



STRATHBOGIE SHIRE COUNCIL
PLANNING COMMITTEE
AGENDA

MEETING TO BE HELD ON TUESDAY 14 APRIL 2015

COMMENCING AT 4.00 P.M.

AT THE EUROA COMMUNITY CONFERENCE CENTRE

Councillors:

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

Officers:

Steve Crawcour - Chief Executive Officer
Phil Howard - Director, Sustainable Development
Emma Kubeil - Manager, Sustainable Development
Jennifer Dowling - Assistant Manager, Sustainable Development
Kristina Murray - Planner
Roy Hetherington - Director, Asset Services

Business:

1. Welcome

2. Acknowledgement of Traditional Land Owners

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

3. Apologies

Councillor Debra Swan	(Lake Nagambie Ward)
Councillor Patrick Storer	(Honeysuckle Creek Ward)

4. Confirmation of Minutes of the Planning Committee meeting held on Tuesday 10 March 2015

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



Steve Crawcour
CHIEF EXECUTIVE OFFICER

8 April 2015

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**PLANNING COMMITTEE REPORT NO. 1 (ASSISTANT MANAGER,
 SUSTAINABLE DEVELOPMENT – JENNIFER DOWLING**

6. PLANNING REPORTS

**6.1 Planning Permit Application No. 2014/146
 - Use and Development of Land for a Dwelling and a Two (2) Lot Boundary
 Realignment ~ 55 Golf Course Road, Euroa**

Application Details:

Application is for:	Use & Development of land for a dwelling and a two (2) lot boundary realignment
Applicant's/Owner's Name:	Troy Spencer
Date Received:	23 December 2014
Statutory Days:	49
Application Number:	P2014-146
Planner: Name, title & department	Jennifer Dowling Assistant Manager Sustainable Development Sustainable Development Department
Land/Address:	Lot 1 on Plan of Subdivision 074708 Certificate of Title Volume 08676 Folio 270 and Plan of Consolidation 356117F Certificate of Title Volume 10310 Folio 669. 55 Golf Course Road, Euroa VIC 3666
Zoning:	Urban Floodway Zone, Farming Zone
Overlays:	Land Subject to Inundation Overlay, Erosion Management Overlay
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-3 Clause 35.07-4 Clause 37.03-3 Clause 44.01-4 Clause 44.04-2
Restrictive covenants on the title?	No
Current use and development:	Leisure and recreation (golf course)

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*.

6.1 Planning Permit Application No. 2014/146
- Use and Development of Land for a Dwelling and a Two (2) Lot Boundary
Realignment ~ 55 Golf Course Road, Euroa (cont.)

Summary

- The proposal is for the use and development of land for a dwelling and the realignment of two boundaries.
- The site has an area of 65.03ha over three parts and is located in the Farming Zone, Urban Floodway Zone, Erosion Management Overlay and Land Subject to Inundation Overlay.
- The area of the subject site south of the Hume Freeway is identified as a potential rural residential area in the Strathbogie Shire Rural Residential Strategy 2004.
- The application was referred internally to Council's Asset Services Department who offered no objection subject to conditions.
- An assessment against the Farming Zone, Urban Floodway Zone, Erosion Management Overlay and Land Subject to Inundation Overlay Decision Guidelines and State and Local Policies indicates the proposal is consistent with these provisions of the Strathbogie Planning Scheme.
- The application was advertised to adjoining land holders, one objection has been received.
- The objections raise issues in relation to appropriateness of development within the Farming Zone, impacts on aesthetic amenity and impact on potential accommodation business into the future.
- The proposed development is considered to be appropriate to the Farming Zone. It is noted that the *Planning and Environment Act 1987* limits what objections Council can consider. The impact on a future business is determined to be outside what Council can consider.
- The application is being presented to Planning Committee as an objection has been received and the proposal is for the use and development of land for a dwelling on a small lot in the Farming Zone.
- The application has been assessed outside the 60 day statutory time period due to detailed assessment and consultation.
- 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. P2014-146 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 35.07-3, Clause 35.07-4, Clause 37.03-3, Clause 44.01-4 and Clause 44.04-2 of the Strathbogie Planning Scheme in respect of the land known as Lot 1 on Plan of Subdivision 074708 Certificate of Title Volume 08676 Folio 270 and Plan of Consolidation 356117F Certificate of Title Volume 10310 Folio 669, 55 Golf Course Road, Euroa VIC 3666, for the Use & Development of land for a dwelling and a two (2) lot re-subdivision, in accordance with endorsed plans, subject to the following conditions:

6.1 Planning Permit Application No. 2014/146
- Use and Development of Land for a Dwelling and a Two (2) Lot Boundary
Realignment ~ 55 Golf Course Road, Euroa (cont.)

Amended Plans

1. Prior to the commencement of the 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 site plans, floor plans and elevations of the dwelling and outbuilding.

Section 173 Agreement

2. Prior to the commencement of use, 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:
 - a) Prevent subdivision of the land so as to excise the approved dwelling

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.

Engineering Conditions

3. 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. The access must be designed by a qualified engineer with appropriate drainage (culverts etc.) to assure that no adjoining land is adversely affected either upstream or downstream of the access by overland flow.
4. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.
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.

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Realignment ~ 55 Golf Course Road, Euroa (cont.)

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.

Health Conditions

7. Any existing Septic Tank system must comply with the Environment Protection Authority EPA Publication 891.3 Code of Practice – *Onsite Wastewater Management 2013*, any relevant Certificates of Approval, and to the satisfaction of Council's Environmental Health Officer.
8. Any existing septic system must retain and treat wastewater within the proposed subdivision boundary in relation to the Two (2) lot subdivision.
9. Where a new septic system is to be installed it will be subject to the following EPA requirements for management of onsite wastewater in unsewered areas;
 - a) 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.
 - b) The effluent disposal field must be located 60 meters (primary treated effluent) or 30 meters (secondary sewage and greywater effluent) from waterways, wetlands, dams, lakes or reservoirs (non-potable water supply), to the satisfaction of the Responsible Authority.

Goulburn Broken Catchment Management Authority Conditions

10. The finished floor level of the proposed dwelling must be constructed at least 450 millimetres above the general surrounding ground surface level, or higher level deemed necessary by the responsible authority.

General Conditions

11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
12. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

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Realignment ~ 55 Golf Course Road, Euroa (cont.)

13. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
14. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
15. 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.
16. 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 firefighting purposes.
17. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.
18. The use and development must be sited and constructed in accordance with the endorsed plans. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.
19. 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.
20. 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.

Time Limits

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.
 - (c) the subdivision is not started (Certification) within two (2) years of the date of this permit;

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(d) the subdivision is not completed (Statement of Compliance) within five(5) years of the date of Certification under the Subdivision Act 1988.

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.

Proposal

It is proposed to realign the boundary into two lots and use and develop one of the newly created lots for a dwelling.

The re-subdivision of land includes the consolidation of Lot 1 on Plan of Subdivision 074708 and the part of Plan of Consolidation 356117 on the northern side of the Hume Freeway and the creation of a separate lot which currently forms part of Plan of Consolidation 356117 on the southern side of the freeway. The subdivision will be configured as follows:

- Lot 1 (South of Freeway) – 6.592 hectares
- Lot 2 (North of Freeway) – 57.85 hectares

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Realignment ~ 55 Golf Course Road, Euroa (cont.)

It is also proposed to construct a dwelling on proposed Lot 1. No plans for the dwelling have been provided however a plan showing a 30 metre by 20 metre building envelope located approximately 55 metres from the southern boundary of the property has been provided.

Subject site & locality

The subject site contains two lots in three parts. Two parts of the site (different lots) are located on the northern side of the Hume Freeway and an additional part of the site is located on the southern side of the property.

Land within Plan of Consolidation has a total area of 62.57 hectares and contains two parts separated by the Hume Freeway. The northern part of this lot has an area of 55.98 hectares and contains the Euroa Golf Club which includes an 18 hole golf course and associated infrastructure including shedding and clubhouse. This part of the site is accessed from Golf Course road on its western boundary and has a downward slope from the freeway and is mostly landscaped and contains substantial vegetation throughout. The southern portion of this lot has a total area of 6.592 hectares and is currently vacant. The site contains a large dam at the front of the site and has a steep upward slope from the freeway. This part of the subject site contains scattered vegetation and is accessed from Walters Road.

Lot 1 on Plan of Subdivision 074708 is an irregular shaped parcel of land which has a total area of 1.865 hectares. This lot is also part of the Euroa Golf Club.

Land surrounding the two lots on the northern side of the Hume Freeway is developed for residential housing and are zoned residential. East of the golf course is land within the Farming Zone which is currently utilised for low scale agricultural pursuits with some of the lots containing single dwellings. To the west is land included in Amendment C32 which was approved by the Planning Committee at its meeting on 10 March 2015 and is awaiting a hearing with Planning Panels Victoria.

Land surrounding the portion of the site on the southern side of the freeway is currently predominantly used for agriculture with single dwellings and associated infrastructure scattered throughout.

Permit/Site History

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

Public Notification

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

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

The notification has been carried out correctly.

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- Use and Development of Land for a Dwelling and a Two (2) Lot Boundary
Realignment ~ 55 Golf Course Road, Euroa (cont.)

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

- Development of a dwelling on the site will reduce rural aesthetic and financial viability of business to be undertaken on the site in the future.
- Construction of a dwelling on a 6.5 hectare lot inappropriate in the Farming Zone
- The development of a dwelling would be an aesthetic and financial disaster

Consultation

A copy of the objection was forwarded on to the applicant who was given an opportunity to respond to the issues raised. No response has been received from the applicant.

The *Planning and Environment Act 1978* states, that the Responsible Authority may reject objections based on commercial advantage for the objector. In this case the impact of the proposed dwelling on a possible future business would be considered 'commercial advantage'. The dwelling has been assessed against the decision guidelines as detailed below and is considered appropriate in the Farming Zone.

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	GBCMA – No objection, subject to conditions
Section 52 Notices	Public Notice

Internal Council Referrals	Advice/Response/Conditions
Asset Services	No objection, subject to 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.*

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Realignment ~ 55 Golf Course Road, Euroa (cont.)

A permit is required for the subdivision of land in the Farming Zone as well as the use and development of land for a dwelling (proposed Lot 1 currently part of Plan of Consolidation 356117F). The minimum lot size for the subdivision of land within the Farming Zone in this area of the municipality is 40 hecatres. A subdivision can be considered to create lots smaller than the minimum lot size where one of the following applies:

- *The subdivision is the re-subdivision of existing lots and the number of lots is not increased.*

The proposed subdivision is a realignment of boundaries which consolidates two parcels north of the Hume Freeway and creates a separate parcel to the south. As such, the proposed subdivision is able to be considered.

The proposed subdivision will consolidate land north of the freeway and creates a new title on land which is currently separated from its main parcel of the site to the south by the Hume Freeway with no direct access between the two parcels of land. The proposed subdivision to consolidate the land to the north of the freeway and separate it from the land to the south is considered a practical planning outcome.

In relation to the use and development of the southern portion of the site for a dwelling, a permit is required as this the lot will be less than 40 hectares in area. This parcel of land is heavily constrained from productive agricultural due to the large dam located in the centre of the site. It is considered that this constraint significantly limits the site to more of a 'hobby farm' type development. It is also noted that this land has been identified for rural residential use in the Strathbogie Shire Rural Residential Study 2004. An assessment of the proposed dwelling against all of the decision guidelines of the Farming Zone has been undertaken and 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 proposed dwelling will be connected to an on-site waste water management system to the satisfaction of the responsible authority.

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Realignment ~ 55 Golf Course Road, Euroa (cont.)

<i>How the use or development relates to sustainable land management.</i>	Yes	The site has an area of 6.592 ha and is currently vacant of any buildings. There is limited opportunity to use the land for agriculture. The proposed dwelling is likely to ensure the land is maintained in terms of vermin and weeds.
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	Yes	The subject site is considered to be a small lot suitable for a residential use. The proposed dwelling location allows for adequate setbacks from the adjoining boundaries. This allows a buffer between the proposed use and development and the surrounding residential land uses.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	Access is proposed to be via Walters Road which is located on the northern boundary of the site.
Agricultural Issues		
<i>Whether the use or development will support and enhance agricultural production.</i>	No	The subject site has an area of 6.592 hectares. The site has been identified as part of a rural residential area. The proposed dwelling is unlikely to support agricultural production. However given the size of the lot, surrounding land uses and proximity to Euroa, it is unlikely that the site could be sustainably used for agriculture.
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	Given the size of the lot and its topographical constraints, it is considered that the subject site is already removed from agriculture. The proposed development is unlikely to have an impact on the potential future use of the land for agriculture.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	Given the adjoining land uses and lot sizes there is unlikely to be any operation or expansion of agricultural land uses.

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Realignment ~ 55 Golf Course Road, Euroa (cont.)

<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The site has limited capacity as detailed above due to its size and surrounding development.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The quality of the land in this area is generally considered non productive due to its undulating terrain and large dam in the centre of the site which limits its production capacities.
<i>Any integrated land management plan prepared for the site.</i>	n/a	As detailed above the site is not capable of accommodating a large or intensive agricultural use.
Dwelling Issues	Complies	Officers Comment
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Yes	As detailed above the dwelling is unlikely to result in the loss or fragmentation of productive agricultural land.
<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	The dwelling allows for adequate setback from all boundaries to ensure that it will not be impacted adversely by surrounding agricultural development.
<i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	As detailed above the dwelling is not in proximity to large agricultural uses and is therefore unlikely to 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	The proposed dwelling has been assessed on its merit. Therefore it is unlikely that the proposed dwelling would directly result in the proliferation of dwellings.
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 dwelling is unlikely to significantly impact on the surrounding environment. The dwelling does not require any vegetation removal and effluent disposal will be undertaken to the satisfaction of the responsible authority

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- Use and Development of Land for a Dwelling and a Two (2) Lot Boundary
Realignment ~ 55 Golf Course Road, Euroa (cont.)

<i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i>	Yes	The proposal does not include the removal of any vegetation and is appropriately located not to damage any vegetation.
<i>The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</i>	Yes	The proposal does not include the removal of any vegetation.
<i>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</i>	Yes	On site effluent disposal will be constructed in accordance with the requirements of the responsible authority.
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 dwelling can be appropriately setback from the adjoining boundaries within the proposed building envelope.
<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 proposed siting and design is considered appropriate. Should a permit be issued, a condition will be placed on the permit requiring muted tones.
<i>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</i>	Yes	The proposed dwelling is unlikely to impact the character and appearance of the area.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	The proposed dwelling and associated infrastructure is considered to be appropriately located.
<i>Whether the use and development will require traffic management measures.</i>	Yes	The application was referred to Councils Assets Department who raised no concerns in relation to traffic management measures. A single dwelling is unlikely to unreasonably increase traffic in the area.

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- Use and Development of Land for a Dwelling and a Two (2) Lot Boundary
Realignment ~ 55 Golf Course Road, Euroa (cont.)

Urban Floodway 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 identify waterways, major floodpaths, drainage depressions and high hazard areas within urban 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.*
- *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).*

A permit is required for the subdivision of land within this zone pursuant to Clause 37.03-3 of the Strathbogie Planning Scheme. This clause specifies that a permit may only be granted for subdivision within this zone where one of the following apply:

- *The subdivision does not create any new lots, which are entirely within this zone. This does not apply if the subdivision creates a lot, which by agreement between the owner and the relevant floodplain management authority, is to be transferred to an authority for a public purpose.*
- *The subdivision is the resubdivision of existing lots and the number of lots is not increased, unless a local floodplain development plan incorporated into this scheme specifically provides otherwise.*

As the proposal is a resubdivision of two lots, the application is able to be considered. In considering an application, a responsible authority must have consideration for the impacts of the development on flooding as well as the views of the relevant floodplain manager (Goulburn Broken Catchment Management Authority (GBCMA)). The proposed boundary realignment consolidates the two parcels of land to the north of the freeway which will enable flood free access to the all parts of the irregular parcel within the Farming Zone. The proposed re subdivision is unlikely to have any significant flooding implications and has been consented to the development subject to a condition in relation to the proposed dwelling.

The use and development of land for a dwelling on land in the Urban Floodway Zone is a Section 3-Prohibited Use under the provisions of the Strathbogie Planning Scheme. The proposed dwelling is located in an area of the site which is outside of the Urban Floodway Zone. As such, the proposed dwelling does not require an assessment under the provisions of the Urban Floodway Zone.

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Realignment ~ 55 Golf Course Road, Euroa (cont.)

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.*
- *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 the subdivision of land affected by the Land Subject to Inundation Overlay. When assessing an application under the provisions of this overlay, consideration must be given to the potential impacts on the floodway as well as the impact on human life and property. It is considered that a two lot subdivision of the land is unlikely to impact on the floodway and the impact on human life and property is manageable. The application has been referred to Goulburn Broken Catchment Management Authority who has consented to the proposal subject to a condition in relation to the floor height of the dwelling.

Erosion Management 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 protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

A permit is required for the subdivision of land within the Erosion Management Overlay. The proposed dwelling is not to be constructed in an area of the site that is affected by this overlay. In assessing an application under the provisions of this overlay, consideration must be given to the erosion implications of the proposal. The proposal is unlikely to have any erosion implications as no vegetation is required to be removed and no earthworks are proposed.

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Realignment ~ 55 Golf Course Road, Euroa (cont.)

The State Planning Policy Framework (SPPF)

Clause 11.05-3 Rural productivity - Strategies

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

Clause 11.05-4 Rural planning strategies and principles

- *Directing growth to locations where utility, transport, commercial and social infrastructure and services are available or can be provided in the most efficient and sustainable manner.*
- *Managing the impacts of settlement growth and development to deliver positive land use and natural resource management outcomes.*
- *Siting and designing new dwellings, subdivisions and other development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards, such as bushfire and flooding.*

Clause 13.02-1 (Floodplain Management) of the Strathbogie Planning Scheme seeks to:

- *To assist the protection of:*
 - *Life, property and community infrastructure from flood hazard.*
 - *The natural flood carrying capacity of rivers, streams and floodways.*
 - *The flood storage function of floodplains and waterways.*
 - *Floodplain areas of environmental significance or of importance to river health.*

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

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

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

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

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

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

Clause 14.01-1 – (Protection of agricultural land)

- *In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:*
- *The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.*

6.1 Planning Permit Application No. 2014/146
- Use and Development of Land for a Dwelling and a Two (2) Lot Boundary
Realignment ~ 55 Golf Course Road, Euroa (cont.)

- *The compatibility between the proposed or likely development and the existing uses of the surrounding land.*
- *Planning for rural land use should consider:*
 - *land capability; and*
 - *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*

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

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

Clause 14.02-1 (Catchment planning and management) of the Strathbogie Planning Scheme seeks to:

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

Clause 19.03-2 (Water supply, sewerage and drainage) of the Strathbogie Planning Scheme seeks to:

- *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 subject sites have a combined area of approximately 65.3 hectares. Land surrounding the site is developed for residential purposes and it is considered that the character of the area is residential rather than agricultural. The site is located close to the central business area of Euroa and is considered appropriate for rural residential development. It is considered that the proposed dwelling will not create or worsen any salinity or erosion issues as no vegetation is proposed to be removed and any works required for the construction of the dwelling or ancillary services will be stabilised if required.

The proposal is unlikely to create any significant flooding issues and has been consented to by the Goulburn Broken Catchment Management Authority. The application was referred to Council's Assets Services Department and discussion where held with that department following receipt of objections. Council's Assets Services Department require conditions relating to the construction of a driveway and the use of culverts to ensure overland flow is not affected.

6.1 Planning Permit Application No. 2014/146
- Use and Development of Land for a Dwelling and a Two (2) Lot Boundary
Realignment ~ 55 Golf Course Road, Euroa (cont.)

The agricultural productivity or potential of the land is not considered to be lost as part of this proposal. Given the small size of the lot and surrounding development, the use of the land for agriculture would have been incompatible with surrounding land uses and it is considered that the construction and use of a dwelling will enhance the existing rural residential character of the area. The land and surrounding area has previously been identified in the Rural Residential Study (2004) as part of an existing rural residential area which would be assessed in more detail for rezoning to fit the existing character.

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

Clause 21.02-6 Building Material – Muted Tones is considered relevant to the proposal and contains the following objective

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

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

Clause 21.04-6, Flooding of the Strathbogie Planning Scheme is considered relevant to the proposal and contains the following objective:

- *To protect and manage floodplains.*

The proposal is unlikely to have any significant flooding implications and has been consented to by GBCMA. The dwelling will be raised above the 1 in 100 year flood in accordance with the requirements of the GBCMA.

Clause 22.01-3 of the Strathbogie Planning Scheme contains the following policies in relation to dwellings on small lots in the Farming Zone:

- *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.*

6.1 Planning Permit Application No. 2014/146
- Use and Development of Land for a Dwelling and a Two (2) Lot Boundary
Realignment ~ 55 Golf Course Road, Euroa (cont.)

- *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 there is an historic use and development pattern. Consideration should be given to the recommendations in the Strategy.*
- *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.*

The proposal is considered to be generally consistent with the local policy in relation to dwellings on small lots in the Farming Zone. The dwelling will be accessible via an all weather access track and due to its siting is unlikely to inhibit the operation of agricultural land use on lots surrounding the site. The proposed dwelling will be located a considerable distance from any agriculturally used land. The site has been identified as being in an area of rural living character in the *Strathbogie Rural Residential Strategy (2004)*. As stated above, it is policy that should a dwelling be approved on a small lot, a Section 173 Agreement to prevent subdivision should be required. This will be required by way of condition on any permit issued.

Relevant Particular Provisions

No Particular Provisions are considered relevant to this proposal.

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.*

6.1 Planning Permit Application No. 2014/146
- Use and Development of Land for a Dwelling and a Two (2) Lot Boundary
Realignment ~ 55 Golf Course Road, Euroa (cont.)

- *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 two lot re-subdivision of land and use and development of a dwelling is unlikely to impact on agriculture within the subject site or surrounding area and is considered to be consistent with the purpose and decision guidelines of the Farming Zone

With regard to the Urban Floodway Zone: The proposed re-subdivision is unlikely to have any flooding implications and has been consented to by the relevant floodplain authority.

With regard to the Erosion Management Overlay and the Land Subject to Inundation Overlay: The proposed development is unlikely to have any erosion implications as no vegetation is to be removed and earthworks proposed are minimal. The development is unlikely to have any flooding or inundation issues and has been consented to by GBCMA.

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

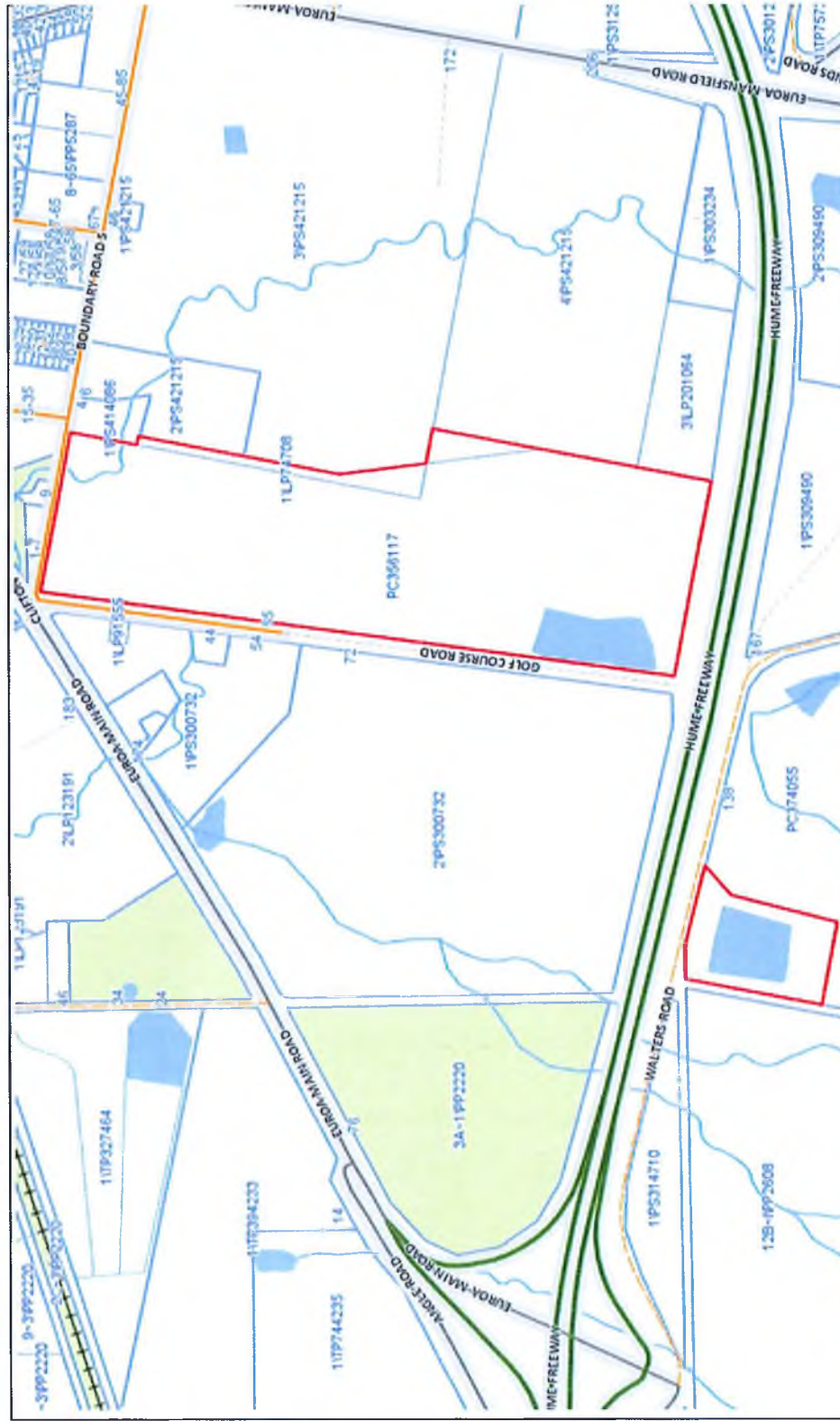
- 6.1 Planning Permit Application No. 2014/146
- Use and Development of Land for a Dwelling and a Two (2) Lot Boundary
Realignment ~ 55 Golf Course Road, Euroa (cont.)



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 Plan.



	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 any liability for any loss, damage or injury. However arising from 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	7/04/2015 1:11322	
	Prepared By: Jennifer Dowling			

PLANNING COMMITTEE REPORT NO. 2 (PLANNER – KRISTINA MURRAY)

**6.2 Planning Permit Application No. 2015/001
- Use and Development of Land for the Construction of a Dwelling ~ 144
Arcadia Two Chain Road, Arcadia South**

Application Details:

Application is for:	Use & Development of land for the construction of a dwelling
Applicant's/Owner's Name:	Michael Schuster
Date Received:	08 January 2015
Statutory Days:	49
Application Number:	P2015-001
Planner: Name, title & department	Kristina Murray Planner Sustainable Development Department
Land/Address:	Lot 13 on Plan of Subdivision 098549 Certificate of Title Volume 09005 Folio 880 144 Arcadia Two Chain Road, Arcadia South VIC 3631
Zoning:	Farming Zone
Overlays:	Land Subject to Inundation Overlay
Under what clause(s) is a permit required?	Clause 35.07-1 Clause 35.07-4
Restrictive covenants on the title?	Yes Covenant F337210
Current use and development:	Vacant

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

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

Summary

- The proposal is for the use and development of land for a dwelling
- The site is located in the Farming Zone and Land Subject to Inundation Overlay.
- The lot size is approximately 36.6 hectares.
- The subject site is located near to the north-western boundary of the Shire, approximately 30 kilometres north-west of Euroa.
- The subject site is identified in Area 6 of the *Rural Residential Strategy 2004* as an area used for rural living purposes.

6.2 Planning Permit Application No. 2015/001
- Use and Development of Land for the Construction of a Dwelling ~ 144 Arcadia
Two Chain Road, Arcadia South (cont.)

- The application was referred internally to Council's Asset Services Department and Council's Health Department who offered no objection, subject to conditions.
 - The application is being presented to Planning Committee as the proposal is for a dwelling on an allotment under the minimum lot size (80 hectares) in the Farming Zone and there is an unresolved objection.
 - The application was advertised to adjoining landholders, one objection was received.
 - The main concerns of the objection were:
 - Insufficient information to make an informed decision.
 - Potential increased risk of flooding to objectors eastern adjoining property
 - The need for the applicant to install a raised roadway
 - Previously built earth embankment could increase the risk of flooding to the objector's adjoining property.
 - Sufficient information has been provided by the application to assess the application and the proposed development is considered appropriate in the Farming Zone. The dwelling is also proposed to be located outside the Land Subject to Inundation Overlay. It is noted that the earth embankment is being dealt with by Planning Enforcement through Council's Statutory Services Department.
 - The application has been assessed within a 60 day statutory period.
 - It is recommended 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. P2015-001 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme**

and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 35.07-1 and Clause 35.07-4 of the Strathbogie Planning Scheme in respect of the land known as Lot 13 on Plan of Subdivision 098549 Certificate of Title Volume 09005 Folio 880, 144 Arcadia Two Chain Road, Arcadia South VIC 3631, for the use & development of land for the construction of a dwelling, in accordance with endorsed plans, subject to the following conditions:

6.2 Planning Permit Application No. 2015/001
- Use and Development of Land for the Construction of a Dwelling ~ 144 Arcadia
Two Chain Road, Arcadia South (cont.)

Section 173 Agreement:

1. Prior to the commencement of use, 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:

- a. Prevent the excision of the dwelling from the parent lot.

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.

Environmental Health Conditions:

2. 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.
3. 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:

4. 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.
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.

6.2 Planning Permit Application No. 2015/001
- Use and Development of Land for the Construction of a Dwelling ~ 144 Arcadia
Two Chain Road, Arcadia South (cont.)

General Conditions:

8. The use and development must be sited and constructed in accordance with the endorsed plans. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.
9. 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.
10. 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.
11. 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.

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- Use and Development of Land for the Construction of a Dwelling ~ 144 Arcadia
Two Chain Road, Arcadia South (cont.)

- **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**

Proposal

This application proposes the use and development of land for the construction of a dwelling at 144 Arcadia Two Chain Road, Arcadia. Proposed vehicular access is via Arcadia Two Chain Road with the driveway to be constructed 30 metres from the south-eastern boundary. The proposed dwelling is to be located 70 metres from the eastern boundary.

The proposed dwelling will consist of three-bedrooms with the master bedroom containing a walk-in-robe/dressing room and ensuite, a study, open kitchen/dining area, a family room, a living room, bathroom, separate water closet, and entrance hall. External features include an attached double-garage, verandah, and alfresco dining area. The dwelling as an area of 297.56 metre squared and height of 5.3 meters.

The dwelling is proposed to be located in the Farming Zone and outside the Land Subject to Inundation Overlay.

Subject site & locality

The subject site is located near to the north-eastern boundary of the Shire. The site has an area of 3.61 hectares and an irregular rectangle. The site has a frontage to and is accessed from Arcadia-Two Chain Road. The site is currently vacant of any buildings. A designated waterway runs from the north-eastern to the south-eastern boundary. Native vegetation is predominately located towards the northern boundary.

The adjoining and surrounding lots to the north, south and west are used for rural living. Lot sizes are similar to the subject site. Most lots are developed with a dwelling. This area is identified in the *Rural Residential Strategy 2004* as an area for rural living. The adjoining lot to the east is a larger lot used for agriculture. Most of the surrounding lots are partially covered in vegetation. The land is generally flat in topography. There is a waterway located in the north-eastern corner of the site which is prone to inundation.

A covenant is registered on the title of the land. Details of each are summarised below:

- Agreement F337210 – This agreement prohibits:
 - Keeping more than three dogs on the property
 - Having offensive trades such as a piggery onsite

6.2 Planning Permit Application No. 2015/001
- Use and Development of Land for the Construction of a Dwelling ~ 144 Arcadia
Two Chain Road, Arcadia South (cont.)

It is considered that the proposed development will not breach the requirements of either the Covenant which is registered on the title of the land.

Permit/Site History

A search of Council's electronic records shows that there are relevant planning applications for the subject site.

P2004/236- Use of the land for the construction of a dwelling- Approved

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 (1) objection to date. The key issues that were raised in the objections are:

- Insufficient information to make an informed decision.
- Potential increased risk of flooding to objectors adjoining property
- The need for the applicant to install a raised roadway
- Previously built earth embankment that could increase the risk of flooding to the objectors' property.

Consultation

The objection was forwarded to the Applicant. The applicant responded addressing the above mentioned issues. Stating that the proposed dwelling was located outside of Flood Overlay, they did not intend to build an elevated driveway, no intention to alter change landscape, and that the previously constructed embankment was not the responsibility of the applicant as they were not and are still not owners of the subject site.

Further discussions occur between the Objector, Council and the Applicant. No resolution was able to be achieved and the objection stands.

Several areas of concern by the Objector relate to flooding. It is noted that the proposed dwelling is located outside the Land Subject to Inundation Overlay. The issue of the embankment is being dealt with by Council's Statutory Services Department through Planning Enforcement. This is a separate matter unrelated to the proposed dwelling.

6.2 Planning Permit Application No. 2015/001
- Use and Development of Land for the Construction of a Dwelling ~ 144 Arcadia
Two Chain Road, Arcadia South (cont.)

Referrals

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	N/A
Section 52 Notices	Public Notice

Internal Council Referrals	Advice/Response/Conditions
Asset Services	No objection, subject to 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.*

A permit is required for the use and development of land for a dwelling as the site is less than the minimum lot size (80 hectares) and the dwelling is located within 100 metres of a waterway. In assessing an application for a dwelling consideration needs to be given to the capacity of the site for agriculture, the impact of a dwelling on surrounding agricultural uses and a number of environmental and design issues. It is considered that the location, size and surrounding development restricts the future use of this site for agricultural purposes. Surrounding lots are developed with single dwellings and a rural residential character has emerged as a result of past development.

The use and development of the site for a dwelling will not lead to a loss in productive agricultural land. The land is not currently used for agricultural production and is unlikely to be sufficiently utilised in the future. The impact of the proposed dwelling on surrounding lots and broader agricultural activity will be minimal as most lots immediately surrounding the site are developed with single dwellings.

6.2 Planning Permit Application No. 2015/001
- Use and Development of Land for the Construction of a Dwelling ~ 144 Arcadia
Two Chain Road, Arcadia South (cont.)

It is considered that the proposed location is appropriate from an environmental perspective as well as the potential impact on surrounding land owners and occupiers. An assessment of the proposal against the individual decision guidelines of the Farming Zone is provided in the table below:

General Issues	Complies	Officers Comment
<i>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</i>	Yes	Assessment against SPPF & LPPF is provided below.
<i>Any Regional Catchment Strategy and associated plan applying to the land.</i>	N/A	There is no relevant regional catchment strategy.
<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	The application was referred to Councils Environmental Health Officer who did not object subject to a condition being included on the permit. The condition requires the applicant to attain a septic permit licence from the Responsible Authority, Council, prior to commencement of the use.
<i>How the use or development relates to sustainable land management.</i>	Yes	The site has an area of approximately 3.6 hectares and is currently vacant of any buildings. There is limited opportunity to use the land for agriculture. The presence of a dwelling could assist in managing the site for weeds and vermin.
<i>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</i>	Yes	The subject site is considered to be a small lot suitable for a residential use. The proposed dwelling location allows for adequate setbacks from the adjoining boundaries. This allows a buffer between the proposed use and development and the surrounding residential and agricultural land uses.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	Access is proposed to be via Arcadia Two Chain Road which is located on the eastern boundary of the site.

6.2 Planning Permit Application No. 2015/001
- Use and Development of Land for the Construction of a Dwelling ~ 144 Arcadia
Two Chain Road, Arcadia South (cont.)

Agricultural Issues		
<i>Whether the use or development will support and enhance agricultural production.</i>	No	The subject site has an area of approximately 3.6 hectares. The site is characterised as rural residential. The proposed dwelling is unlikely to support agricultural production. However, given the size of the lot it is unlikely that the site could be sustainably used for agriculture. It is noted that site is located in an area identified for rural living in the <i>Rural Residential Strategy 2004</i> .
<i>Whether the use or development will permanently remove land from agricultural production.</i>	Yes	Given the size of the lot and surrounding residential development, it is considered that the subject site is already removed from agriculture. The proposed development is unlikely to have an impact on the potential future use of the land for agriculture.
<i>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</i>	Yes	Given the adjoining land uses and location of the lot there is unlikely to be any operation or expansion of agricultural land uses.
<i>The capacity of the site to sustain the agricultural use.</i>	Yes	The site has limited capacity as detailed above due to its size and surrounding development.
<i>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</i>	Yes	The quality of the land in this area is generally considered productive. However as detailed above the lot has an area of approximately 3.6 hectares.
<i>Any integrated land management plan prepared for the site.</i>	n/a	As detailed above the site is not capable of accommodating a large or intensive agricultural use.
Dwelling Issues		
<i>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</i>	Complies Yes	Officers Comment
		The dwelling is unlikely to result in the loss or fragmentation of productive agricultural land. It is considered that this has already occurred due to previous subdivision and residential development in the area.

6.2 Planning Permit Application No. 2015/001
- Use and Development of Land for the Construction of a Dwelling ~ 144 Arcadia
Two Chain Road, Arcadia South (cont.)

<p><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></p>	<p>Yes</p>	<p>The dwelling is surrounded by rural residential uses and the building envelope allows setback from all boundaries. The applicant is aware of the agricultural activities near to the subject site and have been recommended by Sessions Builders to reduce impact by installing double-glaze windows and increasing insulation.</p>
<p><i>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</i></p>	<p>Yes</p>	<p>The subject site is surrounded by small residential lots and will therefore not hinder any local agricultural expansion. The dwelling is appropriately located on site to provide a buffer to the surrounding area.</p>
<p><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></p>	<p>Yes</p>	<p>The proposed dwelling has been assessed on its merit and has been identified in the <i>Rural Residential Strategy 2004</i>. Therefore it is unlikely that the proposed dwelling would directly result in the proliferation of dwellings outside Area 6 as identified in the <i>Rural Residential Strategy 2004</i>.</p>
<p>Environmental issues</p>	<p>Complies</p>	<p>Officers Comment</p>
<p><i>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</i></p>	<p>Yes</p>	<p>The proposed dwelling is unlikely to significantly impact on the surrounding environment. The dwelling will be connected to reticulated sewerage. The watercourse that flows through the north-eastern corner has a sufficient buffer from the proposed development.</p>
<p><i>The impact of the use or development on the flora and fauna on the site and its surrounds.</i></p>	<p>Yes</p>	<p>The proposal does not include the removal of any vegetation and is appropriately located not to damage any vegetation.</p>

6.2 Planning Permit Application No. 2015/001
- Use and Development of Land for the Construction of a Dwelling ~ 144 Arcadia
Two Chain Road, Arcadia South (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	On-site effluent disposal will be required and according to Condition 2 will not be located within 60 metres of a waterway.
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 dwelling can be appropriately setback from the adjoining boundaries within the proposed building envelope.
<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 proposed siting and design is considered appropriate. Should a permit be issued, a condition will be placed on the permit requiring the dwelling to be constructed with muted tones and non-reflective materials.
<i>The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</i>	Yes	The proposed dwelling is unlikely to impact the character and appearance of the area.
<i>The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</i>	Yes	The proposed dwelling and associated infrastructure is considered to be appropriately located. Vehicular access is provided by a government road. The dwelling will be connected to reticulated sewerage.
<i>Whether the use and development will require traffic management measures.</i>	Yes	A single dwelling is unlikely to unreasonably increase traffic in the area.

6.2 Planning Permit Application No. 2015/001
- Use and Development of Land for the Construction of a Dwelling ~ 144 Arcadia
Two Chain Road, Arcadia South (cont.)

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.
- 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 not required for the development of the proposed dwelling as it is to be constructed outside the Land Subject to Inundation Overlay.

The State Planning Policy Framework (SPPF)

Clause 11.05-3 Rural productivity

Strategies:

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

Clause 11.05-4 Rural planning

Strategies and principles:

- *Directing growth to locations where utility, transport, commercial and social infrastructure and services are available or can be provided in the most efficient and sustainable manner.*
- *Managing the impacts of settlement growth and development to deliver positive land use and natural resource management outcomes.*
- *Siting and designing new dwellings, subdivisions and other development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards, such as bushfire and flooding.*

6.2 Planning Permit Application No. 2015/001
- Use and Development of Land for the Construction of a Dwelling ~ 144 Arcadia
Two Chain Road, Arcadia South (cont.)

Clause 13.02-1 Floodplain Management

Objectives:

- *To assist the protection of:*
 - *Life, property and community infrastructure from flood hazard.*
 - *The natural flood carrying capacity of rivers, streams and floodways.*
 - *The flood storage function of floodplains and waterways.*
 - *Floodplain areas of environmental significance or of importance to river health.*

Clause 13.03-2 Erosion and Landslip

Objective:

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

Clause 13.03-3 Salinity

Objective:

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

Clause 14.01-1 – Protection of agricultural land

Objectives:

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

Clause 14.01-2 Sustainable agricultural land use

Objectives:

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

6.2 Planning Permit Application No. 2015/001
- Use and Development of Land for the Construction of a Dwelling ~ 144 Arcadia
Two Chain Road, Arcadia South (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.*

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 subject site has an area of approximately 3.6 hectares. The proposal aligns with the character of the area as the pattern of development as the immediate area is considered rural residential rather than agricultural.

It is considered that the proposed dwelling will not create or worsen any salinity or erosion issues as no vegetation is proposed to be removed and any works required for the construction of the dwelling is conditioned to be of minimal impact. The proposal is unlikely to create any significant flooding issues as the dwelling is being built outside the Land Subject to Inundation Overlay.

The agricultural productivity or potential of the land is not considered to be lost as part of this proposal. Given the small size of the lot and surrounding development, the use of the land for agriculture would have been incompatible with surrounding land uses and it is considered that the construction and use of a dwelling will enhance the existing rural residential character of the area. The land and surrounding area has previously been identified in the *Rural Residential Strategy 2004* as part of an existing rural residential area which would be assessed in more detail for rezoning to fit the existing character.

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

Clause 21.02-6 Building Material – Muted Tones is considered relevant to the proposal and contains the following 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 22.01-3 Dwellings on small lots in the Farming Zone:

- *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.*

6.2 Planning Permit Application No. 2015/001
- Use and Development of Land for the Construction of a Dwelling ~ 144 Arcadia
Two Chain Road, Arcadia South (cont.)

- *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.*
 - *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.*

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

The proposal is considered to be generally consistent with the local policy in relation to dwellings on small lots in the Farming Zone. The dwelling will be accessible via an all-weather road and due to its siting is unlikely to inhibit the operation of agricultural land use on lots surrounding the site. The site has been identified as being in an area of rural living character in the *Strathbogie Rural Residential Strategy 2004*. As stated above, it is policy that should a dwelling be approved on a small lot, a Section 173 Agreement to prevent subdivision should be required. This will be required by way of condition on any permit issued.

Relevant Particular Provisions

No Particular Provisions are considered relevant to this proposal

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.*

6.2 Planning Permit Application No. 2015/001
- Use and Development of Land for the Construction of a Dwelling ~ 144 Arcadia
Two Chain Road, Arcadia South (cont.)

- *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 development is considered appropriate with regard to the decision guidelines of the Farming Zone. The land is located within an area of existing residential character as identified in the *Rural Residential Strategy 2004*.
- The application was referred internally to Council's Environmental Health Officer and Asset Services Department who offered no objection, subject to conditions.
- The application was advertised to adjoining neighbours by letter and a sign was placed onsite during the advertisement period.

6.2 Planning Permit Application No. 2015/001
- Use and Development of Land for the Construction of a Dwelling ~ 144 Arcadia
Two Chain Road, Arcadia South (cont.)

- One objection was received within the advertising period. Consultation between the Objector, Council and the Applicant was undertaken. No resolution was reached between the applicant and the objector.

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

Conclusion

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

Attachments

Site Plan

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

7. OTHER BUSINESS

7.1 Planning Applications Received
- 5 March to 7 April 2015

Following are listings of Planning Applications Received for the period 5 March to 7 April 2015.

RECOMMENDATION

That the report be noted.

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

Planning Applications Received

12/03/2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
339 Sargoods Road, Gooram VIC 3666	P 2015-028	Subdivision two (2) lot boundary realignment	Graeme Schneider - Monger & Tomkinson	\$0.00 *
41 Wardle Lane, Kelvin View VIC 3666	P 2015-027	Development of land for an extension of dwelling	Neatline Homes	\$320,000.00

16/03/2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
67 Spring Creek Road, Strathbogrie VIC 3666	P 2014-120 - 1	Amend Planning Permit P2014-120 to broaden the building envelope	Patrick Norris	\$0.00 *
68 Lily Street, Violet Town VIC 3669	P 2015-026	Subdivision Two (2) lots	Graeme Schneider - Monger & Tomkinson	\$0.00 *

17/03/2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
570 Arcadia Two Chain Road, Arcadia South VIC 3631	P 2014-106 - PC1	Use and development of land for intensive animal husbandry - greyhound facility for 100 dogs (including breeding and training)	Janine Gayle Walker	\$0.00 *
674 Tames Road, Strathbogrie VIC 3666	P 2015-029	Development of land for the construction of an outbuilding (Music Studio)	Troy Spencer	\$9,800.00

20/03/2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
2253 Dargalong Road, Nagambie VIC 3608	P 2015-033	Development of land to construct a relocated dwelling	David Saunders	\$65,000.00
877 Reedy Lake Road, Whroo VIC 3612	P 2015-030	Use of land for an Event - Operation BlackHawk	Daniel Palmer	\$3,000.00

23/03/2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
11-13 Binney Street, Euroa VIC 3666	P2015-021	Development of land for an extension to an existing building	Housemart Design	\$75,000.00

24/03/2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
11 Eliza Street, Euroa VIC 3666	P2015-032	Development of land for construction of a single storey dwelling	William & Wendy Sanders	\$200,000.00

30/03/2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
21 Kirwans Bridge Road, Kirwans Bridge VIC 3608	P2015-035	Development of land for the construction of a telecommunications facility	Aaron Sluczanowski	\$150,000.00
21 Lily Street, Violet Town VIC 3669	P2015-038	Development of land for one new dwelling	Neal Cartledge	\$180,000.00
30 McLeod Street, Kirwans Bridge VIC 3608	P2015-034	Use & development of land for the construction of a dwelling and shed with the demolition of an existing dwelling.	Narell Peacock	\$375,000.00

31/03/2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
1350 Geodetic Road, Molka VIC 3666	P2015-037	Development of land for alterations to an existing building	James Golsworthy	\$9,500.00
71 Bartons Lane, Creightons Creek VIC 3666	P2015-036	Use & Development of land for the construction of a horse shelter	Sam Verrocchi	\$40,000.00
715 Longwood-Ruffly Road, Longwood East VIC 3666	P2015-031	Use & Development of land for the construction of a dwelling	Neal Cartledge	\$180,000.00
Carters Road, Mlepoll VIC 3666	P2015-039	Development of Land for Native vegetation removal of fifteen (15) trees	KELLY, Andrew Michael	\$1,500.00

1/04/2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
67 Railway Street, Euroa VIC 3666	P2015-040	Use of land to amend the red line plan for liquor license	Blossom Hotels - Sam Buzzo	\$0.00 *

2/04/2015

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
325 Cherry Tree Road, Baillieston VIC 3608	P2014-099 - 1	Development of land for native vegetation removal	Geoffrey Robert Nicol	\$0.00 *
686 Drysdale Road, Euroa Victoria 3666	P2008/130 - 3	Use & Development of land for three (3) Egg Layer Farms, one (1) Rearer Pullet Farm, Caretakers House and associated infrastructure	Bruce Mitchell	\$0.00 *

*NB – 'Not applicable' in Cost of Works means either no development, endorsement of plans or amendment to the original permit

Total: 20