

Planning Report – Delegate

Application Details:

Application is for:	Use and Development of land for a distillery and associated sales; Use and Development for a manager's dwelling; Use and Development for group accommodation; Liquor License; Business Identification Signage.
Applicant's/Owner's Name:	Planography
Date Received:	13 September 2021
Statutory Days:	More than 60 days Objections and to Council Meeting July 2022
Application Number:	P2021-170
Planner: Name, title & department	Gillian Williamson Principal Planner Planning and Investment Department
Land/Address:	Lot 2 TP826504 V12232 F046 Parish of Marraweeny 1890 Euroa-Strathbogrie Road, Kithbrook VIC 3666
Zoning:	Farming Zone
Overlays:	Erosion Management Overlay
Is a CHMP required?	There is no ACHS so no CHMP is required
Is it within an Open Potable Catchment Area?	Yes
Under what clause(s) is a permit required? (include description)	<p><u>Farming Zone</u> Pursuant to Clause 35.07-1 a permit is required to use the land for a distillery and associated sales, use the land for a dwelling, use the land for group accommodation. (Industry and associated sales, Dwelling, Group Accommodation)</p> <p>Pursuant to Clause 35.07-4 a permit is required to construct or carry out works associated with a Section 2 use/s.</p> <p><u>Erosion Management Overlay</u> Pursuant to Clause 44.01-2 a permit is required to construct a building and carry out works. A proposal is exempt from notice requirements and review rights under this overlay.</p> <p><u>Clause 52.05 Signs</u> Signage in the Farming Zone is limited and is identified as a Category 4 under Clause 52.05. Business Identification Signage is limited to 3 square metres in total otherwise it is prohibited. It can be floodlit. The premises could have a Direction Sign with no conditions.</p>

	<p>A condition will be placed on any permit to issue limiting the size to 3sqm. Pursuant to Clause 52.05 a permit is required for the Business Identification Signage.</p> <p><u>Clause 52.06 Car Parking</u> This applies to a new use and before it or they commence, the number of car parking spaces required under this clause must be provided. The table requires 2.9 car parking spaces for every 100 sqm of net floor area for the distillery (industry). The distillery is approximately 495 square metres / 100 x 2.9 gives a total of 14 car parking spaces to provide. The Managers Dwelling requires 2 car parking spaces. The Group Accommodation is to our satisfaction however if you put it under dwelling, each unit has to provide 1 car parking space which equals 6 in total.</p> <p>14 + 2 + 6 = 22 car parking spaces.</p> <p>There is adequate room on site to provide for the required number of car parking spaces and to provide for an overflow car parking area.</p> <p><u>Clause 52.27 Licensed Premises</u> A permit is required to use land to sell or consume liquor if a licence is required under the Liquor Control Reform Act 1998.</p> <p><u>Clause 53.10 Uses and Activities with Potential Adverse Impacts</u> This has been considered (Food and Beverages 500m buffer) and the proposal is not located within 500m of any of the stated locations. Therefore no referral is required to EPA.</p>
Restrictive covenants on the title?	Nil
Current use and development:	Currently the juniper groves are being established
Adjacent to the Principal Road Network	No
Status of Road on Road Register	Local council road
Adjacent to Public Land	No
Any other matters:	<p>Approximately 12ha in a 40ha minimum area Not in the RRS2004 Relying on farming activity to justify dwelling Innovative farming enterprise that incorporates tourism</p>

Application Checklist:

Application form <input checked="" type="checkbox"/>	Title enclosed <input checked="" type="checkbox"/>	Fee paid <input checked="" type="checkbox"/>
Site Plan <input checked="" type="checkbox"/>	Plans of Proposal <input checked="" type="checkbox"/>	Planning Report <input checked="" type="checkbox"/>
Supporting Information <input checked="" type="checkbox"/>	Effluent Disposal <input checked="" type="checkbox"/>	Other <input type="checkbox"/>

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

After reading the definitions of a general or material conflict of interest as defined by the *Local Government Act 2020*, do you have a conflict of interest?

Yes

(if YES, please complete a Conflict of Interest and Declaration Making Declaration form)

No

Recommendation

That Council

- having caused notice of Planning Application No. P2021-170 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 the Strathbogie Planning Scheme in respect of the land known as (Lot 2 TP826504 V12232 F046 Parish of Marraweeny), **1890 Euroa-Strathbogie Road, Kithbrook VIC 3666**, for the **Use and Development of land for a distillery and associated sales; Use and Development for a manager's dwelling; Use and Development for group accommodation; Liquor License; Business Identification Signage**, in accordance with endorsed plans, subject to the following conditions:

Conditions:

Plans Required:

1. Prior to the commencement of the use and development a Integrated Land Management Plan must be submitted to the satisfaction of the Responsible Authority which will be endorsed and form part of the permit. The endorsed plan will be referred to in a Section 173 Agreement which will be required to be registered on title prior to the use and development commencing.

Section 173 Agreement:

2. Prior to the commencement of the use and development, the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987*. This agreement must be registered on title to the land pursuant to Section 181 of the *Planning and Environment Act 1987*. The owner must pay the costs of the preparation, execution and registration of the Section 173 Agreement. The Agreement must provide that –
The development and continued use of the land has been permitted on the basis that the Managers Dwelling is reasonably required for the operation of the agricultural and associated business pursuits as detailed in the endorsed Integrated Land Plan. Any changes require consent from the Responsible Authority and a revision of the Integrated Land Management Plan.

Endorsed Plans:

3. The use/s and development must be sited, constructed, and carried out in accordance with the endorsed plans and conditions. The endorsed plans and permit can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.

External Materials and Colours:

4. The external cladding of the proposed buildings, including the roof, must be constructed of materials in good order and condition and be of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.

Concealment of External Fittings:

5. All pipes, fixtures, fittings and vents servicing any building on the site, other than stormwater downpipes, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

Plant/Equipment or Features on Roof:

6. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the Responsible Authority.

Control of Light Spill:

7. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

No Flashing Light:

8. Flashing or intermittent light must not be displayed on the subject land except with the prior written consent of the Responsible Authority.

Security Alarms:

9. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

Noise Control:

10. The activities on site must not cause unreasonable noise or aggravated noise that may unreasonably impact the local community including being responsible for any contractors or tradespeople hired, in accordance with EPA 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues' Publication 1826.4 May 2021.

Neat and Tidy Site:

11. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.

Amenity During Construction and Ongoing Use:

12. The amenity of the area must not be detrimentally affected during the construction and through the ongoing uses, 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.

To the satisfaction of the Responsible Authority and any other authority as required by law.

Maximum Number of Patrons:

13. Not more than 49 patrons may be present on the premises at any one time without the prior written consent of the Responsible Authority.

Hours of Operation:

14. The hours of operation are –

Thursday to Sunday 10am till 7pm
Public Holidays 10am till 7pm

Unless with the prior written consent of the Responsible Authority.

This permit is subject to the issue of an appropriate liquor license by the Victorian Commission for Gambling and Liquor Regulation, and adherence to any conditions imposed by that body.

Management/Supervision of Premises:

15. At all times the premises is used for the purpose permitted by this permit, there must be present on the premises a person responsible for the good conduct of persons using the premises and a contact number is to be made available for any member of the public to easily access.

Deliveries:

16. Deliveries must be fully within the curtilage of the subject site.

Signage:

17. Business Identification Signage must not be greater in area than three square metres otherwise it is prohibited. Any other signage may require council consent.

If the sign is floodlit, the light must not impact surrounding land and must not impact on the road users to the satisfaction of the Responsible Authority.

Use of Land for a Dwelling:

18. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
19. The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
20. 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.
21. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

Use of Land for Group Accommodation:

22. The group accommodation 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.
23. The group accommodation must be connected to a reticulated electricity supply or have an alternative energy source.
24. The use of the land for group accommodation hereby permitted may only be undertaken in conjunction with a residential dwelling on the allotment.
25. The group accommodation must have all weather access suitable for emergency vehicles.
26. The group accommodation must only be used to accommodate persons away from their normal place of residence for short term stays.

Environmental Health:

Wastewater Management

27. Prior to the commencement of works for the proposed dwelling, distillery, and accommodation buildings the owner shall lodge with the Council an application to Install a Septic Tank System in accordance with the Code of Practice – Onsite Wastewater Management, Publication 891.4, July 2016 and the Land Capability Assessment prepared by Zoltan Lorincz, Land Capability Assessment Victoria, Report No. LCA26072021, dated July 2021, revision 1 (May 2022). The application must include a wastewater treatment system design to incorporate the recommendations in the Land Capability Assessment relating to load balancing.
28. Any permit issued for the installation of a septic tank system will be for wastewater generated and discharged from the dwelling, distillery, restaurant and accommodation buildings only. The discharge of any wastewater or other liquid generated from an industrial or agricultural process must not be discharged to any septic tank system approved by the Council's Environmental Health Officers under the Victorian Environment Protection Act 2017 and the Code of Practice – Onsite Wastewater Management, Publication 891.4, July 2016.

Food Act Registration

29. The applicant shall lodge with Council's Environmental Health Department detailed plans demonstrating that the area of the building proposed to be used for storage, preparation and sale of food are adequate for the type of food to be sold at the premises and that the structure and fittings installed complies with the requirements of Food Standards Australia and New Zealand Food Safety Standards 3.2.3 – Food Premises and Equipment.
30. Prior to commencing construction of any food preparation area, the owner must seek the advice of the Council's Environmental Health Officer.
31. Prior to commencing the business, the applicant shall make application to the Council's Environmental Health Department for the registration of the premises under the Food Act 1984.

Engineering:

Vehicle Crossing Location

32. Prior to the commencement of works on site, the vehicle crossing to the subject land from the road shall be constructed at a location and of a size and standard 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. Reference should be made to Clause 12.9.2 "Rural Vehicle Crossings" of the Infrastructure Design Manual. Refer to standard drawing SD255 for small vehicles or SD265 for large vehicles.

33. The vehicular crossing shall have satisfactory clearance to any power or Telecommunications pole, manhole cover or marker, or street tree and have a minimum of 50mm of gravel from the shoulder to the property boundary.

Rural Drainage - Works

34. 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.
35. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority and must be carried out in accordance with the following EPA guidelines and policies: -
 - Environmental Guidelines for Major Construction Sites (EPA publication No. 480, December 19985); and
 - Construction Techniques for Sedimentation Pollution Control (EPA publication No. 275, May 1991)
36. Prior to the commencement of any works, the design parameters for any defined watercourse crossing(s), both structural and hydraulic design, shall be approved by the Responsible Authority (GBCMA – Works on Waterways Permit).

Erosion Management

37. Construction must be carried out in accordance with the Report Recommendations provided by BM Civil Engineers dated 4.2.2022 with the Job No. 58091-3.

Asset Protection

38. Before any works commences, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. This includes 50 metres on both sides of the property or to the property boundary of the next active building site, whichever is the closest. Listed in the report must be the condition of kerb & channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Councils assets/Public infrastructure caused as a result of the development or use permitted by this permit. (Please contact Council for the appropriate forms).

Goulburn Murray Water:

39. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
40. All wastewater from the dwelling, accommodation units and cellar door sales building must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. All systems must be an EPA approved

system, installed, operated and maintained in accordance with the relevant EPA Code of Practice and Certificate of Conformity.

41. Wastewater systems must be appropriately designed to manage the potential volume of wastewater generated under full occupancy and use including appropriately sized disposal areas calculated using a full water balance specific to the proposal and subject land.
42. The wastewater disposal areas associated with all systems must meet minimum setback distances of 100m from the nearest waterway, 60m from any dams, 20m from any bores and 40m from any drainage lines.
43. Wastewater disposal areas must be kept free of stock, buildings, driveways, carparking, and service trenching and must be planted with appropriate vegetation to maximise their performance. Stormwater must be diverted away. Reserve wastewater disposal fields of equivalent size to the primary disposal field must be provided for use at each location in the event that the primary field requires resting or has failed.
44. There must be no wastewater or other waste products from the gin distillation process discharged to any waterways.

Expiry:

Uses and Development

45. This permit will expire if one of the following circumstances applies:
 - a) The uses and development are 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) Any one of the uses cease for two or more 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.

Signage

46. On expiry of the permit, all signs and structures built specifically to support and illuminate it must be removed.

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 creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.
- This proposal has not been assessed against Clause 54/55/56.

Proposal

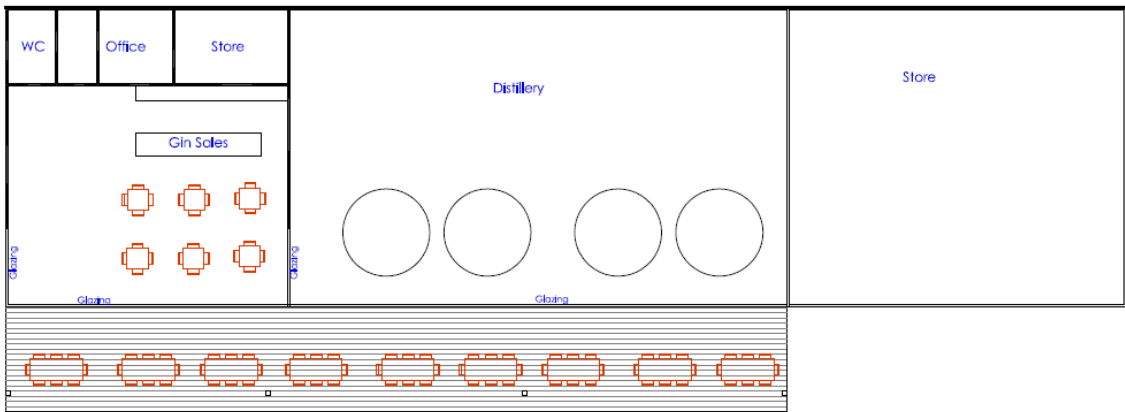
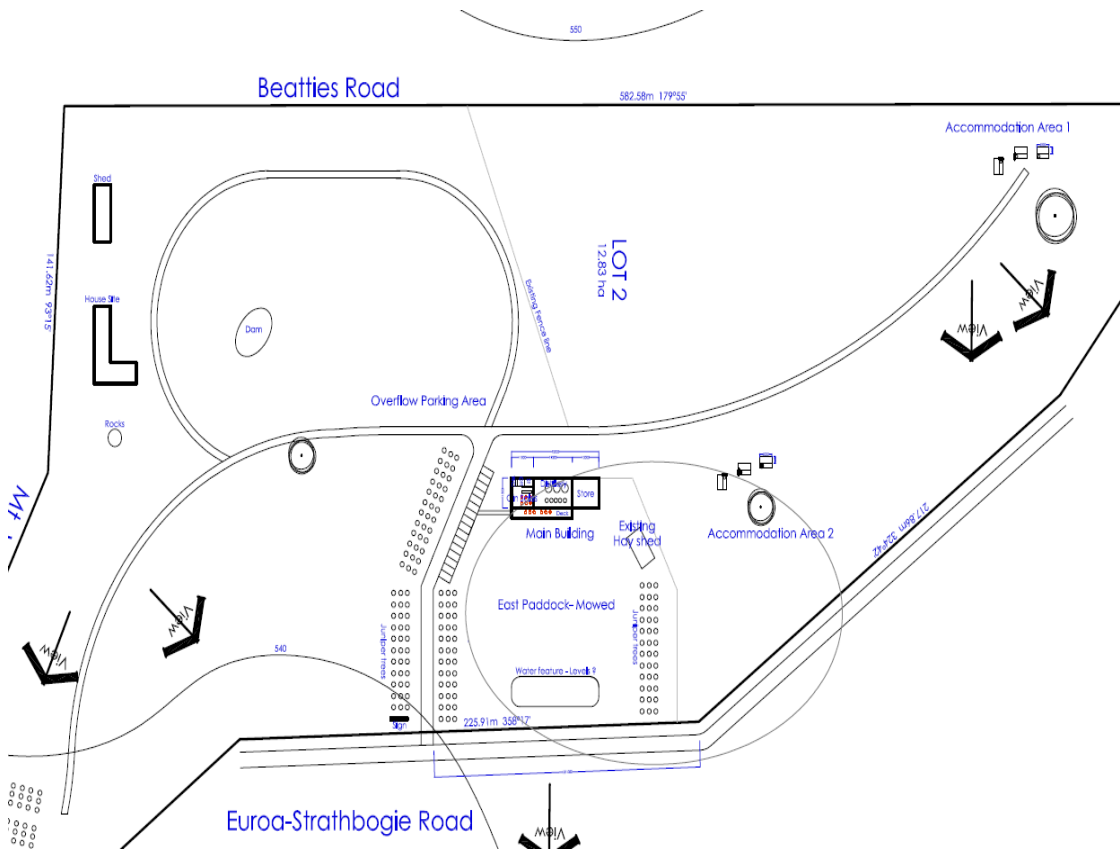
Agricultural Use

The proposal is to use the land for agriculture to continue to manage an establishing Juniper grove to provide the main ingredient that authorises a spirit to be called Gin. The grove has been planted out and other botanicals are intended to be grown. This is to meet a world market demand for botanicals and gin, particularly the Australian produced variety.

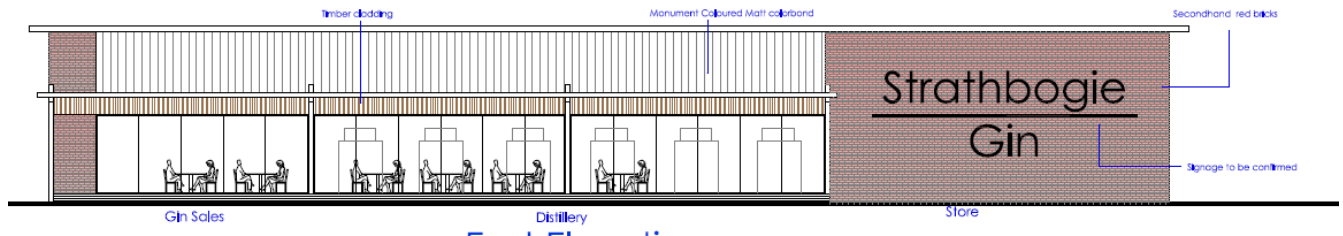


Gin Distillery and associated sales

Associated with this agricultural use is a proposed gin distillery with associated sales and a liquor licence to support the production, tastings and sales. This will be within one building on site, visible from the road and entrance –

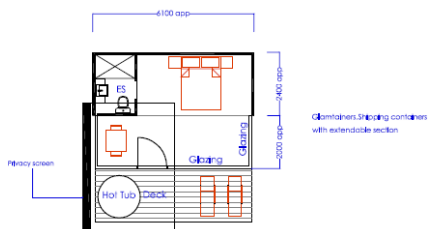
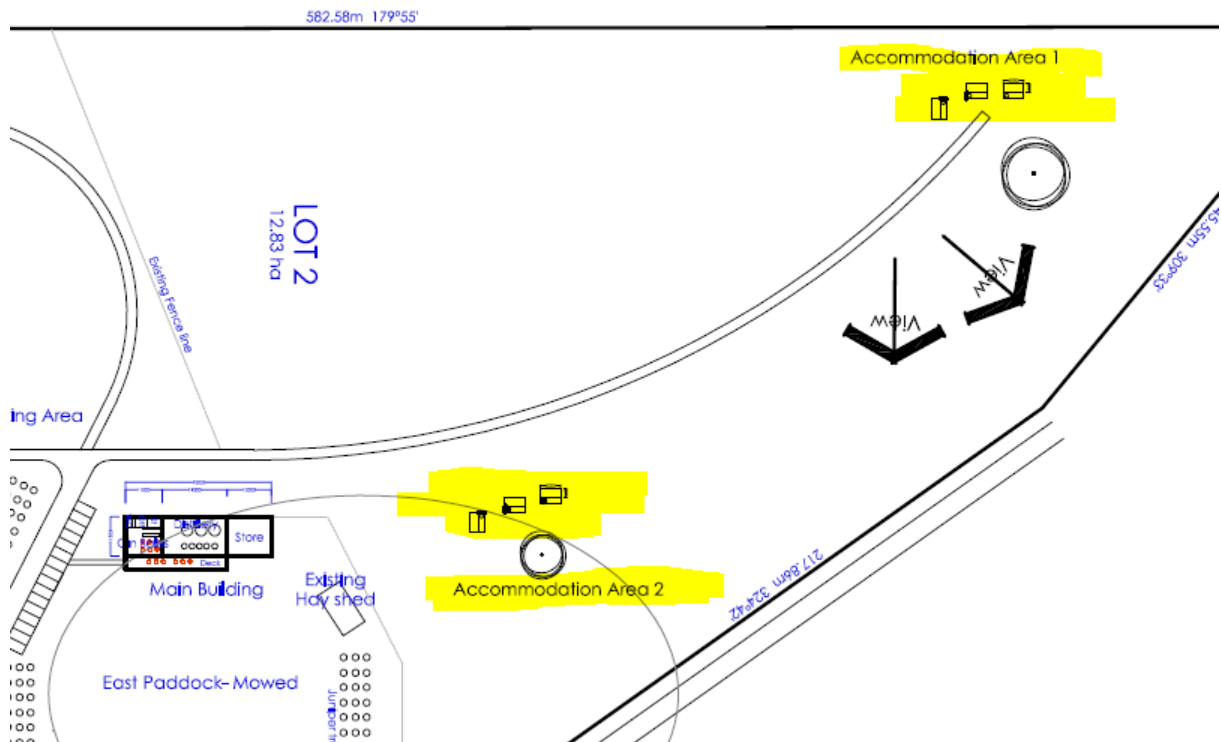


Floor Plan



Group Accommodation

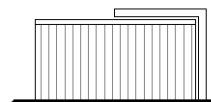
Group accommodation is also proposed. This will comprise six one-bedroom units, located over two locations on the site –



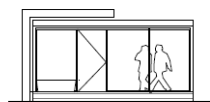
Floor Plan



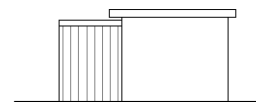
North Elevation



West Elevation



East Elevation



South Elevation

Accommodation Units

Manager Dwelling

Approval is also sought for a Manager's Dwelling and associated shed, required to support the proposed agro-tourism venture, and this is to be located in the south west corner of the site. The proposed shed does not trigger the need for a planning permit –

Subject site & locality

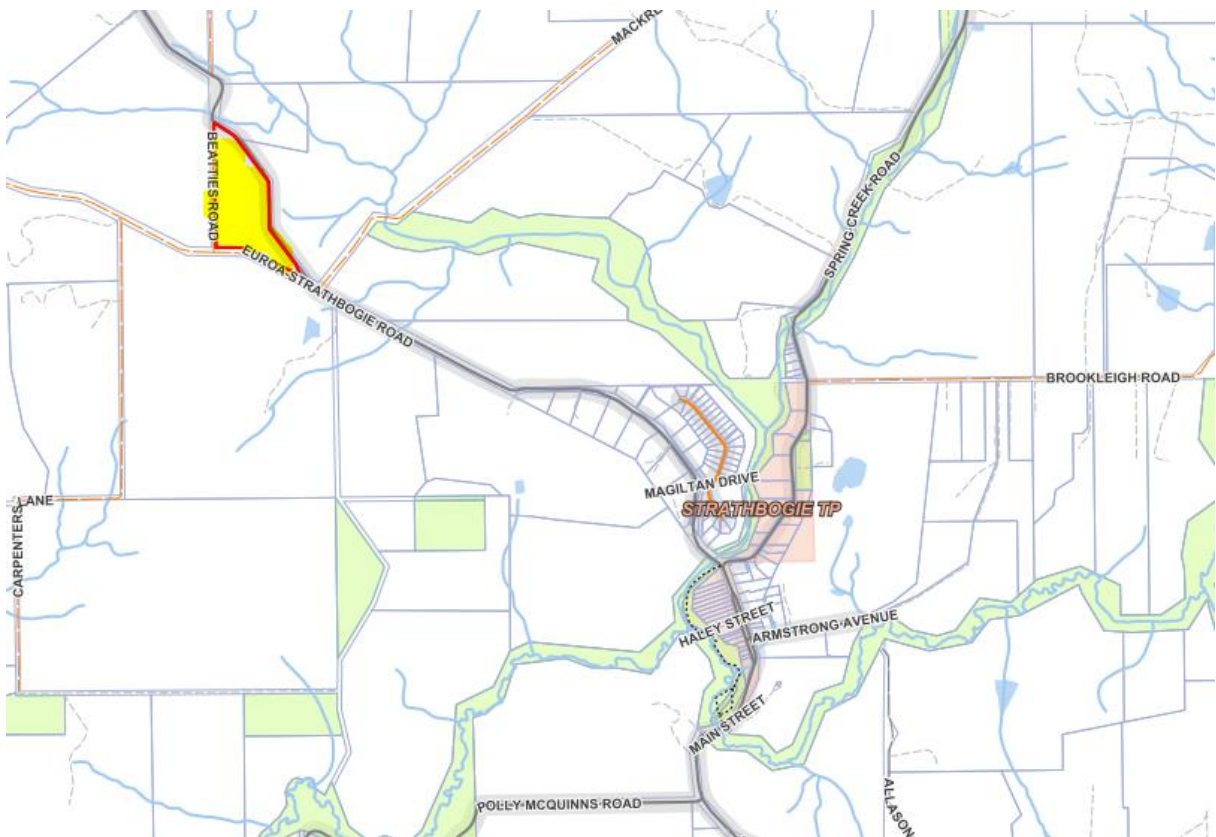
Inspection date/s: Numerous	Officer: Gill, Braydon, Trish	Comments: initial support for proposal after team discussion and IA
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The site is located approximately 2kms to the north of the settlement of Strathbogie.

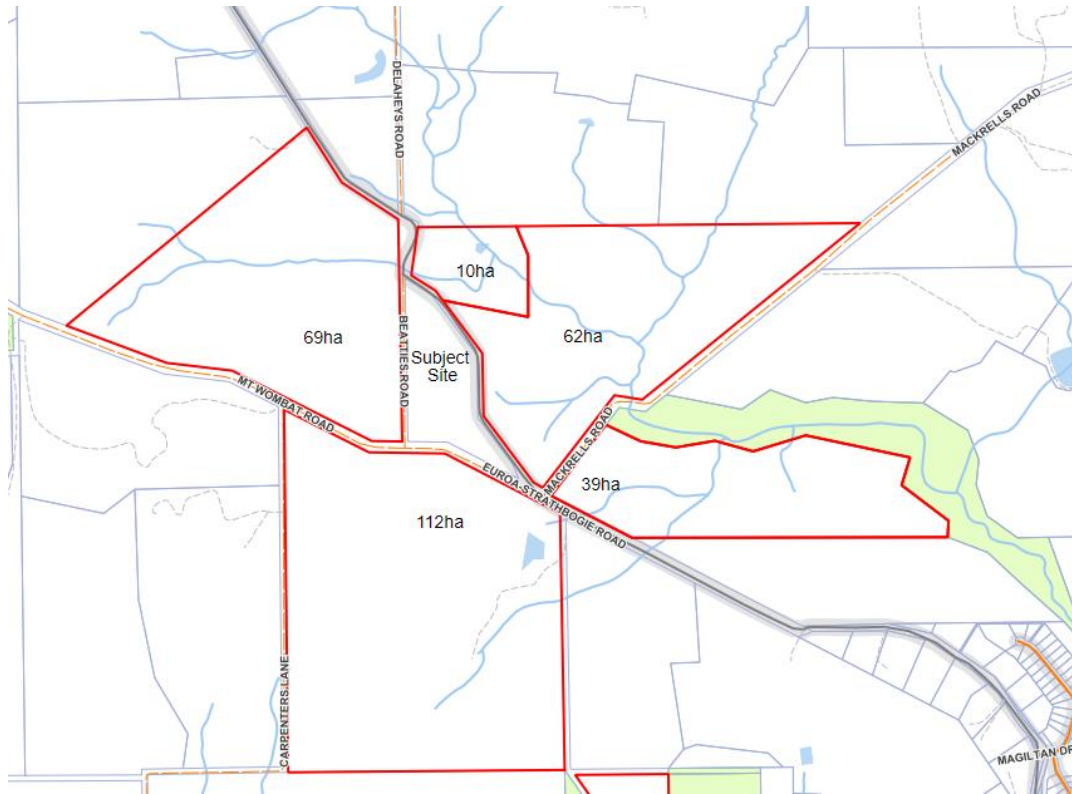
The site measures approximately 12ha and is being currently planted out for a Juniper grove and other botanicals.

It has previously been used for grazing and small scale hay cropping. There is an existing farm outbuilding on site.

Access is via the Euroa-Strathbogie Road.



The site is located amongst larger farms in an area where 40ha is the minimum lot size for an as of right use for a dwelling.



Permit/Site History

A search of Council's planning electronic records results in the following planning permits being issued for the site:

There are no previous planning permit applications associated with this subject site on council's current systems.

Further Information

Further Information Required: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No What was requested? Refer to documents on file 2/3 still waiting on Red Line Plan, max no. patrons, operating hours 5/3 Further Information reviewed by Braydon and advised ready for advertising (TH)	
FI Requested: 22/9/2021	FI Received: 5/3 Further Information reviewed by Manger and advised ready for advertising (TH) Advertising closed on 29 March 2022

Advertising/Public Notification

Is notification/advertisement required under section 52? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Exempt				
Please provide comment				
Advertised by:		<input checked="" type="checkbox"/> Council	<input type="checkbox"/> Applicant	
Site plan selected:		<input checked="" type="checkbox"/> Plans		
		<input checked="" type="checkbox"/> Advertising list		
Add Instructions on Spear		<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No
Letters: Yes	Signs: No	Paper: No	Sent: Yes	Advertising closed : 29/3

Objections received?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Number: 12 objections and 5 supporting submissions
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Objection
<p><u>Objector 1</u></p> <ul style="list-style-type: none"> • Size of the land is too small for the proposal. • The plans identify a larger intent than identified. • Distillery building larger than allowed under the FZ. • Accommodation prohibited in FZ. • Buildings not being located in one area as required under the FZ. • Juniper trees are a fire danger. • Clause 14.01-2S Sustainable Agricultural Land Use - junipers are introduced and do not support the long term sustainable use and management of existing natural resources and do not support adaptation of the ag sector to respond to potential risks arising from climate change. • Clause 14.01-2S Catchment Planning and Management – only one toilet not allowing for gender diversity or disabled. Patron number on plans are all different and it is perceived that the intention is to serve a much larger market without having to provide the correct waste water system. • Clause 15.01-6S Design for Rural Area – protects and enhances rural character – as no other similar does not meet this. • Clause 17.04-1S Tourism Hume – not an appropriate location for cellar door sales, nor international tourism and does not meet the guidelines. • Clause 22.01 Housing and House Lot Excision in the FZ – not large enough lot to justify the dwelling and accommodation. The sustainability of the farming business is questionable given a saturated gin market. • Clause 52.06 Car Parking – current plans show 16 cars and need for more also questioning that this will allow patrons to drink drive. • Clause 52.27 Licensed premises – not clear what type of license – applicants being less than transparent.

- Question of proximity of Mt Wombat and the proposed introduced fire hazard of juniper trees.
- Heavy traffic potentially into the future.
- Hours of operation excessive.
- Given no public transport, everyone has to drive to site and car parking is supposedly not impacted.
- Out of date traffic data on which to base the traffic study and therefore barely relevant to the proposal, false, spurious – if the proposal is successful then it is likely increased traffic will affect all nearby roads.
- Using trees as a way of circumventing regulations in a deliberate ploy to obtain a dwelling.
- LCA contains inaccuracies with ultimate goal to create full function reception venue / does not provide for all of proposal / includes a restaurant and full commercial kitchen which is not in the proposal.
- We chose this area for retirement because it is surrounded by farmland, not a culture of drinking supported by many pubs and bars and restaurants. We prefer country life and outdoor pursuits. Existing can satisfy our needs. Made the choice of dwelling site based on information council had given around the FZ and dwellings on small lots. If approved it would be the beginning of the end of the FZ. If successful the business would grow changing the character of the area entirely. The country roads could become congested with people who have been drinking and without eating (assumed from the plans that do not include an eating component although documents do reference restaurant). A more appropriate location would be Euroa.

Objector 2

- Inappropriate location due to successful craft distilleries being located within larger regional centres with proximity to public transport with supporting hospitality, tourism and commercial infrastructure in place. More clearly suited to Euroa or Avenel.
- Location of significant distance to connect with its brand.
- Due to site size the proposal does not comply with the PEA87, PS and FZ which stipulates minimum 40ha. Accommodation component prohibited.
- Does not align with purpose of FZ which is for agricultural activities.
- Question raised about wedding area on plans and commercial kitchen. The primary use is not for farming rather for the other components. It is deceptive.
- The owners purchased with the knowledge that there was a requirement of 40ha and the owners assumed council would make an exception that they are providing an ag use which sets a dangerous precedent for future apps to misuse land in FZ.
- Have to use cars to and from and therefore risk of visitors consuming alcohol.
- Increased road traffic in area.
- Traffic analysis is inaccurate and out of date, irrelevant and misleading.
- Purchased in Strathbogie after searching for a property on which to have a dwelling and establish garlic farm. Was told by council that existing uninhabitable dwellings on sites would be considered no dwelling use and I would not be granted a planning permit for a new build on a lot less than 40ha. I was also informed that without exception it is the intention of council to preserve FZ properties for rural purposes and not residential, despite having a

plan for the ag use of the land. I therefore abandoned my search and am looking forward to living in town. Support of this proposal would demonstrate a clear bias toward one candidate over another.

- I will also be affected by changes to this community that this proposal will incur. I chose Strathbogie for its access to pristine natural experiences, its quiet supportive community and freedom from city concerns. Alcohol culture, drunk drivers and event based tourism is not something I thought I was buying into.

Objector 3

- Shocked as to the size and scope of the proposal and consider it completely out of character to the area having moved here for peace and quiet.
- We operate a 100acre farm and a home based baking business and take our product off site to sell.
- The planning information provided is confusing and contains many vagaries.
- How big is the restaurant.
- Site is agricultural and yet the proposal also proposes the other components.
- The accommodation units on this small site is far too many. If approved it will change from a sheep fattening paddock to seven dwellings, a distillery, factory, restaurant.
- There is a disconnect between the proposal ag activity and the other elements. I see no justification.
- The traffic plan suggests a certain number of trips which adds an extra 72 cars making journey up the hill from Euroa.
- The road is not 80km limited but 100km limited and therefore all signage and calculations are invalid.
- I worry at the proposal being located up a 21km winding road abundant with wildlife and this road already presents danger with too many cars, overtaking and speeding.
- Increase of greenhouse gases produced by the expected traffic and with the reality of our fast warming planet and council declaring a climate emergency can we afford such extravagance.
- Juniper trees are combustible often referred to as gasoline trees.
- For pest control if netting or gas guns are required, having the trees about 100m from us as direct neighbours, does not excite me at all.
- Non farming superannuation funds buying up majority of properties over 40ha – can we see some details of this claim.
- I cannot see on the plans the amount of water required to maintain the trees. I know they have put in a bore and some figures would be appreciated, particularly for a drought year as the creeks drop. Water is a concern out here.
- Can details be given on the amount of water to be used to make the proposed amount of gin excluding the trees.
- I am concerned about wastewater management for the proposal and any impact it may have on the Magiltan Creek which supports wildlife.
- More consideration about the use of the land should be given as it is a highly visible lot and this is a large proposal and we cant put the genie back in the bottle once opened. It sets a precedent. What will this area look like in ten years. Can this area really cope with these

bigger proposals. A glass of gin on an evening in the hills sounds great but what are the costs.

- I will be affected by noise and traffic, increased risk of bushfire and the wildlife on the roads from increased traffic.
- The proposal is too big for a small piece of land.
- The water issues both for waste and bore have not been thought through properly.
- The peace and quiet and natural beauty of the hills is under threat from big developments and we really need to think about what we are doing.

Objector 4

- This proposal would be a radical precedent set for our area and not in keeping with the PS or current zone.
- The proposal will completely destroy productive farmland with ag the smallest component.
- The proposal is in stark contrast to Clause 14.01-1L (discourage proliferation of dwellings on lots less than the minimum lot size specified in the FZ).
- Strathbogie Brewing Company already in the area and their neighbours would not even know they were there. They have no need for door sales, restaurants, car parks to make their business viable. They take all produce off site and sell it locally. They do not increase the traffic to the area.
- I do not oppose the growing of botanicals to flavour gin, however I would like more research done on the flammable nature of the juniper trees as they are planted 100m from our house.
- I do not oppose the distillery or the dwelling for the manager. I do however completely oppose the use of ag land to be turned over to tourism and car parking. I oppose that so much infrastructure and non ag pursuits be burdened on a small lot. If tourism is to increase here it should be done sustainably on larger parcels of land so as not to overburden the landscape and natural resources. I oppose setting a precedent of under sized farming lots being turned into high impact manufacturing and tourism destinations.
- What certainties can council offer as to the management of growth of this proposed application. Where is the limit? The owners talk of it as being a well being centre, concerts, all ideas that will deplete the ag land. I bought here due it being farming land as the 40ha protected us from the aggressive push of manufacturing and tourism as our direct neighbours. In the two years we have seen neighbouring farms sold and subdivided with lots less than 40ha. Now we are being asked to consider a 12ha block turned over to tourism and industry. How do we have any reason to believe this is not the beginning of the end of valued ag land.

Objector 5

- Would be classed as agriculture not residential or industrial.
- When I contacted the shire about one extra house on my property I was told no and yet I am allowed to put on a portable home for a carer.
- The proposed juniper trees will not be of benefit to native wildlife.
- Has council considered how narrow the roads are.
- Has council considered the drunken drivers.
- Will council require all rate payers to cough up for expenses to maintain the roads for the extra users.

- What type of tourism is it when it is likely no money going into local farmers pockets, benefitting only an absolute minority. I am for agriculture but a gin distillery falls far short of that. I believe the shire should have consulted with all residents.

Objector 6

- Increased traffic on Mt Wombat Road either to see attractions or just taking a scenic drive – narrow road and does not allow for cars to be travelling in opposite directions without stopping to allow. If trees down then cannot do a turn. It is an accident waiting to happen and therefore increase in accidents.

Objector 7

- The proposal does not constitute primary production and to proceed will inevitably lead to a re zone of our land. A problem now is the amount of people who come from Melbourne who wont tolerate the use of fire arms for pest control. They don't like animals being moved along roads. They don't like gas guns. I wont know about the extra problems and complaints arising from the proposed development until its too late.

Objector 8

- Juniper trees are one of the most fire prone known as gasoline trees and this is a BPA at the foot of Mt Wombat and presents a significant hazard. I applaud council for implementing a Climate Action Plan and residents are invited to take resilience action to address climate change and I expect council to lead the way which must surely include mitigating the risk of fire.
- The application gives little information on how water will be sourced for the gin production and any impact on the local catchment.
- Wastewater management from the distillation process and sudden downpours which would cause storage ponds to spill over. Any waste water run off from this property will enter the Seven Creek catchment and impact on local communities.
- This development will generate increased traffic and the Euroa Strathbogie Road has magnificent verges which provide habitat to much wildlife. Over recent years traffic has built up and there has been significant road kill and many residents believe the road should be limited to 80kms. There are tight bends and visitors often drive in hazardous manner as tourism increases on the local roads. Again I draw your attention to the climate Action Plan and question the sense in generating carbon emissions from these extra journeys where there are other options for a more central site for this proposal.
- The proposal does not respect current values and character of the Strathbogie Tableland. There are many who do not wish tourism to be promoted having moved to the area for peace and quiet and beauty. Without thoughtful planning this will be changed forever. Already at popular local destinations we are seeing rubbish left behind and groups of careless drinkers and vehicles being driven too fast on the narrow roads. Now is the time for council to consider creative ways to invite visitors that would leave its beauty intact and

wildlife safe. Life is not the same as it once was. The climate crisis presents an enormous challenge and must be the backdrop for all development applications submitted to Council.

Objector 9

- Commercial development in a rural zoned area
- The house is required to water and maintain the juniper trees however there is no evidence of a water licence
- The application says they are unsure of the production of the juniper trees thus the requirement for the house and distillery are questionable
- Wastewater discharge is within 150m of the creek and there are also discrepancies in the LCA
- The development will affect me by increased noise due to activities protecting the juniper berries from birds, increase in traffic, limited signage will increase visitors missing driveway and thus turning in my driveway, the draw on the water table if a bore is used

Objector 10

- This proposal would put an end to this of land being used as ag land with the bulk of the land being used for dwelling and manufacturing and function centre – clearly a loss to our diminishing productive ag land in the state
- Does not meet the minimum area for such a proposal
- The proposal does not meet the objective at Clause 02.03-4 (?)
- The land should not be available to be used for the purpose in the application
- The proposal will detract from the beautiful and charming rural landscape
- The addition of 8 buildings on this site would be extremely obtrusive and dominate the landscape and detract from what is a beautiful area
- As this is productive farmland it should not be used for residential development and further deplete the ag base. Total inappropriate.
- I will be affected by the close proximity, increase in noise, traffic volume, privacy negatively impacted, lost productive ag land that affects us all
- Discrepancies in the application and lack of attention to detail raising concerns about effluent flows, use of chemicals and disposal of chemicals
- The area has nothing to gain from this excessive and inconsiderate application

Objector 11

- Proposal is commercial, industrial and residential in nature and there is limited support in the FZ
- Nexus between growing juniper trees and proposed uses is tenuous with the proposal failing to meet the core purpose of the FZ
- The intensification of the land with the proposed uses fragments existing ag use on the land and reduces future capacity of the site for ongoing ag uses
- The proposal has the potential to limit the operation and expansion of adjoining and nearby ag activities and introduces land conflicts
- There are unresolved traffic and parking issues

- There are unresolved wastewater issues
- The proposal fails to demonstrate a suitable response to the purpose, requirements and decision guidelines of the FZ and has potential to undermine the strategic objectives of the zone
- There are clear issues and a lack of consistency between the plans and reports and as such there is little comfort that the proposed uses will not result in adverse impacts to the surrounding areas
- We request that council resolve to refuse this application for a planning permit

Objector 12

- States it as a six unit development and does not fit in with the environment of the tableland – ‘city like’ development not suitable for a rural area and could set a precedent for others to apply for similar.

Support # 1

- We are excited about the opportunities this proposal brings.

Support # 2

- What a breath of fresh air this would be to a very landlocked area with few opportunities to create something new from a small parcel of land. It is impressive to see the potential use on just 30 acres and all in keeping with the agricultural farming values, offering a version of paddock to plate. So few are innovative enough to consider the land size as valuable to farming.
- The tourist accommodation is incredibly welcome with former accommodation site having closed in recent years due to change of ownership.
- Jobs are hard to come by in rural areas and the employment opportunities could be great. We need industry for employment into the future.
- I believe this will be a great drawcard to Strathbogie.

Support # 3

- The proposal will be complimentary to all the other wineries, breweries etc on the tablelands.

Support #4

- Well thought out plan that can achieve the objectives of the FZ.
- They have already established plantings for the manufacturing of gin
- The proposal for food, drink and accommodation on site is separated from sensitive receptors and should not cause unreasonable detriment
- Traffic assessment identifies no problems with safety and increase in numbers can be accommodated
- The proposal makes use of a small parcel for ag, provides much needed accommodation, provides for tourism which is encouraged, has demonstrated it will be able to accommodate all structures on the land without impacting erosion, effluent disposal, traffic safety

Support # 5

- Innovative, thoughtful.
- All proposed uses have been or are currently available on the tableland and we see no reason that this should be denied

Officer Response

The proposal seeks to accommodate a number of uses on the land. With regards to the agricultural component, the grove is already being established and therefore it would seem that the site can accommodate this. No planning permit is required for this component of the proposal. With regards to the gin distillery and group accommodation, it has been identified on plans that the built form can be accommodated on site along with the areas required for car parking. With regards to wastewater management and effluent fields, it has been assessed that the site can accommodate the uses and their requirement for on site wastewater management. Goulburn Murray Water and Council's Environmental Health Officer have given conditional consent.

None of the uses proposed by the planning application are prohibited under the Farming Zone.

Sustainability is the ability to support something over a period of time and the Farming Zone supports use and development based on comprehensive and sustainable land management practices and infrastructure provision. It is considered there is benefit for the land owners and business managers to sustain this proposal into the future.

Concerns raised in relation to drink driving is a matter for to Victoria Police.

The sale and consumption of liquor requires a planning permit approval. The applicant will also be required to apply with VGCCC for the appropriate liquor license that suits their needs. Council is provided with a red line plan and checks in with the local police and Local Laws to ensure they have no concerns. This process is repeated by VGCCC and the license issued comes with a set of rules. Conditions on permit to a certain extent replicate these requirements such as operating hours, number of patrons etc, as well as amenity. The licensee is audited regularly by VGCCC and is also notified by the police if there are concerns with the management.

This site is not within the Bushfire Management Overlay which is a trigger for planning that an area is at higher risk from bushfire. The juniper grove does not require planning permit approval and therefore it would have been an over extension of council's powers to have sent it to CFA for a bushfire assessment.

Council's engineers had no comments to make on the supporting traffic information provided with the application and have provided conditional consent.

This Shire is growing in response to the population growth and movements of people. With that growth and movement of people comes other changes such as the introduction of new services and tourist destinations for visitors and residents.

The restaurant and wedding area has been removed from the application. Any changes to endorsed plans, permit or Business /Farm Plan issued for a proposal, require prior consent from Council and may introduce a Primary Consent which means going through the process again.

The Group Accommodation has been assessed as being able to be accommodated on site without impacting on surrounding land uses.

Noise from farming is common and should be an expectation in the Farming Zone. Any unreasonable noise is the responsibility of the EPA primarily. Local Laws are also able to investigate noise at times if it falls within their jurisdiction. Environmental Health are also able to investigate noise at times again if it falls within their jurisdiction. Council will always assist where possible.

Council is not involved in the provision of ground water. Any proposed bores and dams require consent from Goulburn Murray Water.

Wastewater management has been reviewed by Goulburn Murray Water and Council Environmental Health Officer who has given conditional consent.

Consultation

Consultation with the objectors has been undertaken.

The objections were redacted and forwarded to the applicant so they could see the issues and concerns raised. A response to the objections was received to council.

The Assessing Officer responded to the objectors individually regarding their concerns.

Council officers met with the objectors to discuss their concerns and go through draft permit conditions. This was organised as a meet the planner with individual time slots, at the Strathbogie Memorial Hall.

No objections have been withdrawn.

Referrals

External Referrals/Notices required by the Planning Scheme:

REFERRALS					
Add instructions on SPEAR:				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Referrals Authority	Type of Referral	Referral Clause and Description	Additional Instructions	Date sent	Date received including Advice/Response/Condition
GMW	Section 55 - Determining	Clause 66.02-5 - Special Waer Supply Catchment		8/2/22 Doc 773518	28/03/2022 No objections subject to conditions

HEALTH	Internal			Via Email Doc 773630	RFI for a revised LCA Conditional consent
ENGINEER	Internal		Access Drainage Erosion risk	Via Email Doc 773630	Conditional consent
Local Laws	Internal		Liquor License	Via Email Doc 773630	No objections
Local Police	Section 52		Liquor License	16/03/22 Doc 773597	23/03/2022 no objection
Eco Dev and Tourism Team	Internal		For their information	Via Email Doc 773630	

Assessment

Zones and Overlays

Farming Zone

The purpose of the zone is to provide for the use of land for agriculture; to encourage retention of productive land and ensure that non agricultural uses do not adversely affect the use of land for agriculture. The purpose is also to encourage the retention of employment and population to support rural communities. Use and development based on comprehensive and sustainable land management practices are encouraged.

Pursuant to Clause 35.07-1 a permit is required to use the land for a distillery and associated sales, use the land for a managers dwelling and use of the land for group accommodation.
(Industry, Dwelling, Group Accommodation)

Pursuant to Clause 35.07-4 a permit is required to construct or carry out works associated with a Section 2 use or uses.

The use of the land for dwellings must provide all weather access, potable water, electricity and be able to manage wastewater.

A report has been provided to explain how the dwelling responds to the decision guidelines for dwellings in the zone.

Appropriate decision guidelines are considered to be –

- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.
- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.
- 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.
- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.
- The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.
- 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.
- 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.
- 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.
- Whether the use and development will require traffic management measures.

Officer Response

The proposal supports the purpose of the zone in that it proposes an ongoing agricultural use which is proposed to support an agrotourism business.

The agricultural pursuit and the associated agrotourism business, including the distillery and sales and accommodation, has the potential to provide employment and add to the rural community population.

The owners propose to sustainably manage the land given they wish their business to establish and thrive.

The manager's dwelling has been determined as being required to manage the accommodation, run the distillery and manage the farming aspect. Conditions on any permit to issue will require that there is a manager on site when there are visitors so this is envisaged that there will have to be a presence for the majority of the time.

The site has been assessed as being able to accommodate the use and development and provide for wastewater management.

The context of this lot is that although surrounded by large farms, it is an 'island', created by a constructed main road running adjacent to the eastern boundary (Euroa-Strathbogie Road), with two other unconstructed roads (Mt Wombat) along the other two boundaries. There is reasonably dense vegetation along these roads and site boundaries which also creates a buffer between this small lot and the larger farming lots that surround it mitigating amenity impacts from farming activities. This scenario also lends itself to mitigation of impacts the other way – from the agrotourism business on the surrounding larger farms. The context of this small lot would make it unsuitable for any of the larger farms to have expanded into.

The proposal will be required to be supported by a Business / Farm Plan to be endorsed and referenced in a Section 173 Agreement that ties the managers dwelling in with the pursuits on site.

The proposed buildings are simple, modern designs, single storey, utilising muted colours and non-reflective materials and this is underpinned in a condition on permit.

It was anticipated that assessment and management of traffic needed to be investigated, and a Traffic and Parking Impact Assessment was submitted with the application. This concludes 'it is considered that the proposed development will have a less than minor effect on the existing traffic in the surrounding roads.' Council's Engineers have made no requirements for traffic movements into and out of the site.

Erosion Management Overlay

The purpose of the overlay is to protect areas prone to erosion, landslip, other land degradation by minimising land disturbance and inappropriate development.

Pursuant to Clause 44.01-2 a permit is required to construct a building and carry out works. A proposal is exempt from notice requirements and review rights under this overlay.

Appropriate decision guidelines are considered to be -

- Any proposed measures to manage concentrated runoff and site drainage.
- Any proposed measures to minimise the extent of soil disturbance.
- Whether the removal of vegetation will increase the possibility of erosion, the susceptibility to landslip or other land degradation processes, and whether such removal is consistent with sustainable land management.
- The need to stabilise disturbed areas by engineering works or revegetation.
- Whether the land is capable of providing a building envelope which is not subject to high or severe erosion concern.
- Whether buildings or works are likely to cause erosion or landslip.

Officer Response

The Geotechnical Report has concluded that the proposal will not create erosion or landslip and provides recommendations for construction. Therefore, this report will be endorsed forming part of the permit and a condition placed on any permit issued to ensure reference to it.

Municipal Planning Strategy and Planning Policy Framework

Clause 02.03 Strategic Directions – Strathbogie has a population of approximately 300 and is located on an elevated plateau in the Strathbogie Ranges. It is growing in popularity as a food and wine area and has many attractive natural features for visitor and resident enjoyment.

The Shire is likely to be affected by less reliable and more extreme increased rain and temperatures resulting in increased drought, fire, and storm damage.

Approximately 230,000 hectares of land is farmed in the Shire by approximately 700 farming businesses. The proximity to Melbourne attracts both farming activities that rely on the city access and also puts increased pressure on council to allow rural residential development in farming areas that are picturesque.

The Shire's economy is centred on agriculture with a recognition that there are opportunities for expansion in the food, wine and equine industries.

Tourism consists of sporting and recreational activities, wineries, heritage, and exploring the natural environment. The strategic direction for tourism is to encourage new and existing tourist development that supports employment and recreation, natural environment and heritage.

Clause 11 directs planning to recognise the need for and as far as practicable contribute towards economic viability, health, wellbeing and choice. Planning is directed to maintain the village character of Strathbogie town.

Clause 12.03 Water Bodies and Wetlands – the objective is to protect and enhance river corridors, waterways, lakes and wetlands.

Clause 13 Environmental Risks and Amenity – planning should identify, prevent and minimise the risk of harm to the environment, human health and amenity through land use and development compatibility and effective controls to prevent or mitigate significant impacts.

Clause 13.04-2S Erosion and Landslip – the objective is to protect areas prone to erosion, landslip or other land degradation processes. This is to be achieved by preventing inappropriate development in unstable areas or areas prone to erosion.

Clause 14 Natural Resource Management – planning should ensure agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production.

Clause 14.01-1S Protection of Agricultural Land – the objective is to protect the state's agricultural base by preserving productive farmland. This is to be achieved by identifying areas of productive agricultural land including land for primary production and intensive agriculture.

Clause 17 Economic Development – planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity. Planning is to contribute to the economic wellbeing of the state and foster economic growth.

Clause 17.01 Employment – the objective is to strengthen and diversify the economy and this is to be achieved by supporting rural economies to grow and diversify, encouraging appropriate new and developing forms of industry, agriculture, tourism. Diversifying agricultural activity by encouraging the growth of the food and wine sector.

Clause 17.02 Commercial – the objective is to encourage development that meets the community's needs for retail, entertainment, office and other commercial services. This is to be achieved by providing outlets for trade related goods or services that have adequate on site parking.

Clause 17.04 Tourism – the objective is to encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination. This is to be achieved by encouraging development of a range of well designed and sited tourist facilities that in turn can create innovative tourism experiences. Facilitate rural tourism activities that support agricultural enterprises such as cellar door and farm gate sales and accommodate in appropriate locations.

Clause 17.04-1L directs planning to promote the Shire as a tourism destination and is directed to support tourist developments associated with rural land uses.

Officer Response

The application proposes a distillery with associated sales, along with group accommodation, supporting a rural activity of growing botanicals. This is to be located north of the township and will have limited impact on retention of the village character. This proposal provides for the retention, enhancement and ongoing sustainable management of a small agricultural lot that enhances the local and regional economy through the introduction of the tourism initiatives.

The risk of erosion and landslide has been evaluated and allows for the proposed development with referral to the recommendations for construction within the Geotech report submitted with the application.

Goulburn Murray Water (GMW) have reviewed the proposal which is located within a Special Water Catchment Area and have given conditions for any permit issued. GMW and Council's Environmental Health Officer are satisfied that wastewater from the proposal can be retained and treated within the site so as to not impact on surrounding land and the environment.

Relevant Particular Provisions

Clause 52.05 Signs

The purpose is to regulate the development of land for signs and associated structures, ensuring signs are compatible with the amenity and visual appearance of an area, and that they do not contribute to excessive visual clutter or disorder.

Pursuant to Clause 52.05 a permit is required for the Business Identification Signage.

Signage in the Farming Zone is limited and is identified as a Category 4 under Clause 52.05. Business Identification Signage is limited to 3 square metres in total otherwise it is prohibited. It can be floodlit. The premises could have a Direction Sign with no conditions and a Bed and Breakfast sign for the premises.

A condition will be placed on any permit to issue limiting the size to 3sqm.

Officer Response

A condition will be placed on any permit to issue limiting the size to 3sqm.

Clause 52.06 Car Parking

The purpose is to ensure that car parking is provided to ensure the provision of an appropriate number of car parking spaces and ensuring that car parking does not adversely affect the amenity of the locality.

This applies to a new use and before it or they commence, the number of car parking spaces required under this clause must be provided.

The table requires 2.9 car parking spaces for every 100 sqm of net floor area for the distillery (industry). The distillery is approximately 495 square metres / 100 x 2.9 gives a total of 14 car parking spaces to provide.

The Managers Dwelling requires 2 car parking spaces.

The Group Accommodation is to our satisfaction however if you put it under dwelling, each unit has to provide 1 car parking space which equals 6 in total.

14 + 2 + 6 = 22 car parking spaces.

The requirement for car parking can be met. There is ample room on site for the require number of car parking spaces as well as for any overflow parking.

Officer Response

The site can accommodate all the car parking required on site.

Clause 52.27 Licensed Premises

The purpose is to ensure that licensed premises are situated in appropriate locations and that any potential impact on the amenity is considered.

A permit is required to use land to sell or consume liquor if a licence is required under the Liquor Control Reform Act 1998.

Appropriate decision guidelines are considered to be –

- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

Officer Response

The proposal was notified to the local police and Local Laws, neither of whom responded with any concerns. Council considers that there are no concerns at this time with the proposed production of gin, sales of the product, or the area in which it will be produced and served. The red line area is limited to the distilling and cellar door building. Given the location of the building within the site and the location of the site itself, which is not adjacent to any sensitive uses, that the amenity of the area will not be detrimentally impacted. It is acknowledged that the VGCCC will provide requirements on any liquor license granted that have to be complied with otherwise the license can be removed.

The decision guidelines of Clause 65

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

<ul style="list-style-type: none"> • The matters set out in section 60 of the Act. 	<ul style="list-style-type: none"> • The matters set out have been considered throughout the report.
<ul style="list-style-type: none"> • Any significant effects the environment, including the contamination of land, may have on the use or development. 	<ul style="list-style-type: none"> • No significant effects have been identified.
<ul style="list-style-type: none"> • The Municipal Planning Strategy and the Planning Policy Framework. 	<ul style="list-style-type: none"> • The proposal has been assessed against the planning scheme.
<ul style="list-style-type: none"> • The purpose of the zone, overlay or other provision. 	<ul style="list-style-type: none"> • The zone and overlay have been considered.
<ul style="list-style-type: none"> • Any matter required to be considered in the zone, overlay or other provision. 	<ul style="list-style-type: none"> • Considered.
<ul style="list-style-type: none"> • The orderly planning of the area. 	<ul style="list-style-type: none"> • It is considered that the proposal having been assessed against the planning scheme will result in orderly planning outcome.
<ul style="list-style-type: none"> • The effect on the environment, human health and amenity of the area. 	<ul style="list-style-type: none"> • The impacts on the environment, human health and the amenity of the area have been considered.
<ul style="list-style-type: none"> • The proximity of the land to any public land. 	<ul style="list-style-type: none"> • The land is not within close proximity to public land.
<ul style="list-style-type: none"> • Factors likely to cause or contribute to land degradation, salinity or reduce water quality. 	<ul style="list-style-type: none"> • The erosion and landslide risk has been assessed.
<ul style="list-style-type: none"> • Whether the proposed development is designed to maintain or improve the 	<ul style="list-style-type: none"> • The stormwater management has been considered and

quality of stormwater within and exiting the site.	appropriate conditions have been applied.
<ul style="list-style-type: none"> The extent and character of native vegetation and the likelihood of its destruction. 	<ul style="list-style-type: none"> The proposal does not include native vegetation removal.
<ul style="list-style-type: none"> Whether native vegetation is to be or can be protected, planted or allowed to regenerate. 	<ul style="list-style-type: none"> Not applicable.
<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> The erosion and landslide risk has been assessed and the development can be accommodated on site without a high risk.
<ul style="list-style-type: none"> The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts. 	<ul style="list-style-type: none"> There is ample room on site for loading and unloading and all other vehicular movements and traffic flows. A supporting traffic report identified that the increase is projected traffic is a minimal addition to the existing. The access was also looked at for sight distances and there were no issues raised as long as the access point was kept clear of obstructions.
<ul style="list-style-type: none"> The impact the use or development will have on the current and future development and operation of the transport system. 	<ul style="list-style-type: none"> The only way that this site and area can be accessed effectively is by car, coach or bike. There is no public transport. This development will have no impact on the operation of the transport system. Council's Engineering Department have not identified any concerns with the current proposal.

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

Hume Regional Growth Plan 2014 – *'The regional economy is based on access to natural resources such as water and productive land, environmental assets and proximity to major transport links. Agriculture, manufacturing and tourism are important industry sectors.'*

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 and Assessment

- Retention of agricultural land.
- Introduction of non agricultural uses.
- Risk of erosion and landslide.
- Protection of the Special Water Catchment Area.

Officer Response:

The proposal intends to retain and enhance agricultural production on a small agricultural lot. The main farming activity will be supported by production of a beverage, associated sales, and offering tourist accommodation on site. It is considered that this satisfies the need to retain and sustainably manage farming land into the future, whilst providing tourist activities, all of which feed into the local and regional economy.

The risk of the erosion and landslide has been assessed and the proposal can be accommodated.

Goulburn Murray Water have reviewed the proposal which is located in a Special Water Catchment Area and have given conditional consent.

The proposal is considered to be weighted in favour of support when assessed against the planning scheme.

Conclusion

After due assessment of all the relevant factors, it is considered appropriate to grant a planning permit, subject to conditions.

Decision:

Delegate Report		Council Report	
Yes		Yes	
Determination:	Choose an item.	Determination Date:	

Endorsed Plans:

Date:	Plan Numbers:


Declaration:

In making this decision as a delegated Officer, I declare that I have had regard to the decision-making requirements of the Strathbogie Shire Council's Governance Rules 2020 outlined by Rule 6 and have:

Made a fair, balanced, ethical and impartial decision - Sub Rule 6(c)(i)	<input checked="" type="checkbox"/>
Made a decision based on merits, free from favouritism or self-interest and without regard to irrelevant or unauthorised considerations- Sub Rule 6 (c)(ii)	<input checked="" type="checkbox"/>
Applied the principles of natural justice to my decision, ensuring any person whose rights will be directly affected by the decision has been entitled to communicate their views and have their interests considered - Sub Rule 6(d)	N/A
Identified the person or persons whose rights will be directly affected Sub Rule 6(e)(i)	<input checked="" type="checkbox"/>
Given notice of the decision Council must make under Sub Rule G(e)(i)	N/A
Ensured that such person(s) have had an opportunity to communicate their views and have their interests considered before I made the decision - Sub Rule 6(e)(i)	N/A
Included information about how I've met these Sub Rules in my delegate report- Sub Rule 6(e)(iv)	<input checked="" type="checkbox"/>

Attachments

Plans for endorsement

Assessing Officer:	G Williamson Principal Planner	Reviewing Officer:
Signature:	<i>G Williamson</i>	Signature:	
Date:	17 June 2022	Date:	24 June 2022

Copy of permit to:

GMW

Date sent:..... Initials:.....