead animals must be bunded and appropriately drained to onsite storages/tanks to prevent potentially contaminated water entering any surface water resources.

28. There must be no discharge or seepage of waste, be it feed, effluent, dead animals, or other organic or chemical matter from the premises to the land or water (including stormwater) environments.

29. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled.

General Conditions:

30. Prior to the commencement of buildings and works, all landscaping surrounding the site must be repaired, with new trees planted to the satisfaction of the Responsible Authority.

31. No more than 60,000 birds are to be housed on the site at any one time on the site.

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32. The shed approved as part of this permit must not be used at any time for the purposes of housing broiler poultry unless approved by the responsible authority (either by way of amendment to this permit or separate planning approval)
33. All birds must be contained within the existing containment area of the site. The areas of the approved shed which sit outside of this area must not be directly accessible.
34. Access to the building must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
35. All buildings must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.
36. All buildings must be connected to a reticulated electricity supply or have an alternative energy source.
37. All reticulated services from Upton Road to the approved must be constructed underground to the satisfaction of the Responsible Authority.
38. 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.
39. If the Responsible Authority determines that the amenity of nearby residents is adversely affected by the emission of an unreasonable level of offensive odour from the land, the Permit Holder must to the satisfaction of the Responsible Authority take such action as is required to prevent those emissions, which may include adjusting stocking density on the site, immediately removing bird litter, or any other actions reasonably required to prevent further emissions of offensive odour delete.
40. 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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Permit Expiry:

41. 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.
- This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.

Environmental Health Notes

- In view of the potential for noise generation and traffic movements affecting nearby residential lots, compliance with EPA requirements relating to noise generation from this commercial/industrial premises are necessary.
- If any proposed buildings, new boundaries or works encroach over any part of the existing septic tank system, the system must be relocated to the satisfaction of Council.

17/18 **CRS MASON/WILLIAMS** : *That the Recommendation be adopted.*

CARRIED

Proposal

It is proposed to develop the land for an additional poultry shed at the existing free range layer (intensive animal husbandry) at 1956 Upton Road, Upton Hill.

The proposed shed will be used in addition to the four existing poultry sheds on the property to accommodate up to 60,000 birds. The site already has approval for 60,000 birds to be accommodated on site.

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The shed will be located approximately 155 metres from the site's western boundary and 22 metres from the northern frontage of the site. The shed will be 15 metres wide by 130 metres long. Currently, the free range birds are contained within an existing containment area which covers approximately 2/3 of the property. The proposed shed is located mostly within this containment area however extends slightly across the existing fence. It is not proposed to extend the free range containment area.

The shed will be open generally during daylight hours where birds are free to roam within the containment area. At night time, the birds are herded into the sheds which are closed.

All building materials, including the roof will be of muted tones. The walls at ground level will be constructed of concrete to restrict access of vermin to the shed.

Access to the end of the shed will be by two doors, one large swinging door and a personal access door. Additional personal access doors will be located around the building.

The development will use existing infrastructure on the subject site.

Changes to the Application (20 February 2018)

Initially, the application proposed to build two sheds, one in the location of the proposed shed with a length of 100m and another running horizontally behind the house with a length of 120m. Following receipt of the objection and consultation, the applicant agreed to reduce the number of sheds down to one larger shed with a length of 130m as is proposed. The discussion within this report relates to the amended plans.

Subject site & locality

The subject site is located at 1956 Upton Hill Road, Upton Hill. The land is formally identified as Lot 1 on Plan of Subdivision 418512S Certificate of Title Volume 10397 Folio 376 and is 11.86 hectares in size. The site is generally rectangular in shape, and is bound by Upton Road north, an unmade road reserve and private land to the west and one larger property to the south and east.

The site slopes away from the Upton road boundary with landscaping surrounding the site and a patch of vegetation at the centre. The site is developed with a dwelling and four poultry sheds and associated buildings which are contained within a separate internal fenced area which contains up to 60,000 head of poultry.

The site is within the Farming Zone and is affected in part by the Bushfire Management Overlay. Land uses in the area are mixed with wineries, grazing land and dwellings scattered throughout.

The site is located approximately half way between Avenel and Ruffy.

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- Development of Land for an Additional Poultry Shed ~ 1956 Upton Road, Upton Hill (cont.)

Permit/Site History

A search of Council's electronic records system shows that the following planning permits have been issued for the site:

- P2011/056 was issued on 14 July 2011 for the development of land for the construction of Six (6) Poultry Sheds, the refurbishment of Four (4) poultry sheds, the construction of Two (2) Amenities Buildings , a Hatchery Building, Car parking and associated earthworks.

Only the refurbishment of the four existing poultry sheds was undertaken. This permit has otherwise expired.

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 two objections to date. The key issues that were raised in the objections are:

- Noise
- Odour
- Decreased property value
- Visual Amenity

Officer Response:

The issues raised in relation to noise and odour can be addressed by way of condition on permit and have been management of these issues has also been included by the EPA. The conditions in any permit would be in relation to the current EPA guidelines. In terms of visual amenity, it is considered that landscaping, particularly along the western boundary is appropriate. Some landscaping has already been undertaken and is well established however it is considered appropriate that another condition be included on any permit issued requiring this to be replanted prior to the commencement of any buildings and works.

The impact of a development on surrounding land values is not a valid consideration under the provisions of either the Strathbogie Planning Scheme or the *Planning and Environment Act 1987*.

Consultation

A copy of the objections was forwarded to the applicant who has responded to the objections raised. As part of the amended response, the applicant has amended the plans to reduce the number of sheds from 2 to 1. The amended shed plan shows one longer shed (130m) long with located on the eastern side of the existing dwelling away from the objectors property.

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A copy of this response and the amended plans were forwarded to the objectors for review. They have advised that although they acknowledge the reduction in the number of sheds, they do not wish to withdraw.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Nil
Section 52 Notices	CFA – no objection. GMW – no objection, subject to conditions. EPA – no objection, subject to conditions.

Internal Council Referrals	Advice/Response/Conditions
Asset Services	No objection, subject to conditions.
Environmental Health	No objection, subject to conditions.

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 development of land for an additional free range poultry shed farm at 1956 Upton Road per the requirements Clause 35.07-4 of the Strathbogie Planning Scheme.

The proposal for an additional poultry shed is consistent with the purpose of the Farming Zone as it will enhance agricultural development. The development will provide for the retention of jobs in the area and will support other layer type businesses.

The proposal has been sited appropriately within the existing complex in a bid to minimise the impact the proposed development may have on existing dwellings, and the potential impact existing dwellings may have on the proposed development.

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A response to the relevant decision guidelines at Clause 35.07-6 is detailed below.

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider as appropriate:

General Issues	Complies	Officers Comment
The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	Yes	Assessment against SPPF & LPPF is provided below.
Any Regional Catchment Strategy and associated plan applying to the land.	N/A	There is no relevant regional catchment strategy.
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	Yes	Given the size of the lot, it is considered to be more than capable of disposing of effluent disposal from the proposed development. This has been approved by Council's Environmental Health Department
How the use or development relates to sustainable land management.	Yes	The land will be fenced appropriately to ensure areas of biodiversity are protected from birds (chickens).
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	Yes	Given that the proposed development is for an agricultural purpose, it is considered appropriate for this 11 hectare site in the Farming Zone. This facility will provide additional space for the existing poultry kept at the facility. There is no proposal for an increase in the number of birds.
How the use and development makes use of existing infrastructure and service.	Yes	The proposal will utilise all existing infrastructure at the site.

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- Development of Land for an Additional Poultry Shed ~ 1956 Upton Road, Upton Hill (cont.)

Agricultural Issues		
Whether the use or development will support and enhance agricultural production.	Yes	The additional poultry shed will enhance the agricultural production in the area.
Whether the use or development will permanently remove land from agricultural production.	Yes	As the development is for agriculture, it is not proposed to remove the land from agricultural production.
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	Yes	The proposal is unlikely to limit the neighbouring operations nor will it limit the expansion of nearby agricultural uses. The use of the land is unlikely to impact the surrounding area as there is not a large amount of emissions, dust or noise from the site.
The capacity of the site to sustain the agricultural use.	Yes	The site is of a size to sustain an agricultural use, as has been demonstrated in the site plans. The site is more than big enough to cater for 60,000 birds. The overall use is not proposed to change however there will be additional space for the birds currently accommodated on the site.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	Yes	The lot does not carry any significant agricultural qualities.
Any integrated land management plan prepared for the site.	Yes	No integrated land management plan has been prepared for the site.
Dwelling Issues	Complies	Officers Comment
Whether the dwelling will result in the loss or fragmentation of productive agricultural land.	N/A	There is no dwelling proposed as part of this development.
Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.		

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Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.		
The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.		
Environmental issues		
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	Yes	<p>The development is unlikely to impact the natural features of the land. It is acknowledged that there is an underground water supply near the eastern edge of the proposed shed. GMW and EPA, along with Council's Environmental Health Department have provided conditions in relation to the management of this water course.</p> <p>Animal waste will be collected and removed from the site to ensure the soil quality is maintained.</p> <p>Waste water will be retained on site to ensure the water quality is not detrimentally impacted.</p>
The impact of the use or development on the flora and fauna on the site and its surrounds.	Yes	The proposal does not include the removal of any vegetation.
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.	Yes	The proposal does not include the removal of any vegetation.
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	Yes	On site effluent disposal will be carried out in accordance with the requirements of the Responsible Authority and Goulburn Murray Water.

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- Development of Land for an Additional Poultry Shed ~ 1956 Upton Road, Upton Hill (cont.)

Design and siting issue		
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.	Yes	The building has been located centrally on site to be setback from the road, and to ensure the business can be set up to best suit their operation, without impacting surrounding land uses.
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 minimise any adverse impacts.	Yes	The proposed siting is considered appropriate. Should a permit be issued, a condition will be placed on the permit requiring muted tones to ensure the development appropriately blends with the aesthetic environment. Conditons will also be included in relation to re establishment of the landscaping around the perimeter of the site to minimise any impact on the appearance of the building from surrounding properties.
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.	Yes	The proposed building is unlikely to detract from the existing character and amenity values of the area.
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	Yes	The proposed building and is considered to be appropriately located.
Whether the use and development will require traffic management measures.	Yes	The proposal does not require traffic management measures, due to the low amount of traffic being generated.

Given the above, this application is considered to be consistent with the purpose and decision guidelines of the Farming Zone.

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- Development of Land for an Additional Poultry Shed ~ 1956 Upton Road, Upton Hill (cont.)

Bushfire Managemnt Overlay

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

Intensive animal husbandry does not trigger any planning permit requirement under the provisions of the Bushfire Management Overlay

The State Planning Policy Framework (SPPF)

Clause 12.04-1 *Environmentally sensitive areas*

Objective:

- *To protect and conserve environmentally sensitive areas.*

The subject site has not been identified as being environmentally sensitive. Consideration must be given to the potential impact of the proposal on the dams and waterways located on and near the property. The buildings and works associated with the proposal will be appropriately designed and managed to ensure the buildings and works do not impact on nearby waterways and other environmental features including vegetation.

Clause 12.04-2 *Landscapes*

Objective:

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

The subject site and the surrounding area have not been identified as having any significant landscape values. The proposal will not detract from 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.*

Buildings and works proposed as part of the development are not considered likely to have significant erosion implications. Works proposed will be required to be stabilised upon their completion. This will be required by way of condition on any permit issued.

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- Development of Land for an Additional Poultry Shed ~ 1956 Upton Road, Upton Hill (cont.)

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.*

Buildings and works proposed as part of the development are not considered likely to have significant salinity implications. Works proposed, including drainage and the proposed storm water retention basins will be required to be stabilised upon their completion. This will be required by way of condition on any permit issued.

Clause 13.04-1 *Noise abatement*

Objective:

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

The noise generated by the proposal will largely be internal to the shed and is unlikely to impact on the amenity of surrounding land owners and occupiers. Noise emissions are required to be in accordance with the relevant code which will be enforced by way of conditions on any permit issued.

Clause 13.04-2 *Air quality*

Objective:

- *To assist the protection and improvement of air quality.*

The impact of the proposed free range egg laying facility on air quality will be in accordance with the relevant codes and guidelines. Provided the facility is appropriately managed, it is unlikely there will be any significant impact on air quality in the area.

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 proposal is considered to be consistent with this State planning policy as detailed in the Strathbogie Planning Scheme. Although this land is not identified as locally or regionally significant, the need to protect the land for agriculture is still high. As the land is to be used for agriculture, it is considered to be a good outcome for the site.

Clause 14.01-2 *Sustainable agricultural land use*

Objective

- *To encourage sustainable agricultural land use.*

6.1 Planning Permit Application No. P2017-076
- Development of Land for an Additional Poultry Shed ~ 1956 Upton Road, Upton Hill (cont.)

The expansion of the existing poultry farm is considered to be an appropriate agricultural land use. It is sustainable and will endeavour to protect the biodiversity of the site from birds by fencing. The site is capable of withstanding the number of birds proposed without detrimentally impacting the surrounding agricultural entities. Given this, the proposal is considered consistent with this State planning policy as detailed in the Strathbogie Planning Scheme.

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 proposed development is unlikely to generate significantly polluted runoff that would impact on the health of the catchment. Runoff from the proposed buildings will be treated on site through natural processes. The cleaning of the sheds will not produce excess runoff that will impact on the catchment. The proposed management systems, to be implemented as part of the proposal will assist in the protection of the catchment, surrounding waterways, water bodies and underground water supplies.

Clause 14.02-2 *Water quality*

Objective:

- *To protect water quality.*

Run off water from the buildings will be treated appropriately before re-entering surrounding water bodies and is unlikely to impact on water quality in the area.

Clause 14.02-3 *Water conservation*

Objective:

- *To ensure that water resources are managed in a sustainable way.*

The proposal is unlikely to place an excessive demand on water supplies. Most of the water required as part of the proposal will be harvested with rainwater tanks. In emergency situations, water will be trucked on to the site however it is expected this will not be frequently required.

Clause 18.02-4 *Management of the road system*

Objective:

- *To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.*

The proposed development will utilise the existing road network and crossovers. This has been consented to by Council's Assets Department who have specified a number of conditions as stated in the recommendation of this report.

6.1 Planning Permit Application No. P2017-076
- Development of Land for an Additional Poultry Shed ~ 1956 Upton Road, Upton Hill (cont.)

Clause 19.03-3 *Stormwater*

Objective(s):

- *To reduce the impact of stormwater on bays and catchments.*

The proposed development is unlikely to impact on the surrounding catchment as a result of storm water. Storm water will be treated on site through natural processes before being discharged from the site in accordance with Council requirements.

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

21.02-6 *Building Material – Muted Tones*

Overview

- *The Shire has significant natural landscapes and views which provide an important asset, and opportunity for tourism and economic development. Buildings can be intrusive in this type of environment if constructed of materials which are not sympathetic to the surrounding environment.*

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 shed is proposed to be constructed of muted tones, such as concrete and Colourbond, including the roof. As such, this proposal is considered to be consistent with this Local planning policy within the Strathbogie Planning Scheme.

Clause 21.06-2 *Adapting and diversifying agriculture*

Objective:

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

The proposed expansion of an existing poultry facility will contribute to the diversification of agriculture within this area of the shire. The land is currently used as a poultry farm with up to 60,000 birds. This will not change however the area of the site, and buildings included with this use are expanding. This will provide for an agricultural use of the site which potentially can provide economic benefit to the region.

Clause 21.07-3 *Traffic Management*

Objective:

- *To ensure the safety and efficient functioning of the roads for a variety of users while providing sustainable transport options.*

The traffic management implications are considered minimal and have been consented to by Council's Assets Department. The existing road network is considered capable of appropriately managing the expected increase in traffic volumes.

6.1 Planning Permit Application No. P2017-076
- Development of Land for an Additional Poultry Shed ~ 1956 Upton Road, Upton Hill (cont.)

Clause 21.07-5 *Drainage*

Objective:

- *To ensure that appropriate drainage infrastructure is installed and maintained.*

On site drainage systems and facilities will be constructed to the satisfaction of the Responsible Authority.

Clause 22.02 *Sustainable Intensive Agriculture*

Objectives

- *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.*
- *To investigate and implement appropriate planning controls such as planning scheme overlays to buffer development from encroachment by sensitive uses.*

The proposed intensive agriculture practice is considered to be consistent with this Local policy in the Strathbogie Planning Scheme. The applicant has satisfied the above objectives through their written application. The applicant has demonstrated compliance with the requirements of this policy.

The proposal is unlikely to detrimentally impact the soil and water quality, as has been demonstrated previously through this report, and taking into consideration the proposed maintenance and upkeep as detailed in the proposal section of this report.

Given this, the application is considered to be consistent with this local policy of the Strathbogie Planning Scheme.

Relevant Particular Provisions

Clause 52.31 – *Broiler Farms*, of the Strathbogie Planning Scheme is considered relevant to this proposal. The purpose of this clause is:

- To facilitate the establishment and expansion of broiler farms in a manner that is consistent with orderly and proper planning and the protection of the environment.

Clause 52.31 of the Strathbogie Planning Scheme applies to the use and development of land for broiler farms and provides specific guidelines around stocking densities, setbacks, buffer areas etc. This clause does not apply to the proposed free range layer facility. At this time, there is no formal code for free range facilities or egg layers.

6.1 Planning Permit Application No. P2017-076
- Development of Land for an Additional Poultry Shed ~ 1956 Upton Road, Upton Hill (cont.)

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.

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

With regard to the Farming Zone: the proposed free range layer farm is consistent with the purpose and decision guidelines of the Farming Zone and will contribute to the ongoing use of the land for agriculture.

6.1 Planning Permit Application No. P2017-076
- Development of Land for an Additional Poultry Shed ~ 1956 Upton Road, Upton Hill (cont.)

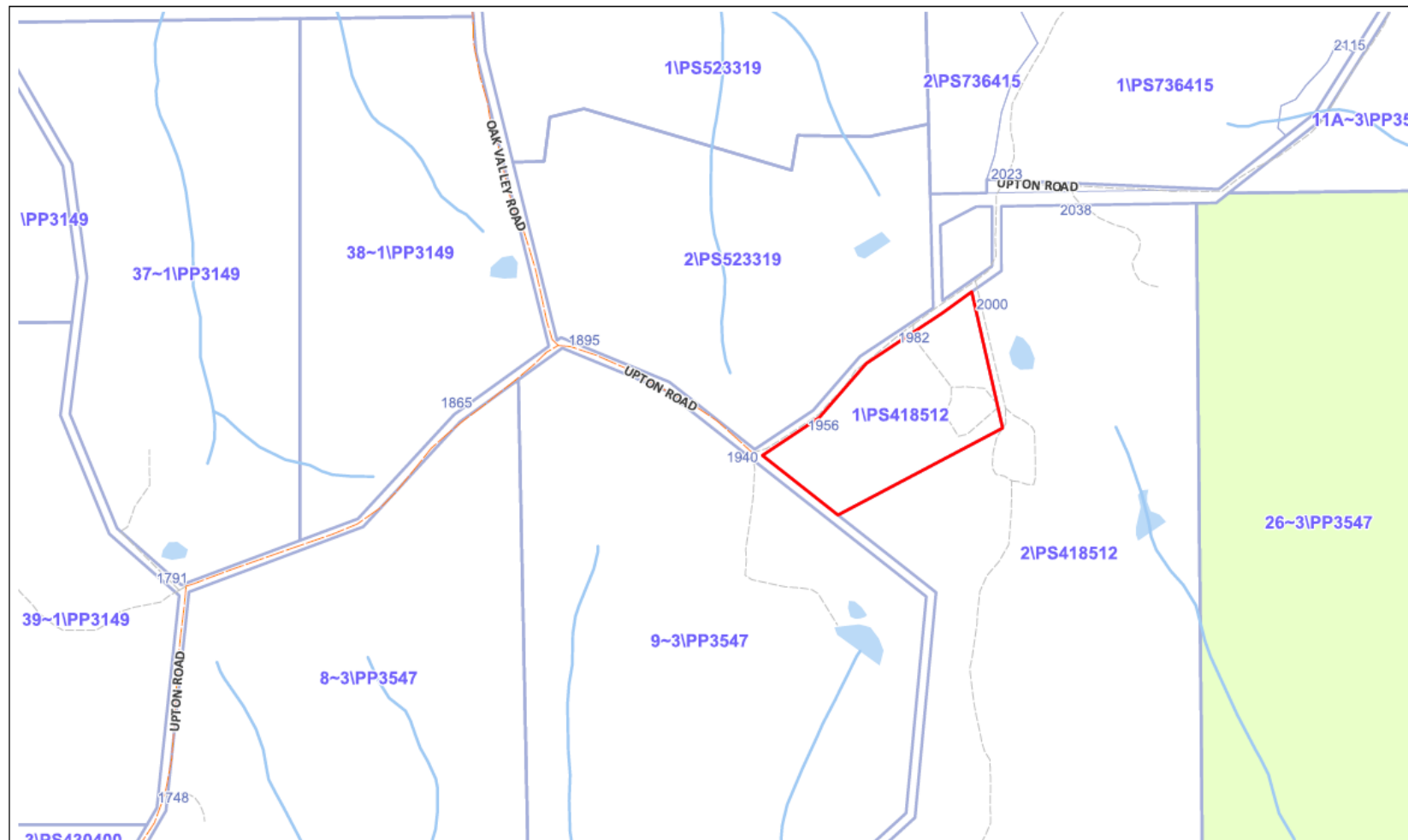
In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework and the Farming Zone.



Conclusion

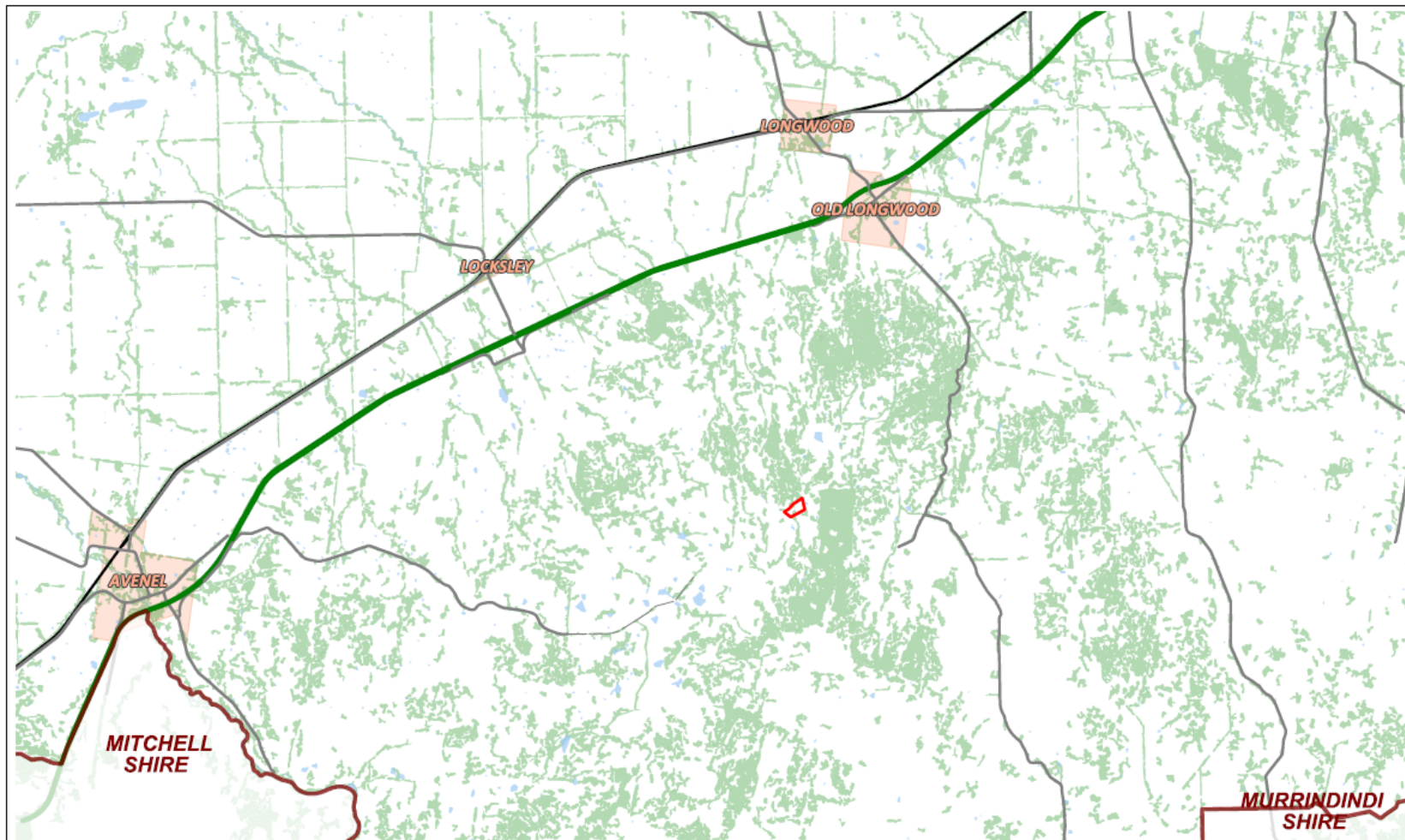
After due assessment of all the relevant factors, it is recommended that Council resolve to issue a Notice of Decision to grant a permit in accordance with the Officer's recommendation.



Attachments

Site Map



	Shire Of Strathbogie	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 disclaims all liability for any loss, cost, damage or injury, howsoever arising or connected with the use of this data. Any feedback on omissions or errors would be appreciated. Contains Council Information © Strathbogie Shire Council Contains Vicmap Information © Department of Environment, Land, Water & Planning	12/04/2018	
	Prepared By: Cameron Fraser		1:10831	



	Shire Of Strathbogie	<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 disclaims all liability for any loss, cost, damage or injury, howsoever arising or connected with the use of this data. Any feedback on omissions or errors would be appreciated. Contains Council Information © Strathbogie Shire Council Contains Vicmap Information © Department of Environment, Land, Water & Planning</p>	12/04/2018	
	Prepared By: Cameron Fraser		1:126085	

PLANNING COMMITTEE REPORT NO. 2 (PRINCIPAL PLANNER - CAMERON FRASER)

**6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East**

Application Details:

Application is for:	Use and Development of land for a dwelling and outbuilding
Applicant's/Owner's Name:	Mrs Nikki Wood, IPS Building Services
Date Received:	27 September 2017
Statutory Days:	143
Application Number:	P2017-103
Planner: Name, title & department	Cameron Fraser Principal Planner Planning and Investment Department Report prepared by Planology
Land/Address:	Crown Allotment 1 Section T Parish of Longwood, Certificate of Title Volume 2971 Folio 153 133 Faithfull Road, Longwood East VIC 3666
Zoning:	Farming Zone
Overlays:	Erosion Management Overlay (covers part of land)
Is a CHMP required?	No. The proposal is for a single dwelling.
Is it within an Open Potable Catchment Area?	No
Under what clause(s) is a permit required?	Clause 35.07-1 to use the land for a dwelling. Clause 35.07-4 to construct a building and to carry out works in association with a section 2 use.
Restrictive covenants on the title?	No
Current use and development:	Vacant Land

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 application proposes to use and develop the land at 133 Faithfull Road, Longwood East for a dwelling and outbuilding. The application also includes the regeneration and replanting of indigenous vegetation along the existing waterway.

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

- Due to the history of planning permit applications and a previous VCAT ruling on this site, this report, including the recommendation has been prepared by Planology, a respected legal firm specialising in Town Planning Law.
- The application was advertised, and one objection was received. The objection raised a number of issues including that the proposed dwelling is incompatible with the vineyard on an adjoining property, the proposal is not justified under clause 22.01-3 of the Strathbogrie Planning Scheme and the soils on the site would support a viable agricultural use.
- The application has not been assessed within the 60 day statutory timeframe due to extended advertising timelines, the outstanding objection and changes to bushfire planning provisions.
- The application is being heard before the Planning Committee due to the unresolved objection and the proposal is for a dwelling on a small lot in the Farming Zone.
- Although the proposal meets many of the objectives of the State Planning Policy Framework, Local Planning Policy Framework and decision guidelines under the Farming Zone. The specific information required in relation to bushfire management strategies on the site has not been provided such as access, water supply and defendable space. Through consultation with the CFA, it is considered that these issues are manageable on the site without compromising other components of the application. This is able to be addressed by way of conditions on any permit issued.
- 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. P2017-103 to be given under Section 52 of the *Planning and Environment Act 1987*,**

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit under the provisions of clauses 35.07-1 and 35.07-4 of the Strathbogrie Planning Scheme in respect of the land known as Crown Allotment 1 Section T Parish of Longwood, Certificate of Title Volume 2971 Folio 153, 133 Faithfull Road, Longwood East VIC 3666, for the use and development of a dwelling, in accordance with the endorsed plans, subject to the following conditions:

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

Amended Plans

1. **Prior to the commencement of use and development, 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:**
 - a. **Dimensioned heights of the proposed buildings from natural and finished ground levels.**
 - b. **A 10 metre wide strip of screen planting along the eastern boundary using indigenous species.**
 - c. **Compliance with Conditions 18, 19 and 20**

Endorsed plans

2. **The use and development must be sited, constructed and carried out in accordance with the endorsed plans. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority.**

Section 173 Agreement

3. **Prior to the commencement of the use or development, the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority. Such agreement shall ensure:**
 - a. **No subdivision of the land, including a house lot excision, which increases the number of lots.**
 - b. **That the owner acknowledges and accepts that the possibility of some amenity impacts from adjoining and/or nearby agricultural operations may occur. The possible off site impacts might include but are not limited to dust, noise, odour, waste, vibration, soot, smoke or the presence of vermin, from animal husbandry, animal waste, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation.**
 - c. **That the use will be carried out in association with the Land Management Plan endorsed as part of this permit and the Land Management Plan will be implemented and complied with to the satisfaction of the Responsible Authority.**

A memorandum of the agreement is to be entered on title and the cost of the preparation and execution of the agreement and entry on the title is to be paid by the owner.

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

Environmental Health Conditions

4. All waste water and liquid is to be contained and treated on site by an approved septic tank system or equivalent. The system must be at least 100 metres from Portable water reservoir and 60 metres from any watercourse and/or dam (non-potable water supply), on the subject or neighbouring properties, and must meet the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).
5. A Cut off drain must be installed upslope of the proposed waste water system in line with the approved proposed install plans; the cut off drain must be maintained and be documented during servicing of the system.
6. All wastewater from proposed dwelling must be treated and contained within the property boundaries in accordance with the current EPA Code of Practice – Onsite Wastewater Management: Guidelines for Environmental Management, Australian Standards 1547 and Council requirements

Engineering Conditions

7. Prior to the commencement of the use, new or otherwise vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard satisfactory to the Responsible Authority. 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. The final location of the crossing is to be approved by the Responsible Authority via a Vehicle Crossing Permit. Refer to Clause 12.9.2 “Rural Vehicle Crossings” of the Infrastructure Design Manual and to standard drawing SD255.
8. Prior to the commencement of the use 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.
9. 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.

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

10. **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.**
11. **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.**

General conditions

12. **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.**
13. **The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.**
14. **The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.**
15. **The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.**
16. **Unless native vegetation is shown to be removed on the endorsed plans it must not be damaged and no works, including stockpiling of fill, may be undertaken within the tree protection zone of this vegetation as determined under Australian Standard AS 4970-2009.**
17. **The Land Management Plan approved under this permit must be complied with and implemented to the satisfaction of the Responsible Authority.**

Bushfire Protection Measures:

Defendable Space

18. **An area of defendable space must be managed for a distance of 33 metres around the proposed building or to the property boundary where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:**
 - **Grass must be short cropped and maintained during the declared fire danger period.**
 - **All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.**

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Water Supply

19. A minimum of 10,000 litres of effective water supply for fire fighting purposes must be provided which meets the following requirements:
- Be stored in an above ground water tank constructed of concrete or metal.
 - Have all fixed above ground water pipes and fittings required for fire fighting purposes made of corrosive resistant metal.
 - Include a separate outlet for occupant use.
 - Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
 - Be located within 60 metres of the outer edge of the approved building.
 - The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
 - Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
 - Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling)

Access

20. Access for fire fighting purposes must be provided which meets the following requirements:
- All weather construction.
 - A load limit of at least 15 tonnes.
 - Provide a minimum trafficable width of 3.5 metres
 - Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.
 - Curves must have a minimum inner radius of 10m.
 - The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
 - Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

Permit expiry

21. 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.**
- 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.**
- This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.**

CRS MASON/WILLIAMS : That the Recommendation be adopted.

CR THOMSON -

Amendment:

That the Recommendation be adopted, subject to Conditions 18, 19 and 20 being included within Condition 3 of any permit issued (Section 173 Agreement).

(The Amendment was endorsed by the Mover / Secunder of the original Motion, therefore, it did not require a Secunder)

18/18

ON BEING PUT, THE AMENDMENT BECAME THE MOTION

19/18

ON BEING PUT, THE MOTION WAS CARRIED

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

Cr Thomson called for a Division

For the Motion

Cr Williams
Cr McClaren
Cr Little
Cr Mason

Against the Motion

Cr Swan
Cr Thomson

Proposal

The application proposes to construct a single storey dwelling and outbuilding on the land. The dwelling will be setback 50 metres from the Longwood-Mansfield Road and 80 metres from the eastern boundary. The proposed shed will be setback 40 metres from the Longwood-Mansfield Road and 60 metres from the eastern boundary.

The dwelling, including the carport and outdoor living area, will have a total area of 325.7 square metres. It will have four bedrooms and a study. The dwelling will have an overall height of 4.5 metres when measured from the top of the slab. The dwelling will be constructed with a mix of finishes including face brickwork, linea board weatherboards and corrugated iron, with a colorbond roof.

The outbuilding will have an area of 98 square metres and an overall height of 3.875 metres. The outbuilding will be constructed using colorbond with a 'basalt' colour on the walls and 'monument' colour on the roof.

A land management plan has been prepared as part of the application material and proposes that an area of the land along the existing waterway and to the north of the waterway be managed as an area for the regeneration of indigenous plant species, together with targeted indigenous planting within this area. Any stock and agricultural activities would be excluded from this part of the site.

A partly constructed access track will be used and improved to provide access to the proposed dwelling site.

No native vegetation will be required to be removed in association with the construction of the access or the dwelling and outbuilding.

Subject site & locality

The subject site is triangular in shape and has an area of just under 16 acres or about 6.32 hectares. The site is relatively flat and has a waterway running through the western part of it, generally running parallel with Faithfull Road.

The site is located on south east corner of Faithful Road and Longwood-Mansfield Road. The site has access to the Hume Freeway via Depot Road, with the on ramps to the Hume Freeway being about 1.1 kilometres to the west.

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

The subject site contains 14 scattered indigenous trees. Two remnant patches of native vegetation have been identified along the waterway and some natural regeneration within these patches is already occurring. An existing access track has been constructed near the western corner of the site and centrally along the southern boundary.

The site has an abuttal along its western boundary with Faithfull Road and an abuttal with Longwood-Mansfield Road along its southern boundary. These two road reserves support a number of indigenous trees and other indigenous vegetation which extend for some distance and connect with the vegetation along the Nine Mile Creek corridor. The eastern boundary of the site adjoins the Maygars Hill Vineyard at 53 Longwood-Maygar Road. Maygars Hill Vineyard is used as a vineyard, and for cellar door sales and tourist accommodation. About 6 acres of that property have been planted with vines. The vines are planted in the southern part of that property, close to the common boundary of the site with a driveway separating the vines from the common boundary.

More broadly in the area, there is a mix of rural residential style properties, particularly on the smaller land holdings, and various agricultural activities being undertaken on the larger land holdings.

Permit/Site History

A search of Council's electronic records shows that a permit was previously refused by the Victorian Civil and Administrative Tribunal (**Tribunal**) in February 2017 for a proposal to construct a dwelling on the site. The Tribunal refused the application on the basis that the application did not have sufficient information to enable a full assessment of the application against the relevant provisions of the Scheme. The Tribunal did not consider the appropriateness of using and developing the subject site of a dwelling. This decision is considered in more detail below under 'Assessment'.

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; and
- placing a sign on site.

The notification has been carried out correctly.

Council has received one objection to date. The key issues raised in the objection are:

- the proposal to use the site for a dwelling is not justified under clause 22.01-3;
- there is reasonable local evidence that the site is suitable for viticulture; and
- the proposal will unreasonably impact on the ongoing use of Maygar's Hill Vineyard.

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

The Country Fire Authority (**CFA**) was given notice of the permit application. The CFA has advised that it does not object to the granting of a planning permit for a dwelling on the subject site. The CFA also advised that the building system will adequately address the bushfire risk in this location and recommended that three conditions be included on any planning permit that might be issued. The three conditions have been included in the recommended conditions forming part of this report.

Consultation

Following receipt of the objection, a copy was forwarded to the applicant who provided a written response.

A copy of this response was forwarded to the applicant. To date, the objector has not withdrawn their objection.

As part of the assessment, extensive consultation between officers and the CFA has taken place in relation to the changes to Clause 13.05 (Gazetted as part of VC140) and how these affect the proposal. The outcomes of this consultation are discussed throughout this report.

Referrals

The permit application was not required to be referred externally.

Internal Council Referrals	Advice/Response/Conditions
Assets	Consent subject to conditions
Environmental Planning	Consent subject to conditions
Environmental Health Officer	Consent subject to conditions

Assessment

Previous Tribunal decision

Given the Tribunal has previously refused an application for a dwelling on the site, great weight needs to be given to the previous decision.

As previously outlined, the Tribunal's key concern with the previous application was the quality of the information which had been submitted by the permit applicant. Given this concern, the Tribunal did not turn its mind to the question as to whether the use and development on the subject site was appropriate.

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

The Tribunal was concerned there was no information relating to the:

1. location, dimensions and setbacks of the dwelling and carport;
2. internal floor layout of the dwelling;
3. elevations of the dwelling;
4. materials and colours of the dwelling;
5. the extent of any earthworks;
6. existing and future agricultural use of the site through a farm management plan;
7. details and design of effluent disposal through a land capability statement;
8. assessment of the existing vegetation on the site;
9. ways in which a dwelling on the site might improve the condition of existing vegetation; and
10. impacts on any native vegetation, including trees, shrubs, ground covers and grasses, associated with constructing the new driveway.

The quality of the information provided with the current application is far superior to that provided with the previous application. A careful analysis of the application material suggests that the information deficiencies identified by the Tribunal in the previous application have been addressed, except that plans do not show whether any excavations or fill will be required to construct the proposed buildings.

Based on an inspection of the site, including an inspection of the proposed house location, it is considered that there will be minimal or no excavations. Given the relatively flat topography in this section of the site, and the distance from property boundaries and existing trees, it is considered that this information could reasonably be included on the plans through an amended plans condition 1 on any permit. If the site had been steeper or trees were within proximity of the dwelling site, such information would have been sought.

Therefore, the current permit application is considered to have addressed the concerns raised by the Tribunal regarding the quality of the information which had been previously provided.

Accordingly, an assessment of the merits of the application is necessary.

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.*

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

A permit is required to use and develop the site for a dwelling. A planning permit is not required to construct the outbuilding as it is less than 100 square metres.

The proposal is considered to be consistent with the provisions of the Farming Zone, despite being for a residential use with a limited agricultural component (light grazing to complement land management). This is due to the constraints of the site such as its limited size and vegetation, and the greater environmental gain which comes from management of the land rather than traditional agriculture.

An assessment of the application against the full Decision Guidelines of the Farming Zone is tabled below.

General Issues	Complies?	Officer comments
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	A detailed assessment of the proposal has been undertaken further into this report.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	Yes	The proposal will not have any adverse impact on local water catchment.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	The site is large enough to be able to accommodate effluent disposal. A separate permit is required to be obtained from Council's Environment Health department to manage this in accordance with Council's standard requirements. As part of the assessment of this application, Council's Environmental Health Officer has provided consent subject to conditions.
<i>How the use or development relates to sustainable land management.</i>	Yes	The applicant has prepared a land management plan. Sustainable land management practices will be addressed through the Land Management Plan which is required through a condition. This plan will also be attached to the Title of the land through the S173 agreement.

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

<p><i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i></p>	<p>Yes</p>	<p>The subject site is constrained by its size (approximately 6.4 hectares) and so would only be suitable for some agricultural uses. In addition, the site has scattered native vegetation (trees) across it and has not been left vacant and unmanaged in recent times.</p> <p>Surrounding land uses are mixed, including the Hume freeway, two wineries and two greyhound premises. In addition, the site is located on the edge of the old Longwood township which has a small lot subdivision pattern, although is not developed as such. Currently there are only a limited number of dwellings on smaller lots, but this could increase in the future.</p> <p>On the balance of these considerations it is considered that a dwelling on the subject site is an acceptable use which is generally compatible with surrounding land uses.</p> <p>Notwithstanding this, a condition included in the recommendation requires that a Section 173 agreement be entered into, in which the owner (and any subsequent owner) acknowledge that the site is located in an agricultural area in which some impacts, for instance noise and dust, can be expected.</p>
<p><i>How the use and development makes use of existing infrastructure and service.</i></p>	<p>Yes</p>	<p>The site utilises existing road access and access to electricity is available. The town services of Longwood and Euroa are also not far away.</p>
<p>Agricultural Issues</p>		
<p><i>Whether the use or development will support and enhance agricultural production.</i></p>	<p>No</p>	<p>The dwelling will be used in conjunction with a land management program rather than traditional agriculture. It is considered in the context of this site, that this is an acceptable outcome</p>
<p><i>Whether the use or development will permanently remove land from agricultural production.</i></p>	<p>Yes</p>	<p>The development will not permanently remove land from agricultural production.</p>
<p><i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i></p>	<p>Yes</p>	<p>On balance it is considered that the dwelling will not limit the operation and expansion of adjoining nearby agricultural uses. The previously discussed Section 173 agreement will ensure that owners clearly understand that it is an agricultural area.</p>

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull
Road, Longwood East (cont.)

<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The limited size of the land is suitable for grazing by a limited number of sheep at this time. While this is not proposed to continue.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	Based on the information provided in the documentation submitted, it is considered unlikely that the land is suitable for any form of sustainable agriculture. The applicant is seeking to capitalise on the environmental assets of the site.
<i>Any integrated land management plan prepared for the site.</i>	Yes	A Land Management Plan has been prepared as part of the application documentation. This has been reviewed by Council's Environmental Department.
Dwelling issues		
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Yes	The location of the development has been selected to place distance between both the winery and the freeway. It will also not result in the removal of any native vegetation. The siting has also taken into account the requirements for bushfire management and the successful implementation of the Land Management Plan. This is considered to be acceptable, given the existing constraints to potential productive agricultural uses.
<i>Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</i>	Yes	Given that the land is in the Farming Zone, there will be agricultural activities on adjoining parcels of land which may cause amenity issues in relation to noise, use of chemicals, hours of operation and odour. It is considered that they will not be unreasonable given the siting of the dwelling, considerable noise from the freeway and mix of uses in the area. Notwithstanding this, the Section 173 agreement previously discussed has been included in the recommended conditions to ensure that owners are aware that any such impacts are to be expected in this location.

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	As discussed, the siting of the dwelling and mix of uses in the area (which does include some dwellings on smaller lots further south) means that this proposal is acceptable in this location. The dwelling will not adversely affect the operation and expansion of adjoining and nearby agricultural uses.
<i>The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</i>	Yes	There is already potential for a concentration of dwelling in the area, given the small lot subdivision pattern of the old Longwood township to the immediate south of the site. However this proposal in itself will not cause this to occur.
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 proposal will not have any adverse impacts on the physical attributes of the site. Overall, through the land management plan, the quality of the land will be improved and protected.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	The buildings have been sited so as to have minimal impact on native vegetation on the site.
<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	An improved biodiversity outcome will be achieved on the site through the practices outlined in the Land Management Plan. This includes protection of native vegetation.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	Yes	This will be managed through the separate permit issued by Council's Environmental Health unit. There is sufficient room on the site for this to be managed appropriately. The application was referred to Council's Environmental Health Department who have consented to the proposal.
Design and siting issue		
<i>The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</i>	Yes	All the buildings are located in one part of the site.

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

<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 minimise any adverse impacts.</i>	Yes	Conditions on the permit require that muted materials are used. This will ensure that the buildings do not cause any unreasonable adverse visual impacts.
<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	There is extensive roadside vegetation which will restrict views of the buildings. There will not be any significant character impacts.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	The proposal utilises the existing road. There are no other existing services to be utilised.
<i>Whether the use and development will require traffic management measures.</i>	Yes	No traffic management measures are required for a development of this scale.

Erosion Management Overlay

The Erosion Management Overlay applies to part of the subject site which generally follows the course of the waterway.

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

Based on the proposed location of the buildings and works, being outside of the area of the land covered by the Erosion Management Overlay, a planning permit is not under this control.

The State Planning Policy Framework (SPPF)

Clause 11.12-1, A diversified economy

Objective

To develop a more diverse regional economy while managing and enhancing key regional economic assets.

Strategies

Avoid encroachment from rural residential settlement and other land uses that are noncomplementary to agriculture in areas identified as strategic agricultural land and direct proposals for settlement to existing centres and townships.

13.03-2, Erosion and landslip

Objective

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

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

Strategies

Identify areas subject to erosion or instability in planning schemes and when considering the use and development of land.

Prevent inappropriate development in unstable areas or areas prone to erosion.

Promote vegetation retention, planting and rehabilitation in areas prone to erosion and land instability.

The proposal to facilitate the regeneration and revegetation of the land adjoining the waterway (being the area generally covered by the Erosion Management Overlay) is considered to be consistent with this objective and these strategies. This aspect of the proposal is clearly a positive factor which should weigh in favour of granting a planning permit.

Clause 13.05-1, Bushfire planning strategies and principles

Objective

- *To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*

Although the subject site is not located within the Bushfire Management Overlay, it is located within a Designated Bushfire Area. Clause 13.05 now expressly applies to land within a Bushfire Prone Area.

Use and development control in a Bushfire Prone Area

In a bushfire prone area designated in accordance with regulations made under the Building Act 1993, bushfire risk should be considered when assessing planning applications for the following uses and development:

- *Subdivisions of more than 10 lots.*
- *Accommodation.*
- *Child care centre.*
- *Education centre.*
- *Emergency services facility.*
- *Hospital.*
- *Indoor recreation facility.*
- *Major sports and recreation facility.*
- *Place of assembly.*
- *Any application for development that will result in people congregating in large numbers.*

When assessing a planning permit application for the above uses and development:

- *Consider the risk of bushfire to people, property and community infrastructure.*
- *Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.*
- *Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.*

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

This new State Planning Policy was introduced on 12 December 2017, which was after the permit application was lodged with Council. However, as the policy now forms part of the planning scheme, the permit application needs to be assessed against this policy. Areas within a Bushfire Prone Area that are not within a Bushfire Management Overlay are generally considered to be subject to a lower bushfire risk than areas subject to the Bushfire Management Overlay.

Planning Advisory Note 68, dated March 2018, recognises that a bushfire site assessment or a bushfire hazard landscape assessment may be required, together with information demonstrating how the bushfire hazard has been managed for land within a Bushfire Prone Area, even if the Bushfire Management Overlay does not apply.

The permit application does not include any specific information considering or assessing bushfire hazard or risk. However, it is noted that, aside from vegetation along road reserves, the land in the immediate area for at least 1.5 kilometres is relatively flat and open country side. Generally, it is not steep or heavily vegetated with high fuel loads unlike the land on the south side of Longwood-Ruffy Road. These factors are considered to likely lower the overall fire risk. Based on experience, officers would expect that the overall bushfire hazard associated with the subject site would likely be lower than the more vegetated and undulating parts of the municipality, and in particular those areas covered by the BMO. However, there would still be a risk from grass fires and ember attack.

Council officers consider that planning should not eliminate all risk but risk should be managed and reduced to acceptable levels. Importantly, the CFA, who is an expert authority in managing and assessing the risk associated with bushfire hazard, has considered the proposal and offered no objection. Further, the CFA has advised that the bushfire risk associated with the proposed dwelling can be adequately managed by including three conditions on any permit that might be issued. The CFA's consent has specifically considered the proposed replanting under the Land Management Plan. Council officers have given weight to views of the CFA and have proposed to include the CFA's recommended conditions.

It is considered that the proposal has addressed this aspect of clause 13.05.

14.01-1 Protection of agricultural land

Objective

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

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

Strategies

Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.

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.*

...

In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:

- *The desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- *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.*
- *Assessment of the land capability.*

State Policy unambiguously seeks to protect productive agricultural land for agricultural purposes, particularly on isolated small lots. However, State Policy does recognise that constructing a dwelling on a small lot can be acceptable within a rural area.

The Land Management Plan prepared on behalf of the permit applicant concludes that the subject site has limited agricultural value. The objector claims that the subject site could readily be used and developed as a vineyard, particularly as the adjoining land has been developed for such a purpose.

Given the size of the subject site and the existence of the waterway through the northern part of the land, the area available for agriculture is limited. The constraint imposed by the waterway was recognised by the Tribunal in its decision. It is noted that the adjoining land, which supports Maygars Vineyard, is not constrained by the waterway in the same way. Therefore, although the two sites adjoin, it is considered that the waterway presents a considerable constraint on using the land productively for agricultural purposes, or if the site were to be used to the same degree as Maygars Vineyard for agricultural purposes, there would be potential detrimental impacts on the waterway and its regeneration.

Council officers consider that the proposed dwelling could reasonably co-exist with the adjoining vineyard use. The proposed 80 metre setback from the eastern boundary provides an appropriate physical buffer between the dwelling and adjoining property. Further, subject to bushfire considerations, further planting could be undertaken within this setback to reduce the likelihood that amenity impacts, such as spray drift, could impact on the proposed dwelling. Given the CFA has recommended that the defensible space be 33 metres wide, a 10 metre wide landscape strip could be readily included along the eastern boundary.

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

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

21.02-5 Small Crown Allotment Consolidation

Overview

Within the Farming Zone there are many small crown allotments. Council continues to experience demand for development of dwellings on these lots which do not meet the primary purposes of the Farming Zone.

Objective

To prevent the further proliferation of dwellings on small crown allotments in the Farming Zone.

Strategies

- *Discourage the use of small crown allotments in the Farming Zone for a dwelling except where it is possible to consolidate a number of lots before the construction of a dwelling.*
- *Encourage consolidation of small rural lots.*

The subject site is considered to be a small crown allotment. The proposal does not propose to consolidate the subject site with other crown allotments in the same ownership. It is noted that the address of the subject site includes a number of other lots. However, those lots are not contiguous with the subject site making any consolidation with them impractical.

The proposed use and development of the site for a dwelling without consolidating the site with other lots would be strictly inconsistent with this policy.

21.02-6 Building Material – Muted Tones

Overview

The Shire has significant natural landscapes and views which provide an important asset, and opportunity for tourism and economic development. Buildings can be intrusive in this type of environment if constructed of materials which are not sympathetic to the surrounding environment.

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.

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

The proposed materials and colour pallet of red face brick work and a range of greys for the roof of the dwelling are considered to be appropriate. The proposed outbuilding also adopts the same grey colour pallet which is considered to be acceptable, noting that the outbuilding would not require a planning permit once the dwelling is constructed.

Clause 21.04-4 Native Vegetation and biodiversity

Objective

- *To protect and enhance the natural environment.*

Strategies

- *Encourage the protection, restoration and management of biodiversity values.*
- *Encourage environmental connectivity between vegetation corridors such as roadsides and waterways.*
- *Encourage the protection of medium to very high quality roadside vegetation.*

The proposed revegetation of part of the subject site along the waterway is strongly supported by this policy.

Clause 22.01 Housing and House Lot Excisions in Farming Zones

The construction of a new dwelling on an existing small lot will be discouraged unless it meets all of the following requirements:

- *The lot is accessed by an all weather road and has appropriate service provisions.*
- *Emergency ingress and egress is at an appropriate standard.*
- *The dwelling will not inhibit the operation of agriculture and rural industries.*
- *The site must be able to contain and treat onsite effluent and wastewater in accordance with the relevant Code of Practice and Australian Standards, and;*
- *Meets at least one of the following requirements:*
 - *The dwelling should be associated with a sustainable rural pursuit that requires a dwelling on the land to manage that pursuit. The application should be supported by a farm management plan that justifies the need for a dwelling to assist in the operation of the farm.*
 - *The applicant can substantiate that the land has no agricultural potential due to environmental significance and the dwelling is to be used in conjunction with sustainable land management and the significant vegetation is protected on title.*
 - *The lot has been identified in the Strathbogie Shire Rural Residential Strategy, 2004 as rural residential; implying that that there is an historic use and development pattern. Consideration should be given to the recommendations in the Strategy.*

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

- *The applicant is proposing to consolidate one or more lots in the same ownership with the subject land prior to the construction of the dwelling.*

In the present case, it is considered that:

- The subject site has access to an all weather road. Even though the site does not have access to a complete range of urban services, its access to power is considered acceptable and appropriate service provision. The absence of reticulated water and sewerage is acceptable given the rural nature of the land.
- Given all-weather access is available to the subject site, suitable emergency ingress and egress is considered to be provided.
- Given the setbacks of the proposed dwelling, the dwelling will unlikely inhibit the operation of the Maygars Vineyard.
- Based on the land capability statement prepared by Mansfield Land Capability & Soil Assessments and the advice from Council's Environmental Health Officer, the site is considered to be capable of adequately disposing and treating effluent on site.
- The permit applicant has submitted a land management plan to assess the usability of the site for agriculture and whether the site could deliver a material environmental benefit. The report concludes that there is a limited ability to use the site for productive and commercial agricultural pursuits. Although the existing native vegetation has not been identified as being significant, the subject site represents an unusual opportunity to facilitate the regeneration and to undertake in fill planting of indigenous vegetation along the waterway which traverses the site. A further advantage of improving the land surrounding the waterway will be the opportunity for this vegetation to improve and widen the existing native vegetation corridor running along Faithfull Road. Although this proposal is considered to be not strictly in accordance with the circumstances contemplated by the local policy, the environmental outcomes which could be achieved by the proposal are considered to be consistent with the outcomes sought by the clause, namely that there will be an improvement and protection of the environmental values present on the site.

For these reasons, although there is not strict compliance with the policy, the outcomes proposed by the permit application are considered to be consistent with the broad outcomes sought by the policy.

Relevant Particular Provisions

There are no specific particular provisions relevant to the permit application.

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

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.*

The matters relating to State and Local policy has been discussed above. The proposed development is considered to adequately protect native vegetation, will prevent the further degradation of the waterway through over grazing, and will provide an opportunity to improve the environmental qualities of the site.

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

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.

6.2 Planning Permit Application No. P2017-103
- Use and Development of Land for a Dwelling and Outbuilding ~ 133 Faithfull Road, Longwood East (cont.)

Summary of Key Issues

With regard to the Farming Zone: It is considered that the use and development of the subject site will remove land from possible future agricultural pursuits. However, given the size of the site and the constraint presented by the waterway, the net loss of agricultural land will be minimal. Ultimately, this loss of agricultural land needs to be balanced with the environmental outcomes which are proposed. When the proposed sustainable land management aspects of the proposal are balanced with the potentially negative outcomes, it is considered that the proposal represents an acceptable planning outcome. It is important to recognise that this conclusion is finely balanced but, in this case, the particular constraints of the site and the environmental outcomes should outweigh any loss of agricultural land in this instance.

Importantly, the environmental improvements to the subject site have been specifically considered by the CFA who is satisfied that they can be undertaken without unreasonably increasing the bushfire hazard subject to permit conditions.

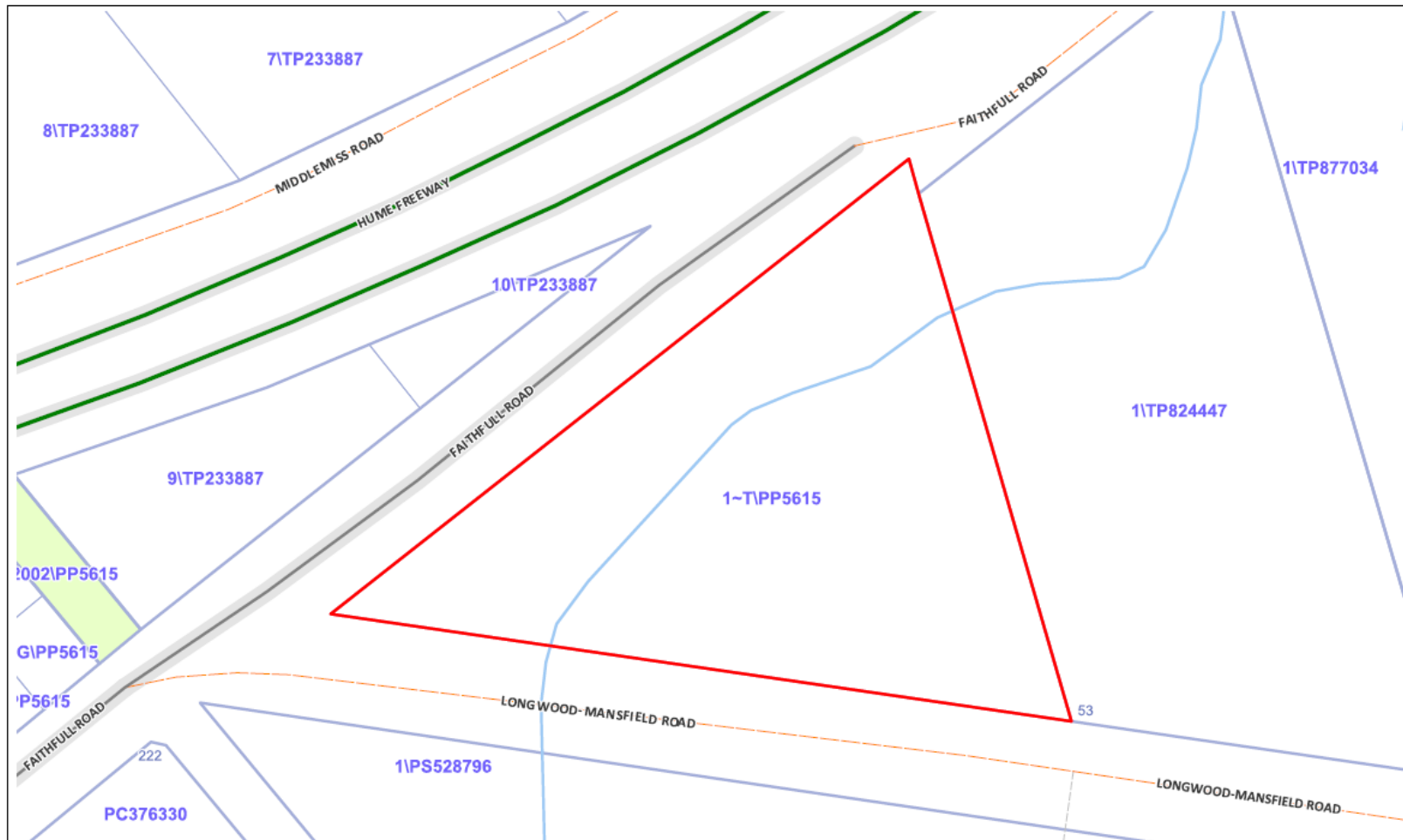
In summary, the proposal satisfies the objectives of the State Planning Policy Framework, Local Planning Policy Framework, Farming Zone and the Erosion Management Overlay.



Conclusion

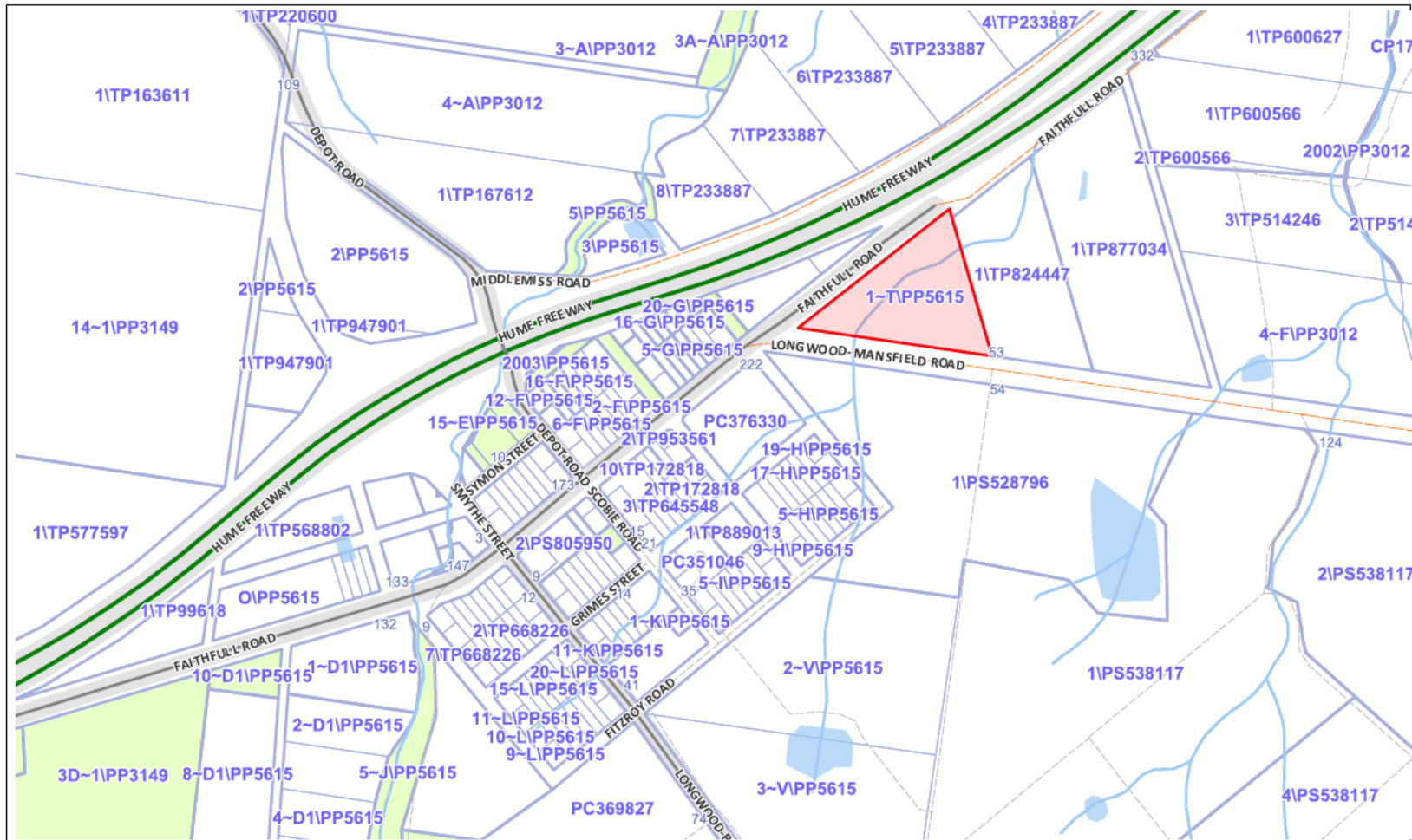
After due assessment of all the relevant factors, it is considered appropriate to issue a Notice of Decision to Grant a Permit.



Attachments

Site Map



	Shire Of Strathbogie	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 disclaims all liability for any loss, cost, damage or injury, howsoever arising or connected with the use of this data. Any feedback on omissions or errors would be appreciated. Contains Council Information © Strathbogie Shire Council Contains Vicmap Information © Department of Environment, Land, Water & Planning	12/04/2018	
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	Prepared By: Cameron Fraser		1:10831	

PLANNING COMMITTEE REPORT NO. 3 (PRINCIPAL PLANNER - CAMERON FRASER)

**6.3 Planning Permit Application No. P2017-144
- Development of Land for an Emergency Services Facility ~ 16 Queen Street, Avenel**

Application Details:

Application is for:	Development of land for an emergency services facility
Applicant's/Owner's Name:	Tony Jakobovic
Date Received:	21 December 2017
Statutory Days:	110 days
Application Number:	P2017-144
Planner: Name, title & department	Cameron Fraser Principal Planner Sustainable Development Department
Land/Address:	Land in Plan of Consolidation 377876P, Certificate of Title Volume 11905 Folio 313 16 Queen Street, Avenel VIC 3664
Zoning:	Township Zone
Overlays:	No Overlay
Is a CHMP required?	No
Is it within an Open Potable Catchment Area?	No
Under what clause(s) is a permit required? (include description)	Clause 32.05-9
Restrictive covenants on the title?	
Current use and development:	Other land use

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 application proposes the development of land at 16 Queen Street, Avenel for the development of land for an emergency services facility which includes a motor room building, emergency vehicle parking area and internal alterations to existing fire station.
- It is proposed to construct a 12m x 12m outbuilding, setback 8 metres from Queen Street for more storage/use for the Avenel CFA.

6.3 Planning Permit Application No. P2017-144
- Development of Land for an Emergency Services Facility ~ 16 Queen Street,
Avenel (cont.)

- The application was advertised and one objection was received. The objection raises a number of issues including drainage issues.
- The application has not been assessed within the 60 day statutory timeframe due to outstanding objection.
- The application is being heard before Planning Committee due to the one unresolved objection.
- The proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework as well as the relevant particular provision and
- 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. P2017-144 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* decide to issue a Notice of Decision to Grant a Permit under the provisions of Clause 32.05-9 of the Strathbogie Planning Scheme in respect of the land known as Land in Consolidation 377876P Certificate of Title Volume 11905 Folio 313, 16 Queen Street, Avenel VIC 3664, for the Development of land for an emergency services facility, in accordance with endorsed plans, subject to the following conditions:

Endorsed Plans:

1. **The 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.**

Engineering Conditions:

2. **Prior to the commencement of the use/ issue of the Certificate of Occupancy/issue of the Certificate of Final Inspection new or otherwise vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard satisfactory to the Responsible Authority.**

6.3 Planning Permit Application No. P2017-144
- Development of Land for an Emergency Services Facility ~ 16 Queen Street,
Avenel (cont.)

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. The final location of the crossing is to be approved by the Responsible Authority via a Vehicle Crossing Permit.

- 3. 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. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system. The stormwater system must incorporate principles of Water Sensitive Urban design and be designed so that the rate of storm water runoff from the development must not be more than the rate of runoff from the site prior to the development, all to the satisfaction of the Responsible Authority.**
- 4. The drainage system must be designed in accordance with the requirements of Clause 19 of the IDM "On-site Detention Systems". The on-site storage size for the development must be in accordance with Table 13. The allowable discharge rate to Council drains shall be the lesser of;
 - a. that which is outlined in Table 13 and**
 - b. the remaining capacity of the existing pipe (clause 19.3.1 of the IDM).****

A default allowable discharge rate of 25 l/s/ha may be used in lieu of calculations to determine the remaining capacity of the existing drainage network. Drainage system must be constructed before commencement of the use and development as per the approved plans.

- 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.**

6.3 Planning Permit Application No. P2017-144
- Development of Land for an Emergency Services Facility ~ 16 Queen Street,
Avenel (cont.)

7. **Prior to commencement of the development, detailed design plans must be submitted for approval, to the satisfaction of the responsible authority. When approved, the plans will be endorsed and will form part of the planning permit. The plans must include the following all in accordance with councils adopted 'Infrastructure Design Manual' and the relevant Australian Standards: a) Dimensioned access b) Drainage design.**

General Conditions

8. **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.**
9. **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.**

VicRoads Conditions:

10. **Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).**
11. **The level of the footpaths must not be lowered or altered in any way to facilitate access to the site.**
12. **Any disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the building hereby approved.**

Permit Expiry:

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

6.3 Planning Permit Application No. P2017-144
- Development of Land for an Emergency Services Facility ~ 16 Queen Street,
Avenel (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.
- 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.
- This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.
- The permit holder is advised that as part of the preparation of any detailed design plans for the approved development, consultation with adjoining land owners should be undertaken.

VicRoads Permit Notes:

- The proposed development requires the construction of a crossover and possible removal of a street tree. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- The discharge of any concentrated drainage onto the Maroondah Highway road reserve is not permitted unless approved in writing by VicRoads.
- All applications/enquiries can be emailed to nriw.ntheastern@roads.vic.gov.au

20/18 **CRS SWAN/McCLAREN** : *That the Recommendation be adopted.*

CARRIED

Proposal

It is proposed to construct a new outbuilding for the existing Avenel CFA. The outbuilding will measure 12m x 12m and will be setback 8 metres from Queen Street and 4 metres from the existing CFA shed on site. An 820mm wide passageway will be constructed between the two buildings to allow for movement between the two buildings on site. The building will measure 6 metres in height at the peak of the roof.

6.3 Planning Permit Application No. P2017-144
- Development of Land for an Emergency Services Facility ~ 16 Queen Street,
Avenel (cont.)

The proposed building will be used for the storage of CFA vehicles. It is also proposed to include change rooms within the existing facilities as well as some other minor alterations.

The building frontage to Queen Street will have two roller doors, each measuring 4 metres wide. The building will be finished with Colourbond monoclاد wall cladding.

Subject site & locality

The subject site is located at 16 Queen Street, Avenel and is more formally identified as Land in Consolidation 377876P Certificate of Title Volume 11905 Folio 313. The site is within the Township Zone and is not affected by any overlays. The site measures approximately 2,214 square metres in area and is generally rectangular in shape.

The site has a frontage of 45.31 metres to Queen Street and is bound by the property at 14 Queen Street to the north, 20 Queen Street to the south and 200 Ewings Road to the west.

The site currently contains the Avenel CFA shed, located on the northern area of the lot. The southern area of the lot (where the new shed is proposed) is generally flat with a minor depression at the rear and clear of any built form or vegetation.

The properties to the north, west and south of the site are used for residential purposes, with the land to the east of the site on the other side of Queen Street being the Avenel Cemetery.

The site is located centrally in Avenel.

Permit/Site History

A search of Council's electronic records shows one planning permit has previously been issued for the site. Planning Permit P2005/022 was issued on 7 March 2005 and allowed for signage.

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 one objection to date. The key issues that were raised in the objections are:

- Drainage runoff will impact on objector's property at the rear of the subject site. Provided they can be assured drainage will not overflow on to their property they would have no objections.

6.3 Planning Permit Application No. P2017-144
- Development of Land for an Emergency Services Facility ~ 16 Queen Street,
Avenel (cont.)

Officers Response: The applicant has advised that they do not object to the use of the land by the CFA for a fire station; however do have concerns about the impact of stormwater runoff from the new development on to their property. Council's Assets department are satisfied that the building can be accommodated on the site in a manner which complies with the IDM and other requirements.

A planning permit is a statutory approval which allows for the development and or use of land for a particular purpose. This includes looking at whether a site is suitable for a particular use or development in the context of the zone or character of an area as well as the impacts on surrounding land owners, occupants and uses.

Detailed design of a building and other associated infrastructure is not approved under the *Planning and Environment Act 1987*. While detailed design is not approved under this legislation, planning permits contain conditions which do not allow for construction to start until such time as these plans have been approved.

Consultation

Following receipt of the objection, a copy was forwarded to the applicant to review and provide a response. Copies of the response, along with the response from Council's Assets department were forwarded to the objector.

Officers have discussed the proposal with the objector, including the requirement for detailed design plans to be approved before any works are undertaken.

The objector has advised that they do not object to the CFA constructing a new facility on the land and understand the requirements for subsequent approvals before any works are undertaken. To resolve this issue, officers have advised that a notation on permit requesting the permit holder to consult with adjoining land owners as part of the preparation of detailed design plans.

Officers have also spoken with the applicant who has advised that they do not have detailed design plans available and traditionally do not prepare these until they have a permit. They have advised that they are more than willing to consult with the objector as part of the preparation of these plans.

The objector has advised that while this gives some assurance, they do not wish to withdraw their objection.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	VicRoads – no objection, subject to conditions
Section 52 Notices	Public Notice – one objection outstanding.

Internal Council Referrals	Advice/Response/Conditions
Asset Services	No objection subject to conditions

6.3 Planning Permit Application No. P2017-144
- Development of Land for an Emergency Services Facility ~ 16 Queen Street,
Avenel (cont.)

Assessment

The zoning of the land and any relevant overlay provisions

Township 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 residential development and a range of commercial, industrial and other uses in small towns.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

A permit is required for buildings and works associated with a Section 2 use of land in the Township Zone, pursuant to Clause 32.05-9.

The proposed building is considered to be a good planning outcome as it will allow the CFA to expand and modernise their operation out of Avenel, resulting in an increase to protection in the case of fire. The use of the land for an emergency services facility is an existing use.

The built form is considered to be suitable for the streetscape and will not impact the amenity of the surrounding residents, as the height, setback, bulk and massing of the building is suitable. The building will be able to be serviced appropriately through infrastructure readily available on site.

Considering this, the application is considered to be consistent with the purpose and decision guidelines of the Township Zone in the Strathbogie Planning Scheme.

The State Planning Policy Framework (SPPF)

Clause 15.01-1, *Urban design*

Objective

- *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

Clause 15.01-2, *Urban design principles*

Objective

- *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

6.3 Planning Permit Application No. P2017-144
- Development of Land for an Emergency Services Facility ~ 16 Queen Street,
Avenel (cont.)

Clause 19.03-2 *Water supply, sewerage and drainage*

Objective

- *To plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.*

Clause 19.03-3, *Stormwater*

Objective

- To reduce the impact of stormwater on bays and catchments.

The proposed outbuilding will result in a good urban design outcome for Queen Street and the subject site. The design of the building is consistent with the urban design principals at Clause 15.01-2 of the Strathbogie Planning Scheme. The siting of the building is appropriate as it is adjacent to the existing CFA building.

The site is not in proximity to any landmarks, views or vistas, nor is it near any heritage sites. The building is respectful in its design to the public realm, and the cemetery across the street.

The management of storm water and drainage has been assessed by Council's Assets Department who have provided consent to the proposal subject to conditions. These conditions include requirements for infrastructure to be approved before any works start on the proposed development. Storm water from the development can be appropriately managed so as not to impact on surrounding properties.

Considering the above, the application is considered to be consistent with the relevant State Planning Policies within the Strathbogie Planning Scheme.

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

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.*

Clause 21.03-1, *Avenel*

Objective

- *To promote and support the sustainable growth of Avenel.*

The proposed outbuilding is considered to be consistent with the abovementioned relevant local planning policies within the Strathbogie Planning Scheme. The outbuilding has been designed appropriately for the streetscape as it is consistent with the existing building on site, and is to be constructed with muted tones.

6.3 Planning Permit Application No. P2017-144
- Development of Land for an Emergency Services Facility ~ 16 Queen Street,
Avenel (cont.)

The growth of Avenel may be promoted by this outbuilding as the capacity of the Avenel CFA branch may be increased or made more efficient due to the proposal.

Considering the above, the application is considered to be a good planning outcome for Avenel, and is consistent with the local planning policies detailed above.

Relevant Particular Provisions

Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road

Purpose:

- *To ensure appropriate access to identified roads.*
- *To ensure appropriate subdivision of land adjacent to identified roads.*

The application was referred to VicRoads per Section 55 of the *Planning and Environment Act 1987*. VicRoads provided no objections, subject to standard conditions being placed on any permit issued. The new crossover has been sited appropriately along the property boundary to ensure safe traffic movement.

Considering this, the proposal is considered to be consistent with the purpose and decision guidelines of this particular provision.

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.*

6.3 Planning Permit Application No. P2017-144
- Development of Land for an Emergency Services Facility ~ 16 Queen Street,
Avenel (cont.)

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

With regard to the Township Zone: the proposed outbuilding is considered to be a good planning outcome for the site as it will allow for the expansion of the Avenel CFA branch. The design of the building is consistent with the existing buildings on site and the setbacks of buildings along Queen Street.

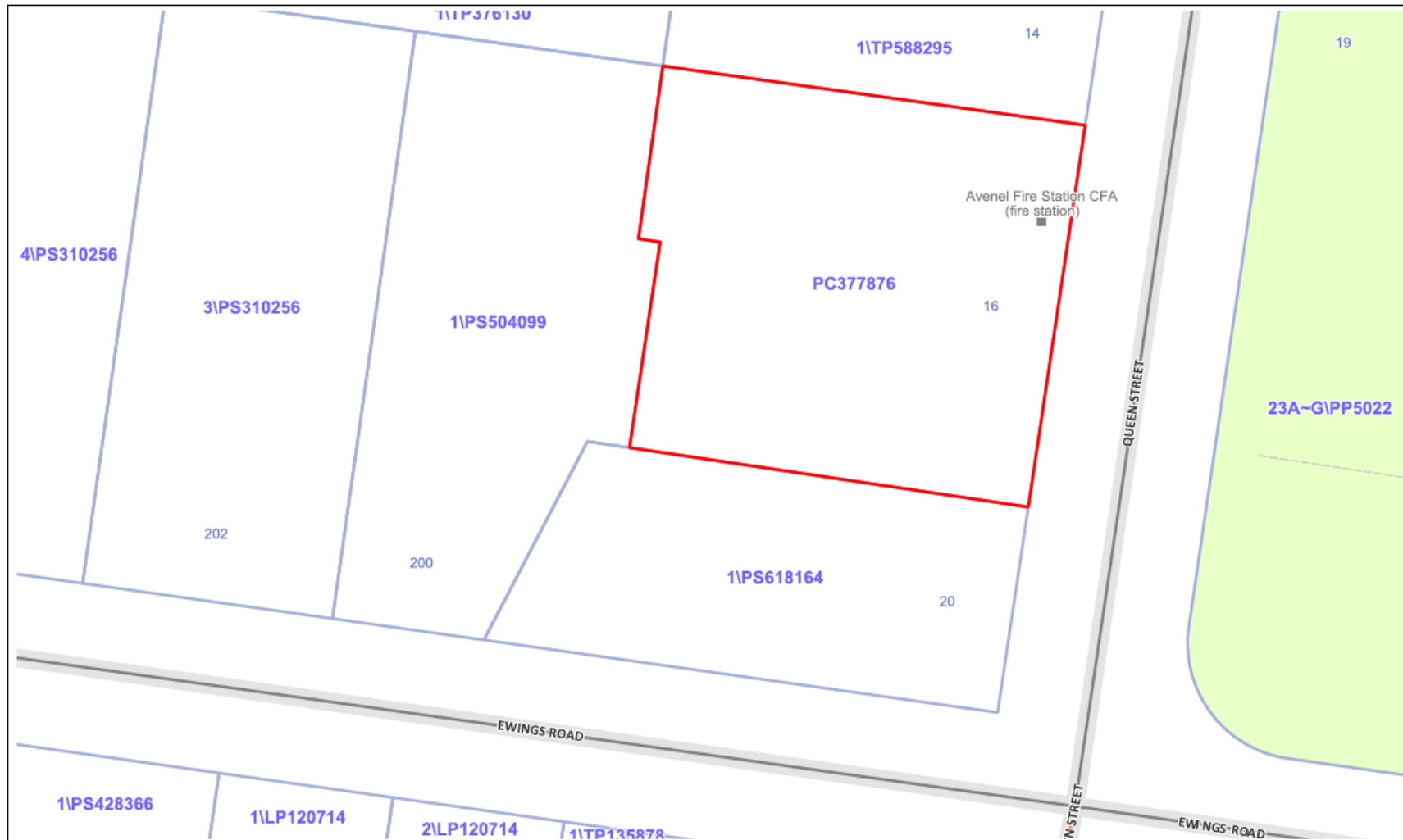
In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework, and Township Zone.



Conclusion

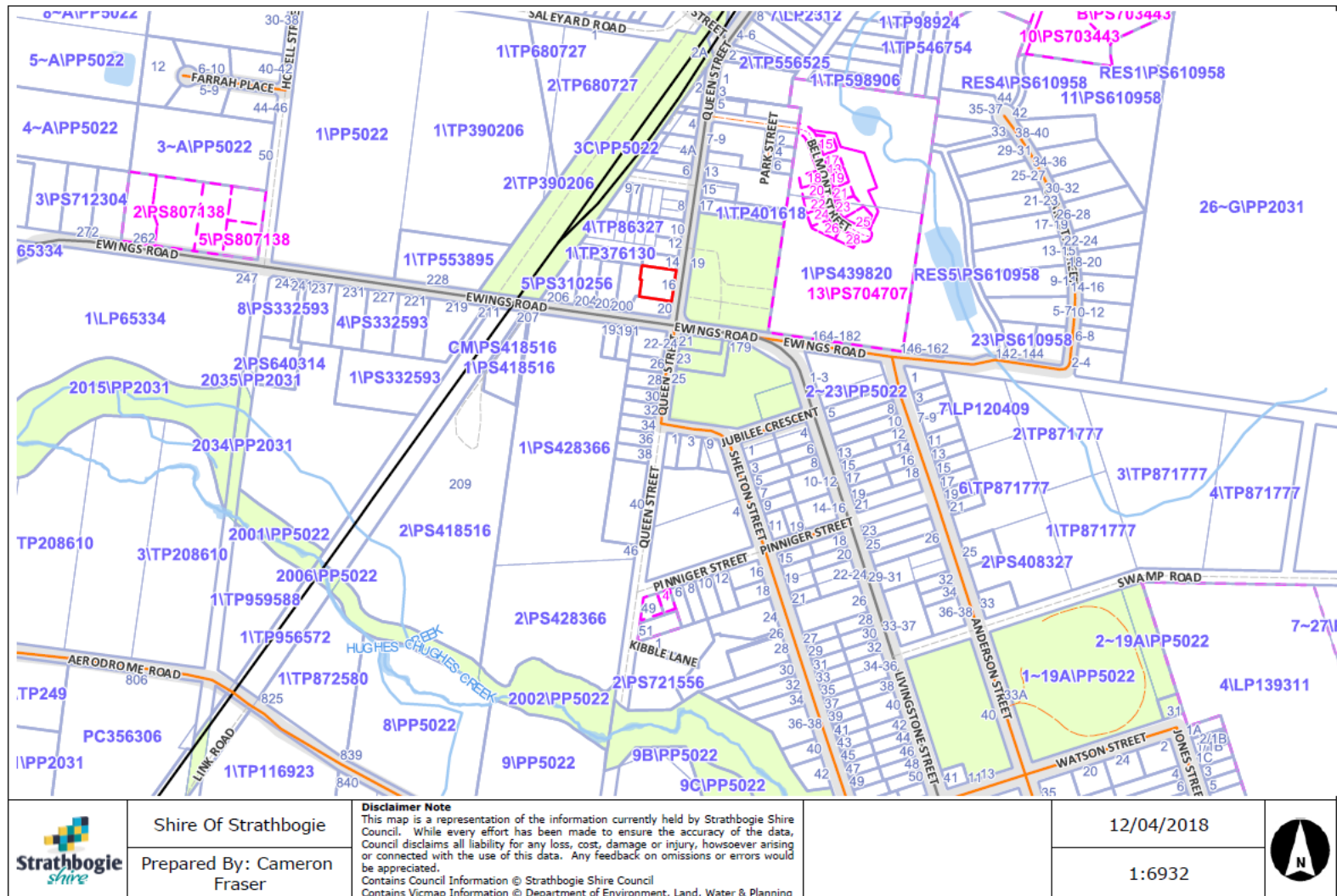
After due assessment of all the relevant factors, it is considered appropriate to grant a Notice of Decision to Grant a Permit, subject to conditions.

Attachments

Site Map



	Shire Of Strathbogie	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 disclaims all liability for any loss, cost, damage or injury, howsoever arising or connected with the use of this data. Any feedback on omissions or errors would be appreciated. Contains Council Information © Strathbogie Shire Council Contains Vicmap Information © Department of Environment, Land, Water & Planning	12/04/2018	
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Shire Of Strathbogie
 Prepared By: Cameron Fraser

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PLANNING COMMITTEE REPORT NO. 4 (DIRECTOR, INNOVATION AND PERFORMANCE - PHIL HOWARD)

7. OTHER BUSINESS

**7.1 Planning Applications Received
- 15 March to 11 April 2018**

Following are listings of Planning Applications Received for the period 15 March to 11 April 2018.

RECOMMENDATION

That the report be noted.

21/18 CRS WILLIAMS/McCLAREN : That the Recommendation be adopted.

CARRIED

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.49 P.M.

Confirmed as being a true and accurate record of the Meeting

.....
Chair

.....
Date

Planning Applications Received

Thursday, 15 March 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
29 Lewis Street, Euroa VIC 3666	P2018-031	Use and development of land for three (3) dwellings	Peter Bekiaris	\$498,000.00
686 Drysdale Road, Euroa VIC 3666	P2018-032	Use and development of two caretakers dwellings	Sonny Hoang	\$350,000.00

Friday, 16 March 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
27-37 Anderson Street, Euroa VIC 3666	P2018-034	Development of land for a senior learning centre and upgrade of administration area and staff room	Paul Maher	\$1,600,000.00
797 Wattlevale Road, Mitchellstown VIC 3608	P2018-033	Development of land for a boat ramp and a toilet block	Peter Foster	\$177,000.00

Wednesday, 21 March 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
52 Baxters Road, Goulburn Weir VIC 3608	P2017-070 - 1	Use and development of land for a dwelling, private jetty and boat ramp	Shane DeAraugo	\$0.00*

Friday, 23 March 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
45 Young Street, Nagambie VIC 3608	P2016-150 - 1	Subdivision two (2) lots and creation of a carriageway easement	Siv Onleys	\$0.00*
736 Mitchellstown Road, Mitchellstown VIC 3608	P2018-035	Use and development of land for a second dwelling, associated earthworks, vary a powerline easement and re-subdivision of land	Casey Collins	\$950,000.00

Tuesday, 27 March 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
164 Maggies Lane, Ruffy VIC 3666	P2018-036	Development of land for a shed	Darren Best	\$13,197.00

Wednesday, 28 March 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1284 Curries Road, Molka VIC 3666	P2016-042 - 2	Use & Development of Land for the Construction of a Dwelling	Peps Plans	\$0.00*

Thursday, 29 March 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1768 Nagambie-Locksley Road, Locksley VIC 3665	P2018-037	Development of land for extension to a fire station	Bruce Rowley	\$95,000.00

Tuesday, 3 April 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
371 Nagambie-Rushworth Road, Bailieston VIC 3608	P2018-038	Use of land for group accommodation	Leny Lancaster	\$0.00*

Wednesday, 21 March 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
52 Baxters Road, Goulburn Weir VIC 3608	P2017-070 - 1	Use and development of land for a dwelling, private jetty and boat ramp	Shane DeAraugo	\$0.00*

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Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
371 Nagambie-Rushworth Road, Bailieston VIC 3608	P2018-038	Use of land for group accommodation	Leny Lancaster	\$0.00*

Wednesday, 4 April 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
25-27 Industrial Crescent, Nagambie VIC 3608	P2018-039	Development of land for a warehouse	Cherie Finnigan	\$900,000.00

Thursday, 5 April 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
9 Vale Street, Nagambie VIC 3608	P2018-040	Use and development of land for four (4) dwellings, four (4) lot subdivision and a creation of an easement	Shane De Araugo	\$880,000.00

Friday, 6 April 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
93 Siems Road, Euroa VIC 3666	P2018-041	Development of land for a carport	MCFETRIGDGE, Phillip Maurice	\$5,000.00

Wednesday, 11 April 2018

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
Rawson Road, Avenel Victoria 3664	P2010/116 - 1	Use & Development of Land for Consolidation, Two (2) Lot Subdivision and the Construction of a Caretakers Dwelling	Shane De Araugo	\$0.00*
Seymour-Avenel Road, Avenel VIC 3664	P2018-042	Use and development of land for a dwelling	Department of Treasury and Finance	\$350,000.00

*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
P2014-001-1	Proposed amendment to a planning permit