



STRATHBOGIE SHIRE COUNCIL

PLANNING COMMITTEE

MINUTES

OF THE MEETING HELD ON TUESDAY 24 JANUARY 2017

AT THE EUROA COMMUNITY CONFERENCE CENTRE

COMMENCING AT 4.00 P.M.

Councillors:	Malcolm Little (Chair)	(Hughes Creek Ward)
	John Mason	(Seven Creeks Ward)
	Amanda McClaren	(Lake Nagambie Ward)
	Kate Stothers	(Honeysuckle Creek Ward)
	Debra Swan	(Lake Nagambie Ward)
	Graeme (Mick) Williams	(Seven Creeks Ward)

Officers:	Phil Howard - Acting Chief Executive Officer / Director, Sustainable Development
	Cameron Fraser – Principal Planner
	Roy Hetherington - Director, Asset Services
	David Roff – Acting Director, Corporate and Liveability

Business:

1. Welcome
2. Acknowledgement of Traditional Land Owners

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

3. Apologies
Councillor Alistair Thomson (Mount Wombat Ward)
Steve Crawcour - Chief Executive Officer
Caroline Wallis - Group Manager, Corporate and Liveability
Emma Kubeil – Manager, Sustainable Development

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 22 November 2016

*04/17 **CRS WILLIAMS/MASON** : That the Minutes of the Planning Committee meeting held on Tuesday 22 November 2016 be confirmed*

CARRIED

5. Disclosure of Interests

Nil

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. P2016-011
- Use and Development of Land for the Storage of Poultry Manure (Rural Store) ~ 533 Zanelli Road, Nagambie**

Application Details:

Application is for:	Use and development of land for the storage of poultry manure (rural store)
Applicant's/Owner's Name:	Seymour Organic Fertiliser Pty Ltd
Date Received:	01 February 2016
Statutory Days:	142
Application Number:	P2016-011
Planner: Name, title & department	Cameron Fraser Principal Planner Sustainable Development Department
Land/Address:	Lot 1 on Plan of Subdivision 317493G Certificate of Title Volume 10132 Folio 734 533 Zanelli Road, Nagambie VIC 3608
Zoning:	Farming Zone
Overlays:	Land Subject to Inundation Overlay Floodway Overlay
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-4 Clause 44.04-1
Restrictive covenants on the title?	No
Current use and development:	Agriculture

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

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

Summary

- The application proposes the use and development of land for a rural store (poultry manure)
- The site is located within the Farming Zone and is affected in part by the Land Subject to Inundation Overlay.
- The property is currently used for grazing and cropping purposes and contains scattered vegetation.
- The subject site has a total area of 83.79 hectares in three parts.

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- The application was referred internally to Council's Assets Services department and Environmental Health Department who have not objected to the development subject to a number of conditions.
- The application was referred externally to the Country Fire Authority, Goulburn Murray Water, Goulburn Broken Catchment Management Authority and the Environment Protection Authority (EPA) who have not objected to the proposal subject to a number of conditions.
- The application was advertised to all land owners within two kilometres of the subject site. five objections have been received. The main issues can be summarised as follows:
 - Road damage
 - Speeding trucks
 - Creek contamination
 - Odour
 - Risk of bird virus
 - Detrimentially impact the environment
 - Increased amount of pests and rodents
 - Fire risk
- The application has been assessed outside of the 60 day statutory time period due to objections received as well as ongoing discussions with EPA and changes to their policy.
- 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. P2016-011 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme**

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 35.07-1, Clause 35.07-4, and Clause 44.04-1 of the Strathbogie Planning Scheme in respect of the land known as Lot 1 on Plan of Subdivision 317493G Certificate of Title Volume 10132 Folio 734, 533 Zanelli Road, Nagambie VIC 3608, for the Use and development of land for the storage of poultry manure (rural store), in accordance with endorsed plans, subject to the following conditions:

EPA Works Approval:

1. **The proponent must apply for and be issued with a works approval from the Environment Protection Authority with respect to the the proposed facility prior to any works beginning.**

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Amended Plans:

2. Before the use and development starts, 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 siting in accordance with Goulburn Murray Water and Goulburn Broken Catchment Management Authority requirements

Landscaping

3. Prior to the commencement of development a detailed landscape plan must be submitted to and approved by the Responsible Authority. The landscape plan must be to the satisfaction of the Responsible Authority, and be in accordance with the requirements of the Infrastructure Design Manual. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The landscaping plan must show:
- (a) a survey of all existing vegetation and natural features showing plants (greater than 1200mm diameter);
- (b) a planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass or other surface materials as specified;
- (c) the method of preparing, draining, watering and maintaining the landscaped area;
- (d) a permanent screen of trees and shrubs with a minimum of two rows using a mixture of local trees and understorey species along the boundaries of the site adjoining the Zanelli Road;
- (e) All species selected must be *indigenous to the area and* to the satisfaction of the Responsible Authority.
4. The landscaping works shown on the approved landscape plan must be carried out and completed to the satisfaction of the Responsible Authority prior to the commencement of use or any other time agreed in writing by the Responsible Authority.
5. The landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the Responsible Authority for a period of 3 summers from the practical completion of the landscaping. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.

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Environmental Health Conditions:

6. Prior to the commencement of buildings and works, a management plan for the approved use must be submitted to and approved by the responsible authority. The management plan must address the following issues ***in accordance with the relevant standards:***
- (a) Dust issues
 - (b) Lighting issues
 - (c) Noise
 - (d) Odour issues
 - (e) Disposal of wastewater/drainage
 - (f) Littering issues

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/issue of the Certificate of Occupancy/issue of the Certificate of Final Inspection 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.
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.

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General Conditions:

12. 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 as reasonably as possible and to the satisfaction of the Responsible Authority take such action as is required to prevent those emissions.
13. 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.
14. 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.
15. Upon the cessation of the use, the site must be appropriately remediated to the satisfaction of the Responsible Authority.

Goulburn Broken Catchment Management Authority Conditions:

16. The proposed works must extend no more than 175 metres from the eastern property boundary.

Goulburn Murray Water Conditions:

17. Stormwater run-off from the roof of the shed 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 the shed roof area.
18. No buildings or works are to be constructed within 100 metres of Charles Creek.
19. The compost facility must comply with the Environmental Guidelines for Composting and Other Organic Recycling Facilities (EPA Publication 508, 1996).
20. The manure treatment pads must be constructed with a clay liner (or similar impervious material) to achieve a hydraulic conductivity less than 1×10^{-9} m/s to prevent seepage from the structure.
21. The development site must be bunded to a level 300mm above the 1 in 100 year ARI flood event.

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22. The bunded area must be drained to a retention basin surrounded with a levy bank to exclude any overland flows. The retention basin must be designed to hold runoff from the bunded area in a 1:20 year ARI event.
23. No manure or effluent shall be discharged from the development site or permitted to enter any surface drainage systems.
24. The Use and Development must be managed so that the amenity of the area is not detrimentally affected through the discharge of:
 - (a) Transport of goods and materials to the land
 - (b) Emission of noise, smell, vapour, dust, wastewater or waste products
 - (c) Any seepage or discharge of contaminated water to surface or groundwater.

Country Fire Authority Conditions:

25. Access

Access to and within the Poultry Storage Facility area on the property must be designed to allow emergency vehicle access. The minimum design requirements (including gates, bridges and culverts) are as follows:

- (a) Curves in the driveway must have a minimum radius of 10 metres.
- (b) The average grade must be no more than 1 in 7 (14.4%), however an absolute maximum of 1 in 5 (20%) is allowed for a maximum of 50 metres.
- (c) Dips must have no more than a 1 in 8 (12.5%, 7.1 degree) entry and exit angle.
- (d) Must provide a minimum trafficable width of 3.5 metres and be clear of encroachments for 4 metres vertically and 0.5 metres each side of the driveway.
- (e) Must be designed, constructed and maintained for a load limit of at least 24 tonnes and be of all weather construction.

26. Fire Fighting Water Supply

The Poultry Manure Storage area must be provided with a static water supply source for fire fighting purposes which meets the following requirements:

- (a) The total static water storage tank volume shall not be less than 500,000 litres effective capacity, stored in (4) four tanks, one each situated in the 4 corners of the windrow pad area.
- (b) The water supply to static storage shall be capable of make up to the effective capacity at all times automatically and completely refilling the tank automatically or manually within 24 hours for fire service.
- (c) Provide a site plan showing the proposed layout complete with a flow schematic of all piping, valves etc. and a hydraulic performance of the proposed fill system before installation.

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- (d) Each tank - hard suction point shall be provided with a full bore isolation valve, equipped with a storz connection, sized to comply with the required suction hydraulic performance. Adapters that may be required to match the connection are, 125mm to 100mm, 100mm to 90mm, 90mm to 75mm and 75mm to 65mm storz adapters with a matching blank end cap to be provided.
- (e) The hard suction point shall be positioned within 4.5m to a hardstand area and provide a clear and safe access for fire personnel.
- (f) An all weather road access and hardstand shall be provided to the hard suction point and be maintained to a minimum 24 tonne GVM and 6m wide.
- (g) The road access and hardstand shall be kept clear at all times.
- (h) The hard suction point shall be protected from mechanical damage (i.e. bollards) where necessary.
- (i) An external water level indicator is to be provided to the tank and be visible from the hardstand area.
- (j) Signage advising the Effective Capacity in Litres shall be affixed to the tank.
- (k) The tank lid shall be fitted with a minimum port size of 150mm diameter air vent to allow for the unobstructed displacement of water during appliance pumping requirements.
- (l) All associated valves shall be a full bore type flow valve.
- (m) All valves on the fire main or associated fittings that are to be locked in the normal operating position are to be provided with the "Fire Services" 003 padlock.
- (n) No part of the tank wall, connections or supply equipment is to be any closer than 10m from the windrow or any building, except buildings containing an FRL of 90/90/90 in adjacent walls and all connections shall be facing away from the building.

27. Constructed windrow specifications

The Poultry manure / litter windrow are not to exceed the dimensions specified to reduce the risk of fire;

- (a) Windrow lengths not to exceed 25 metres;
- (b) Windrow widths not to exceed 5 metres;
- (c) Windrow heights not to exceed 2 metres;
with a minimum of 6 metres separation between the next section of windrow in the same alignment and / or any adjacent windrow.

28. Temperature Control

Windrow temperatures must be monitored daily to ensure temperature does not exceed 88°C and management actions undertaken to mitigate the risk of spontaneous combustion ignitions occurring.

Windrows to be turned at a minimum interval of weekly.

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29. Internal Perimeter Buffer/Firebreak

An internal bare earth buffer zone / fire break consisting of a minimum width of 30 metres must be maintained from the earthen bund to the windrow pad area.

30. Emergency Management Planning

An emergency management plan must be developed that contains clear actions / procedures to manage any events that occur at the site to the satisfaction of the CFA and the Responsible Authority which includes (but not limited to);

- (a) Adequate machinery readily available on site at all times to assist in the break up of the windrows in the event of fire.
- (b) Include planning for days of increased fire danger rating (FDR).

Permit Expiry:

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

- (a) The use and 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.
- (c) The use ceases for a period of two (2) consecutive years.

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

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

Planning Notes:

- This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.
- This Permit does not authorise the removal of any native vegetation including for access. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.
- 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.
- **Further investigation should be given to the inclusion of the subject site within an Environmental Significance Overlay to acknowledge and protect industry in this area of the municipality.**

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CFA Planning Notes:

- **The following conditions can contribute to manure storage fires:**
 - **Moisture:** When dry litter comes into contact with moist litter, the dry litter absorbs moisture and heat is released. In a large pile, the heat released is significant. If heat cannot escape, overheating may result.
 - **Layering:** If new litter is stacked on top of old litter or pushed up against an older pile of litter this will allow moist (new) litter to come in contact with dry (old) litter. As a result, the area between new and old litter becomes a heat producing zone.
 - **Compaction:** Litter may be compacted by driving equipment on the manure pile while loading the storage structure. Heat is trapped in a compacted pile. Never drive equipment on a pile when loading manure in a storage structure.
 - **Pile Size:** Heat is more easily released from a smaller pile. The larger the pile size, the greater the chance of excessive heat build-up and fire. Pile height is most critical. When creating a pile in the storage structure, limit the height to 1.5 – 2m in the middle of the pile. Piles that are stacked too high create an insulating compacted layer that traps heat.
- **Recommendations for Preventing Fires:**
 - **Never mix moist litter or composted dead birds with dry litter.**
 - **Protect litter in shed from wind driven rain.**
 - **Do not wet litter down in hopes of preventing a fire, just the opposite may occur**
 - **Avoid layering new litter on top of or next to old litter. Do not add composted birds to manure pile**
 - **Avoid compaction. Never drive equipment on a manure pile.**
 - **Limit pile height to 1.5 – 2 m in the middle of the pile.**
- **Monitor the temperature within the manure pile: if the temperature exceeds 88°C or smouldering occurs, manure will need to be removed from the pile. If overheating is expected, the fire brigade should always be on hand when manure is removed from the pile as it may burst into flames when exposed to air.**

05/17 ***CRS STOTHERS/SWAN*** : *That the Recommendation be adopted, subject to the inclusion of wording to conditions under 'Landscaping', 'Environmental Health Conditions' and 'Planning Notes', as shown in italics and underlined.*

CARRIED

Proposal

It is proposed to use and develop the land for a temporary chicken manure storage facility. The facility will have the capacity to store 5,000 mega tonnes of chicken manure at any one time. It will be stored in open environment windrows until the manure is transported by truck to farms to spread on paddocks. The maximum amount of time the manure will be stored for is proposed to be 6 weeks. The material will be rotated on a first in, first out basis.

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The windrows will be up to 3 meters high, 18 meters wide and approximately 100 meters long. The windrows will be at least 10 meters from one another. The facility will be setback 300 meters from Zanelli Road. There are proposed to be 2 windrows at 100 metres long, and 1 windrow at 50 metres long. All three windrows will be 18 metres wide, as described previously.

The application also includes a proposed 60 meters square shed on site as indicated in the plans to store equipment and vehicles. 4 car parking spaces have been provided adjacent to this shed.

There are proposed to be 2 staff members on site at any given time. The facility will be accessible from 6am until 6pm, Monday to Saturday with the mobile plant in operation from 7am until 6pm, Monday to Saturday. The facility will be closed on Sundays.

The entire area, including the windrows and shed, will be surrounded by an earthen bund wall which will act as a buffer.

A retardation basin is located to the south of the windrows on site, within the earthen bund wall. This has a capacity to hold 1.1 mega litres, and will provide the site with water for dust settling measures, and for firefighting purposes. This basin will capture stormwater from the site.

Vehicular access to the site will be gained via a crossover from Zanelli Road.

Subject site & locality

The subject site is located at 533 Zanelli Road, Nagambie. The entirety of this address is made up of 6 parcels. The proposed will only be on 1 of these titles, that is; Lot 1 on Plan of Subdivision 317493G Certificate of Title Volume 10132 Folio 734. The site is within the Farming Zone, and is impacted by the Floodway Overlay and the Land Subject to Inundation Overlay (the works are not within the Floodway Overlay). The site is also within an Area of Aboriginal Cultural Heritage Sensitivity.

Lot 1 on PS317493G is made up of 3 parts. The subject site is one of these parts, and is 32.75 hectares in area. The other two parts are 46.55 ha (to the west of the subject site) and 4.491 ha (to the south-west of the subject site). All three parts are irregular in shape.

The site is currently clear of any built form. There is scattered vegetation across the site, with the majority being along the northern boundary of the site, along Zanelli Road.

The site is predominately flat with the exception of the slight depression of Charles Creek which runs in a north-south alignment through the land, to the west of the proposed temporary chicken manure storage facility.

The site is located in a predominately farming area with the nearest dwelling being located more than 2 kilometres from the site. The land uses surrounding the subject site are all agricultural.

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533 Zanelli Road, Nagambie (cont.)

The land immediately to the north of the subject site is used for a similar rural industry to what is proposed which was approved by a previous Council as part of Planning Permit P2011-082.

The site is located approximately 7.5 kilometres east of the township of Nagambie.

Permit/Site History

A search of Council's electronic records results in 1 previous planning permit application being lodged for the site P2010/130. This application was for the use and development of land for rural industry, specifically a green organic compost facility and associated caretaker's dwelling. Permit is also required for removal of native vegetation. This application was withdrawn.

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

- Road damage
- Speeding trucks
- Creek contamination
- Odour
- Risk of bird virus
- Detrimentially impact the environment
- Increased amount of pests and rodents
- Fire risk

Officer Response:

The proposed use and development of the land for the purposes of a rural store has the potential to lead to a number of impacts on the amenity of surrounding land owners and occupants, hence it was advertised further than the standard policy of adjoining land owners. The storage of manure from poultry farms in the area has been a contentious issue for some time with a number of illegal operations occurring in the past. The siting of the development between the mine and the mushroom facility is considered to be an appropriate site where amenity values are already somewhat compromised.

Contamination, odour, air quality, pest and disease management are all addressed as part of the EPA Works Approval which assesses the technical aspects of the proposal which Council are not qualified or able to do. This approval through the EPA would be required in addition to planning approval and must be sought prior to the commencement of works.

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The application has been referred externally to a number of authorities who have consented to the proposal and have specified conditions in relation to a number of issues raised. With regard to traffic volumes and increases, Council's Assets Department have consented to the proposal subject to a number of conditions.

It is considered that a number of the issues raised in the objections can be managed appropriately through conditions.

Consultation

A copy of the objections was forwarded to the applicants to respond.

The applicant provided a response to each individual objection. This responses were then forwarded to all of the objectors to review.

To date, one objection has been withdrawn, one objector has advised that their objection still stands and no response was received from the other three.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	GBCMA – no objection, subject to conditions EPA – no objection, subject to conditions
Section 52 Notices	CFA – no objection, subject to conditions GMW – no objection, subject to conditions Public notice letters were sent to adjoining land owners and a public notice sign was placed on site.

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.*

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A permit is required for the use and development of land for the storage of poultry manure, pursuant to Clause 35.07-1 and 35.07-4 of the Farming Zone as detailed in the Strathbogie Planning Scheme.

A response to the decision guidelines at Clause 35.07-6 of the Farming Zone is detailed below:

General Issues	Complies	Officers Comment
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	Assessment against SPPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	N/A	There is no relevant regional catchment strategy.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	The area of the site in which the development is to be undertaken will be appropriately bunded and contained to ensure nutrients and effluent are appropriately contained. All works are subject to further environmental approval from EPA. It is considered that the site is capable of containing the proposed use and development of the land.
<i>How the use or development relates to sustainable land management.</i>	Yes	The site is part of a larger property used for mining. The temporary storage of poultry manure is considered an appropriate use for the site, particularly given its proximity to a number of poultry farms in the region.
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	Yes	Surrounding the site is a mine, mushroom composting facility as well as a number of operating poultry farms. This area is considered appropriate for the proposal given the number of other industries in the area. The nearest dwelling to the site is located approximately 2.5 kilometres from the site.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	Access is proposed via new crossovers to be constructed from the existing road network on Zanelli Road.

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Agricultural Issues		
<i>Whether the use or development will support and enhance agricultural production.</i>	Yes	The use of the land for a rural industry, although not specifically an agricultural use, will support surrounding poultry facilities in their operation by providing a nearby location in which to store manure.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	The proposed use of the land will not permanently remove the land from being used for agriculture into the future. Upon cessation of the use, remediation works to the site will be required which can be managed by way of condition on any permit issued.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	To the south and west of the site is a mine and a mushroom composting facility is located to the east of the site. Land surrounding the site is not currently used predominantly for agriculture with a number of rural industries clustered in this area of the Shire. It is unlikely that any agricultural land use would look to expand into the area in which this use proposed. Existing development around the site limits the opportunity for expansion to this site.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	No agricultural use is proposed in this instance however it is considered that the site can appropriately accommodate the use.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The land on which the proposed use and development is proposed are considered to be somewhat constrained by surrounding industrial land uses and it is considered that the proposed use is appropriate. Should the use cease, remediation works will be undertaken to ensure the site can be utilised for agriculture into the future.

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- Use and Development of Land for the Storage of Poultry Manure (Rural Store) ~
533 Zanelli Road, Naqambie (cont.)

<i>Any integrated land management plan prepared for the site.</i>	Yes	No integrated land management plans have been prepared however conditional to this approval will be a requirement for the applicant to seek works approval through the EPA which will address a number of land management issues. This will be required before the use can commence.
Dwelling Issues	Complies	Officers Comment
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	N/A	There are no dwellings as part of this planning permit application.
<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>	N/A	There are no dwellings as part of this planning permit application.
<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	N/A	There are no dwellings as part of this planning permit application.
<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>	N/A	There are no dwellings as part of this planning permit application.
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 proposed dwellings are unlikely to significantly impact on the surrounding environment. Further appropriate approval through the EPA will be required prior to the commencement of the use. This approval will address the technical issues associated with the use. A copy of the approval will be required to be provided to the responsible authority as a requirement should a permit issue.
<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	The proposal does not include the removal of any vegetation.

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- Use and Development of Land for the Storage of Poultry Manure (Rural Store) ~
533 Zanelli Road, Naqambie (cont.)

<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The proposal does not include the removal of any vegetation.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	Yes	Effluent and nutrients generated by the use will be required to be appropriately managed to the satisfaction of the Responsible Authority and the EPA.
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	As detailed above the buildings and works been appropriately set back from the adjoining boundaries. Amended plans will be required to show the storage areas located away from the creek in accordance with the requirements of the GBCMA.
<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	The siting of the buildings and works is considered appropriate to minimise any visual impact on adjoining properties.
<i>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</i>	Yes	The proposal, provided it is appropriately managed is considered to significantly detract from the existing character and amenity values of the area particularly given surrounding industrial and intensive agricultural land uses.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	The proposal is considered to be appropriately located.

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- Use and Development of Land for the Storage of Poultry Manure (Rural Store) ~
533 Zanelli Road, Naqambie (cont.)

<p><i>Whether the use and development will require traffic management measures.</i></p>	<p>Yes</p>	<p>The proposal will lead to increased traffic levels, particularly along Zanelli Road however the application has been approved by Council's Assets Department who have provided appropriate conditions to be included on any permit issued.</p>
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Considering all of the above, this planning permit application is considered to be consistent with the purpose and decision guidelines of the Farming Zone. As such, this permit application is considered to be worthy of Council's support.

Floodway 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 identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*
- *To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.*
- *To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

All buildings and works associated with the proposal are located outside of the area of the site affected by this overlay.

Land Subject to Inundation 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 identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*

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- Use and Development of Land for the Storage of Poultry Manure (Rural Store) ~
533 Zanelli Road, Naqambie (cont.)

- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment*
- *Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

A permit is required for buildings and works, pursuant to Clause 44.04-1 of the Land Subject to Inundation Overlay, as detailed in the Strathbogie Planning Scheme. This application was referred to the Goulburn Broken Catchment Management Authority who offered no objection to the granting of a permit, subject to the condition being placed on the permit that any proposed works must extend no more than 175 metres from the eastern property boundary.

Given this, the application is considered to be consistent with the purposes and decision guidelines of the Land Subject to Inundation 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 nearby watercourse located on and near the property. The buildings and works associated with the proposed use 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 proposed storage facility and associated infrastructure 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, 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.

6.1 Planning Permit Application No. P2016-011
- Use and Development of Land for the Storage of Poultry Manure (Rural Store) ~
533 Zanelli Road, Naqambie (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 13.04-2 Air quality

Objective:

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

The impact of the proposed broiler farms on air quality will be managed in accordance with the relevant guidelines and approvals through the EPA. Provided the facility is appropriately managed, it is unlikely there will be any significant impact on air quality in the area.

Clause 13.05-1, *Bushfire planning strategies and principles*, objective is relevant to this proposal:

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

While fire, resulting from combustion has been raised in the objections, the application has been referred to the CFA who offered no objection, subject to conditions. These conditions provide direction for the management of stored manure to reduce the potential for fire which will lessen the bushfire risk to the surrounding areas.

Clause 14.01-2 Sustainable agricultural land use

Objective:

- *To encourage sustainable agricultural land use.*

The proposed use of the land is considered sustainable and will support the use of surrounding broiler farms. The manure which is then stored on the site will likely be sold on to surrounding farmers and used as fertilizer for cropping.

Clause 14.02-2 Water quality

Objective:

- *To protect water quality.*

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

6.1 Planning Permit Application No. P2016-011
- Use and Development of Land for the Storage of Poultry Manure (Rural Store) ~
533 Zanelli Road, Naqambie (cont.)

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 with new internal roads to be constructed within the property. 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.

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

Clause 21.06-2 Adapting and diversifying agriculture

Objective:

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

The proposed development of land for poultry storage will contribute to, and support the diversification of agriculture within this area of the shire. The land is currently used for grazing and cropping purposes and is somewhat underutilised as an agricultural parcel of land. The proposed poultry storage facility will support other intensive agricultural land uses in the area 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.

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- Use and Development of Land for the Storage of Poultry Manure (Rural Store) ~
533 Zanelli Road, Naqambie (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

Clause 22.02-2 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 poultry storage facility and associated infrastructure are considered to be appropriately located in an area of the shire that has previously been developed other intensive agriculture and rural industry. The proposed storage facility has been set back from surrounding sensitive land uses with the nearest dwelling being located approximately 2.5 kilometres away (as the crow flies). No current planning controls are available on the site to prevent encroachment of sensitive land uses on the proposed development however an application would be required for a lot under the minimum lot size in the Farming Zone.

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.*

All proposed buildings will be required to be constructed of muted tones. This will be enforced by way of condition on any permit issued.

6.1 Planning Permit Application No. P2016-011
- Use and Development of Land for the Storage of Poultry Manure (Rural Store) ~
533 Zanelli Road, Naqambie (cont.)

Clause 21.04-6 Flooding

Objective

- *To protect and manage floodplains.*

Strategies

- *Discourage development and subdivision of land subject to significant flooding.*
- *Ensure all new development maintains the free passage and temporary storage of floodwater, minimises flood damage, is compatible with flood hazard and local drainage conditions, and minimises soil erosion, sedimentation and silting.*
- *Ensure the Local Floodplain Development Plans are current and development proposals are consistent with these plans.*

As mentioned previously this application was referred to the Goulburn Broken Catchment Management Authority who offered no objection to the granting of a permit, subject to the condition being placed on the permit that any proposed works must extend no more than 175 metres from the eastern property boundary.

Given this, it is considered highly unlikely that the application will impact upon the natural flood carrying capacities of the area nor will the proposal contribute to soil erosion, sedimentation and silting.

As such, the application is considered to be consistent with this Local policy of the Strathbogrie Planning Scheme.

The decision guidelines of Clause 65

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

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

6.1 Planning Permit Application No. P2016-011
- Use and Development of Land for the Storage of Poultry Manure (Rural Store) ~
533 Zanelli Road, Naqambie (cont.)

- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

The proposal is considered to be consistent with the above decision guidelines.

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 proposal is considered to be consistent with the purpose and decision guidelines of the Farming Zone. The location of the proposal between existing industrial uses will minimise the overall impact on surrounding properties and the use will support intensive animal husbandry in the area.

With regard to the Floodway Overlay: No buildings and works are located on land affected by this overlay

With regard to the Land Subject to Inundation Overlay: Designed appropriately and in line with the requirements of the relevant authorities, the proposal is unlikely to have any significant flooding implications and has been supported by the Goulburn Broken Catchment Management Authority. The proposal is consistent with the purpose and decision guidelines of the Land Subject to Inundation Overlay.

In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework, Farming Zone and the Land Subject to Inundation Overlay.

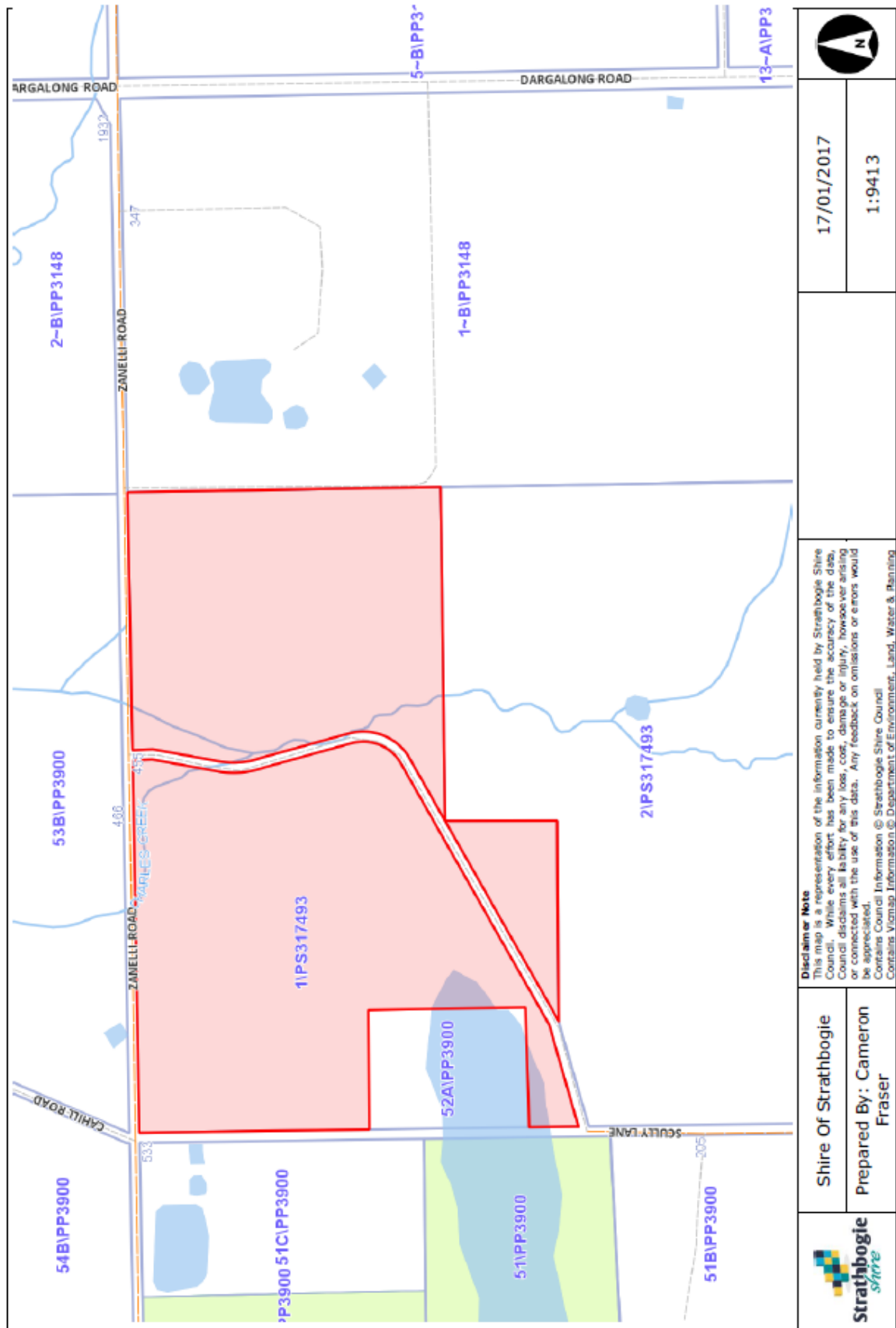
- 6.1 Planning Permit Application No. P2016-011
- Use and Development of Land for the Storage of Poultry Manure (Rural Store) ~
533 Zanelli Road, Naqambie (cont.)

Conclusion

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

Attachments

Site Map



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

**6.2 Planning Permit Application No. P2016-126
- Replacement Dwelling ~ 37 Kettels Road, Kirwans Bridge**

Application Details:

Application is for:	Replacement dwelling
Applicant's/Owner's Name:	Wayne Bradshaw
Date Received:	05 September 2016
Statutory Days:	55
Application Number:	P2016-126
Planner: Name, title & department	Cameron Fraser Principal Planner Sustainable Development Department
Land/Address:	Lot 2 on Plan of Subdivision 044757 Certificate of Title Volume 08636 Folio 941 37 Kettels Road, Kirwans Bridge VIC 3608
Zoning:	Farming Zone
Overlays:	No Overlay
Under what clause(s) is a permit required?	Clause 35.07-4
Restrictive covenants on the title?	No
Current use and development:	Residential/accommodation

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

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

Summary

- The proposal is for the development of land for a replacement dwelling.
- The site has an area of approximately 1267 square metres.
- The site is in the Farming Zone and is not affected by any overlays.
- The application was referred internally to Council's Environmental Health Departments who has consented to the proposal, subject to conditions.
- The application was referred externally to the Goulburn Murray Water who has consented to the proposal subject to conditions regarding on site waste water management.
- An assessment against the Farming Zone and State and Local Policies indicates the proposal is consistent with these provisions of the Strathbogie Planning Scheme.

6.2 Planning Permit Application No. P2016-126
- Replacement Dwelling ~ 37 Kettels Road, Kirwans Bridge (cont.)

- The application was advertised to adjoining land owners and one objection has been received.
- A summary of the objection and officer's response to the objection is detailed under Public Notification.
- The issues raised in the objection relate to overshadowing and privacy.
- The application is being presented to Planning Committee as an objection has been received.
- The application has been assessed within the 60 day statutory time period.
- It is recommended 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. P2016-126 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 Farming Zone in the Strathbogrie Planning Scheme in respect of the land known as Lot 2 on Plan of Subdivision 044757 Certificate of Title Volume 08636 Folio 941, 37 Kettels Road, Kirwans Bridge VIC 3608, for the Replacement dwelling, 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. Bedroom shown on ground level at the front of the dwelling set back at least 1 metre from the eastern boundary of the site (Shared boundary with 35 Kettels Road).

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.

6.2 Planning Permit Application No. P2016-126
- Replacement Dwelling ~ 37 Kettels Road, Kirwans Bridge (cont.)

Environmental Health Conditions:

3. Prior to the commencement of works, a permit to install a septic tank system is required from the Responsible Authority. An application to alter the existing septic tank may also be required if deemed wastewater generation will be increased.
4. The effluent disposal field must be located 60 metres from the nearest waterway, dam, lake or reservoir (non-potable water supply) to the satisfaction of the Responsible Authority.

Engineering Conditions:

5. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.
6. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority, in accordance with the sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991) and to the satisfaction of the Responsible Authority.
7. Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb & channel, trees, nature strip etc), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.

Goulburn Murray Water Conditions:

8. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
9. Prior to the building permit being issued, the owner shall enter into an agreement with the Responsible Authority and Goulburn Murray Water under Section 173 of the Planning and Environment Act requiring that:
 - a. If a community effluent disposal system or reticulated sewerage system becomes available, all wastewater from the dwelling must be disposed of via this system and the on-site treatment and disposal system must be decommissioned.
 - b. The wastewater treatment and disposal facility be installed, operated and maintained as required by the Land Capability Assessment report A160510 prepared by Paul Williams & Associates dated May 2016.
 - c. An annual October inspection of the wastewater treatment and disposal facility be undertaken at the cost of the landholder by a competently trained person or servicing agent, and a report of the inspection must be forwarded to the Responsible Authority and Goulburn Murray Water.
 - d. The dwelling will not contain more than four bedrooms.

6.2 Planning Permit Application No. P2016-126
- Replacement Dwelling ~ 37 Kettels Road, Kirwans Bridge (cont.)

- e. The 400m² disposal area at the Kettels Road frontage must be fenced or landscaped to ensure the disposal area is not damaged by vehicular traffic or trenched services to the dwelling.
 - f. The owner shall meet the cost of the registration of the agreement on the title of the land and the costs of the annual inspection and reports.
 - g. This agreement is cancelled if (a) above is satisfied.
10. The owner must provide evidence of registration of the Agreement to Goulburn-Murray Water within three months of this occurring.
 11. No new buildings are to be constructed within 50 metres from the Full Supply Level of Lake Nagambie (measured from 124.24 m AHD level).
 12. No works are permitted on Goulburn Murray Water foreshore without prior approval of Goulburn Murray Water. Applications must be made to Goulburn Murray Water prior to construction of any works on Goulburn Murray Water foreshore land, including slipways and jetties. Access to any slipways and jetties is also not permitted without a licence, and once again applications for access must be submitted to G-MW. Applications can be made by contacting Goulburn Murray Water on 1800 013 357 or by following the link <http://www.g-mwater.com.au/water-resources/storages/jetties>.
 13. All wastewater from the dwelling must be treated to a standard of at least <20mg/L BOD, <30mg/L Total Suspended Solids (TSS) and <10 Escherichia Coli cfu/100 ml), in accordance with the Land Capability Assessment A160510 prepared by Paul Williams & Associates dated May 2016. The system must be an EPA approved system, installed, operated and maintained in accordance with the relevant EPA Code of Practice and Certificate of Approval, and to the satisfaction of Council's Environmental Health Officer.
 14. All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.
 15. The wastewater disposal area must be kept free of buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away.

General Conditions

16. 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.
17. 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.

6.2 Planning Permit Application No. P2016-126
- Replacement Dwelling ~ 37 Kettels Road, Kirwans Bridge (cont.)

18. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.
19. Upon completion of the approved dwelling extension, any disturbed soils must be appropriately stabilised to the satisfaction of the Responsible Authority.
20. The external cladding of the proposed buildings, including the roof, must be constructed of new materials of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.
21. The amenity of the area must not be detrimentally affected by the use, through the:
 - (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.

Permit Expiry

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

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

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

Planning Notes:

- This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.
- This Permit does not authorise the removal of any native vegetation including for access. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.

6.2 Planning Permit Application No. P2016-126
- Replacement Dwelling ~ 37 Kettels Road, Kirwans Bridge (cont.)

- **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.**

06/17 **CRS SWAN/MASON** : *That the Recommendation be adopted.*

CARRIED

Proposal

It is proposed to develop a replacement dwelling on the land. The dwelling will be double storey with four bedrooms, four bathrooms, three living areas, three outdoor decking areas, an upstairs balcony, a carport with 4 car spaces, and a workshop.

The dwelling will be setback 26.12 metres from the northern boundary, and will adjoin the other three boundaries.

The dwelling will be 6.6 metres high and has a footprint of approximately 524 square metres. The dwelling will have many finishes. The walls will be a mix of smooth faced concrete block walls, vertical blades in a Corten (weathered) steel finish, rendered fascia in a hand coated ivory finish, matt charcoal coloured fascia and glazing panels with aluminium frames in a natural anodized finish. The second storey balcony will have glass balustrades and metal screening.

The roof will be bituminous with stone ballast topping.

The dwelling is typically square in its architecture design, with flat roofing and right-angled finishes.

The dwelling will be serviced by tank water, held in three ground water tanks on site. The site will drain to the legal point of discharge. Electricity and telecommunications infrastructure are readily available on site. The effluent disposal will be treated on site in the designated effluent drip field.

Vehicular access to the site will be via a new crossover on the northern boundary of the lot.

Subject site & locality

The subject site is located at 37 Kettels Road, Kirwans Bridge. More formally known as Lot 2 on Plan of Subdivision 044757 Certificate of Title Volume 08636 Folio 941, the land is rectangular and approximately 1267 square metres in size.

The site currently contains a single storey dwelling and double carport, situated centrally on the lot. The site contains several trees in the front yard including a magnolia, a eucalypt, a jacaranda and some citrus trees. The backyard is clear of trees or built form with lawn. Access is gained via a single crossover Kettels Road.

6.2 Planning Permit Application No. P2016-126
- Replacement Dwelling ~ 37 Kettels Road, Kirwans Bridge (cont.)

The site is located in Kirwans Bridge approximately 5.3 kilometres north of Nagambie.

To the west and east of the land are residential lots with single dwellings and associated shedding. These lots are of a very similar size and shape to the subject site.

To the south of the site is the bank of the Goulburn River/Lake Nagambie. The water's edge is approximately 70 metres from the subject site's southern boundary. To the north-west of the site is vacant farming land which adjoins the edge of Kirwans Bridge township, which is to the north-east of the subject site.

Permit/Site History

A search of Council's electronic records results in one planning permit previously being issued for the subject site which is detailed below:

- P2015-125 was issued on 16 December 2015 and allowed for the development of a fixed jetty.

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 objection:

- Overshadowing on to adjoining property impacting on privacy and amenity

The applicant has sought to have the front of the dwelling set off their boundary by one metre at ground level, a further metre on the first level and the upper level moved forward two metres closer to the front of the site.

Officers Response:

The replacement dwelling is considerably larger than the existing dwelling on the site however is characteristic of the recent redevelopment of the Kirwans Bridge/Goulburn Weir area.

At the top level, no windows are located on the side of the dwelling which would directly overlook the objector's property. Windows are located at the rear of the upper level which may result in some overlooking however this is consistent with building regulations and is to an extent that would be expected from any multi-level building. Setting the upper level forward on the site would lead to greater periphery views of the objector's property which has the potential to cause greater amenity implications. This has been discussed with the objector.

6.2 Planning Permit Application No. P2016-126
- Replacement Dwelling ~ 37 Kettels Road, Kirwans Bridge (cont.)

The overshadowing caused by the proposed replacement dwelling will be greater than any existing overshadowing on to the property however remains consistent with current building legislation. The replacement of the existing post and wire boundary fencing with solid traditionally residential fencing as is proposed will absorb some of the overshadowing caused by the building. Overall, it is not considered that privacy to adjoining land owners will be reduced as a result of this proposal. This is due to the replacement of fencing and the design of the building including the placement of windows.

The applicant has agreed to a minor amendment to the plans to eliminate the boundary to boundary component of the development at the front of the site to limit the amount of overshadowing into the adjoining property.

Consultation

Following discussions with the applicant, it was agreed to offset the dwelling at the front by at least one meter to alleviate the most significant area of overshadowing on the adjoining dwelling.

This was relayed to the objector who has advised that while this is a better outcome than what is currently proposed, their objection stands.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	GMW who provided no objection, subject to conditions
Section 52 Notices	Public Notice DELWP - No objection, no conditions

Internal Council Referrals	Advice/Response/Conditions
Health Department	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.*

6.2 Planning Permit Application No. P2016-126
- Replacement Dwelling ~ 37 Kettels Road, Kirwans Bridge (cont.)

The use of the land for residential purposes, although a 'Section 2 – Permit Required' is existing and is not required to be assessed as part of this application. In this instance, a permit is required under Clause 35.07-4 of the Strathbogie Planning Scheme for the following:

- Buildings and works associated with a Section 2 Use
- Buildings and works within 100 metres of another dwelling not in the same ownership
- Buildings and works within 100 metres of a waterway
- Building and works within 5 metres of a boundary

Despite being within the Farming Zone, the site is located within a largely fully developed residential area with similarly sized allotments developed with single dwellings and associated shedding. Given that a dwelling is existing on the site, and the development of surrounding properties, a replacement of the existing building is considered appropriate.

In recent years, a number of properties in the Kirwans Bridge/Goulburn Weir have been redeveloped either through replacement or significant extension.

With regard to the setbacks requiring approval as part of the assessment of this application, a number of dwellings located within this area do not meet the relevant setback distances of the Farming Zone. This is largely in part due to the size of the lots which are best characterised as residential. Where a permit is required for residential development in a residential zone, an assessment is required under Clause 54. Given this site is within the Farming Zone, this is not required however it is considered prudent to give the relevant objectives of this clause some consideration.

It is considered, particularly given the scale of the development and the objection received, that the most relevant objectives of this clause relate to building setbacks and overshadowing. The setbacks of the dwelling from all boundaries are consistent with the relevant standard and objective. With regards to overshadowing, the extent of shadow cast into the adjoining properties will increase however remains in line with the standards. Currently the area is developed with smaller scale dwellings with rural style post and wire fencing. As the area redevelops, solid timber and Colorbond fencing is replacing traditional fencing which lead to increased shadowing. While the proposed replacement dwelling will cast a shadow greater than solid fencing, the additional extent of overshadowing is not considered great enough to warrant a significant redesign or refusal of this application.

A Land Capability Assessment has been undertaken which addresses the ability of the site to contain and appropriately manage wastewater generated by the dwelling. A copy was provided with the application which was referred to both Council's Environmental Health department and Goulburn Murray Water. Both have reviewed the documentation and consented to the development subject to conditions which have been included in the recommendation.

6.2 Planning Permit Application No. P2016-126
- Replacement Dwelling ~ 37 Kettels Road, Kirwans Bridge (cont.)

The use of the subject site and surrounding properties along the waters edge for residential purposes are existing uses. The replacement of an existing dwelling on this site is unlikely to impact on the use of larger parcels of land on the opposite side of Kettels Road for agricultural purposes. It is considered that the proposed replacement dwelling is consistent with the purpose and decision guidelines of the Farming Zone.

The State Planning Policy Framework (SPPF)

Clause 14.01-2 Sustainable agricultural land use

Objective

- *To encourage sustainable agricultural land use.*

This application is considered to be consistent with the relevant State planning policies. Although this site is within the Farming Zone, the land has not been farmed for many years and has been used for residential purposes for a lengthy period of time. The application supports agriculture as it is not taking quality farming land out of agricultural production.

Clause 15.01-5 Cultural identity and neighbourhood character

Objective

- *To recognise and protect cultural identity, neighbourhood character and sense of place.*

The proposed built form is considered to be consistent with the neighbourhood character of Kirwans Bridge. The dwelling typology is mixed between single and double storey dwellings of mixed scale, particularly as the area is redeveloped. Given this, this replacement dwelling is likely to positively contribute to the character and residential amenity of the area.

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.*

The dwelling will be connected to the necessary infrastructure to the satisfaction of the responsible authorities. On site waste water is of particular concern in this area of the municipality and has been consented to, subject to conditions by both Council's Environmental Health Department and Goulburn Murray Water.

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.*

6.2 Planning Permit Application No. P2016-126
- Replacement Dwelling ~ 37 Kettels Road, Kirwans Bridge (cont.)

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 proposal is considered to be consistent with the relevant Local planning policies as detailed in the Strathbogie Planning Scheme. The materials of the new dwelling are of muted tones and as such are likely to fit in suitably with the area, and remain consistent with the local Muted Tones policy at Clause 21.02-6.

Clause 21.07-5 Drainage

Objective

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

The replacement dwelling will include the required infrastructure to ensure the site drains appropriately and does not adversely impact the immediate Goulburn River environs.

Clause 22.01 Housing and House Lot Excisions in Farming Zones

Objectives

- *To protect and maintain productive farming areas.*
- *To protect and promote sustainable use of privately owned land that includes high value or significant vegetation and waterways.*
- *To promote recognition of rural activities, e.g. tourism, wineries, equine and intensive agriculture.*
- *To promote the clustering of co-dependant uses.*
- *To protect the growth of rural activities against potential land use conflict.*
- *To ensure that rural production is not compromised by housing encroachment.*

This replacement dwelling is considered to be consistent with the policy basis and objectives of Clause 22.01 Housing and House Lot Excision in the Farming Zone. As Kirwans Bridge is a typically residential area, and this is an application to replace an existing dwelling, the site is not used for agriculture and the issuing of this planning permit will not result in a loss in prime agricultural land. This area of Kirwans Bridge has also been identified as being part of a Rural Residential Area in the *Strathbogie Shire Rural Residential Strategy (2004)*. This strategy identifies a number of areas throughout the municipality which despite being within the Farming Zone, have been removed from productive agriculture through past subdivision and development. As such, this application is considered to be worthy of Council's support.

6.2 Planning Permit Application No. P2016-126
- Replacement Dwelling ~ 37 Kettels Road, Kirwans Bridge (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.

6.2 Planning Permit Application No. P2016-126
- Replacement Dwelling ~ 37 Kettels Road, Kirwans Bridge (cont.)

Summary of Key Issues

With regard to the Farming Zone: This application is considered to be appropriate as there is an existing residential use on the site, and this proposal is to replace the dwelling. There is no increase in the number of dwellings on site. The application is characteristic of redevelopment of a number of homes in the Kirwans Bridge/Goulburn Weir area which has been occurring over the last few years. The land is currently not being used for agriculture, and is unlikely to be used for agriculture in the future. As such, if a permit is to be issued, the land will not be permanently removing additional land from agricultural productivity, as it has already been removed.

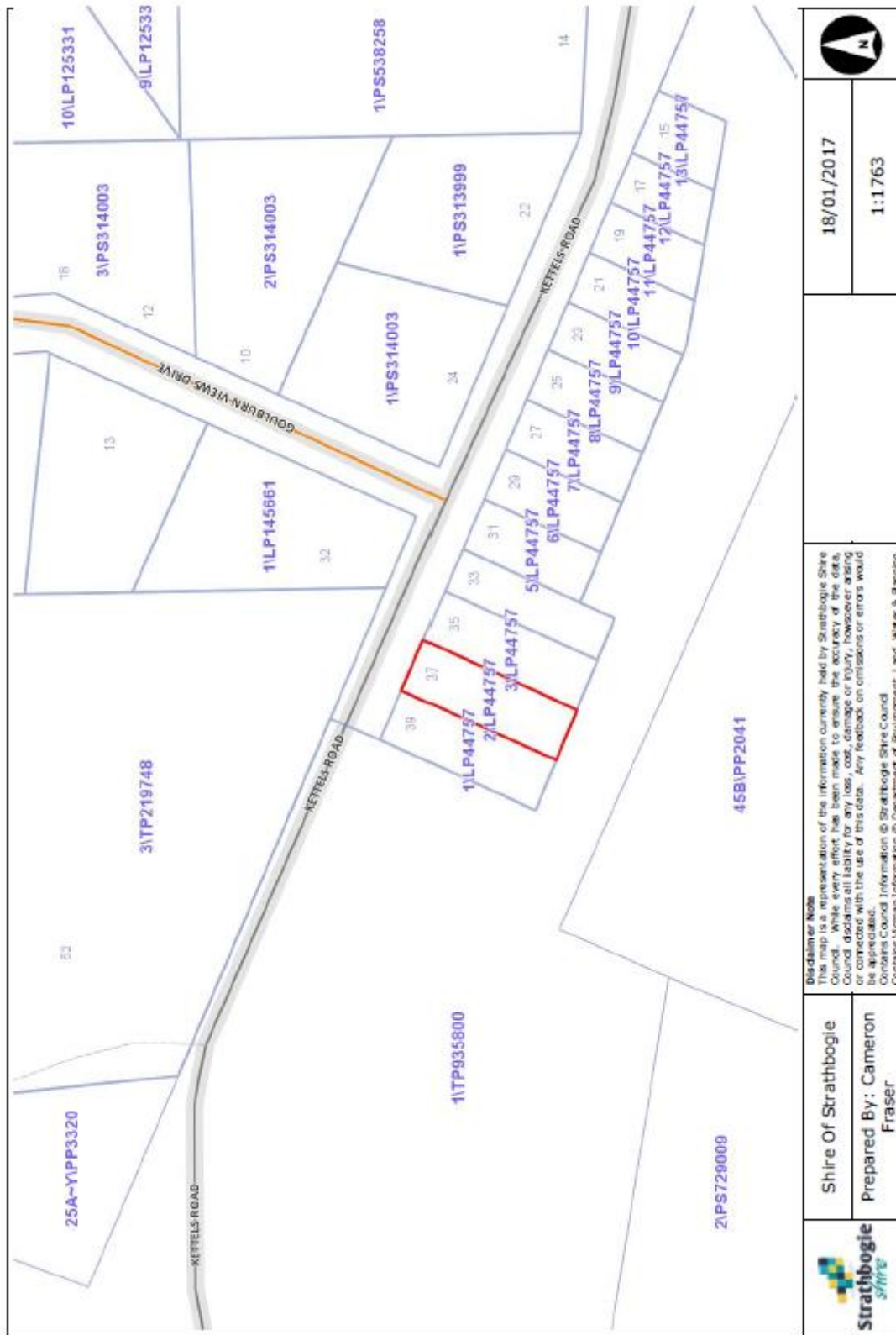
In summary, the proposal meets the objectives of the State Planning Policy Framework, Local Planning Policy Framework and the Farming Zone.


Conclusion

After due assessment of all the relevant factors, it is considered appropriate to issue a Notice of Decision to Grant a Planning 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 Mapping Information © Department of Environment, Land, Water & Planning	18/01/2017
	Prepared By : Cameron Fraser		1:1763

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

7. OTHER BUSINESS

**7.1 Planning Applications Received
- 16 November 2016 to 18 January 2017**

Following are listings of Planning Applications Received for the period 16 November 2016 to 18 January 2017.

RECOMMENDATION

That the report be noted.

07/17 CRS SWAN/WILLIAMS : That the Recommendation be adopted.

CARRIED

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 4.29 P.M.

Confirmed as being a true and accurate record of the Meeting

.....
Chair

.....
Date

Planning Applications Received

Wednesday, 16 November 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
12 Clifton Street, Euroa VIC 3666	P2015-133-2	Development of land for an extension to an existing dwelling	Paul Couch	\$0.00

Friday, 18 November 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
516 Racecourse Road, Nagambie VIC 3608	P2006/122 - 1	Use & Development of Eight (8) Broiler Chicken Sheds & Ancillary Facilities to house a max. 320,000 Birds & Use & Development of a Manager's Residence	Scolexia Pty Ltd	\$0.00 *
578 Drysdale Road, Euroa VIC 3666	P2016-160	Development of a portable site office	Mr John Day	\$20,000.00

Monday, 21 November 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
3-11 Boyd Street, Nagambie VIC 3608	P2016-161	Subdivision five (5) lots	Rex Monahan	\$0.00 *

Tuesday, 29 November 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
22 Nolans Road, Ruffy VIC 3666	P2016-063 - 1	Development of land for an extension to an existing shed	Gary Hewlett	\$0.00 *
29-37 Ashwin Street, Violet Town VIC 3669	P2016-162	Use and Development of land for a Storage Shed	Mr Donald McKay	\$10,000.00
715 Longwood-Ruffy Road, Longwood East VIC 3666	P2016-163	Development of land to construct deck, machinery shed and workshop	Mr Bill Molinaro	\$61,000.00

Wednesday, 30 November 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
19 McGuinness Street, Euroa VIC 3666	P2016-164	Development of land for an informal outdoor recreation, including a public toilet	Brian Bamford	\$345,000.00

Thursday, 1 December 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
133 Faithfull Road, Longwood East VIC 3666	P2016-089 - 1	Use and development of land for a single dwelling, shed and swimming pool including a two (2) lot re-subdivision	Mr Troy Spencer	\$0.00 *

Wednesday, 7 December 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
167 Tarcombe Street, Euroa VIC 3666	P2016-165	Buildings and works to upgrade existing drive-thru facility and electronic signage	McDonalds Australia Limited	\$20,000.00

Thursday, 8 December 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
Hovell Street, Avenel VIC 3664	P2016-166	Five (5) lot subdivision	Mr Troy Spencer	\$0.00 *

Monday, 12 December 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
Cullens Road, Miepoll Victoria 3666	P2010/046 - 1	Use and Development of Land for a Dwelling and a Shed	JG King Homes (Shepparton)	\$0.00 *

Tuesday, 13 December 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
Kibbles Road, Strathbogie VIC 3666	P2016-168	Development of land for a telecommunications facility and removal of vegetation	Ericsson Pty Ltd (on behalf of nbn Co)	\$240,000.00

Wednesday, 14 December 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
21 Young Street, Nagambie VIC 3608	P2016-167	Use and development of land for boat Jetty	Terry Wallis	\$8,800.00
49 Hunter Street, Euroa VIC 3666	P2016-169	Three (3) lot subdivision	Robert Craig	\$250,000.00

Thursday, 15 December 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
42 Maggies Lane, Ruffy VIC 3666	P2016-170	Use and development of land for a second dwelling	Mr Troy Spencer	\$240,000.00

Friday, 16 December 2016

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1369 Murchison-Violet Town Road, Arcadia South VIC 3631	P2016-171	Use and development of land for a dwelling	Mr Troy Spencer	\$320,000.00

Tuesday, 10 January 2017

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
80 Branjee Road, Euroa VIC 3666	P2017-001	Development of land for a shed	Paul Hamill	\$15,000.00

*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