



STRATHBOGIE SHIRE COUNCIL

Notice is hereby given that a Meeting of the Strathbogie Shire Council will be held, virtually, on Tuesday 16 March 2021, commencing at 6.00 p.m.

Chair:	Chris Raeburn (Mayor)	<i>(Honeysuckle Creek Ward)</i>
Councillors:	Melanie Likos (Deputy Mayor)	<i>(Lake Nagambie Ward)</i>
	Laura Binks	<i>(Mount Wombat Ward)</i>
	Reg Dickinson	<i>(Lake Nagambie Ward)</i>
	Sally Hayes-Burke	<i>(Seven Creeks Ward)</i>
	Kristy Hourigan	<i>(Seven Creeks Ward)</i>
	Paul Murray	<i>(Hughes Creek Ward)</i>
Officers:	Julie Salomon	Chief Executive Officer (CEO)
	David Roff	Director, Corporate Operations (DCO)
	Amanda Tingay	Director, Community and Planning (DCP)
	Dawn Bray	Executive Manager, Governance and Customer Service (EMGCS)
	Kristin Favaloro	Executive Manager, Communications and Engagement (EMCE)

Until further notice, all meetings conducted by Strathbogie Shire Council will be virtually, and live streamed on our website at www.strathbogie.vic.gov.au. This ensures we are meeting the Victorian Government's COVID-19 social distancing requirements to help keep our communities safe

We encourage all community members to watch the meeting online, given we have had to close the public gallery until further notice following legal advice around how to comply with COVID-19 social distancing rules.

Questions for the Ordinary Council Meeting can still be submitted, and will be read out by the Mayor during the Public Question Time component of the meeting and responded to in the usual way by Councillors and/or Officers. **Questions must be submitted by 12 noon on Tuesday 16 March 2021** by emailing info@strathbogie.vic.gov.au

1. Welcome
2. Acknowledgement of Traditional Land Owners
'I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present'
3. Apologies / Leave of Absence
4. Disclosure of Conflicts of Interest
5. Confirmation of Minutes of Previous Meetings
- Council Meeting Tuesday 16 February 2021
6. Petitions
7. Reports of Mayor and Councillors and Delegates
8. Public Question Time

Public Question Time will be conducted as per Rule 31 of Strathbogie Shire Council's Governance Rules. A copy of the required form for completion and lodgment, and associated Procedural Guidelines, are attached for information.

As the questions are a permanent public record and to meet the requirements of the Privacy and Data Protection Act 2014, only the initials of the person asking the question will be used together with a Council reference number.

Response/s to Public Questions raised and responded to at the Ordinary Council meeting held on Tuesday 16 February 2021 were documented in the Minutes of the meeting.

9. Officer Reports
10. Notices of Motion
11. Notices of Rescission
12. Urgent Business
13. Confidential Business



Julie Salomon
CHIEF EXECUTIVE OFFICER

12 March 2021

Council does not generally permit individuals to make audio recordings of meetings. Individuals are required to make a written request addressed to the Council (Director, Corporate Operations) should they seek to obtain permission to do so.

NEXT MEETING

The next Ordinary Meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday 20 April 2021, at the Euroa Community Conference Centre, commencing at 6.00 p.m.



Council Ref. / 2021

Public Question Time Form Ordinary Council Meeting

Strathbogie Shire Council has allocated a time for the public to ask questions in the business of an Ordinary Meeting of the Council.

How to ask a question:

Questions submitted to Council must be:

- (a) in writing, state the name, address and telephone number of the person submitting the question and generally be on this form, approved by Council; and
- (b) submitted to Council in person or electronically.

The Chair may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read. Please refer to the back of this form for procedural guidelines.

Question/s: (please print clearly with a maximum of 25 words)

1.....
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2.....
.....
.....
.....
.....

Name:

Address:

Telephone Number:

Signature: (signature not required if submitted by email)

Date of Ordinary Council Meeting:

Privacy Declaration: Personal information is collected on this form to allow Council to undertake follow-up / response and to confirm identity for future reference where necessary. The questioner's initials only, together with a question reference number, will be included in Council's Minutes. Council Minutes are a public document which will be published on Council's Website and are available for public scrutiny at any time. Other personal details included on this form will not be included in the Minutes and will be kept for Council reference only, unless disclosure is required for law enforcement purposes or under any other statutory requirement.

Public Question Time - Procedural Guidelines

Question Time

- (1) There must be a public question time at every Ordinary meeting to enable members of the public to submit questions to Council.
- (2) Sub-clause (1) does not apply during any period when a meeting is closed to members of the public in accordance with section 66(2) of the Local Government Act 2020 (the Act)
- (3) Public question time will not exceed in duration any time limit imposed by the Chairperson, in the Chairperson's discretion in order to ensure that Council has sufficient time in which to transact Council business.
- (4) Questions submitted to Council must be:
 - a) in writing, state the name and address of the person submitting the question and generally be in a form approved or permitted by Council; and
 - b) submitted to Council in person or electronically.
- (5) No person may submit more than 2 questions at any 1 meeting.
- (6) If a person has submitted 2 questions to a meeting, the second question:
 - a) may, at the discretion of the Chair, be deferred until all other persons who have asked a question have had their questions asked and answered; or
 - b) may not be asked if the time allotted for public question has expired.
- (7) The Chair, a Councillor or a member of Council staff nominated by the Chair may read to those present at the meeting a question which has been submitted in accordance with this clause.
- (8) Notwithstanding sub-clause (6), the Chair may refrain from reading a question or having a question read if the person who submitted the question is not present in the gallery at the time when the question is due to be read.
- (9) A question may be disallowed by the Chair if the Chair determines that it:
 - a) relates to a matter outside the duties, functions and powers of Council;
 - b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - c) deals with a subject matter already answered;
 - d) is aimed at embarrassing a Councillor or a member of Council staff;
 - e) relates to personnel matters;
 - f) relates to the personal hardship of any resident or ratepayer;
 - g) relates to industrial matters;
 - h) relates to contractual matters that are commercial in confidence;
 - i) relates to proposed developments;
 - j) relates to legal advice;
 - k) relates to matters affecting the security of Council property; or
 - l) relates to any other matter which Council considers would prejudice Council or any person.
- (10) Any question which has been disallowed by the Chair must be made available to any other Councillor upon request.
- (11) All questions and answers must be as brief as possible, and no discussion may be allowed other than by Councillors for the purposes of clarification.
- (12) Like questions may be grouped together and a single answer provided.
- (13) The Chair may nominate a Councillor or the Chief Executive Officer to respond to a question.
- (14) A Councillor or the Chief Executive Officer may require a question to be put on notice. If a question is put on notice, a written copy of the answer will be sent within 14 days to the person who asked the question.
- (15) A Councillor or the Chief Executive Officer may advise Council that it is his or her opinion that the reply to a question should be given in a meeting closed to members of the public. The Councillor or Chief Executive Officer (as the case may be) must state briefly the reason why the reply should be so given and, unless Council resolves to the contrary, the reply to such question must be so given.

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9. OFFICER REPORTS

9.1 **Planning Permit Application No. P2020-115** **- Use and development of land for five (5) dwellings; five (5) lot subdivision** **and creation of an easement ~ 38 and 40 River Street, Nagambie**

Author: Principal Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for five dwellings and a five-lot subdivision, with the creation of an easement, at 38 and 40 River Street, Nagambie.
- The application was advertised, and six (6) objections were received. The objections raised issues related to character of the area, overdevelopment of the site and impact on infrastructure.
- The application is being heard before the Council due to the unresolved objections.
- The application has been assessed within the 60-day statutory time frame.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework, the General Residential Zone, the Floodway Overlay and the Land Subject to Inundation Overlay.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

APPLICATION DETAILS

Application is for:	Use and development of land for five (5) dwellings; Five (5) lot subdivision; Creation of easement.
Applicant's/Owner's Name:	Tess Coates, Spiire
Date Received:	14 September 2020 Further information was requested on 13 October 2020 in relation to the objections. This was received on 2 February 2021.
Statutory Days:	42
Application Number:	P2020-115
Planner: Name, title & department	Melissa Crane Principal Planner Planning and Investment Department
Land/Address:	Lot 1 on Plan of Subdivision 86248, Certificate of Title Volume 08806 Folio 636 and Lot 2 on Plan of Subdivision 86248, Certificate of Title Volume 08812 Folio 618 Known as 38 and 40 River Street, Nagambie VIC 3608
Zoning:	General Residential Zone
Overlays:	Floodway Overlay, Land Subject to Inundation Overlay
Is a CHMP required?	No, not in an area of sensitivity.

9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

Is it within an Open Potable Catchment Area?	No, not in an open potable catchment area.
Under what clause(s) is a permit required? (include description)	<p>Clause 32.08, General Residential Zone – Planning permit required to use the land for 5 dwellings.</p> <p>Clause 32.08, General Residential Zone – Planning permit required for buildings and works associated with section 2 use.</p> <p>Clause 32.08, General Residential Zone – Planning permit required for subdivision.</p> <p>Clause 44.03, Floodway Overlay – Planning permit required for buildings and works.</p> <p>Clause 44.03, Floodway Overlay – Planning permit required for subdivision.</p> <p>Clause 44.04, Land Subject to Inundation Overlay - Planning permit required for buildings and works.</p> <p>Clause 44.04, Land Subject to Inundation Overlay - Planning permit required for Subdivision.</p> <p>Clause 52.02, Easements, Restrictions and Reserves – Planning permit required to create an easement.</p>
Restrictive covenants on the title?	No
Current use and development:	Residential/accommodation.

RECOMMENDATION

That Council:

Having caused notice of Planning Application No. P2020-115 to be given under section 52 of the Planning and Environment Act 1987 and having considered all matters required under Section 60 Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 32.08 General Residential Zone, 44.03 Floodway Overlay and 44.04 Land Subject to Inundation Overlay of the Strathbogrie Planning Scheme in respect of the land known Lot 1 on Plan of Subdivision 86248, Certificate of Title Volume 08806 Folio 636 and Lot 2 on Plan of Subdivision 86248, Certificate of Title Volume 08812 Folio 618, 38-40 River Street, Nagambie VIC 3608, for the Use and Development of land for five dwellings, five lot subdivision and creation of easement in accordance with endorsed plans, subject to the following conditions:

Endorsed Plans

- The subdivision must be generally in accordance with the endorsed plans. These endorsed plans can only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.***

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- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

2. *The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.*
3. *In the event that the subdivision is not completed, prior to the commencement of use of the dwellings both lots (38 and 40 River Street, Nagambie) must be consolidated.*

Section 173

4. *Prior to the issue of a Statement of Compliance a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:*
 - (a) *A building exclusion zone, as shown on the endorsed plan and in accordance with Goulburn Murray Water Condition (39).*
 - (b) *If the development is not completed prior to the issue of a statement of compliance:*
 - i. *The development of the five dwellings here by permitted must be undertaken in accordance with the endorsed plan.*
 - (c) *For the ongoing management of the dwellings hereby permitted:*
 - i. *The on-site detention for stormwater for the future dwellings will each be designed by a qualified drainage engineer and must be approved by the Council prior to construction. A copy of each of the approved plans will be held by Council for future reference.*
 - ii. *The stormwater system must incorporate principles of Water Sensitive Urban design and be designed so that the rate of storm water runoff from the development must not be more than the rate of runoff from the site prior to the development, all to the satisfaction of the Responsible Authority. The drainage system must be designed in accordance with the requirements of Clause 19 of the IDM "On-site Detention Systems". The on-site storage size for the development must be in accordance with Table 13. The allowable discharge rate to Council drains shall be the lesser of; a) that which is outlined in Table 13 and b) the remaining capacity of the existing pipe (clause 19.3.1 of the Infrastructure Design Manual).*
 - iii. *A default allowable discharge rate of 25 l/s/ha may be used in lieu of calculations to determine the remaining capacity of the existing drainage network*
www.designmanual.com.au.

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- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

- iv. Each on-site detention stormwater system must be constructed either prior to, or currently with, the construction of any dwelling on the specified lots. Each on-site detention stormwater system on the specified lots must be completed prior to connection to Council's drainage system and be constructed in accordance with the approved design plans.*
- v. The owner will maintain, and not modify without prior Council written approval, each on-site detention system and will allow each on-site stormwater detention system to be inspected by a duly appointed officer of the Council at mutually agreed times.*
- vi. The Owner will pay for all the costs associated with the construction and maintenance of each on-site detention system.*

The Section 173 Agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be recorded on the folio of the Register to the subject land pursuant to Section 181 of the Planning and Environment Act 1987.

Fencing:

- 5. Prior to the issue of a Statement of Compliance for the subdivision, or the commencement of use for the dwellings (whichever comes first), the existing fencing located approximately 10m from the western boundary of the allotment on the public land must be removed to the satisfaction of the responsible authority.*
- 6. Prior to the issue of a Statement of Compliance for the subdivision, or the commencement of use for the dwellings (whichever comes first), the permit holder must fence, at its own cost, the boundary of the allotment abutting the public land, in accordance with the endorsed plans. Apart from the sections identified for 1.8m high fencing, this fencing must be of an open style to the satisfaction of the Responsible Authority. Such fencing must be sympathetic and respect the public land.*

Muted Tones:

- 7. 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.*

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

Landscaping

- 8. Prior to the issue of a Statement of Compliance for the subdivision, or the commencement of use for the dwellings (whichever comes first), the area set aside for landscaping, as shown on the endorsed plan, must be planted in accordance with that plan. This area must then be maintained to the satisfaction of the Responsible Authority and must not be used for any other purpose except with the prior written approval of the Responsible Authority.**

Engineering Plans and requirements

- 9. Prior to the certification of the subdivision, plans must be submitted for the approval of 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, electronic version (AutoCAD format) must be provided. The plans must be generally in accordance with the plans submitted with the application modified to show: -**
- (a) All bearings, distances, levels, street names, lot numbers, lot sizes, reserves and easements.**
 - (b) Road Reserve, carriageway and verge widths**
 - (c) Dimensioned common/shared access and parking bays.**
 - (d) A common area set aside for rubbish and mail collection, where required.**
 - (e) Drainage design.**
 - (f) Other information relevant to the land such as dams, wells, filled land, creeks and natural water courses etc**
- 10. Prior to the commencement of works, including demolition and excavation, a Construction Management Plan must be submitted to and endorsed by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must provide details of the following:**
- (a) Hours for construction activity in accordance with any other condition of this Permit;**
 - (b) Measures to control noise, dust, water and sediment laden runoff;**
 - (c) Measures to inform adjacent residents of work schedules, etc.**
 - (d) Measures relating to removal of hazardous or dangerous material from the site, where applicable.**
 - (e) A plan showing the location of parking areas for construction and sub- contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors / tradespersons upon completion of such areas, without delay;**

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- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

- (f) A Traffic Management Plan showing truck routes to and from the site;*
 - (g) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;*
 - (h) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site.*
 - (i) Measures to ensure that sub-contractors / tradespersons operating on the site are aware of the contents of the Construction Management Plan;*
 - (j) Contact details of key construction site staff;*
 - (k) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on Council road reserves; and*
 - (l) Any other relevant matters.*
11. *Prior to the commencement of works, a Site Environment Management Plan (SEMP), must be submitted to and approved by the responsible authority and, where relevant, other authorities. When approved, the plan will be endorsed and form part of this planning permit.*
12. *Prior to the issue of a Statement of Compliance for the subdivision, or the commencement of use for the dwellings (whichever comes first), the permit holder must design and construct a footpath in accordance with standards outlined within the Infrastructure Design Manual, to the satisfaction of the Responsible Authority. The footpath must be designed and constructed for the entire frontage of the subject site to the top of the court bowl.*
13. *Prior to the commencement of works, construction plans for all proposed roadways and pathways must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will form a part of the permit. The plans must be drawn to scale with dimensions via an electronic copy (AutoCAD format) provided. The plans must show:*
- (a) The road reserve, carriageway and verge widths*
 - (b) All infrastructure including drainage, concrete footpath, kerb and channel, public lighting and utility services*
 - (c) Vehicle crossing for each lot*
 - (d) Street tree locations*
 - (e) All surface details*
 - (f) Proposed court bowl (if required)*
 - (g) All relevant road signage and line marking*
 - (h) Speed limit signs as appropriate.*

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- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

14. The final design parameters for the roadways and pathways must be based on Council's Infrastructure Design Manual (IDM) as modified from time to time, all to the satisfaction of the Responsible Authority. All works shall conform to plans and specifications prepared by a qualified engineer at Owner's expense and approved by the Responsible authority. A list of specific details and requirements are as follows: -

- (a) Pram crossings must be provided at all intersections to the satisfaction of the responsible authority.**
- (b) Include in the design plans recommendations resulting from any required Traffic Impact Assessment.**
- (c) Provide temporary turnaround areas for roads terminated at stage boundaries. The size must be sufficient to turn service and emergency vehicles around without reversing. A minimum of 250mm depth of approved crushed rock material is required.**
- (d) A pavement design must be submitted for the entire road network by a suitably qualified engineer in accordance with clause 12.7 of the IDM. Irrespective of such design a minimum pavement depth of 250mm must be provided in an approved material. Council requires that the pavement wearing course be in accordance with Clause 12.7.16.**
- (e) Design of roads and footpath must be accessible to people with disabilities and include tactile ground surface indicators, and kerb ramps required for the safe movement of people with disabilities as per relevant Australian Standards.**
- (f) The Vehicle crossings to the subject allotments from the road must be constructed at a location and of a size and standard satisfactory to the Responsible Authority.**
- (g) Subsoil drainage installed for all kerb and channel.**

15. Prior to the commencement of works or prior to the plan of subdivision being certified under the Subdivision Act 1988, (whichever comes first) a properly prepared drainage discharge plan with computations to the satisfaction of the responsible authority 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 information submitted must show the details listed in the council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual. The information and plans must include:

- (a) details of how the works on the land are to be drained and/or retarded.**
- (b) computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority**
- (c) independent drainage for each lot (for subdivisions only)**
- (d) location of the overland flow paths within the development**

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- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

- (e) underground pipe drains conveying stormwater to the legal point of discharge for each allotment*
- (f) measures to enhance stormwater discharge quality from the site and protect downstream waterways Including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;*
- (g) documentation demonstrating approval from the relevant authority for the legal point of discharge.*
- (h) the details of the incorporation of water sensitive urban design in accordance with clause 20.3.1 of the Infrastructure Design Manual.*
- (i) maintenance schedules for treatment elements.*

Street numbering

- 16. Prior to the Certification of each stage of the subdivision or prior to the occupation of the dwellings (whichever comes first), the owner must complete and duly sign a Statutory Declaration agreeing to the Allocation of Street numbers.**

Bonds and fees

- 17. Prior to the issue of statement of compliance for the subdivision, a maintenance bond to the value of 5% of the actual cost of road and drainage works must be paid to the Responsible Authority. In the event that the subdivision does not proceed, upon completion of works, a 50% maintenance bond of the actual cost must be paid to the Responsible Authority.**
- 18. Prior to the issue of a statement of compliance payment must be made to the Responsible Authority of a supervision fee up to 2.5% of the actual cost of roads and drainage works, the amount to be determined by the Responsible Authority (the permit holder must submit a copy of the road and drainage Construction Contract Schedule, for verification of the amount by Council.**
- 19. Prior to the issue of a statement of compliance payment must be made to the Responsible Authority of an engineering design checking fee of up to 0.75% of the value of documented works, the amount to be determined by the Responsible Authority.**

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

Engineering Works:

- 20. Prior to the commencement of works, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, streetlights, 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.***
- 21. Prior to the issue of a Statement of Compliance all works constructed or carried out must be in accordance with the approved plans to the satisfaction of the Responsible Authority.***
- 22. Prior to the issue of a Statement of Compliance or use of the dwellings (whichever comes first), public street lighting must be provided to streets, footpaths and public open spaces designed in accordance with relevant Australian Standards relevant Council Policy, the IDM and to the satisfaction of the responsible Authority (category P4 unless otherwise directed).***
- 23. Prior to the issue of a Statement of Compliance all internal street names and speed limit signs must be erected.***
- 24. Prior to the issue of Statement of Compliance for the subdivision the permit holder must obtain a vehicle crossing permit from the responsible authority for each lot and construct the vehicle crossing in accordance with the requirements. Standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree.***

Any new, relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. Final location of vehicle crossing must be approved by Responsible Authority via vehicle crossing permit. Refer to Clause 12.9.1 "Urban Vehicle Crossings" of the Infrastructure Design Manual. Where there is no existing kerb and channel in the street refer to standard drawing SD255.

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

Site Management:

- 25. 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: -**
- (a) Environmental Guidelines for Major Construction Sites (EPA publication No. 480, December 1985); and**
 - (b) Construction Techniques for Sedimentation Pollution Control (EPA publication No. 275, May 1991).**
- 26. In the event of mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, appropriate measures must be implemented to minimise the problem to the satisfaction of the Responsible Authority.**
- 27. The earthworks and lot filling must be as per the guidelines specified in Council's Infrastructure Design Manual, to the satisfaction of the Responsible Authority.**
- 28. The approved SEMP must be implemented to the satisfaction of the Responsible Authority.**

General Amenity:

- 29. 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.**
- 30. The site shall at all times be kept in a neat and tidy condition to the satisfaction of the Responsible Authority. Any litter shall be immediately removed from the site and surrounding area at the direction of the Responsible Authority.**

Public Open Space

- 31. Pursuant to Section 18 of the Subdivision Act 1988, the applicant must pay to the Responsible Authority a sum equivalent to 5% of the site value of all land in the subdivision for Public Open Space. This payment shall be made prior to the issue of a Statement of Compliance and may be adjusted in accordance with Section 19 of the Subdivision Act 1988.**

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- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

Telecommunications

32. The owner of the land must enter into an agreement with:

- ***A telecommunications network or service provider for the provision of telecommunications services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and***
- ***A suitably qualified person for the provision of fibre ready telecommunications facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.***

33. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- ***A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and***
- ***A suitable qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Telecommunications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.***

AusNet Electricity Services Pty Ltd

34. The applicant must –

- (a) ***Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.***
- (b) ***Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.***

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

Goulburn Broken Catchment Management Authority

- 35. The finished floor level of the proposed five townhouses must be constructed at least 300 millimetres above the general surrounding ground level.**

Goulburn Valley Water

- 36. Prior to the issue of a statement of compliance, the permit holder must arrange:**

- (a) Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;**
- (b) Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;**
- (c) Provision of separate water supply meters to each tenement within the development, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation;**
- (d) Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation;**
- (e) Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;**
- (f) Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;**
- (g) Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.**
- (h) All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section;**

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

- (i) Disconnection and Relocation of any existing house connection drain, and each allotment to be independently and directly connected to a sewer main of the Goulburn Valley Region Water Corporation;*
- (j) Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;*
- (k) The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;*
- (l) The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act 1988.*

Goulburn Murray Water

- 37. All works within the subdivision must be done in accordance with EPA Publication 960 "Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites", September 2004.*
- 38. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1) (a) of the Subdivision Act.*
- 39. The Plan of Subdivision must show building exclusion zones to prevent future buildings from being located within 30 metres of the full supply level of Goulburn Weir (124.24 m AHD).*
- 40. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of Goulburn Valley Water.*
- 41. All stormwater discharged from the site must be directed to Council's legal point of discharge. All stormwater must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.*

Country Fire Authority

42. Hydrants

Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

- (a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.**

Note –CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au).

Expiry

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

- (a) the subdivision is not started (Certification) within two (2) years of the date of this permit;**
- (b) the subdivision is not completed (Statement of Compliance) within five (5) years of the date of Certification under the Subdivision Act 1988.**
- (c) the approved development does not start within 2 years of the date of this permit; and**
- (d) the approved development is not completed within 4 years of the date of this permit.**
- (e) the approved use is not commenced within two years of the completion of the development.**

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.**

9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

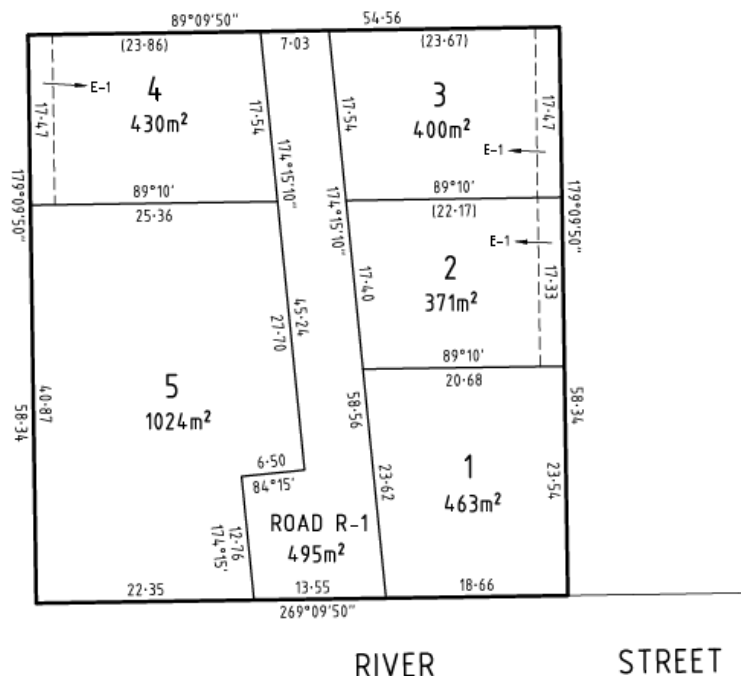
- ***This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.***

PROPOSAL

The application is for a five-lot subdivision and dwelling development at 38 and 40 River Street, Nagambie. The land is made up by two parcels of land, one vacant and one containing a dwelling and shedding. The dwelling and shedding is proposed to be demolished, and to have 5 new dwellings constructed over the site, 4 of which will be two storey, with a single storey dwelling on proposed Lot 5.

The application includes subdivision of these five dwellings, and the creation of a easements for Goulburn Valley Water. The proposed subdivision will create an internal road, with a public parking area, within the site. This will connect to the property to the north. All allotments will be accessed from the internal road, which will exit to River Street. The subdivision will create a road of 495sqm, with an average lot size for the dwellings of 537.6sqm.

The proposed lot layout is as follows:



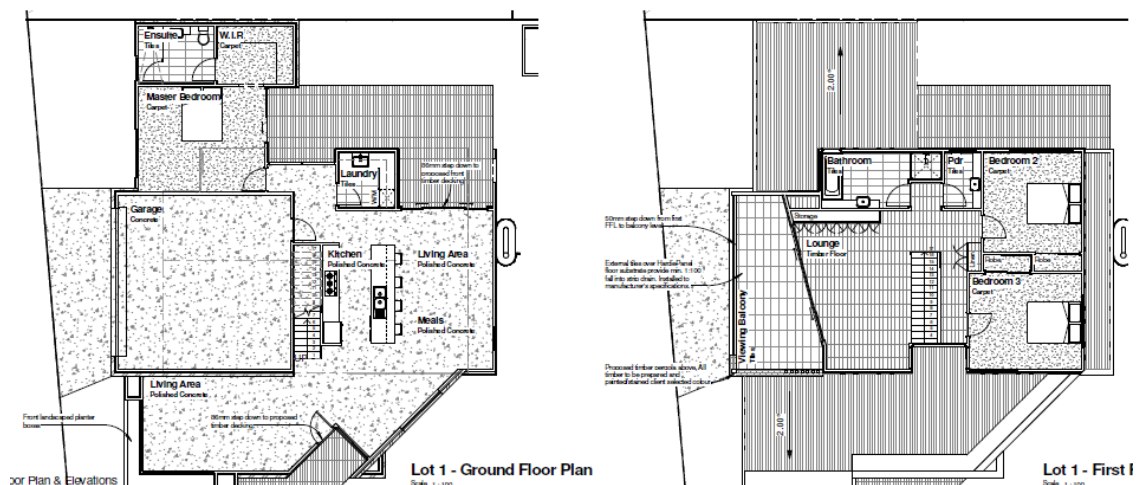
9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and
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The following is advised on the proposed dwellings:

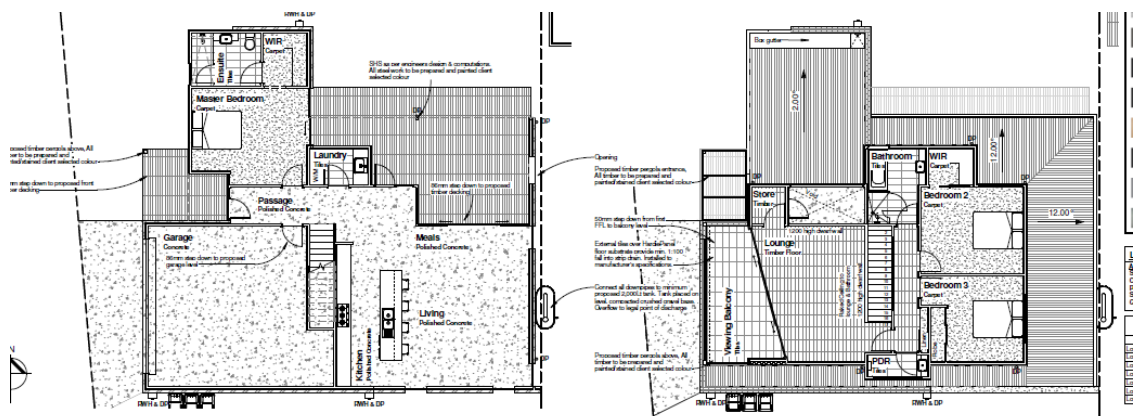
Dwelling and Lot Number	Proposed lot size	Number of bedrooms	Construction	Number of car spaces
1	463sqm	3	Double storey	2 in garage
2	371sqm	3	Double storey	2 in garage
3	400sqm	3	Double storey	2 in garage
4	430sqm	3	Double storey	2 in garage
5	1024sqm	4	Single storey	2 in garage Additional garage/boat storage area proposed

The floor layout of each building is as follows:

Lot 1:

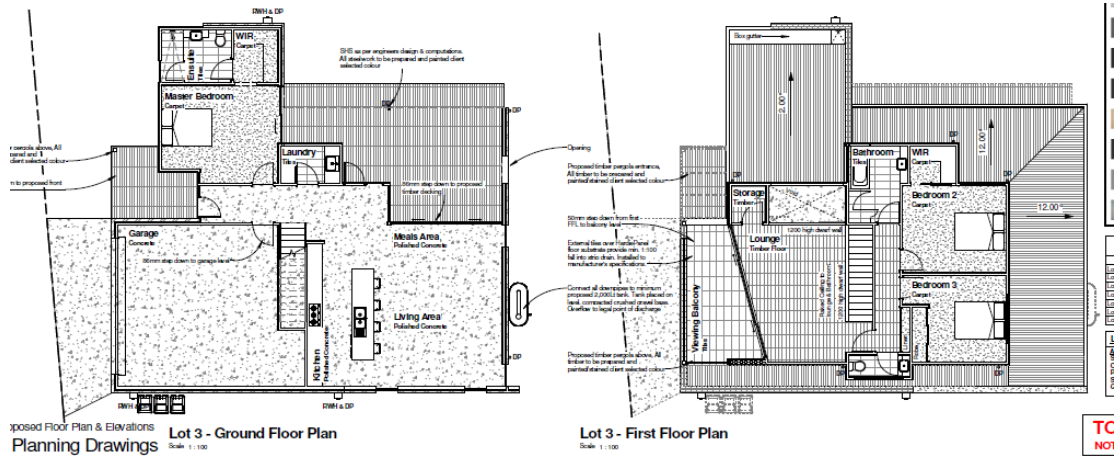


Lot 2:

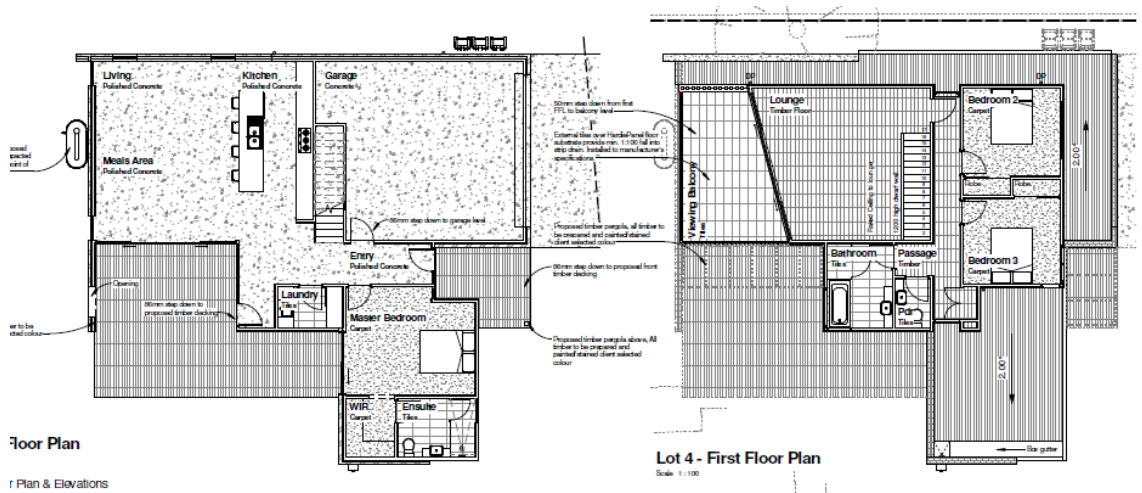


9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and
creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

Lot 3:

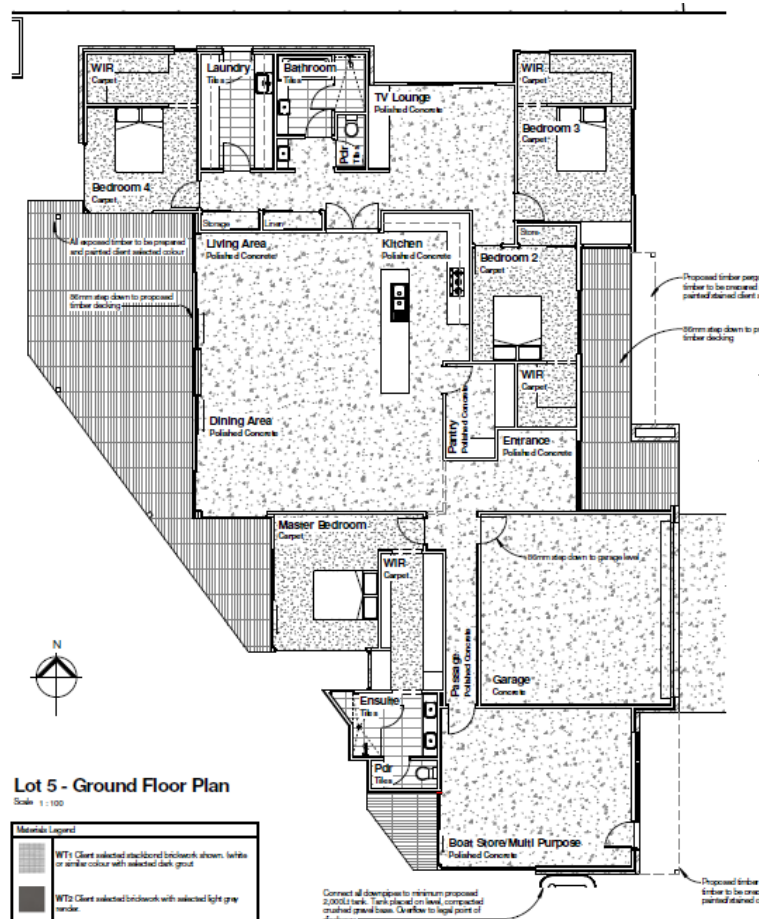


Lot 4:



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- Use and development of land for five (5) dwellings; five (5) lot subdivision and
creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

Lot 5:



The applicant also provided some perspective of the proposed development, as follows:



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Note: Streetscape Perspective B will be the view from River Street into the development. Streetscape Perspective C will be the view of the property as it may be seen from the adjoining property (36 River Street).

SUBJECT SITE AND LOCALITY

The subject site is made up of two parcels of land, one with an existing dwelling and shedding and one vacant allotment. The total land size is 3183sqm, and is bound by River Street to the south, privately owned land to the north and east, and public land (River Street park) to the west. The existing dwelling (proposed to be demolished) is on Lot 1, adjacent to the park. Access is from two existing crossovers from the River Street road reserve. The land is generally used for residential purposes.



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- Use and development of land for five (5) dwellings; five (5) lot subdivision and
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PERMIT/SITE HISTORY

A search of Council's electronic records results in no previous permits issued for either allotment.

PUBLIC NOTIFICATION

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

- Sending letters to adjoining landowners
- Placing (a) sign on site.

The notification has been carried out correctly.

Council has received 6 objections to date, 5 from the below three properties and in surrounding area. The objector's properties are located as indicated with the blue stars:



The key issues that were raised in the objections are:

- Strain on local infrastructure (water pressure and parking)
- Lack of footpath in area
- Out of character with area (double storey buildings and density of development)
- Overshadowing of adjoining property
- Increase in number of residents in a small area
- Traffic
- Amenity and noise
- Decreased garden areas
- Possibility of short-term residents
- Will impact River Street Park
- Devaluation of land

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- Use and development of land for five (5) dwellings; five (5) lot subdivision and
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- Fence could limit access to rear of neighbouring allotment
- Reduced setback for proposed unit 1
- Overlooking the reserve will create a privacy issue
- Loss of views.

These objections were forwarded to the applicant who provided a response. The response can be summarised as follows:

- **Water Pressure:** Any new lot or dwelling is required to gain approval from Goulburn Valley Water (GVW) for the connection of reticulated sewer and water. This application has been referred to GVW, which did not object to the application, subject to conditions.
- **Overlooking:** Views into adjoining habitable room windows and private open space are limited. All boundaries adjoining 36 River Street will be fenced with a 1.8 metre Colourbond type fence and given the topography of the land, is unlikely to allow for overlooking at the ground floor. There will only be one window per dwelling at the eastern side of the first floor, located at a height of 1.7 metres above the floor level, to prevent direct overlooking. All balconies are located to overlook public open space, River Street or internal areas of the lot.
- **Overshadowing:** Within an urban residential area, some level of overshadowing is to be expected, however the proposal will not generate significant overshadowing of any adjoining properties. In accordance with the standards of Clause 55 of the Strathbogie Planning Scheme, sunlight to secluded private open space at 36 River Street will be largely unobstructed by the development between the hours of 9am and 3pm on 22 September (in accordance with standard B21). Between these hours the greatest overshadowing of 36 River Street would occur at 3pm, when no more than 10% of the lot's secluded private open space is overshadowed by the development. Shadow will predominantly be cast by garden sheds, boundary fencing and part of Dwellings 1 and 2.
- **Loss of Views:** Sufficient front setbacks and low, open type fencing along the entire site frontage and boundary with River Street Reserve allow views through the site from River Street to Lake Nagambie. The low roof height of the corner dwelling, side setbacks and spacing between upper floors provides views through the site to the vegetation and lakeside environment at River Street Reserve.
- **Short term residents:** The proposal is for the use of land for 5 dwellings which are suitable for accommodating permanent residents. The planning scheme does provide controls over the manner in which a private dwelling can be used with regard to short term or holiday leasing. The use of the land for purposes which are not considered as of right for a dwelling would be required to gain separate planning approval.
- **Fence:** Prior to any construction occurring onsite, the property's boundaries will be identified and marked by a licensed land surveyor to ensure the proposed fence is erected precisely.

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- Use and development of land for five (5) dwellings; five (5) lot subdivision and
creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

- **Physical dominance and character:**

- Nagambie Growth Management Plan: The proposal demonstrates consistency with the *Nagambie Growth Management Strategy 2008*, it is consistent with the Nagambie Style in accordance with the 'Nagambie Style Guidelines'; and the *Draft Nagambie Growth Management Plan 2020* as it meets the objectives and guidelines for 'Sustainable Settlement'. The proposal will contribute to the variety of lot sizes and housing options in Nagambie. The proposal maximises the opportunities presented by a site which is well serviced, within an established residential location and is proximate to the facilities and services offered within Nagambie. The proposal respects the Nagambie Character and Lakeside setting through the use of mixed materials including timber, orientation and aspect toward the lake and siting which provides for spacing between buildings and open gardens whilst establishing a high quality, future built form in this area of Nagambie.
- *Bulk and Visual Impact*: Sufficient front setbacks and low, open type fencing along the entire site frontage and River Street Reserve boundary allow views to be maintained through the site. The low roof height of the corner dwelling, side setbacks and spacing between upper floors provides views through the site to the vegetation and lakeside environment at River Street Reserve. The first floor of Dwelling 4 is setback from the shared boundary with the reserve, with an open balcony to minimise the impact of flat, high walls on the site's appearance from public land. Building spacing, particularly at the first floor, maintains views through the site to vegetation in the surrounding area.
- *Views*: A cluster of mature trees is located adjacent to the site's western boundary with River Street Reserve, which will be unaffected by the proposal. The proposal will retain an existing large tree in the south-west corner of the site and incorporate site responsive landscaping with substantial amounts of vegetation and trees within lot frontages to complement the established garden character. The development utilises colours and materials which are reflective of the Lake environment such as browns and bluey-greys. Two-storey development is not uncharacteristic of land fronting Lake Nagambie and there is significant mature tree cover in the Reserve which ensures the development would not dominate the landscape when viewed from across the Lake.

- **Impact on River Street Park:**

- *Parking*: The development provides for adequate onsite parking, as well as additional laneway car parking. Each proposed dwelling includes a double car garage to accommodate the parking needs of the residents of each dwelling, as per the provisions of the Strathbogie Planning Scheme. Visitor car parking is provided on the western side of the laneway and accommodates at least 5 parking spaces, or 1 visitor parking space per dwelling. River Street Reserve.

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- Use and development of land for five (5) dwellings; five (5) lot subdivision and
creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

- Visual Impact: The development utilises colours and materials which are reflective of the Lake environment such as browns and bluey-greys. Two-storey development is not uncharacteristic of land fronting Lake Nagambie and there is significant mature tree cover in the Reserve which ensures the development would not dominate the landscape when viewed from across the Lake. The first floor of Dwelling 4 is setback from the shared boundary with the reserve, with an open balcony to minimise the impact of flat, high walls on the site's appearance from public land. Building spacing, particularly at the first floor, maintains views through the site to vegetation in the surrounding area.
- Interface: The development will maintain the existing low fencing along the entirety of the site's interface with River Street Reserve to maintain the sense of openness and provide a gradual transition between public and private space.
- Environmental Impact: The development does not involve the removal of any native vegetation onsite nor the removal of any vegetation in the adjoining area, including at River Street Reserve. The proposal will increase existing vegetation coverage at the site. The design has considered the flood impacts of the land and there will be no development occurring on identified flood prone land. The development can be appropriately serviced and drained to ensure there are no adverse impacts from the dwelling on the water quality or surrounding environs of Lake Nagambie.
- **Pressure on Infrastructure:**
 - Road Condition: River Street is a sealed Local Road and is capable of accommodating cars and other personal vehicles which would typically access the proposed dwellings. The proposed internal laneway will become a public road to allow access to the proposed lots and provide emergency vehicle access for future residential development to the north.
 - Users of River Street Reserve: The proposal has been designed with consideration of pedestrian experience and safety by consolidating access at River Street to a single point, providing good visibility at the intersection of the laneway and River Street and including design features such as the narrow road width, fencing and landscaping to create a low speed environment. A Through Road at the site would likely increase traffic movements in the area and may decrease pedestrian safety and overall amenity of River Street Reserve.
- **Character:** The Nagambie Style Guidelines as part of the Nagambie Growth Management Strategy 2008, outline the desired neighbourhood character for each area of Nagambie. The subject site is identified within the '*Garden Suburban post-war mix*' style.

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- Use and development of land for five (5) dwellings; five (5) lot subdivision and
creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

- Density: The Nagambie Style Guidelines do not prescribe specific densities for the neighbourhood, but rather essential design and development features. The proposal will see the subdivision of land from 2 parcels into 5 parcels, each developed with a single detached dwelling. The site is within the General Residential Zone which facilitates a variety of residential outcomes. Existing properties developed with a single detached dwelling in River Street are varied in size between approximately 400sqm (1/11 River Street) to approximately 2,000sqm (21-23 River Street), while the majority of lots on the northern side of River Street are approximately 1,000sqm. Proposed Lot 5 (1,024sqm) is consistent with typical lot sizes in River Street and proposed Lots 1-4 are smaller than the typical lot size, yet not uncharacteristic of the Street.
- Lot Frontage: The proposal utilises an internal laneway to consolidate vehicle crossovers at River Street. This allows the lots to provide frontages to River Street which are consistent with existing lots in River Street (typically 15 -22 metres). In combination with generous front building setbacks, low and permeable fencing and landscaping; the proposal demonstrates consistency with the local open character and garden setting.
- Setbacks: Development on the northern side of River Street is typically built to the side boundaries or setback between 1 metre -2 metres. The proposal has side setbacks of up to 1.5 metre and rear setbacks of approximately 2 metres, which are capable of accommodating appropriate vegetation to ensure consistency with the established rhythm and building spacing as viewed from River Street.
- Design: The design is a contemporary interpretation of the '*Garden Suburban post-war mix*'. Visual interest is provided to the built form of the dwellings through the use of varying setbacks, large opening, verandahs, balustrades, articulated walls and balconies. The dwellings will be constructed of materials which respect the predominant brick and timber features seen throughout River Street, including timber panelling and brick and masonry look facades.
- Height: While the height of the proposed dwellings is greater than the predominant building height in the street, the proposed dwellings do not exceed this height by more than one storey, as provided for within the guidelines. Walls of the first floor will be setback from the ground floor to provide a graduation in height and lessen the bulk and scale in proximity to lot boundaries. Rooves will comprise a mix of flat and pitched shapes, with higher rooflines in the centre of each lot.

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- Use and development of land for five (5) dwellings; five (5) lot subdivision and
creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

- Vegetation and landscaping: Large portions of the site are currently cleared, open and vacant. There is no significant native vegetation at the site, nor will any vegetation beyond the site be required for removal for the proposed development. The proposal will retain an existing large tree in the south-west corner of the site and site responsive landscaping with substantial amounts of vegetation and trees within lot frontages will be employed to complement the established garden character.

This response was sent to all objectors, and none were withdrawn.

COMMUNITY ENGAGEMENT

One on one meetings were held between the permit applicant and the objectors to discuss the issues raised. At the meeting the issues were discussed and consideration of redesigning and moving the location of the dwellings was undertaken. The permit applicant took these considerations back to the owner of the property, who determined not to make changes to the design and to have the application considered on its merits. The objectors were advised of this, and no objections were withdrawn.

REFERRALS

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Country Fire Authority – No objections, subject to conditions. AusNet Electricity Pty Ltd – No objections, subject to conditions. Goulburn Valley Water – No objections, subject to conditions. Goulburn Broken Catchment Management Authority – No objections, subject to conditions.
Section 52 Notices	Goulburn Murray Water – No objections, subject to conditions. Notice of application sent to 51 nearby and adjoining owners and occupiers.

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

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

ASSESSMENT
General Residential Zone

Purpose:


- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Officer response:

A planning permit is required for the development of two or more dwellings, and for subdivision, in the zone. An application for subdivision must address the requirements of Clause 56, *Residential Subdivision*, except for Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6. An application for five dwellings on a lot must address the requirements of Clause 55, *Two or more dwellings on a lot*. A detailed assessment against these provisions is provided below in the Particular Provisions section. An assessment of the application against the decision guidelines of the zone is as follows:

Decision Guidelines	Officer Comments	Complies?
General		
The Municipal Planning Strategy and the Planning Policy Framework	Refer below	✓ Yes
The purpose of this zone	The purpose of the zone is to encourage development that respects neighbourhood character. Nagambie has Style Guidelines that help direct the character of development within the township. This is addressed later in this report, in the Local Planning Policy Section.	✓ Yes
The objectives set out in a schedule to this zone	No specific objectives are specified in the schedule to the zone.	Not applicable
Any other decision guidelines specified in a schedule to this zone.	No other decision guidelines are specified in the schedule to the zone.	Not applicable.

9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

<p>The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.</p>	<p>The proposed dwellings will not overshadow existing rooftop solar energy systems. The dwelling at 36 River Street does not currently have a solar system, but the dwellings will not have an impact on the roof line should one be installed later, as demonstrated by the shadow diagrams provided with the application. It is also noted that this dwelling is set back more than 2 metres from the adjoining boundary. The longest shadows will be cast from 3pm onwards, as follows:</p>  <p>Proposed - 3pm Shadow Diagram</p>	<p>✓ Yes</p>
Subdivision		
<p>The pattern of subdivision and its effect on the spacing of buildings</p>	<p>The proposed development will present as two dwellings from River Street, which is consistent with the current lot alignment. The road into the development will provide for reasonable access and spacing between the new dwellings.</p>	<p>✓ Yes</p>
<p>For subdivision of land for residential development, the objectives and standards of Clause 56</p>	<p>Refer below.</p>	<p>✓ Yes</p>
Dwellings and residential buildings		
<p>For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.</p>	<p>The application is for multiple dwellings on this lot.</p>	<p>Not applicable</p>

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- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.	Refer below	✓ Yes
For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.	The application is for multiple dwellings on this lot.	Not applicable

Floodway Overlay

Purpose:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify 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.*

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.*

9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

- *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.*

Officer response:

A planning permit is required for the development of two or more dwellings, and for subdivision, in the overlays. The application has been assessed by the Goulburn Broken Catchment Management Authority, who had no objections subject to conditions.

The Planning Policy Framework (PPF)

Clause 12.03-1S, *River corridors, waterways, lakes and wetlands*

Objective: To protect and enhance river corridors, waterways, lakes and wetlands.

Strategies:

- *Protect the environmental, cultural and landscape values of all water bodies and wetlands.*
- *Ensure development responds to and respects the significant environmental, conservation, cultural, aesthetic, open space, recreation and tourism assets of water bodies and wetlands.*
- *Ensure development is sensitively designed and sited to maintain and enhance environmental assets, significant views and landscapes along river corridors and waterways and adjacent to lakes and wetlands.*

Officer Comment:

The application has been assessed by Goulburn Murray Water and the Goulburn Broken Catchment Management Authority. The use of a building exclusion zone will ensure ongoing protection of the lake.

Clause 13.01-1S, *Floodplain Management*

Objective: To assist the protection of:

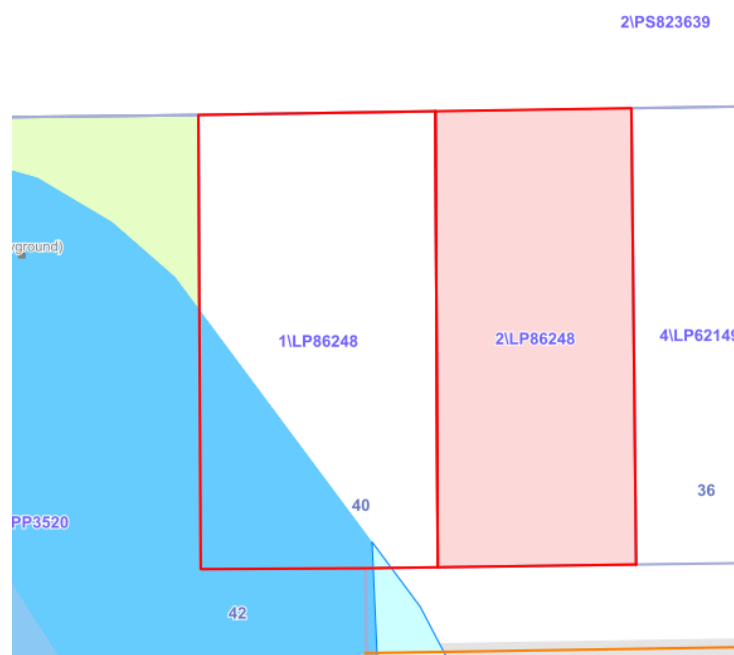
- *Life, property and community infrastructure from flood hazard.*
- *The natural flood carrying capacity of rivers, streams and floodways.*
- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environmental significance or of importance to river health.*

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Officer Comment:

A planning permit is required for multiple dwellings in the Land Subject to Inundation Overlay. The application was referred to the Goulburn Broken Catchment Management Authority, who had no objections subject to conditions requiring the dwellings be constructed above the 100-year ARI flood level.

It is noted that only a small section of the land is within these overlays, as follows, and no development is proposed for this area:



Clause 15.01-3S, *Subdivision Design*

Objective: To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Strategies: In the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- Creating compact neighbourhoods that have walkable distances between activities.*
- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.*
- Protecting and enhancing native habitat.*

Officer Comment:

The proposal is a subdivision is within the general residential area of Nagambie. Infill development allows for better utilisation of resources and is located in an area that is walkable to the broader township

Clause 16.01-12S, *Location of residential development*

Objective: To locate new housing in designated locations that offer good access to jobs, services and transport.

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Officer Comment:

The application is for a residential dwelling within the existing general residential zone in Nagambie and is located with good access to existing services.

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

21.02-6 Building Material – Muted Tones

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

Officer Comment:

A standard condition is recommended for the permit to ensure that the dwelling complies with this policy.

Clause 21.03-4, *Nagambie*

Objective: To grow Nagambie as an agricultural service centre as well as a visitor, lifestyle and retirement centre.

Strategies:

- *Recognise Nagambie as a lakeside location.*
- *Protect and enhance the environmental values of the lake and other natural features.*
- *Encourage the clustering of higher density dwellings around the town centre.*

Officer Comment:

The proposed subdivision provides for additional allotments within an existing serviced area that have access to the lake. An assessment of the application against the *Nagambie Neighbourhood Character Assessment 2008* and the *Nagambie Style Guidelines 2008* has been undertaken as follows:

Nagambie Style Guidelines 2008

The guidelines detail existing residential area guidelines, with a key objective to “*determine preferred future character for development in Nagambie, existing and proposed.*” The guidelines defer to the Neighbourhood Character Assessment for detailed consideration; however, the following principles are considered as part of this proposal:

Design Principle	Officer Comments	Complies?
Provide a number of different dwelling types and densities to ensure greater housing choice to satisfy the needs of the community, now and into the future	The proposed development provided for 4 dwellings of similar construction (2 storey) and one single storey. The area is predominantly single storey, and it is considered that this development increases housing choice in the area of River Street.	✓ Yes

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Dwellings that provide overlooking of open spaces and walkways (including the Lake and waterside accessway) to encourage passive surveillance of the public realm.	Two of the proposed dwellings will overlook the River Street, Park, with proposed Lot 4 to have a 1.8m fence (to provide for the required secluded open space) and Lot 5 to have lower fencing for the bulk of the frontage. This will allow passive surveillance across the property to the park area.	✓ Yes
Buildings that integrate Ecological Sustainability into their design	The dwellings have been designed for environmental sustainability and will be required to be constructed to a 6 star energy rating under the Building Regulations.	✓ Yes
Ensuring that new landscaping compliments the existing flora and in Nagambie	While no planning permit is required to remove vegetation from the site at the moment, the development has been designed around retaining the large tree at the front of the property.	✓ Yes
Physically integrate buildings with adjoining public spaces by: <ul style="list-style-type: none"> The design of new buildings and refurbishment or extension of existing buildings should provide an outlook onto open space, particularly from upper level habitable room windows. Avoid blank walls and high solid fencing, to create passive surveillance opportunities and improve safety and perceived safety. 	Both dwellings that are adjacent to the public space are designed to provide an outlook over that space. There will be a section of high fencing along lot 4, but most of the public land frontage will be with low fencing. A condition will be placed on any permit requiring this to be post and rail.	✓ Yes

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- Use and development of land for five (5) dwellings; five (5) lot subdivision and
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Demonstrate that there will be no overshadowing of public spaces from 11am-2pm on 22nd June.

Most overshadowing will occur at 9am, with limited overshadowing at 12pm, as follows:

✓ Yes



Nagambie Neighbourhood Character Assessment 2008










The site is identified in Area 2 *Garden Suburban Post-War Mix*. The description of this precinct is as follows:

“This precinct is dominated by post-war era dwellings set within front gardens, lined with low front fences. The gaps between buildings and generous front setbacks contribute to an openness within streetscapes that is further enhanced by wide verges. Dwelling styles are modest, and constructed of timber or brick, with simple detailing typical of the post-war era. New buildings respond to this character, with a general respect for the low scale of built form, generous front setbacks and simple design detailing. Streetscape vegetation is informal and includes mostly native vegetation.”

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Character Element	Officer Comments	Complies?
Vegetation		
To maintain and strengthen the landscape character of streets.	The development is supported by a landscape plan that would be included as an endorsed plan with any permit that may issue.	✓ Yes
Siting		
The provide space for front gardens.	All five proposed lots have small front gardens adjacent to the new road being created as part of this development. The landscaping plan is predominantly in this area, with additional landscaping along the River Street road frontage.	✓ Yes
To maintain the rhythm of spacing between buildings and allow for planting	The buildings maintain a setback from all boundaries, which allows for landscaping in these areas.	✓ Yes
To minimise the loss of front garden space, the dominance of car parking structures and the number of vehicular crossovers.	The existing road network will only have one crossover to the site, providing access to all five allotments. The publicly accessible car parking is to be located off street and will be screened with fencing from the road.	✓ Yes
Height and building form		
To ensure that buildings and extensions respect the dominant building scale and form.	The use of articulation for the second storeys, in conjunction with the single storey dwelling on the lot at the end of River Street, will provide appropriate scale and form in the local area.	✓ Yes

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- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

Materials and design detail		
To use building materials, features and finishes that provide an interesting façade and complement the predominant building style in the street.	<p>The proposed materials are in accordance with the requirements of the Nagambie Style guidelines, with natural materials and muted tones.</p> <div data-bbox="678 506 1236 1243"> <p>Materials Legend</p> <ul style="list-style-type: none">  WT1 Client selected stackbond brickwork shown. (white or similar colour with selected dark grout)  WT2 Client selected brickwork with selected light grey render.  Corrugated profile Monument roof sheeting colour Colorbond (or similar)  Monument colour (or similar) to all exposed steelwork, window frames & fascias  WT3 Selected vertical & horizontal timber look cladding with client selected finish  WT4-A Selected Monument/Night Sky - 9mm thick James hardie ExoTec Cladding or similar product  WT4-B Selected Shale Grey/Windspray - 9mm thick James hardie ExoTec Cladding or similar product  Concrete to driveway & retaining walls. </div>	✓ Yes
Front boundary treatment		
To maintain the openness of the streetscape and views into front gardens	<p>The front boundary adjacent to Lot 4 will be maintained with open style, low fencing and landscaping. Only one small section of the frontage will have taller fencing, which is adjacent the parking area.</p> <div data-bbox="660 1462 1399 1816">  </div>	✓ Yes

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

Lake Nagambie Interface		
To ensure that built form adjoining Lake Nagambie complements the landscape in views from across the Lake	The colours and design proposed will provide for a reasonable view from and across the lake, with due consideration of the single storey nature of the dwelling on proposed lot 5.	✓ Yes
To use materials and finishes that complement the landscape features of Nagambie	The proposed materials are in accordance with the requirements of the Nagambie Style guidelines, with natural materials and muted tones.	✓ Yes
To create a sense of openness and retain views to buildings abutting the Lake.	The existing 600mm high timber slat and post fencing adjacent to the site is not on the boundary and protrudes approximately 10 metres into the public space. A condition on the recommended permit will be to remove this fencing and allow for more openness within the public space.	✓ Yes

Clause 21.04-6 Flooding

Objective: To protect and manage floodplains.

Officer Comment:

A planning permit is required for multiple dwellings in the Land Subject to Inundation Overlay. The application was referred to the Goulburn Broken Catchment Management Authority, who had no objections subject to conditions requiring the dwellings be constructed above the 100-year ARI flood level.

Relevant Particular Provisions

Clause 52.02, Easements, Restrictions and Reserves

Purpose: To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered

Officer Comment:

A permit is required for the creation of an easement. The easements being created are in favour of Goulburn Valley Water, who have no objections subject to conditions.

Clause 52.06, Car Parking

Purpose:

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*

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- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Officer Comment:

A dwelling is required to provide two car spaces for each three or more-bedroom dwelling, and 1 visitor space for every five dwellings. In this case, the dwellings all include a two-car garage and there is provision for up to 5 car spaces within the proposed road to address the visitor car parking requirements. This provision complies with the requirements.

In terms of on street parking in the area, there is an existing issue with a lack of available parking. The court bowl itself is a no parking area, and the objections have raised concern with the existing parking practices for people accessing the River Street Park area. The proposed development does not reduce any available on-street car parking, but will provide for additional car parking in the area, resulting in a net benefit to the broader area.

Clause 55, *Two or more dwellings on a lot*

Purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character.*
- *To encourage residential development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage residential development that is responsive to the site and the neighbourhood.*

Officer Comment:

An application for two or more dwellings on a lot must address all the provisions of Clause 55 except Clause 55.07-1 to 55.07-15.

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- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

The following assessment has been undertaken:

Decision Guideline	Officer Comments	Complies?
<p>Neighbourhood Character Objectives</p> <ul style="list-style-type: none"> To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character To ensure that development responds to the features of the site and the surrounding area <p>55.02-01 Standard B1</p>	<p>The dwellings are to be constructed in a contemporary style with respect to the environmental setting of the site. Walls of the first floor will be setback from the ground floors to provide articulation, with a mix of roof styles. Natural materials and colours will be used. Side and rear fencing will provide privacy. All frontage to the new road, River Street and the public land reserve will remain unfenced.</p>	✓ Yes
<p>Residential policy objectives</p> <ul style="list-style-type: none"> To ensure that residential development is provided in accordance with any policy for housing in the Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies To support medium densities in areas where development can take advantage of public transport and community infrastructure and services <p>55.02-02 Standard B2</p>	<p>The proposal is consistent with the Municipal Planning Strategy and Planning Policy Framework. Will contribute to housing diversity in the area and respects the lakeside character. Neutral muted tones with natural look materials are considered appropriate. The proposal is in accordance with the Nagambie Style Guidelines.</p>	✓ Yes
<p>Dwelling diversity objective</p> <ul style="list-style-type: none"> To encourage a range of dwelling sizes and types in developments of ten or more dwellings <p>55.02-03 Standard B3</p>	<p>Less than 10 dwellings are proposed.</p>	Not applicable
<p>Infrastructure Objectives</p> <ul style="list-style-type: none"> To ensure development is provided with appropriate utility services and infrastructure To ensure development does not unreasonable overload the capacity of utility services and infrastructure <p>55.02-04 Standard B4</p>	<p>All dwellings can be connected to reticulated sewer, power, water and telecommunications.</p>	✓ Yes

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- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

<p>Integration with the street objective</p> <ul style="list-style-type: none"> To integrate the layout of the development with the street <p>55.02-05 Standard B5</p>	<p>All dwellings will front the new road while maintaining an open connection to River Street.</p>	<p>✓ Yes</p>
<p>Street setback objective</p> <ul style="list-style-type: none"> To ensure that the setbacks of the buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site <p>55.03-01 Standard B6</p>	<p>Setbacks from the new laneway are at least 2 metres, and from River Street 6.39 and 13.86 metres respectively. Lot 1 setback is slightly smaller than 36 River street but is not uncharacteristic with the broader street context.</p>	<p>✓ Yes</p>
<p>Building height objective</p> <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character <p>55.03-02 Standard B7</p>	<p>All dwellings are less than 9 metres high. Articulation of the first floor avoids a “tunnel” effect between buildings.</p>	<p>✓ Yes</p>
<p>Site coverage objective</p> <ul style="list-style-type: none"> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site <p>55.03-03 Standard B8</p>	<p>All under 60% per the requirements, as follows: Lot 1 – 43% Lot 2 – 53.11% Lot 3 – 49.91% Lot 4 – 39.49% Lot 5 – 37.27%</p>	<p>✓ Yes</p>
<p>Permeability objective</p> <ul style="list-style-type: none"> To reduce the impact of increased stormwater run-off on the drainage system To facilitate on-site stormwater infiltration <p>55.03-04 Standard B9</p>	<p>All more than 20% per the requirements as follows: Lot 1 – 49.16% Lot 2 – 37.64% Lot 3 – 42.52% Lot 4 – 42.54% Lot 5 – 58.7%</p>	<p>✓ Yes</p>
<p>Energy efficiency objectives</p> <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings and residential buildings To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy <p>55.03-05 Standard B10</p>	<p>Most habitable rooms are on northern side of dwellings. No existing rooftop solar facilities on adjoining lots that will be impacted.</p>	<p>✓ Yes</p>
<p>Open space objective</p> <ul style="list-style-type: none"> To integrate the layout of development with any public and communal open space provided in or adjacent to the development <p>55.03-06 Standard B11</p>	<p>The development maintains interface with River Street through use of low fencing and landscaping.</p>	<p>✓ Yes</p>

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- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

<p>Safety Objective</p> <ul style="list-style-type: none"> To ensure the layout of development provides for the safety and security of residents and property <p>55.03-07 Standard B12</p>	<p>All dwelling entrances are clearly visible from internal access ways and easily identifiable.</p>	<p>✓ Yes</p>
<p>Landscaping objectives</p> <ul style="list-style-type: none"> To encourage development that respects the landscape character of the neighbourhood To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance To provide appropriate landscaping To encourage the retention of mature vegetation on site <p>55.03-08 Standard B13</p>	<p>A landscaping plan has been provided and will complement the existing native and planted character of the area.</p>	<p>✓ Yes</p>
<p>Access objectives</p> <ul style="list-style-type: none"> To ensure vehicle access to and from a development is safe, manageable and convenient To ensure the number and design of vehicle crossovers respect the neighbourhood character <p>55.03-09 Standard B14</p>	<p>Access is proposed via a new public laneway to River Street. All accessways are less than 33% of site frontage, and emergency vehicles will be able to access sites from the laneway.</p>	<p>✓ Yes</p>
<p>Parking location objectives</p> <ul style="list-style-type: none"> To provide convenient parking for resident and visitor vehicles To avoid parking and traffic difficulties in the development and the neighbourhood To protect residents from vehicular noise within developments <p>55.03-10 Standard B15</p>	<p>Parking is located away from habitable room windows. All dwellings have double garages, and visitor parking provided at the front of the development.</p>	<p>✓ Yes</p>
<p>Side and rear setbacks objective</p> <ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings <p>55.04-01 Standard B17</p>	<p>Most walls are off boundaries for all dwellings are at least 1 metre where required.</p>	<p>✓ Yes</p>

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- Use and development of land for five (5) dwellings; five (5) lot subdivision and
creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

<p>Wall on boundaries objective</p> <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings <p>55.04-02 Standard B18</p>	<p>Only lot 1 has a wall on a boundary, which is less than 10m long.</p>	<p>✓ Yes</p>
<p>Daylight to existing windows objective</p> <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows <p>55.04-03 Standard B19</p>	<p>Dwelling 1 is opposite an existing habitable room on 36 River Street and provides for a light court in accordance with the requirements.</p>	<p>✓ Yes</p>
<p>North-facing windows objective</p> <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows <p>55.04-04 Standard B20</p>	<p>Not applicable</p>	<p>✓ Yes</p>
<p>Overshadowing open space objective</p> <ul style="list-style-type: none"> To ensure buildings do not significantly overshadow existing secluded private open space <p>55.04-05 Standard B21</p>	<p>Overshadowing of 36 River Street will be minimal and no more than 25% in accordance with the requirements.</p>	<p>✓ Yes</p>
<p>Overlooking objective</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows <p>55.04-06 Standard B22</p>	<p>All habitable rooms facing 36 River Street have a height of 1.7 or 1.8 metres above floor level and does not allow direct views into private open space adjoining the properties.</p>	<p>✓ Yes</p>
<p>Internal views objective</p> <ul style="list-style-type: none"> To limit views into the secluded private open space and habitable room windows of dwellings and residential building within a development <p>55.04-07 Standard B23</p>	<p>All first-floor windows and balconies will overlook less than 50% of adjoining private open space in accordance with the requirements.</p>	<p>✓ Yes</p>
<p>Noise impacts objectives</p> <ul style="list-style-type: none"> To contain noise sources in developments that may affect existing dwellings To protect residents from external noise <p>55.04-08 Standard B24</p>	<p>Noise sensitive rooms have been located with consideration of sources of noise and will protect the amenity of existing residents.</p>	<p>✓ Yes</p>
<p>Accessibility objective</p> <ul style="list-style-type: none"> To encourage the consideration of the needs of people with limited mobility in the design of developments <p>55.05-01 Standard B25</p>	<p>Ramps can be installed if required.</p>	<p>✓ Yes</p>

9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

<p>Dwelling entry objective</p> <ul style="list-style-type: none"> To provide each dwelling or residential building with its own sense of identity <p>55.05-02 Standard B26</p>	<p>Each dwelling has separate, visible access.</p>	<p>✓ Yes</p>
<p>Daylight to new windows objective</p> <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows <p>55.05-03 Standard B27</p>	<p>All new windows have access to adequate light.</p>	<p>✓ Yes</p>
<p>Private open space objective</p> <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents <p>55.05-04 Standard B28</p>	<p>Each lot contains adequate open space. Lot 1 – 80sqm, access to north light Lot 2 - 80sqm, access to north light Lot 3 - 80sqm, access to north light Lot 4 - 80sqm, on southern side of dwelling. Some available at rear that is OK though. Lot 5 - 80sqm, southern side, but OK with access to light due to size.</p>	<p>✓ Yes</p>
<p>Solar access to open space objective</p> <ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings <p>55.05-05 Standard B29</p>	<p>Lots 4 and 5 are not on the northern side but provide larger amounts of POS that allow for appropriate setbacks. Lot 1 – min 80sqm, access to north light Lot 2 – min 80sqm, access to north light Lot 3 – min 80sqm, access to north light Lot 4 – min 80sqm, on southern side of dwelling. More available at rear of dwelling. Lot 5 – min 80sqm, southern side, but OK with access to light due to size.</p>	<p>✓ Yes</p>
<p>Storage objective</p> <ul style="list-style-type: none"> To provide adequate storage facilities for each dwelling <p>55.05-06 Standard B30</p>	<p>Each dwelling can have a shed of 6 cubic metres, and this is demonstrated on the plans.</p>	<p>✓ Yes</p>
<p>Design detail objective</p> <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character <p>55.06-01 Standard B31</p>	<p>Detailed design complements character, with articulation, varied built form, muted colours and natural features.</p>	<p>✓ Yes</p>

9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and
creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

<p>Front fences objective</p> <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character <p>55.06-02 Standard B32</p>	<p>Only a small section of front fencing will be high, and that is adjacent to the parking area to provide screening. The rest of the front fences are at least 3 metres from the street and will be low and permeable.</p>	<p>✓ Yes</p>
<p>Common property objectives</p> <ul style="list-style-type: none"> To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained To avoid future management difficulties in areas of common ownership <p>55.06-03 Standard B33</p>	<p>Communal spaces will be identified with surface materials and of appropriate widths.</p>	<p>✓ Yes</p>
<p>Site services objectives</p> <ul style="list-style-type: none"> To ensure that site services can be installed and easily maintained To ensure that site facilities are accessible, adequate and attractive <p>55.06-04 Standard B34</p>	<p>Services can be provided. Mailboxes will be in a consolidated location at the front of the site.</p>	<p>✓ Yes</p>

Clause 56, *Residential Subdivision*

Purpose:

- To create liveable and sustainable neighbourhoods and urban places with character and identity.
- To achieve residential subdivision outcomes that appropriately respond to the site and its context for:
 - Infill sites within established residential areas.
 - Regional cities and towns.
- To ensure residential subdivision design appropriately provides for:
 - Policy implementation.
 - Liveable and sustainable communities.
 - Residential lot design.
 - Urban landscape.
 - Access and mobility management.
 - Integrated water management.
 - Site management.
 - Utilities.

9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

Officer Comment:

The application must address the provisions of Clause 56, except clause 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6. These provisions are addressed in the following table:

Decision Guideline	Officer Comments	Complies?
56.03-05, Neighbourhood character objective <ul style="list-style-type: none"> To design subdivisions that respond to neighbourhood character. Standard C6	The design maintains the presentation of lots to the street and is of an appropriate density for the land. The site provides for a larger lot where the land is impacted by flooding.	✓ Yes
56.04-1, Lot diversity and distribution objectives <ul style="list-style-type: none"> To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services. To provide higher housing densities within walking distance of activity centres. To achieve increased housing densities in designated growth areas. To provide a range of lot sizes to suit a variety of dwelling and household types. Standard C7	All lots are greater than 300sqm, ranging from 371sqm to 1024sqm in size. All within 800 metres of Nagambie town centre.	✓ Yes
56.04-2, Lot area and building envelopes objective <ul style="list-style-type: none"> To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features. Standard C8	Lots 1-4 will be between 300 and 500 sqm, and are all capable of containing an envelope of 10m x 15m, Lot 5 is more than 500sqm and can contain an envelope. Application is supported by development plans for dwellings on each lot.	✓ Yes
56.04-3, Solar orientation of lots objective <ul style="list-style-type: none"> To provide good solar orientation of lots and solar access for future dwellings. Standard C9	All lots are aligned with long axis to the direct north or east.	✓ Yes

9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and
creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

<p>56.04-4, Street orientation objective</p> <ul style="list-style-type: none"> To provide a lot layout that contributes to community social interaction, personal safety and property security. <p>Standard C10</p>	<p>All lots front the new internal road proposed as part of the subdivision. No high or solid fencing is proposed and landscaping on the boundaries will assist in maintaining surveillance of the public realm.</p>	<p>✓ Yes</p>
<p>56.04-5, Common areas objectives</p> <ul style="list-style-type: none"> To identify common areas and the purpose for which the area is commonly held. To ensure the provision of common area is appropriate and that necessary management arrangements are in place. To maintain direct public access throughout the neighbourhood street network. <p>Standard C11</p>	<p>No common areas proposed. Road and parking to be constructed in a road reserve.</p>	<p>✓ Yes</p>
<p>56.05-1, Integrated urban landscape objectives</p> <ul style="list-style-type: none"> To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas. To incorporate natural and cultural features in the design of streets and public open space where appropriate. To protect and enhance native habitat and discourage the planting and spread of noxious weeds. To provide for integrated water management systems and contribute to drinking water conservation. <p>Standard C12</p>	<p>Indicative landscape plan has been provided, which will complement natural and urban character. The landscaping has been designed to transition between public and private realm.</p>	<p>✓ Yes</p>

9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

<p>56.06-2, Walking and cycling network objectives</p> <ul style="list-style-type: none"> To contribute to community health and wellbeing by encouraging walking and cycling as part of the daily lives of residents, employees and visitors. To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists. To reduce car use, greenhouse gas emissions and air pollution. <p>Standard C15</p>	<p>Local community services and facilities are close to site, the subdivision will allow safe usage of existing network, and will provide internal road for access to the new dwellings. The internal road will be a shared environment due to low traffic numbers.</p> <p>The development will be required to provide for footpath in River Street adjacent to the site and to the top of the court bowl.</p>	<p>✓ Yes</p>
<p>56.06-4, Neighbourhood street network objective</p> <ul style="list-style-type: none"> To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network. <p>Standard C17</p>	<p>The subdivision creates a new road between River Street and the northern property. It has been designed for pedestrian and cyclist movements between public spaces, with vehicle access to River Street only.</p> <p>This road will also provide emergency egress from the proposed development to the north of the site.</p>	<p>✓ Yes</p>
<p>56.06-5, Walking and cycling network detail objectives</p> <ul style="list-style-type: none"> To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities. To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles. <p>Standard C18</p>	<p>No footpaths are proposed, but the new road will be low speed to allow sharing of the network in that section.</p>	<p>✓ Yes</p>
<p>56.06-7, Neighbourhood street network detail objective</p> <ul style="list-style-type: none"> To design and construct street carriageways and verges so that the street geometry and traffic speed provide an accessible and safe neighbourhood street system for all users. <p>Standard C20</p>	<p>The road is designed to have a minimum width of 5.5m and does not allow a verge or on street parking, but provides a separate parking area adjacent to River Street.</p>	<p>✓ Yes</p>

9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

56.06-8, Lot access objective <ul style="list-style-type: none"> To provide for safe vehicle access between roads and lots. Standard C21	All lots will access the new road and will have constructed crossovers.	✓ Yes
56.07-1, Drinking water supply objectives <ul style="list-style-type: none"> To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water. Standard C22	All lots will be connected to reticulated water services.	✓ Yes
56.07-2, Reused and recycled water objective <ul style="list-style-type: none"> To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water. Standard C23	There are no reticulated reuse systems available, so will not be connected.	✓ Yes
56.07-3, Wastewater management objective <ul style="list-style-type: none"> To provide a wastewater system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner. Standard C24	All lots will be connected to reticulated sewerage services.	✓ Yes
56.07-4, Urban run-off management objectives <ul style="list-style-type: none"> To minimize damage to properties and inconvenience to residents from urban run-off. To ensure that the street operates adequately during major storm events and provides for public safety. To minimize increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off. Standard C25	Drainage will flow to the legal point of discharge in accordance with Council's requirements. A requirement of on-site retardation will be included in the Section 173 agreement recommended in the permit.	✓ Yes

9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and
creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

<p>56.08-1, Site management objectives</p> <ul style="list-style-type: none"> To protect drainage infrastructure and receiving waters from sedimentation and contamination. To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works. To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable. <p>Standard C26</p>	<p>A detailed construction management plan will be required as a condition on any permit that may issue.</p>	<p>✓ Yes</p>
<p>56.09-1, Shared trenching objectives</p> <ul style="list-style-type: none"> To maximize the opportunities for shared trenching. To minimize constraints on landscaping within street reserves. <p>Standard C27</p>	<p>Shared trenching will be used where available.</p>	<p>✓ Yes</p>
<p>56.09-2, Electricity, telecommunications and gas objectives</p> <ul style="list-style-type: none"> To provide public utilities to each lot in a timely, efficient and cost-effective manner. To reduce greenhouse gas emissions by support generation and use of electricity from renewable sources. <p>Standard C28</p>	<p>All sites will be connected to available services.</p>	<p>✓ Yes</p>
<p>56.09-3, Fire hydrants objective</p> <ul style="list-style-type: none"> To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently. <p>Standard C29</p>	<p>Fire hydrants will be placed into the development if necessary. This has been considered by the CFA, and a condition placed on the permit recommendation to reflect this.</p>	<p>✓ Yes</p>

9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and
creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

<p>56.09-04, Public Lighting objective</p> <ul style="list-style-type: none"> • To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles. • To provide pedestrians with a sense of personal safety at night. • To contribute to reducing greenhouse gas emissions and to saving energy. <p>Standard C30</p>	<p>The new road will include lighting in accordance with the relevant standards.</p>	<p>✓ Yes</p>
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The decision guidelines of Clause 65

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

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

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

Nagambie Growth Management Plan, Planisphere, December 2008

Nagambie Style Guideline, Planisphere, December 2008.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

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.

POLICY CONSIDERATIONS

Council Plans and Policies

There are no implications on the Council Plan or any Council Policies as a result of this decision.

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The state policies are considered in the *Planning Policy Framework* section (above) from the Strathbogie Planning Scheme.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

This application is being considered under Section 61 of the *Planning and Environment Act 1987*.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This application is being heard by Council as there are unresolved submissions. Hearing the application in the public meeting will allow all parties the opportunity to be heard by the councillors prior to a decision being made.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

Economic

The proposal is for a subdivision that will provide for additional rateable properties within an existing serviced township. The proposed development will provide additional public parking in an area with limited access to on street parking.

Social

There are no broader social implications from the proposed subdivision or as a result of this application beyond that raised by the objectors and discussed in the consultation section above.

Environmental

The application has been assessed against the relevant provisions of the *Planning and Environment Act 1987* and will have no negative impact on the environment.

Climate change

The Strathbogie Planning Scheme has incorporated broader considerations on Climate Change, with the assessment that the proposed dwelling will not have an impact on climate change within the municipality, as all construction works will be required to comply with relevant legislation.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications with this proposal. The application is being assessed in accordance with relevant legislation, and all parties will be afforded all relevant rights of appeal at the Victorian Civil and Administrative Tribunal.

SUMMARY OF KEY ISSUES

With regard to the General Residential Zone: The proposal is for subdivision and dwelling development within the existing township of Nagambie, and infill development is generally supported. The proposal, with an average lot size of 537sqm, is considered that the subdivision does have due regard for the preferred neighbourhood character of the area.

With regard to Clause 55, Two or more dwellings on a lot: The proposed subdivision complies with the objective and standards.

With regard to Clause 56, Residential Subdivision: The proposed subdivision complies with the objective and standards.

In summary, the proposal does meet the objectives of the Planning Policy Framework, Local Planning Policy Framework, General Residential Zone, Clause 55, Two or more dwellings on a lot and Clause 56, Residential Subdivision and Overlays.

- 9.1 Planning Permit Application No. P2020-115
- Use and development of land for five (5) dwellings; five (5) lot subdivision and
creation of an easement ~ 38 and 40 River Street, Nagambie (cont.)

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, in accordance with the officer recommendation.

ATTACHMENTS

Attachment 1: Subject Land Map

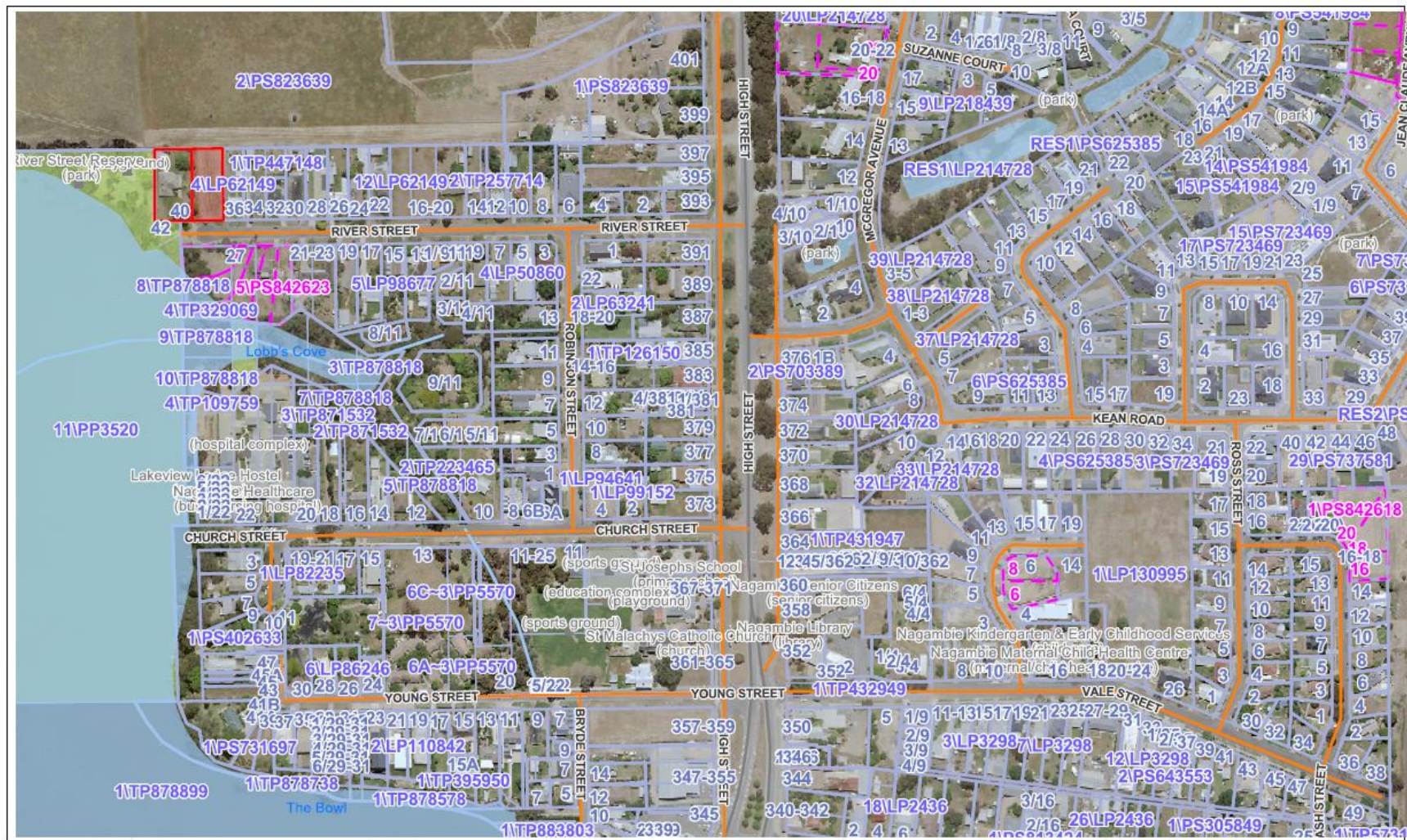
Attachment 2: Locality Map

Attachment 3: Shadow Diagrams

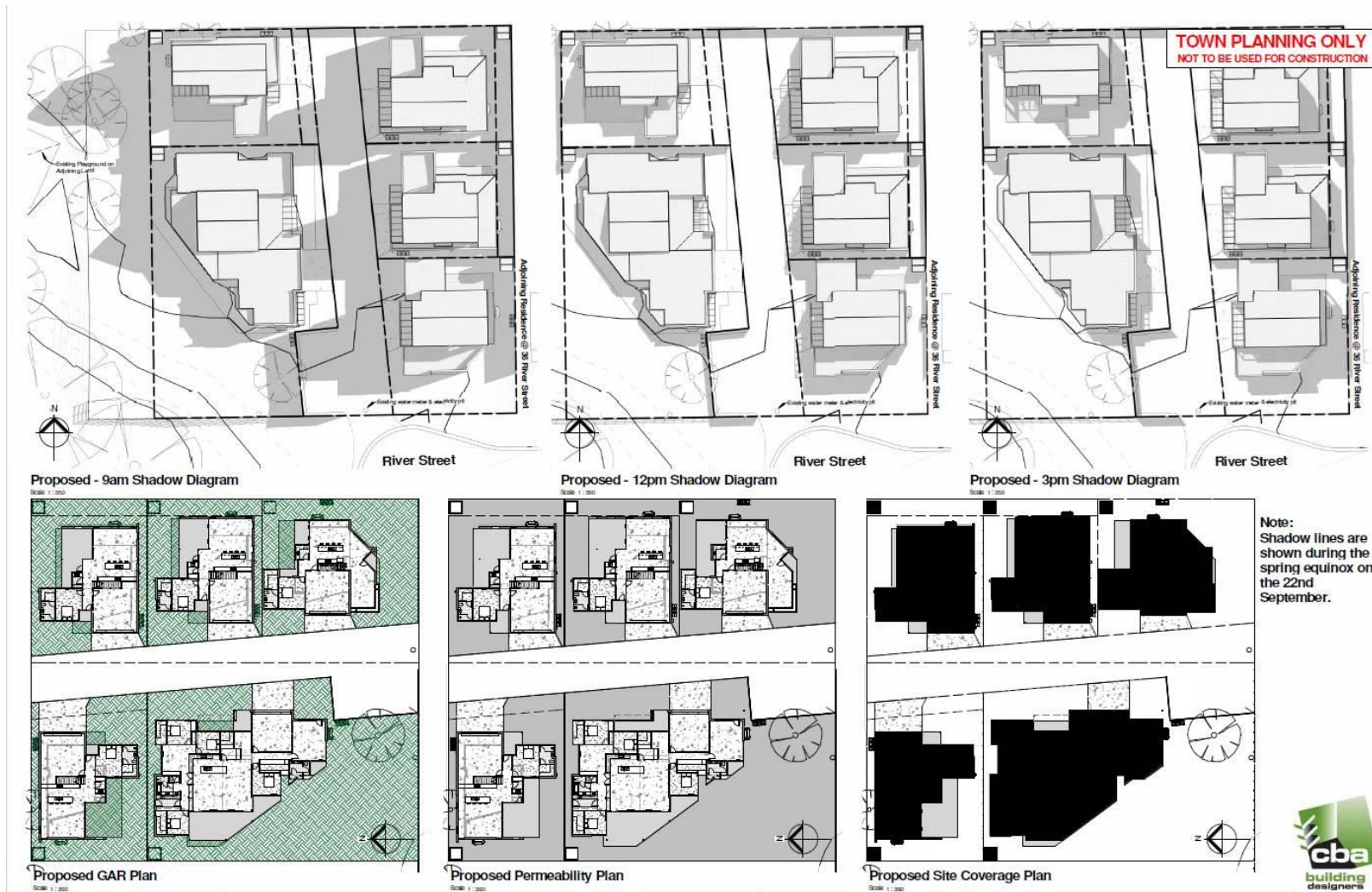
ATTACHMENT 1:



ATTACHMENT 2:



ATTACHMENT 3:



9.2 Planning Application No. P2020-140
- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa

Author: Town Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for a two (2) lot subdivision (house lot excision) and the use and development of the land for a dwelling.
- The site has an area of 24.98 hectares.
- The site is in the Farming Zone and is affected in part by both the Land Subject to Inundation Overlay and the Floodway Overlay.
- The application was referred internally to Council's Asset Services and Environmental Health Departments who have consented to the proposal, subject to conditions.
- The application was referred externally to the Goulburn Broken Catchment Management Authority who has consented to the proposal subject to conditions regarding the floor height of the dwelling.
- The application was referred to APA who consent to the proposal.
- An assessment against the Farming Zone, Floodway 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 landowners and one (1) objection has been received.
- The application is being presented to Council as the proposal is for the development of a dwelling less than 80 hectares.
- The application has been assessed outside the 60-day statutory time period due to the Christmas Holiday Period, an objection was received, and the decision was deferred.
- The application was before Council on the 19th January 2021 and was deferred to enable Councillors to give consideration to the objection received on the day.
- It is recommended Council resolve to issue a notice of decision to grant a permit in accordance with the Officer's recommendation.

Application is for:	Two (2) Lot Subdivision and the Use and Development of the land for a dwelling and shed.
Applicant's/Owner's Name:	Troy Spencer Planography Pty Ltd
Date Received:	27 October 2020 Application Received 29 October 2020 Fee Paid
Statutory Days:	138
Application Number:	P2020-140
Planner: Name, title & department	Trish Hall Town Planner Planning and Investment Department
Land/Address:	Lot 2 Plan of Subdivision 94006, Certificate of Title Volume 8917 Folio 633, 239 Cowells Lane, Euroa VIC 3666

9.2 Planning Application No. P2020-140
- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa (cont.)

Zoning:	Farming Zone
Overlays:	Land Subject to Inundation Overlay (Part) Floodway Overlay (Part)
Is a CHMP required?	No The subject site is not within a Culturally Sensitive Area.
Is it within an Open Potable Catchment Area?	No The subject site is not within an Open Potable Water Catchment Area
Under what clause(s) is a permit required?	Clause 35.07-1 Use and development of land for a dwelling on a small lot in the Farming Zone. Clause 35.07-2 Use of land for a dwelling in the Farming Zone Clause 35.07-3 Subdivision in the Farming Zone Clause 35.07-4 Buildings and works in the Farming Zone Clause 44.01-2 Building and works in the Land Subject to Inundation Overlay Clause 44.01-3 Subdivision in the Land Subject to Inundation Overlay Clause 44.03-3 Subdivision in the Floodway Overlay
Restrictive covenants on the title?	Nil
Current use and development:	Agriculture and Dwelling

RECOMMENDATION

That Council:

Having caused notice of Planning Application No. P2020-140 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 35.07-1 Use and development of land for a dwelling on a small lot in the Farming Zone, Clause 35.07-2 Use of land for a dwelling in the Farming Zone, Clause 35.07-3 Subdivision in the Farming Zone, Clause 35.07-4 Buildings and works in the Farming Zone, Clause 44.01-2 Building and works in the Land Subject to Inundation Overlay, Clause 44.01-3 Subdivision in the Land Subject to Inundation Overlay, Clause 44.03-3 Subdivision in the Floodway Overlay of the Strathbogie Planning Scheme in respect of the land known as Lot 2 Plan of Subdivision 94006, Certificate of Title Volume 8917 Folio 633, 239 Cowells Lane, Euroa VIC 3666, for the Subdivision of land into two (2) lots and the use and development of the land for a dwelling in accordance with endorsed plans, subject to the following conditions:

9.2 Planning Application No. P2020-140
- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa (cont.)

Endorsed Plans:

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

Amended Plans:

2. *Before the development hereby permitted starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the application but modified to include:*
 - a) *Setback distances of proposed shed from two boundaries.*
3. *Before the development hereby permitted starts, additional plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must show:*
 - b) *Floor and elevation plans of proposed shed*
 - c) *List of materials.*

Section 173 Agreement

4. *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, including house lot excision which increases the number of lots.*
 - b) *Recognise surrounding agricultural land uses.*

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:

5. *Prior to installation/alterations works commencing on the septic tank system, a Permit to Install/Alter must be obtained from Council.*
6. *All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Act 1970 and the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016) and the Responsible Authority.*
7. *All wastewater shall be disposed of within the curtilage of the land and sufficient area shall be kept available for the purpose of wastewater disposal to the satisfaction of the Responsible Authority.*

9.2 Planning Application No. P2020-140
- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa (cont.)

- 8. No wastewater shall drain directly or indirectly onto an adjoining property, street or any watercourse or drain to the satisfaction of the Responsible Authority.**
- 9. All wastewater and liquid are to be contained and treated on site by an approved septic tank system or equivalent. The system must be at least 300 metres from potable water supply. The system must be at least 60 metres from any watercourse and/or dam (non-potable water supply) for primary sewage and 30 metres for secondary sewage, on the subject or neighbouring properties, and must meet the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).**
- 10. No buildings or works shall occur over any part of the approved waste disposal system including the septic tank in accordance with the requirements of the Environment Protection Act 1970, the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).**

Engineering Conditions:

Rural Vehicle Crossing Location

- 11. Prior to the commencement of works on site, any new, relocated, alteration or replacement of required vehicular entrances 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.**
- 12. 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.**

Internal Access Roads

- 13. Prior to the commencement of the issue of Statement of Compliance and the Certificate of Occupancy 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 4 metres.**

- 9.2 Planning Application No. P2020-140
- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa (cont.)

Rural Drainage - Works

- 14. 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.**
- 15. 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 Construction Techniques for Sedimentation Pollution Control (EPA publication No. 275, May 1991).**
- 16. 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).**

Council's Assets

- 17. Before the development starts or subdivision works commences, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, streetlights, 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.**

Subdivision Conditions

- 18. Prior to the certification of plans under the Subdivision Act 1988, the landowner must complete and duly sign a Statutory Declaration agreeing to the Allocation of Street Numbers.**
- 19. 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.**
- 20. 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.**

- 9.2 Planning Application No. P2020-140
- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa (cont.)

21. Prior to the issue of a Statement of Compliance, the owner of the land must enter into an agreement with:

- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
- b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

22. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
- b) A suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Telecommunications and Media Authority, unless the applicant can demonstrate that the land is in an area where National Broadband Network will not be provided by optical fibre.**

23. 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.

Dwelling Conditions

24. Access to the dwelling approved by this permit must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.

25. The dwelling approved by this permit must be connected to a reticulated sewerage system or if not available, the wastewater must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

26. The dwelling approved by this permit 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.

- 9.2 Planning Application No. P2020-140
- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa (cont.)

- 27. The dwelling approved by this permit must be connected to a reticulated electricity supply or have an alternative energy source.***
- 28. The use of the land for a dwelling must be used in conjunction with an agricultural pursuit on the subject site and in accordance with the endorsed Whole Farm Plan.***
- 29. 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.***
- 30. 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.***
- 31. 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.***

Goulburn Broken Catchment Management Authority

- 32. The finished floor level of the proposed dwelling must be constructed the higher level of:***
- a. at least 300mm above the 100-year ARI Flood level of 166.6 metres AHD, i.e 166.9 metres AHD, or***
 - b. at least 300mm above the general surround surface level.***
- 33. This permit will expire if one of the following circumstances applies:***
- (f) The development is not started within two (2) years of the date of this Permit,***
 - (g) The development is not completed within four (4) years of the date of this Permit.***
 - (h) the subdivision is not started (Certification) within two (2) years of the date of this permit;***
 - (i) the subdivision is not completed (Statement of Compliance) within five (5) years of the date of Certification under the Subdivision Act 1988.***

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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.***

Environmental Health:

- ***The property is located near Sevens Creek and Castle Creek. Therefore, the property has been identified as a Medium Risk Area (Minor Catchment Area).***
- ***A High-Risk Template - Land Capability Assessment must be provided for this proposal to determine if wastewater can be contained on site before any further comment can be made by the Environmental Health Unit. The land is affected by Flood Overlay (FO) and Land Subject to Inundation Overlay (LSIO).***
- ***The floor plan shows a study room that could be closed off with a door and may need to be included as a bedroom for the purposes of calculating the minimum daily domestic flow rates.***

Goulburn Broken Catchment Management Authority:

- ***The Authority's best estimate of the 100-year ARI Flood Level for the above-mentioned property ranges from 165.8 metres AHD in the north western corner to 167.0 metres AHD in the south eastern corner.***
- ***The best estimate of the 100-year ARI flood level at the site of the proposed dwelling is 166.6 metres AHD, which was established from Euroa Post Flood Mapping and Intelligence Project (2015).***

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- ***Please note that the 100-year ARI flood is not the maximum possible flood. There is always a possibility that a larger in height and extent, than the 100-year ARI flood may occur in the future.***

PROPOSAL

An application has been received for a two (2) lot subdivision and the use and development of land for a dwelling and shed on the subject site. The subdivision proposes to excise an existing dwelling on the subject site and the two lots will be configured as follows:

- Lot 1 - 22.82 Hectares
- Lot 2 - 2.16 Hectares



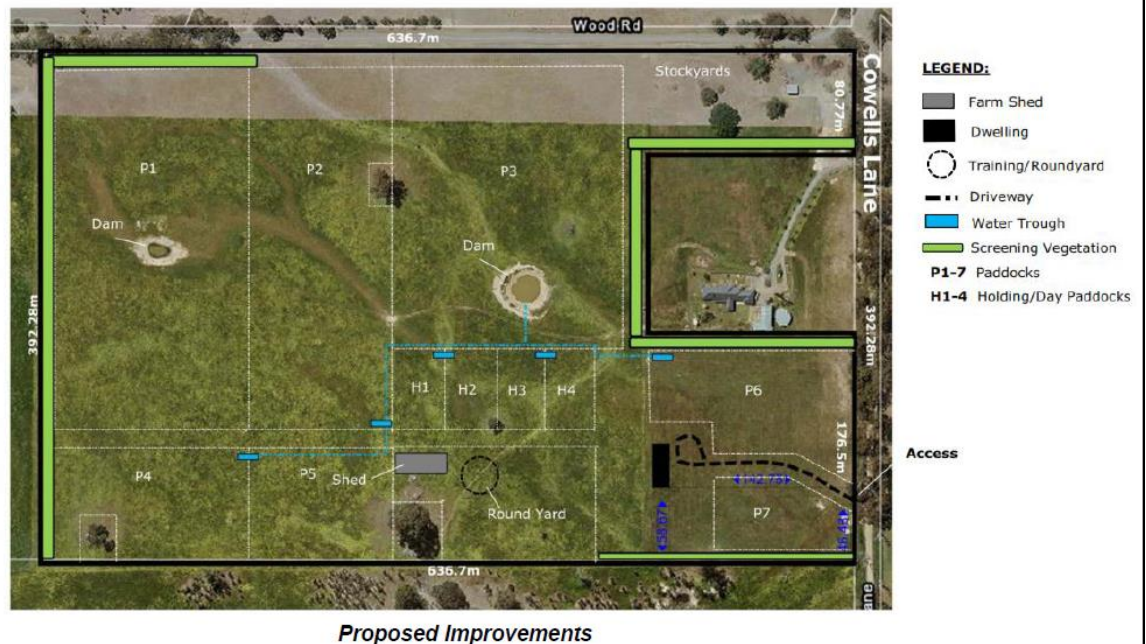
Access to proposed Lot 1 will be to the east from Cowells Lane.

The application also proposes to use and develop proposed Lot 1 for a dwelling. The proposed dwelling is a four-bedroom single storey brick home with an area of 353.96 square metres. The roof is proposed to be clad in Colourbond.

It is proposed the dwelling will be located approximately 58 metres from the southern boundary and approximately 142 metres from the eastern boundary. It is also proposed to construct shedding, fencing and round yards. No plans have been provided for the proposed shed. The dwelling will be accessed from the proposed crossover to be constructed on Cowells Lane.

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The proposed dwelling is required to facilitate the use of this lot for horse agistment and providing a facility for training. The agistment facility for boarding a person's horse and include a service fee that provides daily feeding, watering, grooming, rugging, health care and exercise. It is proposed the property will be capable of maintaining 8 horses. It is proposed the business will generate a yearly income of \$46,000.



The existing dwelling and shedding on the subject site will be retained within Lot 2. Access to Lot 2 will be from Cowells Lane.

SUBJECT SITE & LOCALITY

The subject site is formally identified as Lot 2 on Plan of Subdivision 094006, Certificate of Title Volume 08917 Folio 633 and is located on the western side of Cowells Lane and has an area of 24.98 hectares.

The land is developed with a single dwelling and associated shedding in the north eastern corner. The site is used for landscape supplies and the balance of the land is used for agriculture, namely grazing. The site is generally flat in topography however contains a slight depression towards the eastern boundary. The site is currently accessed from Cowells Lane.

The site known as 239 Cowells Lane is bound to the north east by the Euroa-Shepparton Road running in a south east to north west direction. To the north is the Euroa Gas Works and to the south west is a waterway surrounded by crown land.

Land surrounding the subject site is used primarily for agricultural purposes with dwellings scattered throughout.

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The site contains two dams located on land identified for grazing.

The site is in close proximity to the township of Euroa and the surrounding lots containing dwellings vary in size. Some of the lots are less than 80 hectares.

PERMIT/SITE HISTORY

A search of Council's electronic records system shows that the following planning permit has been issued for the subject site:

- P2005/036 Use of land for construction of a dwelling and sheds
- P2015-017 Two Lot Subdivision and Use and development of land for a dwelling (Lapsed)

PUBLIC NOTIFICATION

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

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

The notification has been carried out correctly. Council received no (0) objections at the closing of the formal advertising period.

CONSULTATION

19 January 2021

An objection was received prior to the application being heard before Council on 19th January 2021. The grounds of objection were that:

- The proposal is in the Farming Zone.
- The site is less than 80 hectares and breaks Councils current planning rules.
- That the proposed whole farm is not a reality and who says any future purchaser will abide by the recommendations of the permit.
- The price of sale per hectare will give misleading land values.

The objection was formally acknowledged, and the applicant was sent a copy of the objection for consideration.

In late January, the applicant advised they had reviewed the objection and would not be providing a formal response. They also requested that the application be heard at the next available council meeting, based on the existing application documents.

The objector was advised on this and the objection remained as submitted at the time of writing this report.

Officers Assessment of the Grounds Objection:

Although the applicant chose not to provide a response to the objection, Council officers still must consider the grounds raised and provide an assessment for consideration.

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In relation to the issues raised in relation to the zoning and the minimum lot size, under Clause 35.07-3 (Farming Zone) of the Strathbogie Planning Scheme a planning permit may be granted to create smaller lots in the Farming Zone if the subdivision is to create a lot for an existing dwelling. The subdivision must be a two-lot subdivision, which is the case here. Further to that, Clause 22.01 *House and house lot excisions in the Farming Zone* provides policy direction to council officers in relation to assessing applications such as these. A more detailed assessment of this provision is provided later in this report.

It is advised that an application for a planning permit can be considered for the proposal under both the zoning and the current planning policies.

In relation to the concerns about the ongoing requirements of the permit, it is noted that in the recommendation, there is a condition recommended that will require the landowner to enter into a 173 Agreement to carry out activities on the land in accordance with a Whole Farm Plan. Any conditions included on a Planning Permit must be complied with and are ongoing. By putting these requirements into a Section 173 Agreement as well, this will ensure that the requirements for the land will be required to be registered on Title to ensure they apply to the land and not an individual. Therefore, it will bind future owners and occupiers of the land to the agreement. A Section 173 agreement is enforceable as is any condition on any planning permit that may be issued.

In relation to the price of sale per hectare, value of land is not a planning consideration and cannot be included in this assessment.

REFERRALS

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Goulburn Broken Management Catchment Authority – No objection subject to Conditions.
Section 52 Referrals	APA – No Objection.

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

ASSESSMENT

Farming Zone

Purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *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.*

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- *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.*

Officer Comment:

A permit is required for the use and development of land for the purposes of a dwelling as the site is less than the minimum lot size (80 ha). A planning permit is required for the subdivision of land. The minimum lot size for subdivision in this area of the municipality is 80 hectares however a permit can be granted for lots under this size in the following circumstances:

- *The subdivision is to create a lot for an existing dwelling. The subdivision must be a two-lot subdivision.*
- *The subdivision is the re-subdivision of existing lots and the number of lots is not increased.*
- *The subdivision is by a public authority or utility service provider to create a lot for a utility installation.*

As the proposed subdivision will create a lot for an existing dwelling, the application can be considered.

In assessing an application for a dwelling on this site consideration needs to be given to the capacity of the site for agriculture, the impact of a dwelling on surrounding agricultural uses as well as a number of environmental and design issues.

The use and development of the site for a dwelling and the proposed house lot excision is unlikely to lead to a loss in productive agricultural land. It is considered that the proposed location is appropriate from an environmental perspective as well as the potential impact on surrounding landowners and occupiers. The use and development of the land for a dwelling is to be undertaken in conjunction with a proposed agricultural land use (equine agistment). 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 PPF & 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.

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<i>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</i>	Yes	The site is considered capable of appropriately managing the proposed house lot excision and dwelling. Both lots will contain sufficient space for an onsite effluent disposal system to the satisfaction of the Responsible Authority.
<i>How the use or development relates to sustainable land management.</i>	Yes	The site has an area of approximately 25 hectares and is currently used primarily for residential purposes. There is limited opportunity to use the land for large scope agriculture due to surrounding residential land uses and the gas works to the north of the site. It is proposed to develop the larger lot with an equine training and boarding facility in conjunction with a dwelling on the site. 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 proposed vacant lot is considered to be a small lot suitable for an ancillary residential use in conjunction with an agricultural 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. The proposed equine enterprise will improve the agricultural use of the area.
<i>How the use and development makes use of existing infrastructure and service.</i>	Yes	Access is proposed to be via Wood Road which is located on the northern boundary of the site.

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- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
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<i>Agricultural Issues</i>		
<i>Whether the use or development will support and enhance agricultural production.</i>	Yes	The subject site has an area of approximately 25 hectares. The site is characterised by its surrounding residential and agricultural land uses. The proposed dwelling will support a proposed equine boarding and training facility. Given the size of the lots, surrounding land uses and proximity to the Euroa town centre it is unlikely that the smaller lot containing the existing dwelling site could be sustainably used for agriculture. A Whole Farm Plan has been submitted as part of the application and will be endorsed if a planning permit is granted.
<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 somewhat removed from agriculture. The proposed development is unlikely to have an impact on the potential future use of the land for agriculture. The proposed use and development of a dwelling and two lot subdivision will provide for further agricultural use of the subject site.
<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 on adjoining or nearby properties.
<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 however the proposed agricultural land use has been conceived around the capabilities and capacity of the site.

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- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
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<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 25 hectares.
<i>Any integrated land management plan prepared for the site.</i>	n/a	No integrated land management plan has been prepared for the subject site.
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. It is considered that this has already occurred in part due to previous subdivision and residential development in the area.
<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 is surrounded by rural residential uses and the building envelope allows appropriate setback from all boundaries.
<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. 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 will be connected to an appropriate on-site waste-water disposal area to the satisfaction of the responsible authority.
<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.

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- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa (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 provided to both lots to the satisfaction 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 are 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 are 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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- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa (cont.)

Land Subject to Inundation Overlay

Purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *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.*

Floodway Overlay

Purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*
- *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.*

Officer Comment:

A planning permit is required for subdivision Under Clause 44.03 (Floodway Overlay) and 44.04 (Land Subject to Inundation Overlay). The building and works are located outside of the Floodway Overlay however the buildings and works are located within the Land Subject to Inundation Overlay.

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- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa (cont.)

As part of the assessment of an application under the provisions of these Clauses, the application was required to be referred to Goulburn Broken Catchment Management Authority (GBCMA) who have consented to the proposed development subject to conditions regarding the construction of the dwelling taking place 300mm above the nominated AHD. It is considered that the proposed development will not lead to an unacceptable level of flood risk to human life as the land will be developed in accordance with GBCMA requirements. It is therefore considered that the proposal is consistent with the purpose and decision guidelines of Clause 44.04 of the Strathbogie Planning Scheme.

The Planning Policy Framework (PPF)

Clause 13.02-1S Bushfire planning

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

Clause 13.04-2S Erosion and landslip

Objective

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

Clause 14.01-1S Protection of agricultural land

Objective

- To protect the state's agricultural base by preserving productive farmland.

Clause 14.01-2S Sustainable agricultural land use

Objective

- To encourage sustainable agricultural land use.

Clause 14.02-1S, Catchment planning and management

Objective

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

Officer Comment:

The subject site has an area of approximately 25 hectares. Land surrounding the site to the north south and west is predominantly used for agriculture with dwellings scattered throughout and a gas facility located directly north of the site on Wood Road. Land to the east of the site is located within an area identified for rural residential development. The application proposes a two (2) lot subdivision (house lot excision) and the use and development of a single dwelling and shedding on the balance lot. The proposed excision and dwelling will facilitate an equine agistment facility on the site which will contribute to the agricultural use of this area on the western edge of Euroa.

It is considered that the proposed dwelling and subdivision 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.

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- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa (cont.)

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 who have not raised any concerns with the proposal.

The agricultural productivity or potential of the land is not considered to be lost as part of this proposal. The land will be used as part of an equine boarding and training facility which will contribute to the agricultural use of the wider area while respecting nearby residential land uses. The land to the east of the site 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 residential character.

The Local Planning Policy Framework (LPPF) - including the Municipal Planning Strategy (MPS) and local planning policies

Clause 21.02-4 Rural Zones

Objective

- *To protect and maintain established farming areas.*
- *To ensure suitable land is available to provide for emerging rural enterprises, e.g. intensive animal husbandry, horticulture and equine industry.*

Officer Comment:

The subject site is in an area of 80 hectares for an as of right use for a dwelling. The land will continue to be used for agricultural production in accordance with the relevant policies within the Planning Policy Framework. The surrounding lots are typically used for grazing the development of the proposed dwelling is appropriately setback on site. A condition will be included on any planning permit issued requiring Section 173 Agreement that acknowledges amenity impacts from surrounding agricultural pursuits, and to prevent further subdivision.

Strathbogie Shire Planning Scheme outlines the minimum requirement for an as of right use for dwellings in the Farming Zone. The land sizes vary across the Shire from 40 hectares to 100 hectares dependant on the agricultural values of the land. Whilst this parcel is located in the 80-hectare area, it is located in close proximity to the Township of Euroa and land identified as rural living in the 2004 Strathbogie Shire Rural Living Strategy. The strategy is sixteen (16) years old and it is considered the area in which the parcel of land is situated will have future growth and demand on smaller lots due to the proximity to the Township and rural living areas.

Clause 21.02-6 Building Material – Muted Tones

Objective:

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

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- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa (cont.)

Officer Comment:

The dwelling is proposed to be constructed of new materials. The materials are unlikely to impact the aesthetic amenity currently enjoyed in the area. Standard conditions will be included on any planning permit issued to ensure the materials are muted and non-reflective. As such, this proposed is consistent with this Local planning policy within the Strathbogrie Planning Scheme.

Clause 22.01-3 *Dwellings on small lots in the Farming Zone*

Policies:

- *The construction of a new dwelling on an existing small lot will be discouraged unless it meets all the following requirements:*
 - *The lot is accessed by an all-weather road and has appropriate service provisions.*
 - *Emergency ingress and egress is at an appropriate standard.*
 - *The dwelling will not inhibit the operation of agriculture and rural industries.*
 - *The site must be able to contain and treat onsite effluent and wastewater in accordance with the relevant Code of Practice and Australian Standards, and;*
 - *Meets at least one of the following requirements:*
 - *The dwelling should be associated with a sustainable rural pursuit that requires a dwelling on the land to manage that pursuit. The application should be supported by a farm management plan that justifies the need for a dwelling to assist in the operation of the farm.*
 - *The applicant can substantiate that the land has no agricultural potential due to environmental significance and the dwelling is to be used in conjunction with sustainable land management and the significant vegetation is protected on title.*
 - *The lot has been identified in the Strathbogrie 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.*

Officer Comment:

Cowells Lane is gravel and is easily accessed from Euroa-Shepparton Road to the east. Euroa-Shepparton Road is the main connector road.

It is considered the dwelling is appropriately setback on the subject site. A Section 173 Agreement included on title via conditions will ensure any future occupiers accept the potential of any adverse amenity impacts due to agricultural pursuits being undertaken on neighbouring sites. The agreement will also prevent further subdivision including house lot excision.

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The subject site is not identified within the Strathbogie Shire Rural Residential Strategy. However, the site is located in close proximity to the Township of Euroa. An assessment of how the proposal complies with the relevant policy is as follows:

<i>Policy Requirement</i>	<i>Officer Comment</i>	<i>Complies?</i>
<i>The lot is accessed by an all-weather road and has appropriate service provisions.</i>	The lot is accessed by an all-weather road. Cowells Lane is gravel and adjoins Euroa-Shepparton Road. Euroa-Shepparton Road is the main connector road. Councils IDM standards will be Conditioned on any planning permit issued. The dwelling will be able to connect services or have an alternative source and this will be conditioned on any planning permit issued. The property is large enough to contain onsite wastewater for a single dwelling.	✓ Yes
<i>Emergency ingress and egress is at an appropriate standard.</i>	The proposed driveway will be required to be constructed to allow all weather access and minimum trafficable width for safe ingress and egress of emergency vehicles.	✓ Yes
<i>The dwelling will not inhibit the operation of agriculture and rural industries</i>	The dwelling is setback appropriately on the subject site. The land will continue to be used for agricultural production in accordance with the relevant policies within the Planning Policy Framework. As discussed in the report the subject site does not meet the 80-hectare requirement in the Farming Zone, however the site will continue to be used for agricultural purposes and the area may experience future growth due to the close proximity to the Euroa Township and Rural living areas.	✓ Yes
<i>The site must be able to contain and treat onsite effluent and wastewater in accordance with the relevant Code of Practice and Australian Standards</i>	The application has been referred to Environmental Health who do not object subject to conditions.	✓ Yes

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Cowells Lane, Euroa (cont.)

<p><i>Meets at least one of the following requirements:</i></p> <ul style="list-style-type: none"> <i>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.</i> 	<p>The land will continue to be used for agricultural production in accordance with the relevant policies within the Planning Policy Framework.</p>	<p>✓ Yes</p>
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The policy requires that a Section 173 Agreement condition be included on any planning permit issued to ensure subdivision of the land which increases the number of lots including house lot excision is prevented and that the property owner acknowledges and accepts that the possibility of some amenity impacts from adjoining and/or nearby land uses including agriculture.

The application will require the consolidation of two smaller lots in the Farming Zone although the land will not meet the 80 hectare area for an as of right use, the land will continue to be used for agricultural production in accordance with the relevant policies within the Planning Policy Framework.

Relevant Particular Provisions

There are no provisions considered applicable to this planning permit application.

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 Municipal Planning Strategy and the Planning Policy Framework.
- 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.

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- 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 to minimise any such hazard.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

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.

POLICY CONSIDERATIONS

Council Plans and Policies

There are no implications on the Council Plan or any Council Policies as a result of this decision.

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The state policies are considered in the *Planning Policy Framework* section (above) from the Strathbogrie Planning Scheme.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

This application is being considered under Section 61 of the *Planning and Environment Act 1987*.

- 9.2 Planning Application No. P2020-140
- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa (cont.)

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured. The process to hear applications on lots under the minimum lot size provides transparency in our decision making.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The proposal is to construct a dwelling to support and enhance an existing agricultural enterprise within the municipality.

Social

There are no broader social implications from the proposed dwelling or as a result of this decision.

Environmental

The application has been assessed against the relevant provisions of the *Planning and Environment Act 1987* and will have no negative impact on the environment.

Climate change

The Strathbogie Planning Scheme has incorporated broader considerations on Climate Change, with the assessment that the proposed dwelling will not have an impact on climate change within the municipality, as all construction works will be required to comply with relevant legislation including the Infrastructure Design Manual and the *Environment Protection Act 1970*.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications with this proposal. The application is being assessed in accordance with relevant legislation, and all parties will be afforded all relevant rights of appeal at the Victorian Civil and Administrative Tribunal.

SUMMARY OF KEY ISSUES

With regard to the Farming Zone, as discussed in the report, the subject site does not meet the 80-hectare requirement in the Farming Zone. However, it is considered the proposal is appropriate. A Whole Farm Plan for the horse agistment enterprise has been provided and will be endorsed as part of any permit issued. The proposed dwelling is required for security and management to undertake processes in association with the agistment business.

9.2 Planning Application No. P2020-140
- Two (2) Lot Subdivision - Use and development of land for a dwelling ~ 239
Cowells Lane, Euroa (cont.)

The applicant has demonstrated the land will continue to be used for agricultural production in accordance with the relevant policies within the Planning Policy Framework. The dwelling is setback appropriately on the subject site. It is considered the area may experience future growth due to the proximity to the Euroa Township and Rural living areas. A Section 173 Agreement will be conditioned on any planning permit issued to prevent any future subdivision and acknowledges agricultural enterprise being carried out in the surrounding area.

With regard to the Floodway Overlay and Land Subject to Inundation Overlay, the application was referred to Goulburn Broken Catchment Management Authority who did not object subject to conditions. These conditions will be included on any planning permit issued.

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

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 and in accordance with the officer's recommendation.

ATTACHMENTS

Attachment 1: Site plan

Attachment 2: locality plan

ATTACHMENT 1:



ATTACHMENT 2:



9.3 Planning Permit Application No. P2020-086
– Development of Land for a Four (4) Lot Staged Subdivision and Creation
of Access ~ 12 Watson Street, Avenel

Author: Principal Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for a four-lot staged subdivision at 12 Watson Street Avenel.
- The application was advertised, and two (2) objections were received. The objections raised issues related to native vegetation, character of the area and impact on infrastructure.
- The application is being heard before the Council due to the unresolved objections.
- The original application was received by Council in July 2020. The application was amended in December 2020 as a result of objections to change the layout. The application was amended again in January 2021 to include staging of the development.
- The amended application has been assessed within the 60-day statutory timeframe.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework and the Township Zone.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

APPLICATION DETAILS

Application is for:	Development of land for a four (4) lot subdivision (2 lots into 4); Creation of Access
Applicant's/Owner's Name:	Cameron Ross
Date Received:	21 July 2020 Application amended on 3 December 2020 to change the layout. Application amended on 29 January 2021 to make minor changes to dimensions and include staging.
Statutory Days:	46
Application Number:	P2020-086
Planner: Name, title & department	Melissa Crane Principal Planner Planning and Investment Department
Land/Address:	Land in Plan of Consolidation 172185A, Certification of title Volume 09935 Folio 283 and Land in Plan of Consolidation 172186X, Certificate of title Volume 09935 Folio 284, Parish of Avenel 12 Watson Street, Avenel VIC 3664
Zoning:	Township Zone, adjacent to Road Zone Category 1
Overlays:	No Overlays

9.3 Planning Permit Application No. P2020-086
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Is a CHMP required?	No, not in an area of cultural sensitivity.
Is it within an Open Potable Catchment Area?	No, not in an open potable catchment area.
Under what clause(s) is a permit required? (include description)	Clause 32.05, Township Zone – Permit required for subdivision Clause 52.29, Land Adjacent to Road Zone Category 1 - Permit required for subdivision
Restrictive covenants on the title?	No
Current use and development:	Residential/accommodation

RECOMMENDATION

That Council:

Having caused notice of Planning Application No. P2020-086 to be given under section 52 of the Planning and Environment Act 1987 and having considered all matters required under Section 60 Planning and Environment Act 1987, decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 32.05 Township Zone and Clause 52.29, Land Adjacent to a Road Zone Category 1 of the Strathbogie Planning Scheme in respect of the land known as Land in Plan of Consolidation 172185A, Certification of title Volume 09935 Folio 283 and Land in Plan of Consolidation 172186X, Certificate of title Volume 09935 Folio 284 Parish of Avenel, 12 Watson Street, Avenel VIC 3664, for the Development of land for a four (4) Lot Staged Subdivision (2 lots into 4) and Creation of Access, in accordance with endorsed plans subject to the following conditions:

Endorsed Plans

- 1. The subdivision must be generally 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.***

Section 173

- 2. Prior to the issue of a Statement of Compliance a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:***
 - a. The on-site detention for stormwater for the future dwellings will each be designed by a qualified drainage engineer and must be approved by the Council prior to construction. A copy of each of the approved plans will be held by Council for future reference.***

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- b. The stormwater system must incorporate principles of Water Sensitive Urban design and be designed so that the rate of storm water runoff from the development must not be more than the rate of runoff from the site prior to the development, all to the satisfaction of the Responsible Authority. The drainage system must be designed in accordance with the requirements of Clause 19 of the Infrastructure Design Manual (IDM) “On-site Detention Systems”. The on-site storage size for the development must be in accordance with Table 13. The allowable discharge rate to Council drains shall be the lesser of; a) that which is outlined in Table 13 and b) the remaining capacity of the existing pipe (clause 19.3.1 of the IDM).*
- c. A default allowable discharge rate of 25 l/s/ha may be used in lieu of calculations to determine the remaining capacity of the existing drainage network.*
www.designmanual.com.au
- d. Each on-site detention stormwater system must be constructed either prior to, or currently with, the construction of any dwelling on the specified lots. Each on-site detention stormwater system on the specified lots must be completed prior to connection to Council's drainage system and be constructed in accordance with the approved design plans.*
- e. The owner will maintain, and not modify without prior Council written approval, each on-site detention system and will allow each on-site stormwater detention system to be inspected by a duly appointed officer of the Council at mutually agreed times.*
- f. The Owner will pay for all the costs associated with the construction and maintenance of each on-site detention system.*

The Section 173 Agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be recorded on the folio of the Register to the subject land pursuant to Section 181 of the Planning and Environment Act 1987.

Removal of shed

- 3. Prior to the issue of a statement of compliance for Stage 2, the shed on proposed Lot 4 must be removed to the satisfaction of the Responsible Authority.*

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Engineering

4. *Prior to the issue of statement of compliance for the subdivision the permit holder must obtain a vehicle crossing permit from the responsible authority for each lot and construct the vehicle crossing in accordance with the requirements. Standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree.*

Any new, relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. Final location of vehicle crossing must be approved by Responsible Authority via vehicle crossing permit. Refer to Clause 12.9.1 "Urban Vehicle Crossings" of the Infrastructure Design Manual. Where there is no existing kerb and channel in the street refer to standard drawing SD255.

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. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.*
6. *A qualified engineer is to prepare Stormwater Impact Assessment Report [SIAR] and/ or Stormwater Management Assessment Report [SMAR] in accordance with the requirements of clause 11 of the Infrastructure Design Manual.*
7. *Before any of the development starts or before the plan of subdivision is certified under the Subdivision Act 1988, a properly prepared drainage discharge plan with computations to the satisfaction of the responsible authority 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 information submitted must show the details listed in the council's Infrastructure Design Manual (IDM) and be designed in accordance with the requirements of that manual. The information and plans must include:*
- a. *details of how the works on the land are to be drained and/or retarded.*
 - b. *computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Responsible Authority*
 - c. *independent drainage for each lot (for subdivisions only)*

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- d. location of the overland flow paths within the development*
 - e. underground pipe drains conveying stormwater to the legal point of discharge for each allotment*
 - f. measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;*
 - g. documentation demonstrating approval from the relevant authority for the legal point of discharge.*
 - h. the details of the incorporation of water sensitive urban design in accordance with clause 20.3.1 of the Infrastructure Design Manual.*
 - i. maintenance schedules for treatment elements.*
8. *Prior to the issue of a Statement of Compliance all works constructed or carried out in accordance with the plans endorsed under this permit.*
9. *Prior to the issue of Statement of Compliance for the subdivision the Applicant/ Owner must construct underground drainage pipe connections from the development to the existing pits and/or existing pipeline and continue the existing 300mm diameter pipeline along Livingstone Street to a position to be agreed to with Councils Engineers, and appropriately backfill to the natural surface level.*
10. *Prior to the commencement of works, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. 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.*

Telecommunications

11. *The owner of the land must enter into an agreement with:*
- A telecommunications network or service provider for the provision of telecommunications services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and*

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- *A suitably qualified person for the provision of fibre ready telecommunications facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

12. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- *A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and*
- *A suitable qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Telecommunications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

AusNet Electricity Services Pty Ltd

13. The applicant must –

- Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.*
- Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.*

Transport for Victoria

14. Only one access will be permitted from the subject land to the Livingstone Street as shown on the plan appended to the application.

15. Prior to the release of a Statement of Compliance, the access must be constructed and sealed to the satisfaction of the Responsible Authority and at no cost to Head, Transport for Victoria.

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Goulburn Valley Water

16. Prior to the issue of a Statement of Compliance, the permit holder must arrange:

- a. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;**
- b. Any existing water service that crosses any of the proposed allotment boundaries within the proposed development must be disconnected and re-located at the developer's expense, to be wholly within one allotment only, including notification of the proposed lot to be serviced by the existing water meter, to the satisfaction of the Goulburn Valley Region Water Corporation;**
- c. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;**
- d. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;**
- e. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property;**
- f. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;**
- g. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act 1988.**

Expiry

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

- (a) the subdivision is not started (Certification) within two (2) years of the date of this permit;**
- b) the subdivision is not completed (Statement of Compliance) within five(5) years of the date of Certification under the Subdivision Act 1988.**

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

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

Planning Notes:

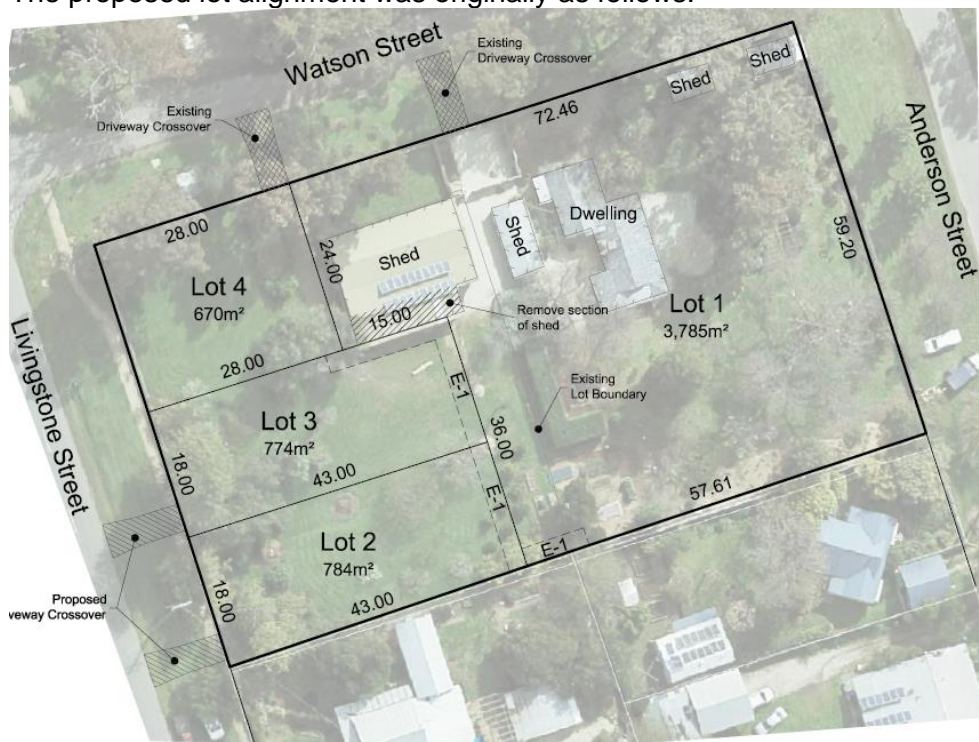
- This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.***
- This Permit does not authorise the removal of any native vegetation including for access. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.***
- This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.***

PROPOSAL

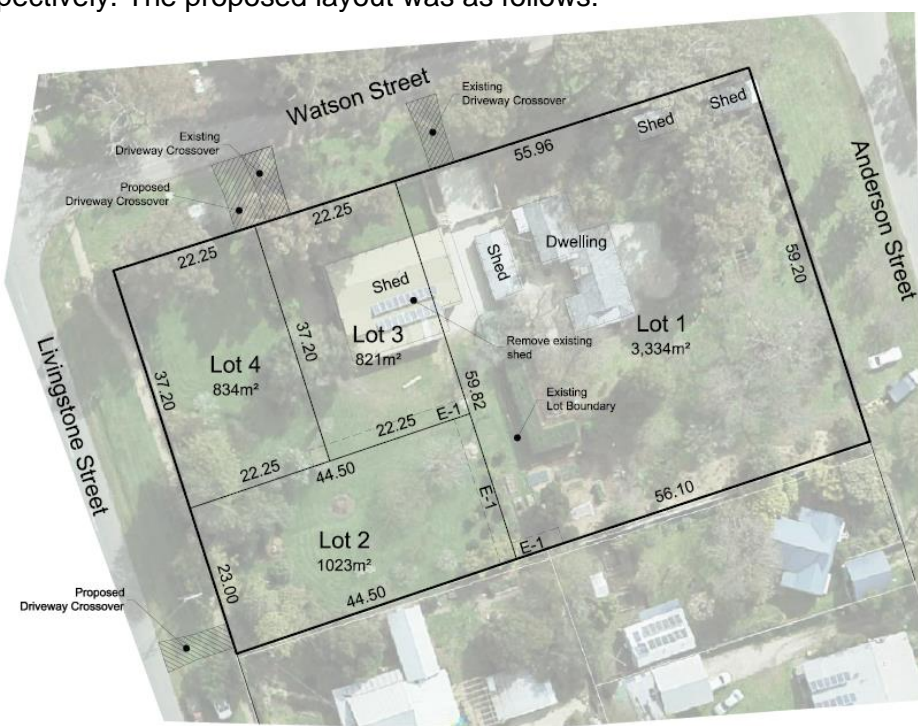
The original application proposal was for the development of the land at 12 Watson Street, Avenel from two lots into four lots, and to create access for two of those lots onto Livingstone Street. One lot was shown to be 3785sqm containing the existing dwelling and shedding, and three vacant allotments, being 670sqm, 774sqm and 784sqm in size respectively. The average lots size for the development site was to be 1503sqm.

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The proposed lot alignment was originally as follows:



In response to concerns raised by Council officers and the objectors, the Applicant amended the proposal to be for four lots, with one access to Livingstone Street only. The lots are to be 3334sqm, 821sqm, 834sqm and 1023sqm in size respectively. The proposed layout was as follows:



SCALE

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A further amendment was received on 29 January 2021 to change the dimensions of lots 3 and 4, to have lots of 3334sqm, 898sqm, 759sqm and 1023sqm respectively. Proposed lots 2 and 3 form Stage 1 of the subdivision and proposed lots 1 and 4 form stage 2. This staging will allow the permit holder to create two vacant lots and retain the shedding until such time as they decide to create the third vacant lot. The current proposed layout is as follows:



SUBJECT SITE AND LOCALITY

The subject land is made up of two separate parcels, with a total area of 6004 sqm in size. The existing boundary runs between the two sheds shown on the above plan. The site contains planted vegetation, and is bound by Anderson Street to the east, Watson Street to the north, Livingstone Street to the west and privately-owned properties to the south. The property is located within the township of Avenel with the area is identified as being in the Interwar/Post-war Precinct, and on the fringe of the Post War/Contemporary Precinct in the *Avenel Neighbourhood Character Study 2009*.

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North of Watson Street is the Avenel Primary School, with residential dwellings on larger allotments east, west and south of the site. An assessment of the average lot size is as follows:

Area	No. of lots	No. of houses Note: some houses cross lot boundaries	No. of vacant lots	Ave. lot size
Bound by Watson Street, Anderson Street, Livingstone Street and Smythe Street (contains subject site)	14	8	3	1446sqm
Bound by Watson Street, Jones Street, Smythe Street and Anderson Street	21	21	0	1949sqm
Bound by Smythe Street, Anderson Street, Mitchell Street and Livingstone Street	16	12	3	1269sqm
Bound by Smyth Street, Jones Street, Mitchell Street and Anderson Street	24 Subdivisions approved, not yet completed.	18	6	1690sqm When subdivisions completed, average will be 1229sqm
TOTAL	75	59	16	1589sqm

To the north of the site the block bounded by Watson Street, Livingston Street, Shelton Street and Pinniger Street is within the same Neighbourhood Character area as the subject site (Interwar/Post War) and has an average lot size of 1119sqm in size.

PERMIT/SITE HISTORY

A search of Council's records results in a permit previously issued for the site, being P2014-089 for Native Vegetation Removal issued in 2014.

PUBLIC NOTIFICATION

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

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

The notification has been carried out correctly.

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Council has received 2 objections to date. The key issues that were raised in the objections are:

- *Density and character of development*, in that the lots sizes are smaller than what is traditionally found in Avenel, and there is concern that this is not in keeping with the character of the township
- *Future development* of these allotments, in that there is no certainty about what can be developed on these allotments, particularly with units. There is also concern with the possibility of three new modern dwellings on these sites, which they consider out of character with the area.
- *Native Vegetation*, in that the extent of vegetation removal that will be undertaken to support this development and feel that it hasn't been considered appropriately.
- *Inadequate infrastructure* in the local area, in particular the deep drain adjacent to the subject site and drainage issues within Livingstone Street.

Both objectors were sent the amended proposal, and provided the following comments in relation to the amendment:

- *Density and character of development*, in that there are still 3 new lots being created and no height or other restrictions being proposed for the lots.
- *Future development*, as stated previously with concerns about multiple storeys and units.
- *Inadequate infrastructure* in the local area, in particular the deep drain adjacent to the subject site and drainage issues within Livingstone Street.

The objectors requested the following restrictions be placed on the development of this site:

- Two new lots only to be created
- Height restrictions to be placed on each allotment
- Restriction only allowing one dwelling to be constructed on each lot
- No new driveways onto Livingstone Street
- No works to be undertaken on site until drainage infrastructure in Livingstone Street has been upgraded
- A 1.8m high Colourbond fence be installed on the site.

A further amendment was made to the plan, which will allow a staged subdivision with some changes to the dimensions of the lots facing Watson Street. These changes would allow better siting for the corner allotment. This proposed change was considered by the objector who did not withdraw their submission based on the previous requests (detailed above).

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COMMUNITY ENGAGEMENT

Consultation has been undertaken with the objectors. This was done in the following ways:

1. A response to the issues raised by the objectors was provided by the applicant. This response did not resolve the objections. The response provided the following detail:
 - a. *Density and character of the development:* The lots have been designed to allow appropriate setbacks and provide a range of lot sizes.
 - b. *Future development:* Construction works will need to be done in accordance with relevant statutory requirements.
 - c. *Inadequate existing infrastructure:* The development will require vehicle crossovers to be constructed in the appropriate manner. Open drains are part of the character of Avenel.
2. A mediation session was held between the permit Applicant, Council officers and the objectors. This did not resolve the objections. The following matters were discussed:
 - a. *Density and character of the development:* The permit Applicant was requested to consider reducing the number of lots. This did not happen, and further information was sought in relation to the character of the development.
 - b. *Future development:* It was noted that each lot would only be able to construct a single dwelling without the need for a further planning permit. The permit applicant advised that the size of the proposed lots did put natural limitations on the ability of these lots to be used for anything other than a single dwelling.
 - c. *Native vegetation:* The site does not need a planning permit to remove native vegetation, and the application was assessed by the Department of Environment, Land, Water and Planning who had no objections to the subdivision.
 - d. *Inadequate existing infrastructure*, with 3 particular areas:
 - i. Open drain/depth of drain: It was agreed that Council's Assets department would undertake an evaluation of the of the infrastructure in the area separate to this planning proposal
 - ii. Stormwater flows: it was discussed that any development would normally require stormwater flows be maintained to predevelopment levels to ensure no additional burden would be placed on existing infrastructure.
 - iii. Speed of traffic: this is separate to the planning proposal, and Assets would look into traffic counters, etc, and work with VicRoads on the results. It was acknowledged that this would need to be after Covid-19 to get true results.

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3. Further information was sought from the permit applicant as a result of the mediation. This information was provided to the objectors for their consideration and information. The following information was provided:
 - a. *Density and character of the development:* The existing dwelling would remain on site, with front fencing to remain open and each lot would allow a dwelling to be placed on the sites with appropriate setback.
 - b. *Future development:* Anything other than a single dwelling on each lot would need for a further planning permit, giving all parties the relevant rights of review should a more intensive development be proposed.
 - c. *Native vegetation:* The vegetation on site was planted by the owners of the property, and a planning permit is not required to remove any vegetation because of this. It was noted that the owners of the property did not intend to remove any vegetation, and any future owners would only be able to remove planted vegetation from the new lots.

The amended proposal was provided to both objectors, neither of which were satisfied, and remain current. The Applicant did not provide a response to the additional concerns, as they were satisfied that the amended proposal had addressed them adequately and they did not want to agree to restrictions that were not required in the Strathbogie Planning Scheme.

The following is the officer assessment of the grounds of objection:

1. *Density and Character:* The original application provided for 3 new lots under 800sqm in size, with the smallest being 670sqm. The amended proposal has all lots over 800sqm in size, and the one facing Livingstone Street being 1023sqm in size. With due consideration for the character of the area (discussed in more detail below in the Assessment section), the site is in the Interwar/Post War precinct with smaller lot sizes than the Post War/Contemporary Precinct adjacent to the site.
2. *Future Development:* The site is within the Township Zone which has the purpose of providing for residential development, with due consideration of the character of the area. Infill development is considered appropriate and in cases like Avenel, the consideration is about maintaining the rural character of the area. Each of these new lots will have the ability to have a single dwelling constructed on the lots, without the need for further planning approval. Further to this, in residential areas, planning does not normally put controls as to heights, etc for single dwellings on any property as part of a subdivision application. However, should any one of these sites wish to have more than one dwelling (ie, units), further planning permits would be required, and would be assessed on their merits with due consideration for the provisions of the planning scheme and the character of the area.

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3. *Infrastructure:* Existing infrastructure issues are acknowledged to be a problem both in the local area and within the broader township of Avenel. Council officers are only able to consider the implications of this proposal on existing infrastructure. In this case, conditions have been recommended for the permit to include a Stormwater Impact Assessment and a Drainage Discharge Plan prepared for the site and implemented as part of the subdivision. A Section 173 Agreement will also be required to ensure that each new dwelling have appropriate on site detention in accordance with the Infrastructure Design Manual. It is considered that this is a reasonable response to the grounds of objection.
4. *Access to Livingstone Street:* The amended proposal allows for one access only to Livingstone Street, which is an improvement on the original proposal. As this is a Road Zone Category One, this consideration must be made by Transport for Victoria. They were satisfied with the construction of two accesses and raise no concerns or objections to the proposed subdivision.

The further amendment to stage the subdivision is also considered a reasonable request and response to the objections. By staging the subdivision, there are only 2 new lots created in the first instance, while the third lot will only be created once the shedding on the proposed Lot 4 has been removed. The owner of the land will have the option of removing the shed to continue with the subdivision or retaining the shedding and only creating 2 new lots.

REFERRALS

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	AusNet Electricity Pty Ltd – No objections subject to conditions. Goulburn Valley Water – No objections subject to conditions. Department of Transport – No objections subject to conditions.
Section 52 Notices	Department of Environment, Land, Water and Planning – No objections. Notice of application to 10 nearby and adjoining property owners.

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

9.3 Planning Permit Application No. P2020-086
– Development of Land for a Four (4) Lot Staged Subdivision and Creation of
Access ~ 12 Watson Street, Avenel

ASSESSMENT

Township Zone

Purpose:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential development and a range of commercial, industrial and other uses in small towns.
- To encourage development that respects the neighbourhood character of the area.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Officer Response:

The proposed subdivision is an infill development within the existing residential area of Avenel. In summary, while the subject site is not part of a Low-Density Residential Zoning, the existing residential character typically provides for larger residential allotments. The Applicant has amended the proposal in an effort to demonstrate that this proposal has regard for the existing and preferred neighbourhood character. An assessment of the proposal against the decision guidelines of the zone has been undertaken as follows:

Decision Guideline	Officer Comments	Complies?
General		
The Municipal Planning Strategy and the Planning Policy Framework	Refer below for assessment	✓ Yes
The objectives set out in a schedule to this zone	No specific objective set out in the schedule.	Not applicable
The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.	<p>The purpose of the zone is to encourage development that respects neighbourhood character and provides for a range of housing types.</p> <p>The area is within the Interwar/Post-war Precinct, and on the fringe of the Post War/Contemporary Precinct in the <i>Avenel Neighbour Character Study 2009</i>. An assessment of this application against this study is provided in the Local Planning Policy Framework section.</p> <p>The average lot size of area being 1589sqm, and the proposed</p>	✓ Yes

Decision Guideline	Officer Comments	Complies?
	subdivision achieving an average of 1503sqm, with lots all above 780sqm in size. These are considered to be in character with the surrounding area.	
The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.	The site can be connected to all services, and conditions have been recommended for the permit by AusNet, Goulburn Valley Water and Department of Transport.	✓ Yes
In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.	The site is able to be connected to reticulated sewer.	✓ Yes
The design, height, setback and appearance of the proposed buildings and works including provision for solar access.	No buildings are proposed as part of the development.	Not applicable
The need for a verandah along the front or side of commercial buildings to provide shelter for pedestrians.	The proposal is for a residential development, not a commercial building.	Not applicable
Provision of car and bicycle parking and loading bay facilities and landscaping.	The proposal is for a residential development, and no parking facilities are required.	Not applicable
The effect that existing uses on adjoining or nearby land may have on the proposed use	The application was notified to nearby and adjoining owners, with objections received. A discussion of these issues has been undertaken in the consultation section of this report. The objectors believe the application will have a negative impact on them. The grounds of objection have been discussed earlier in this report.	✓ Yes
The scale and intensity of the use and development.	The proposal provides for a range of lot sizes, and all lots are of a size that will allow for a dwelling to achieve appropriate setbacks and spacing that will fit in with the broader area.	✓ Yes

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The safety, efficiency and amenity effects of traffic to be generated by the proposal	The proposal will provide for a small increase in traffic, but as this is onto existing sealed roads, this is not considered an issue. Any new vehicle crossings will be placed in the safest location per the conditions on the recommendation.	✓ Yes
The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone	No new buildings are proposed.	Not applicable
Any other decision guidelines specified in a schedule to this zone.	No other decision guidelines are specified.	Not applicable
Subdivision		
The pattern of subdivision and its effect on the spacing of buildings.	The proposal provides for a range of lot sizes, and all lots are of a size that will allow for a dwelling to achieve appropriate setbacks and spacing that will fit in with the broader area.	✓ Yes
For subdivision of land for residential development, the objectives and standards of Clause 56.	Refer below for this assessment	✓ Yes
Any other decision guidelines specified in a schedule to this zone.	No other decision guidelines are specified in the schedule	Not applicable

The Planning Policy Framework (PPF)

Clause 15.01-3S, *Subdivision Design*

Objective: To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

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Strategies: In the redevelopment of existing areas, subdivision should be designed to:

- Creating urban places with a strong sense of place that are functional, safe and attractive.
- Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.

Officer Response:

The application provides for infill development within the existing residential area of Avenel. While a range of lot sizes is a reasonable response to the policy, the sense of place in Avenel is also relevant in this consideration. The amended proposal has addressed concerns with spacing and lot sizes and is considered appropriate for this site.

Clause 15.01-5S, *Neighbourhood Character*

Objective: To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies:

- Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.
- Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:
 - Pattern of local urban structure and subdivision.
 - Underlying natural landscape character and significant vegetation.
 - Heritage values and built form that reflect community identity.

Officer Response:

The planning provision requires that development responds to the neighbourhood character and sense of place. In this case, the objections have clearly highlighted the valued features and characteristics of the area, being the low-density nature of the existing lot layout. It is considered that the original development had the potential to introduce a 'suburban' character. In order to address those concerns, the application has been amended to provide for one dwelling only accessing into Livingstone Street, and three accessing Watson Street, all reasonably spaced apart.

This is further considered with the *Avenel Neighbourhood Character Study 2009*, where the area is identified as an Interwar/Post War Mix precinct, directly adjacent to the Post War/Contemporary Mix Precinct. It is considered that the subdivision will not undermine the sense of place as it does regard to the existing pattern of subdivision. Further to this, it is considered that three allotments will not particularly change the overall appearance of the area.

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Clause 16.01-2S, *Location of residential development*

Objective: To locate new housing in designated locations that offer good access to jobs, services and transport.

Strategies: Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.

Officer Comment:

This site is located on township area of Avenel. The site is suitable for subdivision.

Clause 19.03-3S, *Integrated Water Management*

Objective: To sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.

Strategies:

- Manage stormwater quality and quantity through a mix of on-site measures and developer contributions at a scale that will provide greatest net community benefit.
- Minimise the potential impacts of water, sewerage and drainage assets on the environment.

Officer Comment:

Existing infrastructure issues are acknowledged to be both in the local area and within the broader township of Avenel. Council officers are only able to consider the implications of this proposal on existing infrastructure. In this case, conditions have been recommended for the permit to include a Stormwater Impact Assessment and a Drainage Discharge Plan prepared for the site and implemented as part of the subdivision. A Section 173 Agreement will also be required to ensure that each new dwelling have appropriate on site detention in accordance with the Infrastructure Design Manual. It is considered that this is a reasonable response to the grounds of objection.

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

Clause 21.03-1, *Avenel*

Objective:

- To promote and support the sustainable growth of Avenel.

Officer Comment:

Planning in Avenel must have consideration to both *Avenel 2030* and the *Avenel Neighbourhood Character Study 2009*, which identifies this area as an interwar/post war precinct.

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Assessment of this subdivision against the relevant reference documents under Clause 21.08, *Reference Documents*, is as follows:

Assessment against Avenel 2030

Avenel 2030 describes the character elements as follows

“... it's size, low density form, grid street layout, freeway and rail boundaries, the town's physical and visual relationship to the rural landscapes and Hughes Creek and its floodplain. The town's openness and spaciousness with many vacant lots presents planning and design challenges as demand for residential land and housing increases.”

The key strategic directions in *Avenel 2030* include the following:

- Provide for greater housing choice and diversity to meet the housing preferences of different population segments of the existing and future population.
- Encourage development that meets sustainable development principles and respond to local site and environmental conditions.
- Encourage new development to respect residential neighbourhood and heritage character.

It is also recommended that “Infill and consolidation within the existing urban area needs to be encouraged having particular regard to the protection of rural town character. The planning tools to achieve protection of neighbourhood character will be a major outcome of the Avenel Neighbourhood Character Study.”

The proposal is for infill development within the existing township, and while the site is capable of being subdivided, due consideration of the character of the area must be made. In this case, it is considered that the amended proposal is respectful of the low-density form of development in the area.

Assessment against the Avenel Neighbourhood Character Study 2009

In the Study, determining neighbourhood character elements are described in the following way:

“In many areas, building type, era, spacing, the proportions and combined appearance of the ‘walls’ and ‘floor’ of the street space, and the amount and type of vegetation are the key determinates of the areas character. How buildings ‘sit’ in their landscape is critical.”

Within the Study, the subject area has been classified as having a character type of Interwar/Post War Mix, which is described as “*Spacious residential areas in a garden setting (formal street pattern, generally modified grid).*”

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Within this precinct, the key characteristics that define the character of the area, and how this application responds have been assessed as follows:

Character Element	Officer Comment	Complies?
Existing Buildings		
To encourage the retention of older dwellings that contribute to the character of the area.	No changes to buildings on site area proposed, but the development will allow the construction of three new dwellings on site without the need for further planning approvals.	Not applicable
To respect the qualities of older adjoining buildings that are in good condition.	Only one dwelling will face Livingstone Street, with two facing Watson Street, adjacent to an existing older building. The spaces between building will allow these new dwellings to settle into the area, without changing the overall character of the area. Further to this, the main sight lines are along Livingstone Street, which will only be impacted by one new dwelling. It is noted that the existing allotment that proposed Lots 2, 3 and 4 are within already has the capacity for a dwelling to be constructed without a planning permit.	✓ Yes
Vegetation		
To maintain and strengthen the landscape character of streets.	While no native vegetation on the street is to be removed, the sizes of each new lot will allow for a dwelling to be placed with minimal impact on existing planted vegetation on site. This element is also supported by encouraging planting of trees and substantial vegetation wherever possible. With the increase in lot size as per the amended proposal, this will be able to be achieved on the new lots.	✓ Yes
To encourage sustainable vegetation and drought resistant planting in gardens	No planting is proposed as part of the subdivision.	Not applicable
Siting		
To provide space for front gardens	While two of the lot sizes are smaller than the surrounding area, the average for the development is consistent with the broader area. Each lot is capable of providing a front garden.	✓ Yes

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To maintain the spaciousness of streetscapes and consistent spacing between buildings, whilst allowing for planting.	The proposed lot fronting Livingstone Street is 23 metres wide. Other properties along this frontage are at least 20 metres wide, which is consistent. This increased size of frontage allows for greater spacing between buildings, that will be more limited due to the small lot size.	✓ Yes
To minimise the loss of front garden space, the dominance of car parking structures and the number of vehicular crossovers.	The proposed development will require the of one driveway in Livingstone Street only, and one additional crossover in Watson Street. This will minimise the loss of green space to vehicle crossings.	✓ Yes
Height and Building Form		
To ensure that buildings and extensions respect the dominant building scale and forms.	No new buildings are proposed.	Not applicable
Materials and design detailing		
To ensure the use of materials and design detail in new buildings complements that of the predominant building styles in the street.	No new buildings are proposed.	Not applicable
Front Boundary Treatment		
To maintain the openness of the streetscape and views into gardens.	The proposed development will require the of one driveway in Livingstone Street only, and one additional crossover in Watson Street. This will minimise the loss of green space to vehicle crossings.	✓ Yes

Clause 21.07-2, *Urban Services*

Objective: To deliver sustainable services.

Strategies:

- Ensure that the design and construction of roads meets the requirements of Vic Roads, Strathbogie Planning Scheme, Infrastructure Design Manual and Australian Standards.

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- Ensure that the design and management of stormwater runoff from all development is generally in accordance with the local adopted Stormwater Management Plan and incorporates consistent best practice water sensitive urban design measures and principles.

Clause 21.07-5, *Drainage*

Objective: To ensure that appropriate drainage infrastructure is installed and maintained

Strategies:

- Ensure development contributions address drainage infrastructure needs.
- Develop strategies to ensure that future drainage infrastructure can accommodate for high rainfall events.

Officer comment:

Existing infrastructure issues are acknowledged to be both in the local area and within the broader township of Avenel. Council officers are only able to consider the implications of this proposal on existing infrastructure. In this case, conditions have been recommended for the permit to include a Stormwater Impact Assessment and a Drainage Discharge Plan prepared for the site and implemented as part of the subdivision. A Section 173 Agreement will also be required to ensure that each new dwelling have appropriate on site detention in accordance with the Infrastructure Design Manual.

Relevant Particular Provisions

Purpose:

- To create liveable and sustainable neighbourhoods and urban places with character and identity.
- To achieve residential subdivision outcomes that appropriately respond to the site and its context for:
 - Infill sites within established residential areas.
 - Regional cities and towns.
- To ensure residential subdivision design appropriately provides for:
 - Policy implementation.
 - Liveable and sustainable communities.
 - Residential lot design.
 - Urban landscape.
 - Access and mobility management.
 - Integrated water management.
 - Site management.
 - Utilities.

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Officer Comments:

The application must address the provisions of Clause 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 to 56.09-4. These provisions are addressed in the following table:

Decision Guideline	Officer Comments	Complies?
56.03-05, Neighbourhood character objective <ul style="list-style-type: none"> To design subdivisions that respond to neighbourhood character. Standard C6	Only one dwelling will face Livingstone Street, with two facing Watson Street, adjacent to an existing older building. The spaces between building will allow these new dwellings to settle into the area, without changing the overall character of the area. Further to this, the main sight lines are along Livingstone Street, which will only be impacted by one new dwelling. It is noted that the existing allotment that proposed Lots 2, 3 and 4 are within already has the capacity for a dwelling to be constructed without a planning permit.	✓ Yes
56.04-2, Lot area and building envelopes objective <ul style="list-style-type: none"> To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features. Standard C8	All lots are more than 780sqm in size, and contain an envelope measuring 10m x 15m in accordance with the standard.	✓ Yes
56.04-3, Solar orientation of lots objective <ul style="list-style-type: none"> To provide good solar orientation of lots and solar access for future dwellings. Standard C9	No dwellings will need to be on the boundaries. All lots can achieve solar access due to the site size.	✓ Yes
56.04-4, Street orientation objective <ul style="list-style-type: none"> To provide a lot layout that contributes to community social interaction, personal safety and property security. Standard C10	Two lots access of each street. All will have direct access to a constructed road.	✓ Yes

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<p>56.04-5, Common areas objectives</p> <ul style="list-style-type: none"> • To identify common areas and the purpose for which the area is commonly held. • To ensure the provision of common area is appropriate and that necessary management arrangements are in place. • To maintain direct public access throughout the neighbourhood street network. <p>Standard C11</p>	<p>No common areas proposed.</p>	<p>Not applicable</p>
<p>56.05-1, Integrated urban landscape objectives</p> <ul style="list-style-type: none"> • To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas. • To incorporate natural and cultural features in the design of streets and public open space where appropriate. • To protect and enhance native habitat and discourage the planting and spread of noxious weeds. • To provide for integrated water management systems and contribute to drinking water conservation. <p>Standard C12</p>	<p>No new roads, streets or public open space created.</p>	<p>Not applicable</p>

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<p>56.06-2, Walking and cycling network objectives</p> <ul style="list-style-type: none"> • To contribute to community health and wellbeing by encouraging walking and cycling as part of the daily lives of residents, employees and visitors. • To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists. • To reduce car use, greenhouse gas emissions and air pollution. <p>Standard C15</p>	<p>No new networks to be provided.</p>	<p>Not applicable</p>
<p>56.06-4, Neighbourhood street network objective</p> <ul style="list-style-type: none"> • To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network. <p>Standard C17</p>	<p>No new networks to be provided.</p>	<p>Not applicable</p>
<p>56.06-5, Walking and cycling network detail objectives</p> <ul style="list-style-type: none"> • To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well-constructed and accessible for people with disabilities. • To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles. <p>Standard C18</p>	<p>Road reserves adequately provide for pedestrian access along the frontage.</p>	

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56.06-7, Neighbourhood street network detail objective <ul style="list-style-type: none"> To design and construct street carriageways and verges so that the street geometry and traffic speed provide an accessible and safe neighbourhood street system for all users. Standard C20	Utilising existing roads and infrastructure.	Not applicable
56.06-8, Lot access objective <ul style="list-style-type: none"> To provide for safe vehicle access between roads and lots. Standard C21	Each lot will access directly from an existing road.	✓ Yes
56.07-1, Drinking water supply objectives <ul style="list-style-type: none"> To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water. Standard C22	Connecting to reticulated water for all lots.	✓ Yes
56.07-2, Reused and recycled water objective <ul style="list-style-type: none"> To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water. Standard C23	No reticulated system available, but each dwelling will be able to install one upon construction.	✓ Yes
56.07-3, Wastewater management objective <ul style="list-style-type: none"> To provide a wastewater system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner. Standard C24	Connecting to reticulated sewer for all lots.	✓ Yes

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<p>56.07-4, Urban run-off management objectives</p> <ul style="list-style-type: none"> • To minimize damage to properties and inconvenience to residents from urban run-off. • To ensure that the street operates adequate during major storm events and provides for public safety. • To minimize increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off. <p>Standard C25</p>	<p>Existing infrastructure issues are acknowledged to be both in the local area and within the broader township of Avenel. Council officers are only able to consider the implications of this proposal on existing infrastructure. In this case, conditions have been recommended for the permit to include a Stormwater Impact Assessment and a Drainage Discharge Plan prepared for the site and implemented as part of the subdivision. A Section 173 Agreement will also be required to ensure that each new dwelling have appropriate on site detention in accordance with the Infrastructure Design Manual.</p>	<p>✓ Yes</p>
<p>56.08-1, Site management objectives</p> <ul style="list-style-type: none"> • To protect drainage infrastructure and receiving waters from sedimentation and contamination. • To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works. • To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable. <p>Standard C26</p>	<p>No construction required but all care will be taken.</p>	<p>✓ Yes</p>
<p>56.09-1, Shared trenching objectives</p> <ul style="list-style-type: none"> • To maximize the opportunities for shared trenching. • To minimize constraints on landscaping within street reserves. <p>Standard C27</p>	<p>Will be used where available.</p>	<p>✓ Yes</p>

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<p>56.09-2, Electricity, telecommunications and gas objectives</p> <ul style="list-style-type: none"> To provide public utilities to each lot in a timely, efficient and cost-effective manner. To reduce greenhouse gas emissions by support generation and use of electricity from renewable sources. <p>Standard C28</p>	<p>Will be connected to all services.</p>	<p>✓ Yes</p>
<p>56.09-3, Fire hydrants objective</p> <ul style="list-style-type: none"> To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently. <p>Standard C29</p>	<p>Will be installed if required.</p>	<p>✓ Yes</p>
<p>56.09-04, Public Lighting objective</p> <ul style="list-style-type: none"> To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles. To provide pedestrians with a sense of personal safety at night. To contribute to reducing greenhouse gas emissions and to saving energy. <p>Standard C30</p>	<p>No new streets, no new lights to be provided.</p>	<p>✓ Yes</p>

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.*

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- *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

- *Avenel 2030, Regional Planning Services, March 2008*
- *Avenel Neighbourhood Character Study, Planisphere, October 2009*

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.

POLICY CONSIDERATIONS

Council Plans and Policies

There are no implications on the Council Plan or any Council Policies as a result of this decision.

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The state policies are considered in the *Planning Policy Framework* section (above) from the Strathbogie Planning Scheme.

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LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

This application is being considered under Section 61 of the *Planning and Environment Act 1987*.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This application is being heard by Council as there are unresolved submissions, and the application is being recommended for refusal. Hearing the application in the public meeting will allow all parties the opportunity to be heard by the councillors prior to a decision being made.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The proposal is for a subdivision that will provide for additional rateable properties within an existing serviced township. There are some infrastructure issues within the existing network, and increased development in this area may generate increased servicing requirements for council.

Social

There are no broader social implications from the proposed subdivision or as a result of this application beyond that raised by the objectors and discussed in the consultation section above.

Environmental

The application has been assessed against the relevant provisions of the *Planning and Environment Act 1987* and is considered to have no negative impact on the environment.

Climate change

The Strathbogie Planning Scheme has incorporated broader considerations on Climate Change, with the assessment that the proposed dwelling will not have an impact on climate change within the municipality, as all construction works will be required to comply with relevant legislation.

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HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications with this proposal. The application is being assessed in accordance with relevant legislation, and all parties will be afforded all relevant rights of appeal at the Victorian Civil and Administrative Tribunal.

SUMMARY OF KEY ISSUES

With regard to the Township Zone: The proposal is for subdivision within the existing township of Avenel, and infill development is generally supported. The amended proposal, with all lots over 780sqm, and an average lot size of 1503sqm, it is considered that the subdivision does have due regard for the preferred neighbourhood character of the area.

With regard to Clause 56, Residential Subdivision: The proposed subdivision complies with the objective and standards.

In summary, the proposal does meet the objectives of the Planning Policy Framework, Local Planning Policy Framework, Township Zone and Clause 56, Residential Subdivision.

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, in accordance with the Officer recommendation.

ATTACHMENTS

Attachment 1: Subject Land Map

Attachment 2: Locality Map

ATTACHMENT 1:



[illegible]

9.4 Planning Permit Application No. P2020-069
– Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell Street, Avenel

Author: Principal Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for an eleven (11) lot subdivision and removal of native vegetation (1 tree) within the Township Zone, at 30-38 Hovell Street, Avenel.
- The application was advertised, and seven (7) objections were received with one objection later being withdrawn. The objections raised issues related to character of the area and impact on infrastructure. Further information can be read within the Public Notification and Engagement section of this report.
- The application is being heard before the Council due to the unresolved objections.
- The application has not been assessed within the 60-day statutory time frame due to the Christmas period and agenda timeframes.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework, the Township Zone and the Airport Environs Overlay.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

APPLICATION DETAILS

Application is for:	Development of land for an eleven (11) lot subdivision; Removal of native vegetation (1 tree)
Applicant's/Owner's Name:	Mark Tomkinson, Land Development Consulting Pty Ltd
Date Received:	12 June 2020 Further information provided on 9 September 2020.
Statutory Days:	98
Application Number:	P2020-069
Planner: Name, title & department	Melissa Crane Principal Planner Planning and Investment Department
Land/Address:	Crown Allotment 7, Section A, Parish of Avenel, Certificate of Title Volume 10139 Folio 994 30-38 Hovell Street, Avenel VIC 3664
Zoning:	Township Zone
Overlays:	Airport Environs Overlay
Is a CHMP required?	No, not in an area of cultural sensitivity.
Is it within an Open Potable Catchment Area?	No, not in an open potable catchment area.
Under what clause(s) is a permit required? (include description)	Clause 32.05, Township Zone – Planning permit required for subdivision. Clause 45.02, Airport Environs Overlay – Planning permit required for subdivision.

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– Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell Street, Avenel (cont.)

Restrictive covenants on the title?	No
Current use and development:	Residential/accommodation

RECOMMENDATION

That Council:

Having caused notice of Planning Application No. P2020-069 to be given under section 52 of the Planning and Environment Act 1987 and having considered all matters required under Section 60 Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 32.05 Township Zone and 45.02, Airport Environs Overlay of the Strathbogie Planning Scheme in respect of the land known Crown Allotment 7, Section A, Parish of Avenel, Certificate of Title Volume 10139 Folio 994, 30-38 Hovell Street, Avenel VIC 3664, for the Development of land for a eleven (11) Lot Subdivision in accordance with endorsed plans, subject to the following conditions:

Endorsed Plans

- 1. The subdivision must be generally 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.***

Section 173

- 2. Prior to the issue of a Statement of Compliance a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:***
 - a. The on-site detention for stormwater for the future dwellings will each be designed by a qualified drainage engineer and must be approved by the Council prior to construction. A copy of each of the approved plans will be held by Council for future reference.***
 - b. The stormwater system must incorporate principles of Water Sensitive Urban design and be designed so that the rate of storm water runoff from the development must not be more than the rate of runoff from the site prior to the development, all to the satisfaction of the Responsible Authority. The drainage system must be designed in accordance with the requirements of Clause 19 of the Infrastructure Design Manual (IDM) “On-site Detention Systems”. The on-site storage size for the development must be in accordance with Table 13. The allowable discharge rate to Council drains shall be the lesser of; a) that which is outlined in Table 13 and b) the remaining capacity of the existing pipe (clause 19.3.1 of the IDM).***

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- c. *A default allowable discharge rate of 25 l/s/ha may be used in lieu of calculations to determine the remaining capacity of the existing drainage network. www.designmanual.com.au*
- d. *Each on-site detention stormwater system must be constructed either prior to, or currently with, the construction of any dwelling on the specified lots. Each on-site detention stormwater system on the specified lots must be completed prior to connection to Council's drainage system and be constructed in accordance with the approved design plans.*
- e. *The owner will maintain, and not modify without prior Council written approval, each on-site detention system and will allow each on-site stormwater detention system to be inspected by a duly appointed officer of the Council at mutually agreed times.*
- f. *The Owner will pay for all the costs associated with the construction and maintenance of each on-site detention system; and,*

Mangalore Airport Requirements:

The owner of land within the Airport Environs Overlay acknowledges that:

- (a) The land and its use and development is affected by the operations of Mangalore Airport as a Registered Aerodrome.***
- (b) The scope of the overlay is to recognise concentrated aircraft activity and that flights and flight patterns will extend beyond the geographical limits of the overlay.***
- (c) Any new building must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021-2000, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction, (as amended) issued by Standards Australia International Ltd.***
- (d) Mangalore Airport, as a Registered Aerodrome, must comply with Civil Aviation Safety Regulations (CASR's) Manual of Standards (MOS) Part 139 – Aerodromes, Chapter 12 “Operating Standards for Registered Aerodromes” (as amended).***
- (e) Commercial Flying Training organizations operating at Mangalore Airport are required to hold an Air Operator's Certificate (AOC). They must, in addition to complying with their AOC, comply with Mangalore Airport Rules and Regulations (as amended) and;***
 - 1. Civil Aviation Safety Regulations (1998)***
 - 2. The Civil Aviation Act (1988) Civil Aviation Regulations (CAR's)***
 - 3. Civil Aviation Orders (CAO's)***
 - 4. Civil Aviation Advisory Publications (CAAP's).***

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The Section 173 Agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be recorded on the folio of the Register to the subject land pursuant to Section 181 of the Planning and Environment Act 1987.

Vegetation Removal

3. ***The layout of the site and the size and type of the proposed vegetation removal, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.***
4. ***In order to offset the removal of 0.031 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements and is accordance with the General offset Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Naive vegetation gain scoring manual:***

The offset must:

- ***Contribute gain of 0.012 general biodiversity points equivalence units***
- ***Be located within the Goulburn Broken Catchment Management Authority boundary***
- ***Have a strategic biodiversity score of at least 0.344.***

5. ***Offset Evidence***

Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence can be either:

- ***A security agreement, to the required standard, for the offset site or sites, including a 10-year offset management plan.***
- ***A credit register extract from the Native Vegetation Credit Register***

Access to Lots 4 and 5

6. ***Any fencing between the accessways for proposed lots 4 and 5 must be of a low and open style to the satisfaction of the Responsible Authority.***

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Engineering

7. Prior to the commencement of works, including demolition and excavation, a Construction Management Plan must be submitted to and endorsed by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must provide details of the following:

- a. Hours for construction activity in accordance with any other condition of this Permit;**
- b. Measures to control noise, dust, water and sediment laden runoff;**
- c. Measures to inform adjacent residents of work schedules, etc.**
- d. Measures relating to removal of hazardous or dangerous material from the site, where applicable.**
- e. A plan showing the location of parking areas for construction and sub- contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors / tradespersons upon completion of such areas, without delay;**
- f. A Traffic Management Plan showing truck routes to and from the site;**
- g. Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;**
- h. A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site.**
- i. Measures to ensure that sub-contractors / tradespersons operating on the site are aware of the contents of the Construction Management Plan;**
- j. Contact details of key construction site staff;**
- k. A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on Council road reserves; and**
- l. Any other relevant matters.**

8. Road Infrastructure

Before the use begins and/or the building(s) is/are occupied, the developer must either pay an equivalent of 50% contribution or upgrade both Ferguson Lane and Hovell Street to incorporate earthworks, pavement, sealing, drainage, line-marking and environmental treatments across the frontage of the development in accordance with plans and specifications submitted to and approved by the responsible authority. Specific details are as follows:

9.4 Planning Permit Application No. P2020-069
– Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell Street,
Avenel (cont.)

- (a) fully sealed pavement with gravel shoulders and sealed vehicular crossings to each Lot;*
- (b) open channel (grass lined) drainage*
- (c) street trees;*
- (d) services – (underground conduits for water, gas and telephone);*
- (e) appropriate intersection and traffic control/mitigation measures (based on the Traffic Impact Assessment Report);*
- (f) appropriate street lighting and signage;*
- (g) high stability permanent survey marks.*

Road reserve and road widths must be in accordance with the requirements of the Infrastructure Design Manual

9. Urban Vehicle Crossing Location

Prior to the issue of statement of compliance for the subdivision the Applicant/ Owner must obtain a vehicle crossing permit from the responsible authority for each lot and construct the vehicle crossing in accordance with the requirements.

Standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed.

The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree.

Any new, relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. Final location of vehicle crossing must be approved by Responsible Authority via vehicle crossing permit. Refer to Clause 12.9.1 “Urban Vehicle Crossings” of the Infrastructure Design Manual. Where there is no existing kerb and channel in the street refer to standard drawing SD255.

10. Traffic Requirements

Prior to the plan of subdivision being certified under the Subdivision Act 1988 the applicant shall provide a Traffic Impact Assessment Report in accordance with the requirements of the Infrastructure Design Manual to the satisfaction of Council.

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11. Stormwater Strategy Plan

Prior to the commencement of works the developer, must prepare a Stormwater Strategy Plan to identify and record the manner by which the quantity and quality of stormwater shall be managed for the catchment. The stormwater strategy plan must demonstrate how to avoid adverse impact on neighbouring properties and surrounding road network due to the development. Drainage design plans and legal point of discharge will not be considered until the drainage strategy has been established. The Stormwater Strategy Plan shall identify any staging of stormwater construction.

12. Urban Drainage – Works

All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/ Goulburn Murray Water. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.

13. 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:

- a. *Environmental Guidelines for Major Construction Sites (EPA publication No. 480, December 19985); and*
- b. *Construction Techniques for Sedimentation Pollution Control (EPA publication No. 275, May 1991)*

14. Before the issue of a Statement of Compliance all works constructed or carried out must be in accordance with those plans to the satisfaction of the Responsible Authority.

15. Council's Assets

Before the development starts or subdivision works commences, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. 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.

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16. Street numbering

Prior to the Certification of each stage of the subdivision, the owner must complete and duly sign a Statutory Declaration agreeing to the Allocation of Street numbers.

17. Bonds and fees

Prior to the issue of statement of compliance for the subdivision, a maintenance bond to the value of 5% of the actual cost of road and drainage works must be paid to the Responsible Authority.

- 18. Prior to the issue of a statement of compliance payment must be made to the Responsible Authority of a supervision fee up to 2.5% of the actual cost of roads and drainage works, the amount to be determined by the Responsible Authority (the permit holder must submit a copy of the road and drainage Construction Contract Schedule, for verification of the amount by Council.**

- 19. Prior to the issue of a statement of compliance payment must be made to the Responsible Authority of an engineering design checking fee of up to 0.75% of the value of documented works, the amount to be determined by the Responsible Authority.**

20. Site Management

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: -

- a. Environmental Guidelines for Major Construction Sites (EPA publication No. 480, December 19985); and*
- b. Construction Techniques for Sedimentation Pollution Control (EPA publication No. 275, May 1991).*

- 21. In the event of mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, appropriate measures must be implemented to minimise the problem to the satisfaction of the Responsible Authority.**

- 22. The earthworks and lot filling must be as per the guidelines specified in Council's Infrastructure Design Manual, to the satisfaction of the Responsible Authority.**

23. General Amenity

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;*

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- 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.*

24. The site shall at all times be kept in a neat and tidy condition to the satisfaction of the Responsible Authority. Any litter shall be immediately removed from the site and surrounding area at the direction of the Responsible Authority.

25. Public Open Space

Pursuant to Section 18 of the Subdivision Act 1988, the applicant must pay to the Responsible Authority a sum equivalent to 5% of the site value of all land in the subdivision for Public Open Space. This payment shall be made prior to the issue of a Statement of Compliance and may be adjusted in accordance with Section 19 of the Subdivision Act 1988.

26. Telecommunications

The owner of the land must enter into an agreement with:

- A telecommunications network or service provider for the provision of telecommunications services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
- A suitably qualified person for the provision of fibre ready telecommunications facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

27. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and**
- A suitable qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Telecommunications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**

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28. AusNet Electricity Services Pty Ltd

The applicant must –

- a. Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.***
- b. Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.***

29. Goulburn Valley Water

Prior to the issue of a statement of compliance, the permit holder must arrange:

- a. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment;***
- b. Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation;***
- c. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment;***
- d. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation; (The works may include, but not be limited to the construction of a sewerage pumping station, rising mains and gravity mains);***
- e. Disconnection of existing dwelling septic tank, and to be independently and directly connected to a sewer main of the Goulburn Valley Region Water Corporation;***
- f. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all proposed sewer mains located within private property;***
- g. The operator under this permit shall be obliged to enter into an Agreement with Goulburn Valley Region Water Corporation relating to the design and construction of any sewerage or water works required. The form of such Agreement shall be to the satisfaction of Goulburn Valley Water. A copy of the format of the Agreement will be provided on request;***

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- h. The plan of subdivision lodged for certification is to be referred to the Goulburn Valley Region Water Corporation pursuant to Section 8(1) of the Subdivision Act, 1988.*

30. Goulburn Murray Water

- a) All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).*
- b) Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.*

31. Country Fire Authority

Hydrants

Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:

- a. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries. The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.*

Note –CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au)

Expiry

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

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

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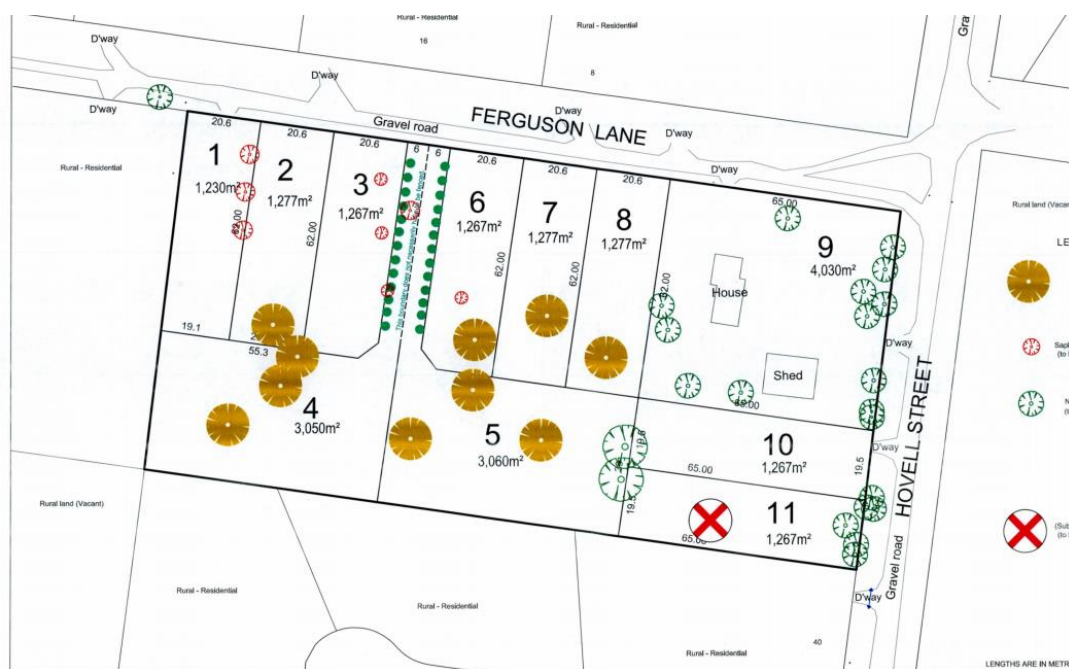
Planning Notes:

- ***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 permit does not allow vegetation removal outside of the boundaries of the property, and any removal required for access or roadworks will need to apply for and obtain separate planning approval***

PROPOSAL

The application is for an eleven (11) lot subdivision of the site at 30-38 Hovell Street, Avenel. The proposal will create a 4030sqm lot containing the existing dwelling, and 10 new, vacant allotments, ranging in size from 1267sqm and 3060sqm in size. Eight (8) lots will access from Ferguson Lane, and 3 from Hovell Street. The application also includes the removal of vegetation, being one tree (highlighted with the red cross, below) as it will be considered lost as a result of the development of this site. The proposed average lot size is 1842sqm in size.

The proposed lot layout is as follows:



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Avenel (cont.)

SUBJECT SITE AND LOCALITY

The subject site a rectangular 5-acre allotment on the south western corner of Hovell Street and Ferguson Lane. The site is west of the railway line, is relatively flat with most of the vegetation on the site being exotic. The site currently contains a dwelling and associated shedding and is within the “Rural Interface/Future Residential” area of the township.

The site is surrounded by lots used for residential purposes in all directions. The property is bound by the Ferguson Lane on the northern boundary, Hovell Street on the eastern boundary and private property on southern and western boundaries. The site is divided into several paddocks defined by recent Cyprus hedge plantings and these plantings and a few other exotics comprise the main vegetation on the site. The Cyprus plantings appear to be 10-12 years old and a number have died off. Native vegetation near the site comprises a couple of mature gums in the Hovell Street reservation.

The site is as follows:



PERMIT/SITE HISTORY

A search of council's records show that no permits have previously been issued for the site.

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Avenel (cont.)

PUBLIC NOTIFICATION

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

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

The notification has been carried out correctly.

Council has received seven (7) objections to date. The key issues that were raised in the objections are:

1. Character
 - Lots too small
 - Too many blocks
 - Not rural in character, will appear residential.
2. Stormwater Management
 - Existing network not sufficient
 - Area already experiences flooding.
3. Road network and Infrastructure
 - Existing roads not of a good enough standard
 - Large increase in traffic will be dangerous for walkers and increase dust
 - Road would need to be sealed to deal with the extra traffic
 - Fire hydrants will be required
 - Sewerage station to support development too close to a house
 - Not enough parking.
4. Amenity
 - Privacy will be compromised
 - Will devalue the area
 - Additional light and noise pollution.
5. Other
 - The entrance to lots 4 and 5 is too narrow
 - Possible removal of significant trees
 - A Development Plan Overlay should be applied in the area.

COMMUNITY ENGAGEMENT

The applicant was requested to provide a response to the objections. The following was advised:

- There will be a level of change in the area, but this is already demonstrated with the subdivision of Farrah Place.
- Avenel 2030 designates the area for “tree change” properties, and that more house options are required to support growth.

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– Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell Street,
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- The development will allow for greater housing choice and diversity.
- Details on how the proposal complies with Avenel 2030 were included (and are discussed later in this report).

This response was sent to all objectors, and one withdrew their objection. Six objections remained unresolved.

Officer response:

An assessment of the grounds of objection has been undertaken as follows:

1. *Character*

Within the *Avenel Character Study 2009*, the site is identified as a “Rural Interface/Future Residential” area of the township. An assessment of the proposal against the guidelines of this study is provided later in this report, however, the area is identified for residential growth as proposed here.

The proposed lot sizes range from 1230 to 4030 sqm in size, with an average of 1842 over the development. While this is smaller than that the surrounding area, it is still considered large enough to allow lot development that is in accordance with the preferred neighbourhood character.

2. *Stormwater management*

There are existing infrastructure issues in relation to stormwater management for the broader area. A recommended condition on this permit is a Stormwater Strategy Plan to be developed for the catchment to assist council in addressing the broader issues, while requiring works adjacent to the development site that will not exacerbate these existing issues.

3. *Road network and Infrastructure*

The road network is not of a high standard, and there are some existing issues with the intersection of Ferguson Street and Hovell Street. There is a large tree in the middle of the intersection, causing a split in the road and can lead to confusion as to the direction of traffic. As can be seen from Google Street View, the following situation is occurring at the intersection:



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Further to this, the formation of both roads will be required to be upgraded as a requirement of any permit that may issue, with details on how this will be required to be done detailed in conditions 8 of the recommendation.

4. *Amenity*

The property is within the Township Zone and use of the land for residential purposes is supported in the scheme. This development will allow for additional dwellings to be constructed in the area. It is noted that two of the lots, being proposed lots 4 and 5, adjacent to Farah Place are of a similar size to the lots in that court and should have minimal impact on the amenity of these properties. The size of these allotments will allow for siting and design of future dwellings without any issues from the ResCode provisions in terms of overlooking and the like.

5. *Other*

The accesses to both lots 4 and 5 are 6 metres each, which is considered sufficient to allow for safe entry and exit of both passenger and emergency vehicles. The recommendation includes a condition requiring any fencing between these lots to be low and open, to alleviate any tunnel effects that may occur with high fencing between these driveways.

One tree is proposed to be removed as part of this development and is included in the permit requiring appropriate offsetting. In the absence of a Development Plan Overlay, each application for subdivision must be assessed on its merits.

REFERRALS

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	AusNet Electricity Pty Ltd – No objections subject to conditions. Goulburn Valley Water – No objections subject to conditions. Goulburn Murray Water – No objections subject to conditions.
Section 52 Notices	Mangalore Airport – No objections subject to conditions. Country Fire Authority – No objections subject to conditions. Notice of application to 10 nearby and adjoining property owners.

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

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ASSESSMENT

Township Zone

Purpose:

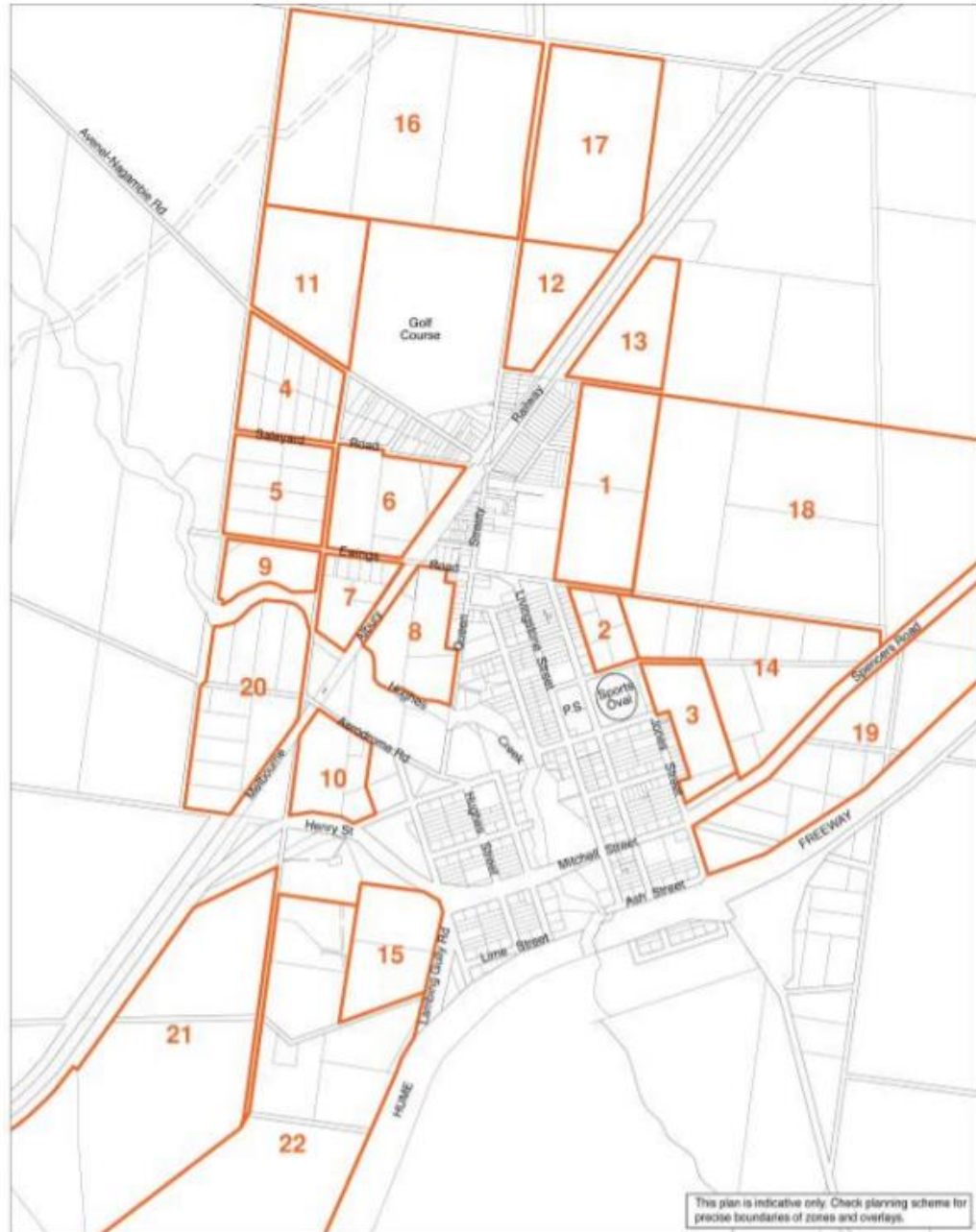
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for residential development and a range of commercial, industrial and other uses in small towns.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To allow educational,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

Officer Response:

The proposed subdivision is an infill development within the existing township area of Avenel. In summary, while the subject site is not part of a Low-Density Residential Zoning, the existing residential character typically provides for larger residential allotments. The applicant has amended the proposal in an effort to demonstrate that this proposal has regard for the existing and preferred neighbourhood character.

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In Avenel 2030, the site is identified as site 5, in the below plan:



PLAN 8: AVENEL 2030 STRATEGY
RESIDENTIAL & RURAL LIVING ASSESSMENT OF LAND WITHIN TOWN & ENVIRONS

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Avenel (cont.)

This plan states that:

“These areas are cleared, mostly undeveloped and may be serviced with reticulated water and sewerage. The areas have no particular environmental or drainage issues that would prevent the being readily developed for residential purposes. Although some of these parcels of land have experienced some infill development, they are largely undeveloped. Given the residential growth projections for the Avenel township, the future residential potential for these areas need to be maintained and the land should be rezoned for residential purposes with the use of a development plan to guide the future layout and servicing of residential subdivision.”

An assessment of the proposal against the decision guidelines of the zone has been undertaken as follows:

Decision Guideline	Officer Comments	Complies?
General		
The Municipal Planning Strategy and the Planning Policy Framework	Refer below for assessment.	✓ Yes
The objectives set out in a schedule to this zone	No specific objective set out in the schedule.	Not applicable
The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.	The purpose of the zone is to encourage development that respects neighbourhood character and provides for a range of housing types. The area is within the Rural Interface/Residential Growth precinct, in the <i>Avenel Neighbour Character Study 2009</i> . An assessment of this application against this study is provided in the Local Planning Policy Framework section. The average lot size of the development is 1842sqm, with lots all above 1200sqm in size. These are considered to be in accordance with the anticipated character of the area.	✓ Yes
The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.	The site can be connected to all services, and conditions have been recommended for the permit by AusNet, Goulburn Valley Water and Department of Transport.	✓ Yes

9.4 Planning Permit Application No. P2020-069
– Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell Street,
Avenel (cont.)

In the absence of reticulated sewerage, the capability of the lot to treat and retain all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.	The site is able to be connected to reticulated sewer.	✓ Yes
The design, height, setback and appearance of the proposed buildings and works including provision for solar access.	No buildings are proposed as part of the development.	Not applicable
The need for a verandah along the front or side of commercial buildings to provide shelter for pedestrians.	The proposal is for a residential development, not a commercial building.	Not applicable
Provision of car and bicycle parking and loading bay facilities and landscaping.	The proposal is for a residential development, and no parking facilities are required.	Not applicable
The effect that existing uses on adjoining or nearby land may have on the proposed use	The application was notified to nearby and adjoining owners, with objections received. A discussion of these issues has been undertaken in the consultation section of this report. The objectors believe the application will have a negative impact on them. The grounds of objection have been discussed earlier in this report, and it considered that the concerns can be addressed with the recommended conditions.	✓ Yes
The scale and intensity of the use and development.	The proposal provides for a range of lot sizes, and all lots are of a size that will allow for a dwelling to achieve appropriate setbacks and spacing that will fit in with the broader area.	✓ Yes
The safety, efficiency and amenity effects of traffic to be generated by the proposal	The proposal will provide for an increase in traffic, with the permit holder required to provide for upgrades to the road network to support the development. Any new vehicle crossings will be placed in the safest location per the conditions on the recommendation.	✓ Yes

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– Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell Street,
Avenel (cont.)

The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone	No new buildings are proposed.	Not applicable
Any other decision guidelines specified in a schedule to this zone.	No other decision guidelines are specified.	Not applicable
Subdivision		
The pattern of subdivision and its effect on the spacing of buildings.	The proposal provides for a range of lot sizes, and all lots are of a size that will allow for a dwelling to achieve appropriate setbacks and spacing that will fit in with the broader area.	✓ Yes
For subdivision of land for residential development, the objectives and standards of Clause 56.	Refer below for this assessment.	✓ Yes
Any other decision guidelines specified in a schedule to this zone.	No other decision guidelines are specified in the schedule.	Not applicable

The Planning Policy Framework (PPF)

Clause 15.01-3S, *Subdivision Design*

Objective: To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Strategies: In the redevelopment of existing areas, subdivision should be designed to:

- *Creating urban places with a strong sense of place that are functional, safe and attractive.*
- *Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people*

Officer Response:

The application provides for development within an area identified for residential growth in Avenel. While a range of lot sizes is a reasonable response to the policy, the sense of place in Avenel is also relevant in this consideration. The proposal provides for lots that will allow for adequate spacing between buildings and the proposed lot sizes are considered appropriate for this site.

9.4 Planning Permit Application No. P2020-069
– Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell Street,
Avenel (cont.)

Clause 15.01-5S, *Neighbourhood Character*

Objective: To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies:

- *Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.*
- *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:*
 - *Pattern of local urban structure and subdivision.*
 - *Underlying natural landscape character and significant vegetation.*
 - *Heritage values and built form that reflect community identity*

Officer Response:

The planning provision requires that development responds to the neighbourhood character and sense of place. In this case, the objections have clearly highlighted the valued features and characteristics of the area, being the low-density nature of the existing lot layout. The objections are concerned with the proposal having the potential to introduce a 'suburban' character. When considering the broader locality, while these lots are predominantly smaller than surrounding properties (3 of the lots are of a similar size to those in Farah Place), the area has been identified for increased residential density and growth.

This is further considered with the *Avenel Neighbourhood Character Study 2009*, where the area is identified as a Rural Interface/Residential Growth Precinct. It is considered that the subdivision will not undermine the sense of place as it creates a pattern of subdivision that will present in a consistent way to the public realm.

Neighbourhood character is not about density controls, or about the amenity of adjoining properties or dwelling densities. It is essentially "the combination of the public and private realms", and more specifically it is:

"Neighbourhood character is the interplay of natural, built social, cultural and economic conditions that make one place different from another."

In this consideration, the lot alignment will allow for low front fences, spaces between dwellings in a garden setting and access to a more informal road network. This does not mean that the infrastructure will not be upgraded, but that the upgrade will have consideration to how it fits with the broader area.

Clause 16.01-2S, *Location of residential development*

Objective: To locate new housing in designated locations that offer good access to jobs, services and transport.

Strategies: Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.

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– Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell Street,
Avenel (cont.)

Officer Comment:

This site is located in the township area of Avenel. The site is suitable for subdivision.

Clause 19.03-3S, *Integrated Water Management*

Objective: To sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.

Strategies:

- *Manage stormwater quality and quantity through a mix of on-site measures and developer contributions at a scale that will provide greatest net community benefit.*
- *Minimise the potential impacts of water, sewerage and drainage assets on the environment.*

Officer Comment:

Existing infrastructure issues are acknowledged to be both in the local area and within the broader township of Avenel. Council officers are only able to consider the implications of this proposal on existing infrastructure. In this case, conditions have been recommended for the permit to include a Stormwater Strategy Plan to be prepared for the catchment. A Section 173 Agreement will also be required to ensure that each new dwelling have appropriate on site detention in accordance with the Infrastructure Design Manual. It is considered that this is a reasonable response to the grounds of objection.

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

Clause 21.03-1, *Avenel*

Objective:

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

Officer Comment:

Planning in Avenel must have consideration to both *Avenel 2030* and the *Avenel Neighbourhood Character Study 2009*, which identifies this area as a Rural Interface/Residential Growth precinct.

Assessment of this subdivision against the relevant reference documents under Clause 21.08, *Reference Documents*, is as follows:

Assessment against Avenel 2030

Avenel 2030 describes the character elements as follows

“... it’s size, low density form, grid street layout, freeway and rail boundaries, the town’s physical and visual relationship to the rural landscapes and Hughes Creek and its floodplain. The town’s openness and spaciousness with many vacant lots presents planning and design challenges as demand for residential land and housing increases.”

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– Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell Street,
Avenel (cont.)

The key strategic directions in *Avenel 2030* include the following:

- *Provide for greater housing choice and diversity to meet the housing preferences of different population segments of the existing and future population.*
- *Encourage development that meets sustainable development principles and respond to local site and environmental conditions.*
- *Encourage new development to respect residential neighbourhood and heritage character.*

It is also recommended that:

“Infill and consolidation within the existing urban area needs to be encouraged having particular regard to the protection of rural town character. The planning tools to achieve protection of neighbourhood character will be a major outcome of the Avenel Neighbourhood Character Study.”

The proposal is for residential development within the township, and while the site is capable of being subdivided, due consideration of the character of the area must be made. In this case, it is considered that the proposal is respectful of the low-density form that is supported more generally in Avenel.

Assessment against the Avenel Neighbourhood Character Study 2009

In the Study, determining neighbourhood character elements are described in the following way:

“In many areas, building type, era, spacing, the proportions and combined appearance of the ‘walls’ and ‘floor’ of the street space, and the amount and type of vegetation are the key determinates of the areas character. How buildings ‘sit’ in their landscape is critical.”

Within the Study, the subject area has been classified as having a character type of Rural Interface/Residential Growth, which is described as *“Spacious residential areas in a garden setting (formal street pattern, generally modified grid)”*.

Within this precinct, the key characteristics that define the character of the area, and how this application responds have been assessed as follows:

Character Element	Officer Comments	Complies?
Existing Buildings		
To encourage the retention of older dwellings that contribute to the character of the area.	No changes to buildings on site area proposed, but the development will allow the construction of new dwellings on site without the need for further planning approvals.	Not applicable
To respect the qualities of older adjoining buildings that are in good condition.	There is one dwelling on the allotment, which will remain on site within a larger block.	✓ Yes

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– Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell Street,
Avenel (cont.)

Vegetation		
To maintain and strengthen the landscape character of streets.	One native tree will be impacted by the development and will be offset as a condition on the permit. The lots will be large enough to allow for the development of dwellings within a garden setting and will allow the landscape character of the area to be maintained.	✓ Yes
To encourage sustainable vegetation and drought resistant planting in gardens	No planting is proposed as part of the subdivision.	Not applicable
Siting		
To maintain the spaciousness of streetscapes and consistent spacing between buildings, whilst allowing for planting.	All lots are a minimum of 19.5m wide at the road frontage, with the exception of the battle axe blocks, and will allow for spacing between buildings, and installation of gardens within each allotment.	✓ Yes
To minimise the loss of front garden space, the dominance of car parking structures and the number of vehicular crossovers.	Vehicle crossing will be located in accordance with the Infrastructure Design Manual.	✓ Yes
Height and Building Form		
To encourage well designed, innovative architectural homes	No new buildings are proposed.	Not applicable
Front Boundary Treatment		
To maintain the openness of the streetscape and views into gardens.	The frontage of the whole of the property is large enough to accommodate vehicle crossings while allowing views into future front gardens.	✓ Yes
Township Edge Development		
To create a defined urban edge that complements the character of surrounding rural and natural landscapes.	The lots are all over 1200sqm in size, and will allow for a higher density than surrounding, but still lower than that of developments closer to the centre of Avenel.	✓ Yes

9.4 Planning Permit Application No. P2020-069
– Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell Street,
Avenel (cont.)

Properties adjoining flood and vegetation lines		
To retain and complement the natural landscape features that contributes to the valued character of the area.	The site does not adjoin a flood or vegetation line.	Not applicable

Clause 21.07-2, *Urban Services*

Objective: To deliver sustainable services.

Strategies:

- *Ensure that the design and construction of roads meets the requirements of Vic Roads, Strathbogie Planning Scheme, Infrastructure Design Manual and Australian Standards.*
- *Ensure that the design and management of stormwater runoff from all development is generally in accordance with the local adopted Stormwater Management Plan and incorporates consistent best practice water sensitive urban design measures and principles.*

Clause 21.07-5, *Drainage*

Objective: To ensure that appropriate drainage infrastructure is installed and maintained

Strategies:

- *Ensure development contributions address drainage infrastructure needs.*
- *Develop strategies to ensure that future drainage infrastructure can accommodate for high rainfall events.*

Officer comment:

Existing infrastructure issues are acknowledged to be both in the local area and within the broader township of Avenel. Council officers are only able to consider the implications of this proposal on existing infrastructure. In this case, conditions have been recommended for the permit to include a Stormwater Strategy Plan to be prepared for the site and implemented as part of the subdivision, as well as having upgrade works be undertaken on the roads to support the development. A Section 173 Agreement will also be required to ensure that each new dwelling have appropriate on site stormwater detention in accordance with the Infrastructure Design Manual.

9.4 Planning Permit Application No. P2020-069
– Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell Street,
Avenel (cont.)

Relevant Particular Provisions

Clause 56, *Residential Subdivision*

Purpose:

- *To create liveable and sustainable neighbourhoods and urban places with character and identity.*
- *To achieve residential subdivision outcomes that appropriately respond to the site and its context for:*
 - *Infill sites within established residential areas.*
 - *Regional cities and towns.*
- *To ensure residential subdivision design appropriately provides for:*
 - *Policy implementation.*
 - *Liveable and sustainable communities.*
 - *Residential lot design.*
 - *Urban landscape.*
 - *Access and mobility management.*
 - *Integrated water management.*
 - *Site management.*
 - *Utilities.*

Officer Comments:

The application must address the provisions of Clause 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 to 56.09-4. These provisions are addressed in the following table:

Decision Guideline	Officer Comments	Complies?
56.03-05, Neighbourhood character objective <ul style="list-style-type: none"> • To design subdivisions that respond to neighbourhood character. Standard C6	The proposal is consistent with the rural residential development in the immediate area. The development will integrate with the surrounding environment. Character has been considered earlier in this report.	✓ Yes
56.04-2, Lot area and building envelopes objective <ul style="list-style-type: none"> • To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features. Standard C8	All lots can contain a rectangle measuring 10 metres x 15 metres in accordance with this requirement.	✓ Yes

9.4 Planning Permit Application No. P2020-069
– Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell Street,
Avenel (cont.)

<p>56.04-3, Solar orientation of lots objective</p> <ul style="list-style-type: none"> To provide good solar orientation of lots and solar access for future dwellings. <p>Standard C9</p>	<p>The subdivision has a north-south orientation on the south side of Ferguson Lane, so any new dwellings will be able to take advantage of north facing solar access and have private open space that is not excessively overshadowed.</p>	<p>✓ Yes</p>
<p>56.04-4, Street orientation objective</p> <ul style="list-style-type: none"> To provide a lot layout that contributes to community social interaction, personal safety and property security. <p>Standard C10</p>	<p>While the access is not in the same range as required by the standard, the size of the lots will allow the objective to be achieved.</p>	<p>✓ Yes</p>
<p>56.04-5, Common areas objectives</p> <ul style="list-style-type: none"> To identify common areas and the purpose for which the area is commonly held. To ensure the provision of common area is appropriate and that necessary management arrangements are in place. To maintain direct public access throughout the neighbourhood street network. <p>Standard C11</p>	<p>No common areas proposed as part of this subdivision.</p>	<p>Not applicable</p>
<p>56.05-1, Integrated urban landscape objectives</p> <ul style="list-style-type: none"> To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas. To incorporate natural and cultural features in the design of streets and public open space where appropriate. To protect and enhance native habitat and discourage the planting and spread of noxious weeds. To provide for integrated water management systems and contribute to drinking water conservation. <p>Standard C12</p>	<p>The proposal does not create any new streets or public open space as part of the development.</p>	<p>Not applicable</p>

9.4 Planning Permit Application No. P2020-069
– Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell Street,
Avenel (cont.)

<p>56.06-2, Walking and cycling network objectives</p> <ul style="list-style-type: none"> To contribute to community health and wellbeing by encouraging walking and cycling as part of the daily lives of residents, employees and visitors. To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists. To reduce car use, greenhouse gas emissions and air pollution. <p>Standard C15</p>	<p>All lots front streets with low traffic volumes that will facilitate pedestrian access. There are no existing cycling or pedestrian paths networks in the area.</p>	<p>✓ Yes</p>
<p>56.06-4, Neighbourhood street network objective</p> <ul style="list-style-type: none"> To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network. <p>Standard C17</p>	<p>The proposal does not create any new streets or public open space as part of the development.</p>	<p>Not applicable</p>
<p>56.06-5, Walking and cycling network detail objectives</p> <ul style="list-style-type: none"> To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well-constructed and accessible for people with disabilities. To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles. <p>Standard C18</p>	<p>The proposal does not create any new streets or public open space as part of the development.</p>	<p>Not applicable</p>
<p>56.06-7, Neighbourhood street network detail objective</p> <ul style="list-style-type: none"> To design and construct street carriageways and verges so that the street geometry and traffic speed provide an accessible and safe neighbourhood street system for all users. <p>Standard C20</p>	<p>The proposal does not create any new streets or public open space as part of the development.</p>	<p>Not applicable</p>
<p>56.06-8, Lot access objective</p> <ul style="list-style-type: none"> To provide for safe vehicle access between roads and lots. <p>Standard C21</p>	<p>All lots will have access to an existing road.</p>	<p>✓ Yes</p>

9.4 Planning Permit Application No. P2020-069
– Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell Street,
Avenel (cont.)

<p>56.07-1, Drinking water supply objectives</p> <ul style="list-style-type: none"> To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water. <p>Standard C22</p>	<p>Reticulated water is available to the area and will be connected to each lot.</p>	<p>✓ Yes</p>
<p>56.07-2, Reused and recycled water objective</p> <ul style="list-style-type: none"> To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water. <p>Standard C23</p>	<p>There is no reuse or recycled water scheme available in the area.</p>	<p>Not applicable</p>
<p>56.07-3, Wastewater management objective</p> <ul style="list-style-type: none"> To provide a wastewater system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner. <p>Standard C24</p>	<p>All lots will be connected to a reticulated sewerage system.</p>	<p>✓ Yes</p>
<p>56.07-4, Urban run-off management objectives</p> <ul style="list-style-type: none"> To minimize damage to properties and inconvenience to residents from urban run-off. To ensure that the street operates adequately during major storm events and provides for public safety. To minimize increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off. <p>Standard C25</p>	<p>The existing limited stormwater infrastructure adjacent to the property in the form of a table drain, a requirement will be placed on the permit for on site detention for future dwellings. There will be a need to provide drainage infrastructure in Ferguson Lane.</p>	<p>✓ Yes</p>
<p>56.08-1, Site management objectives</p> <ul style="list-style-type: none"> To protect drainage infrastructure and receiving waters from sedimentation and contamination. To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works. To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable. <p>Standard C26</p>	<p>A detailed construction management plan will be required as a condition on any permit that may issue.</p>	<p>✓ Yes</p>

9.4 Planning Permit Application No. P2020-069
– Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell Street,
Avenel (cont.)

56.09-1, Shared trenching objectives <ul style="list-style-type: none"> To maximize the opportunities for shared trenching. To minimize constraints on landscaping within street reserves. Standard C27	Shared trenching will be used where available.	✓ Yes
56.09-2, Electricity, telecommunications and gas objectives <ul style="list-style-type: none"> To provide public utilities to each lot in a timely, efficient and cost effective manner. To reduce greenhouse gas emissions by support generation and use of electricity from renewable sources. Standard C28	The provision of services will be addressed with conditions on the permit.	✓ Yes
56.09-3, Fire hydrants objective <ul style="list-style-type: none"> To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently. Standard C29	This can be satisfied with the provision of a hydrant and has been considered by the Country Fire Authority.	✓ Yes
56.09-04, Public Lighting objective <ul style="list-style-type: none"> To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles. To provide pedestrians with a sense of personal safety at night. To contribute to reducing greenhouse gas emissions and to saving energy. Standard C30	Existing street lighting exists, but Ferguson Lane may require some additional lighting.	✓ Yes

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.*

9.4 Planning Permit Application No. P2020-069
– Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell Street,
Avenel (cont.)

- *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

- *Avenel 2030*, Regional Planning Services, March 2008
- *Avenel Neighbourhood Character Study*, Planisphere, October 2009.

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.

POLICY CONSIDERATIONS

Council Plans and Policies

There are no implications on the Council Plan or any Council Policies as a result of this decision.

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The state policies are considered in the *Planning Policy Framework* section (above) from the Strathbogie Planning Scheme.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

This application is being considered under Section 61 of the *Planning and Environment Act 1987*.

- 9.4 Planning Permit Application No. P2020-069
– Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell Street,
Avenel (cont.)

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This application is being heard by Council as there are unresolved submissions. Hearing the application in the public meeting will allow all parties the opportunity to be heard by the councillors prior to a decision being made.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The proposal is for a subdivision that will provide for additional rateable properties within an existing serviced township. There are some infrastructure issues within the existing network, and increased development in this area may generate increased servicing requirements for council.

Social

There are no broader social implications from the proposed subdivision or as a result of this application beyond that raised by the objectors and discussed in the consultation section above.

Environmental

The application has been assessed against the relevant provisions of the *Planning and Environment Act 1987* and will have no negative impact on the environment.

Climate change

The Strathbogie Planning Scheme has incorporated broader considerations on Climate Change, with the assessment that the proposed subdivision is not considered to have an impact on climate change within the municipality, as all construction works will be required to comply with relevant legislation.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications with this proposal. The application is being assessed in accordance with relevant legislation, and all parties will be afforded all relevant rights of appeal at the Victorian Civil and Administrative Tribunal.

- 9.4 Planning Permit Application No. P2020-069
– Development of Land for an Eleven (11) Lot Subdivision ~ 30-38 Hovell Street,
Avenel (cont.)

SUMMARY OF KEY ISSUES

With regard to the Township Zone: The proposal is for subdivision within the township of Avenel, and residential development is generally supported within this zone. The proposal, with all lots over 1200sqm in size, and an average lot size of 1842sqm, it is considered that the subdivision does have due regard for the preferred neighbourhood character of the area.

With regard to Clause 56, Residential Subdivision: The proposed subdivision complies with the objective and standards.

In summary, the proposal does meet the objectives of the Planning Policy Framework, Local Planning Policy Framework, Township Zone and Clause 56, Residential Subdivision.

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, in accordance with the officer recommendation.

ATTACHMENTS

Attachment 1: Subject Land Map

Attachment 2: Locality Map.

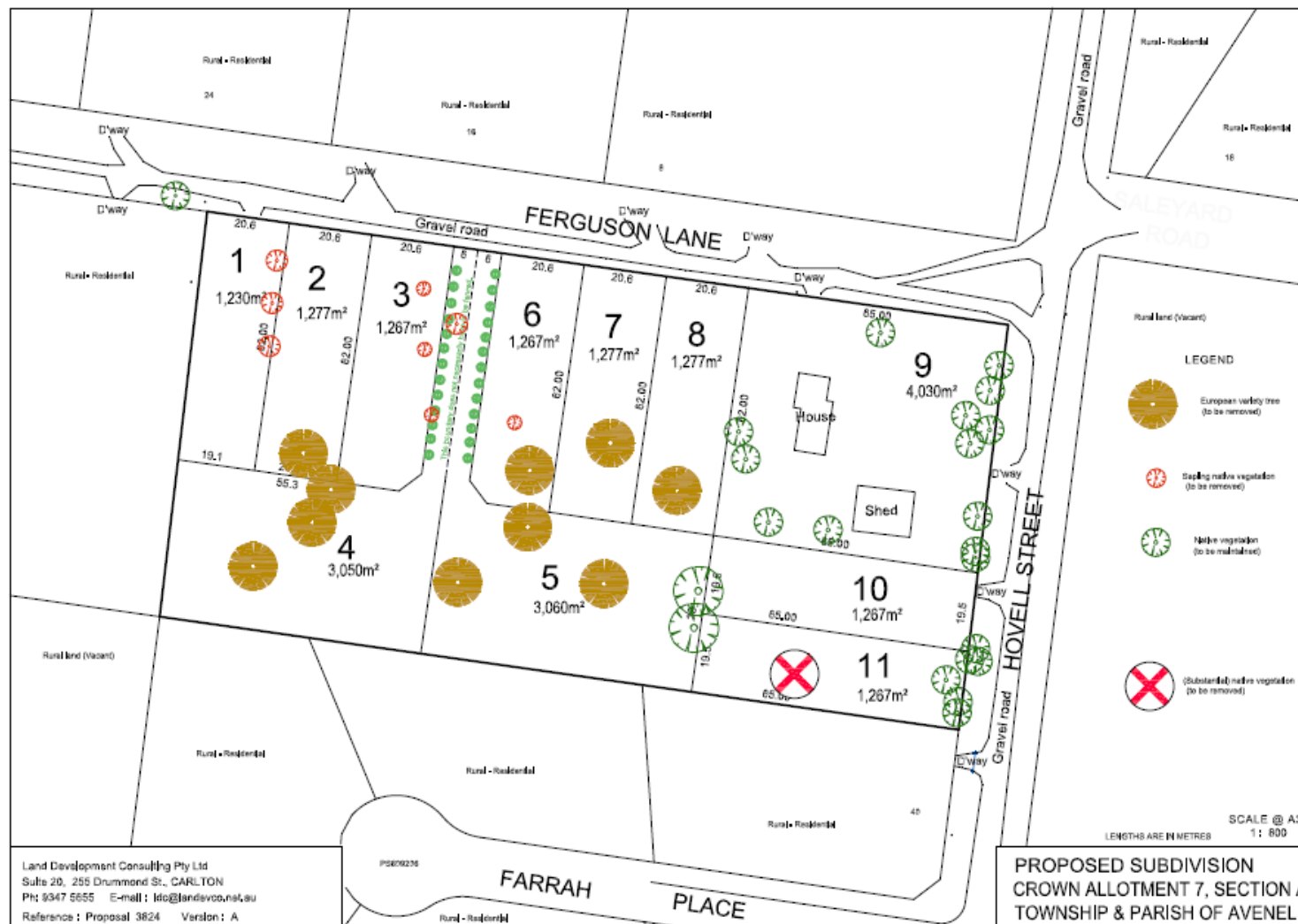
Attachment 3: Proposed Lot Layout

ATTACHMENT 1:



[illegible]

ATTACHMENT 3:



9.5 Planning Permit Application No. P2020-148
- Use and development of land for a dwelling ~ 1/58 Blayney Lane Nagambie

Author: Principal Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for a dwelling, at 1/58 Blayney Lane, Nagambie.
- The application was advertised, and one (1) objection was received. The objection raised issues related to character of the area and overdevelopment of the site.
- The application is being heard before the Council due to the unresolved objection.
- The application has been assessed within the 60-day statutory time frame.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework and the Commercial 1 Zone.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

APPLICATION DETAILS

Application is for:	Use and development of land for a dwelling
Applicant's/Owner's Name:	Lee Stovold
Date Received:	12 November 2020
Statutory Days:	55
Application Number:	P2020-148
Planner: Name, title & department	Melissa Crane Principal Planner Planning and Investment Department
Land/Address:	Lot 1 on Plan of Subdivision 823636 Certificate of Title Volume 12232 Folio 599 1/58 Blayney Lane, Nagambie VIC 3608
Zoning:	Commercial 1 Zone
Overlays:	No Overlay
Is a CHMP required?	No, not in an area of sensitivity.
Is it within an Open Potable Catchment Area?	No, not in an open potable catchment area.
Under what clause(s) is a permit required? (include description)	Clause 34.01, Commercial 1 Zone – Permit required for accommodation if the frontage at ground floor level is more than 2 metres. Clause 34.01, Commercial 1 Zone - Permit required for buildings and works associated with a section 2 use.
Restrictive covenants on the title?	No
Current use and development:	Vacant

- 9.5 Planning Permit Application No. P2020-148
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RECOMMENDATION

That Council:

Having caused notice of Planning Application No. P2020-148 to be given under section 52 of the Planning and Environment Act 1987 and having considered all matters required under Section 60 Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 34.01 Commercial 1 Zone, 44.03 of the Strathbogie Planning Scheme in respect of the land known Lot 1 on Plan of Subdivision 823636 Certificate of Title Volume 12232 Folio 599, 1/58 Blayney Lane, Nagambie VIC 3608, for the Use and Development of land for a dwelling in accordance with endorsed plans, subject to the following conditions:

Endorsed Plans

- 1. The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.***

Muted Tones:

- 2. 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.***

Engineering:

- 3. Before the use begins and/or the building(s) is/are occupied vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Responsible Authority, and shall comply with the following:***
 - a. standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed and replaced with concrete (kerb and channel);***
 - b. any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense;***
 - c. crossings shall be at least 9 metres apart.***
- 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. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system or Lake Nagambie.***

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5. *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. *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.*

General Amenity:

7. *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.*
8. *The site shall at all times be kept in a neat and tidy condition to the satisfaction of the Responsible Authority. Any litter shall be immediately removed from the site and surrounding area at the direction of the Responsible Authority.*

Expiry

9. *This permit will expire if one of the following circumstances applies:*
 - (a) *the approved development does not start within 2 years of the date of this permit; and*
 - (b) *the approved development is not completed within 4 years of the date of this permit.*
 - (c) *the approved use is not commenced within two years of the completion of the development.*

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.*

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Planning Notes:

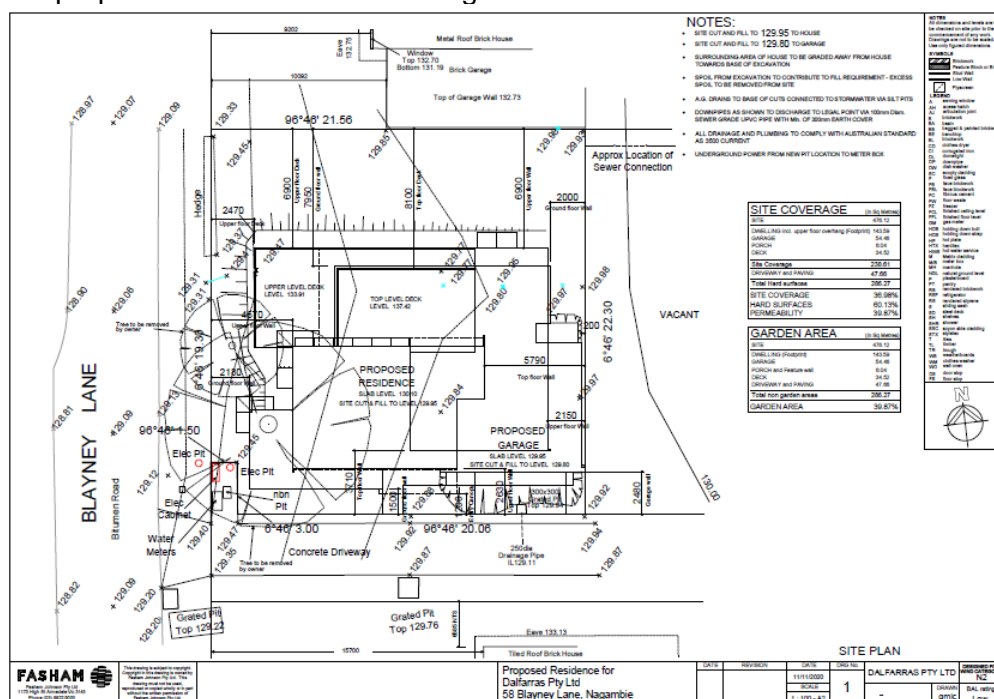
- ***This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.***
- ***This Permit does not authorise the creation of a new access way/crossover. Before any such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

PROPOSAL

The application is for the construction of a two storey, four-bedroom dwelling with a roof top deck. The subject site is 476.12sqm in size. The proposed dwelling has a footprint of 143.59sqm (including the upper floor overhang), with a garage of 54.46sqm, porch of 6.04sqm and roof top deck of 34.52sqm in size. The site will have a site coverage of 36.98% and provides for garden areas of approximately 40% of the site. The dwelling will be 10.89m high at its highest point above ground level. The dwelling is proposed to be constructed out of a range of materials, including horizontal and vertical cladding in basalt and shale grey colours, red brick facework and a grey roof.

The dwelling is located on the southern side of the property, with a setback from the northern property of 6.9 metres from the upper floor wall, and 7.95 metres from the ground floor wall.

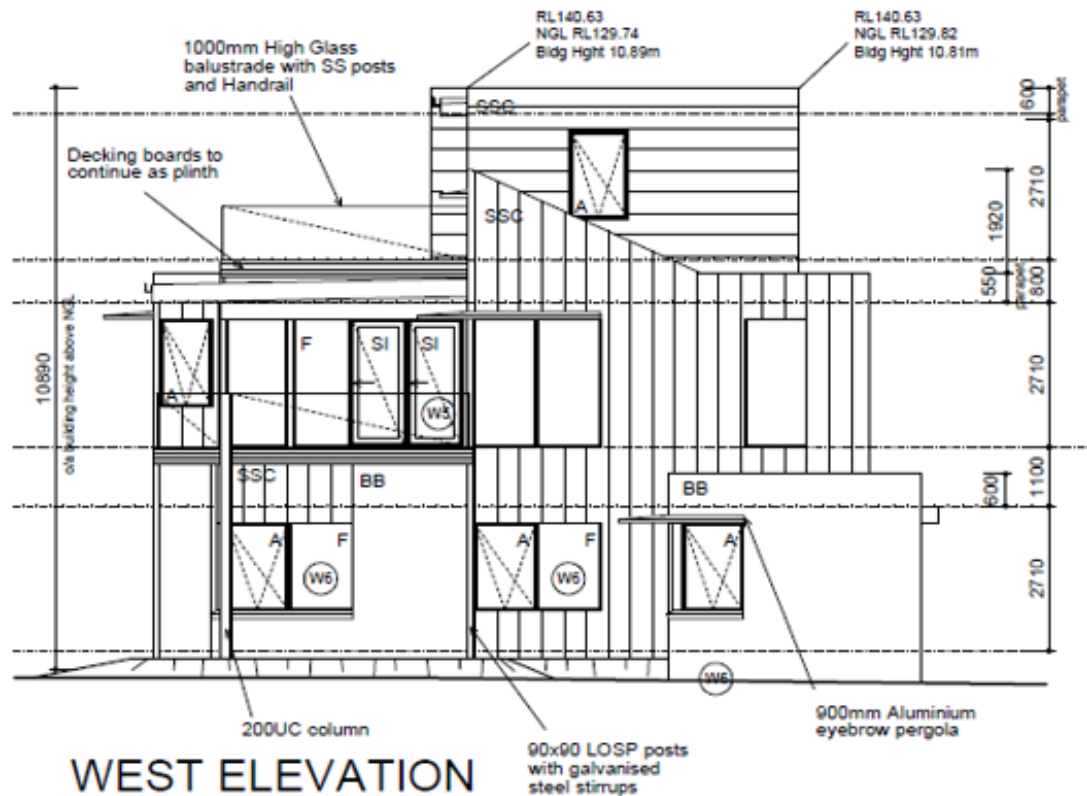
The proposed outline for the dwelling on the site is as follows:



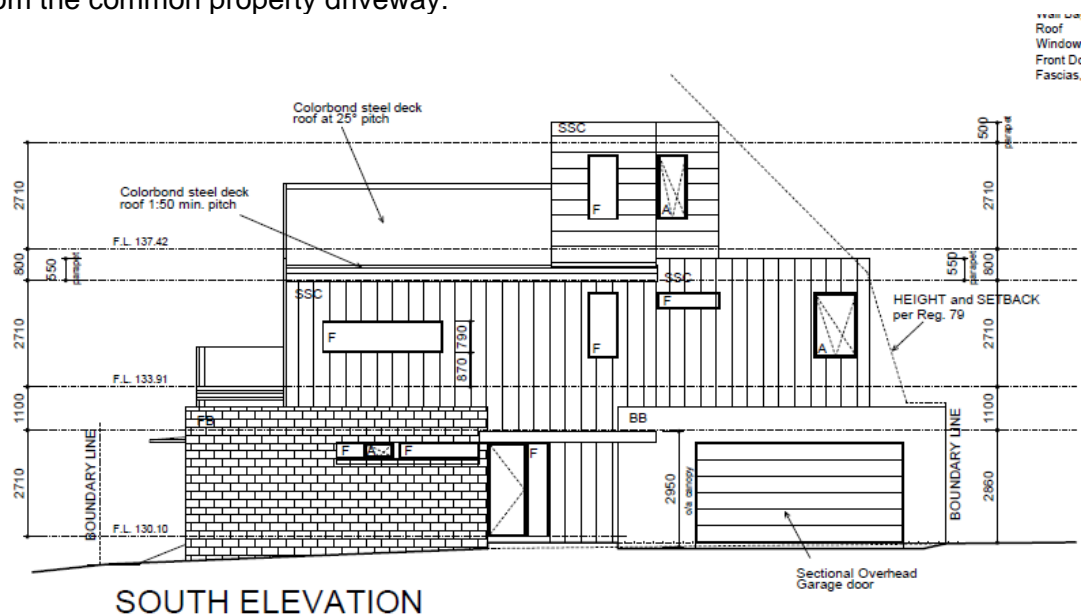
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The proposed elevations for the dwelling are as follows:

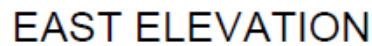
From the street:



From the common property driveway:

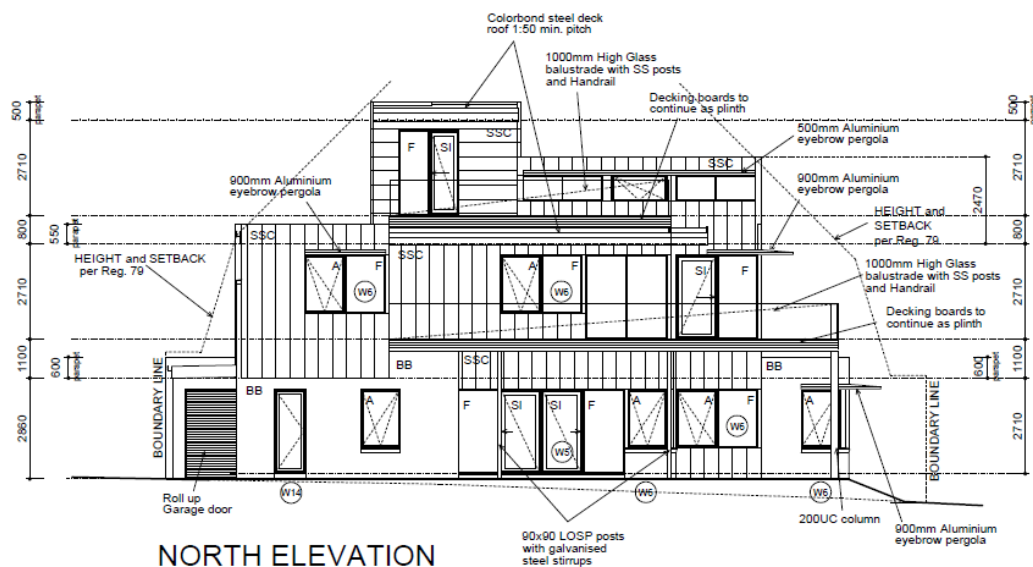


From the adjoining property at 58 Blayney Lane:



Average wall height including parapet
Wall area - 23.63 Sqm
Wall length - 7.48 m
Average wall height = wall area/wall length
Average wall height on boundary = 3.16 m

From the adjoining property to the north:



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SUBJECT SITE AND LOCALITY

The subject site is a 476 sqm allotment, access is from an internal driveway off Blayney Lane. The allotment contains an existing single storey dwelling, proposed to be demolished, which is located on the northern boundary. The existing dwelling on site is located on the front of the property, directly adjacent the adjoining property. There is a dwelling on both the northern and southern properties, with a vacant property to the east, and Blayney Lane to the west, as follows:



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The white house below is currently on site:



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Access to the site is from an internal concrete driveway that provides access to all four lots in the development, as follows:



PERMIT/SITE HISTORY

A search of Council's electronic records results in one other permit issued for a two lot subdivision, and the creation of common property in 2017.

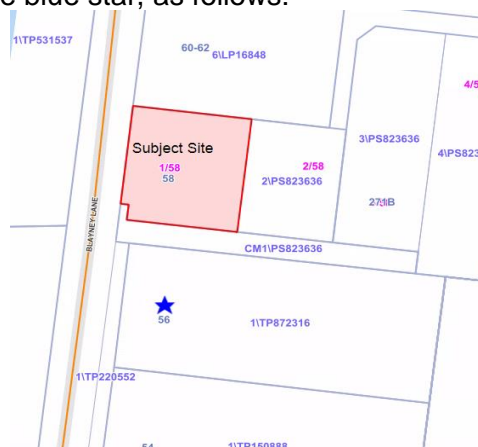
PUBLIC NOTIFICATION

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

- Sending letters to adjoining landowners
- Placing (a) sign on site.

The notification has been carried out correctly.

Council has received one objection to date. The location of the objector is marked with the blue star, as follows:



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The key issues that were raised in the objection are:

- All buildings in Blayney Lane are single storey.
- Design and height of the building does not suit the area.
- Residents and visitors will not want to be seen from the roof top deck.
- There will be a loss of backyard privacy.

COMMUNITY ENGAGEMENT

The objection was forwarded to the applicant for a response, who provided the following advice:

- The zone is commercial and does not limit buildings to a single story and there are many homes around the lake that are higher than single storey.
- The new house will not impact their current views down to the backwater or lake. Any views towards the subject site from Number 56 Blayney Lane is heavily obscured by trees and other plantings and would be obscured by a single storey building built in the same position.
- Views are not "as of right" in this area.
- Any overlooking into Number 56 Blayney Lane's backyard complies with the requirements of Rescode as shown on our overlooking diagrams. Also view lines are heavily screened by boundary vegetation. The proposed kitchen window looks towards the non-private front yard of number 56 Blayney lane.
- The proposal complies with the use and objectives of the zoning in terms of bulk and height.

This response was forwarded to the objector, who maintained their objection to the proposal.

REFERRALS

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	None
Section 52 Notices	Notice of application to 5 nearby and adjoining owners.

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

ASSESSMENT

The zoning of the land and any relevant overlay provisions

Commercial 1 Zone

Purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework*
- *To create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses.*

To provide for residential uses at densities complementary to the role and scale of the commercial centre.

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Officer Response:

A planning permit is required for a dwelling in the Commercial 1 Zone. Although it is not a requirement of the zone, the Applicant has provided a response against Clause 54, *One dwelling on a lot*. This is assessed later in this report. The application has also been assessed against the decision guidelines of the zone as follows:

Decision Guideline	Officer Comments	Complies?
General		
The Municipal Planning Strategy and the Planning Policy Framework	Refer below.	✓ Yes
The interface with adjoining zones, especially the relationship with residential areas.	The site is within the commercial zoning, and although the sites facing Blayney Lane are predominantly used for residential purposes, it is not adjacent to a residential zone. However, the proposal is for a residential use, which is consistent with the use of adjoining land.	✓ Yes
Use		
The effect that existing uses may have on the proposed use.	The existing uses are predominantly residential, and the proposed dwelling is consistent with those uses.	✓ Yes
The drainage of the land.	The site will be drained to the legal point of discharge, in Blayney Lane, then to the lake.	✓ Yes
The availability of and connection to services	The site is connected to all reticulated services.	✓ Yes
The effect of traffic to be generated on roads.	The road is a sealed road, with dual carriageway and the additional traffic will be able to be accommodated.	✓ Yes
The interim use of those parts of the land not required for the proposed use.	The whole of the land will be used for the dwelling and associated garden areas.	✓ Yes
Subdivision		
Provision for vehicles providing for supplies, waste removal and emergency services and public transport.	No subdivision is proposed.	Not applicable
The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.	No subdivision is proposed.	Not applicable

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Buildings and Works		
The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.	The site is on a sealed road in a generally low speed environment that allows for shared passageway of pedestrians, cyclists and vehicles.	✓ Yes
The provision of car parking.	The proposed dwelling will provide for two car spaces in the garage on site, in accordance with the requirements of Clause 52.06 Car Parking.	✓ Yes
The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.	The setback of the new dwelling is as per the existing dwelling is unaltered and is approximately 2.18 metres.	✓ Yes
The storage of rubbish and materials for recycling.	There is adequate space on site to store rubbish and recycling bins.	✓ Yes
Defining the responsibility for the maintenance of buildings, landscaping and paved areas.	The responsibility for maintenance of the dwelling will be the owner of the dwelling.	✓ Yes
Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone	An assessment of the site against ResCode, and overshadowing, is undertaken later in this report.	✓ Yes
The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.	The proposed dwelling will not overshadow existing rooftop solar energy systems.	✓ Yes
The availability of and connection to services.	The site is connected to all available services.	✓ Yes

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The design of buildings to provide for solar access.	The dwelling is designed and site to achieve a 6-star energy rating in accordance with the building regulations.	✓ Yes
The objectives, standards and decision guidelines of Clause 54 and Clause 55. This does not apply to an apartment development.	An assessment against Clause 54 is provided later in this report.	✓ Yes
For an apartment development, the objectives, standards and decision guidelines of Clause 58	This is not an apartment development.	Not applicable

The Planning Policy Framework (PPF)

Clause 15.01-1S, *Urban Design*

Objective: To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Officer response:

The siting and design of the dwelling will allow for a residential use in an area predominantly used for this purpose. In terms of character, the application has been considered against the Nagambie Style Guidelines later in this report.

Clause 15.01-5S, *Neighbourhood Character*

Objective: To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Strategies:

- *Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.*
- *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:*
 - *Pattern of local urban structure and subdivision.*
 - *Underlying natural landscape character and significant vegetation.*
 - *Heritage values and built form that reflect community identity.*

Officer Response:

The planning provision requires that development responds to the neighbourhood character and sense of place. In this case, the objection has raised mainly concerns with the height of the proposed dwelling. The response to the submission raises that there are already a number of dwellings in close proximity to the lake that are two or more storeys, and this is in context with those. Further to this, the design of the building, in terms of built form and the different articulations of the building, will not create a visual bulk in the area. The assessment of this site is considered below, against Clause 21.03-4 *Nagambie*.

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

21.02-6 Building Material – Muted Tones

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

Officer Comment:

A standard condition is recommended for the permit to ensure that the dwelling complies with this policy.

Clause 21.03-4, *Nagambie*

Objective: To grow Nagambie as an agricultural service centre as well as a visitor, lifestyle and retirement centre.

Strategies:

- *Recognise Nagambie as a lakeside location.*
- *Protect and enhance the environmental values of the lake and other natural features.*
- *Encourage the clustering of higher density dwellings around the town centre.*

Officer Comment:

The proposed development provides for additional dwelling within an existing serviced area with access and views to the lake. As the property is in the Commercial 1 Zone, it is not covered in the *Nagambie Neighbourhood Character Assessment 2008*, however the site is included in the *Nagambie Style Guidelines* as part of area “B” (refer below map).

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“B” areas are limited to a maximum of two storeys at street level, with a recessed third storey, as proposed here. The guidelines detail existing residential area guidelines, with a key objective to “*determine preferred future character for development in Nagambie, existing and proposed.*” An assessment of the application against the *Nagambie Style Guidelines 2008* has been undertaken as follows:

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Design Principle	Officer Comments	Complies?
Streetscape Activity		
To encourage a mix of building types, uses and activities in the street	The use of the land for a dwelling is consistent with the broader area, but the design of this building, particularly the height, is different from the neighbouring properties. The zoning allows this consideration, and it is not considered that the impact will be out of context.	✓ Yes
Streetscape Character		
To encourage protection of the older landmark buildings in the street.	No older landmark buildings are impacted as a result of this proposal.	✓ Yes
Siting		
To achieve a consistent commercial front boundary setback, and to establish the desired spatial proportions of the street and define the street edge.	The development is not for a commercial premise.	Not applicable
To contribute to the character and amenity of streets that have a residential component.	The setback of the new dwelling is as per the existing dwelling is unaltered and is approximately 2.18 metres.	✓ Yes
To contribute to the landscape character and amenity of the lakeside environment, and to reduce the visual impact of buildings when viewed from Lake Nagambie.	The site does not have any lake frontage and will not have an impact on the vistas from Lake Nagambie.	✓ Yes
To provide a high standard of amenity to the occupants of neighbouring residential properties.	This provision applies to properties that abut the Residential 1 Zone, which is not the case for this site.	Not applicable
Orientation		
To ensure that new commercial buildings address the street.	There is no commercial building proposed.	Not applicable

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Building Frontage and Height		
To achieve a consistency of built form at the street frontage, and to ensure cohesive and consistent streetscapes in the commercial centre.	In the 'B' areas buildings must have a maximum height of 7.5 metres (2 storeys) above natural ground level at the street frontage, and an overall maximum building height of 11 metres (3 storeys). This building is 7.47 metres above natural ground level at the street frontage and does not exceed 11 metres.	✓ Yes
To reduce the visual dominance of the upper levels of buildings when viewed from street level.	In the 'B' areas above 7.5 metres, the upper level (or third storey) of buildings should be set back from the front facade a distance of 3 metres. The third storey is setback 4.67m from the front boundary.	✓ Yes
Building Form		
To ensure that new buildings respect the fine grain-built form pattern of the country town streetscape.	The dwelling has strong articulation across all levels, and all levels are able to be divided into distinguishable parts due to the construction methods used.	✓ Yes
Materials and Design Detail		
To ensure that new buildings help to establish a strong and individual identity for the town.	The materials proposed are generally natural and uses contemporary details, including weatherboards and red brickwork. No bright colours are proposed.	✓ Yes
To encourage details that are integrated with the architecture of the building and contribute to the character and amenity of the street.	The building uses verandahs and balconies to provide further articulation of the structure.	✓ Yes
To ensure that signage does not dominate the building or streetscape and contributes to the pedestrian environment	No signage is proposed.	Not applicable
Landscaping		
To contribute to the landscape character and amenity of the public domain in residential and lakeside environments.	The use of the land for a dwelling allows for nearly 40% of the site to be used for garden area and will contribute to the landscape character of the area.	✓ Yes

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Relevant Particular Provisions

Clause 54, *One Dwelling on a Lot*

Purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To achieve residential development that respects the existing neighbourhood character, or which contributes to a preferred neighbourhood character.*
- *To encourage residential development that provides reasonable standards of amenity for existing and new residents.*
- *To encourage residential development that is responsive to the site and the neighbourhood.*

Officer Response:

The application has been assessed against the objectives and standards of this clause, as follows:

Objective	Officer Comments	Complies?
<p>Neighbourhood Character Objectives</p> <ul style="list-style-type: none"> • To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character • To ensure that development responds to the features of the site and the surrounding area <p>54.02-01 Standard A1</p>	<p>The area comprises predominately of single storey dwellings of various ages and styles. There is a new development to the South on the opposite side of the street which will eventually consist of modern residences. The proposed new dwelling is a modern style and high-quality design and finish which will enhance the area.</p>	<p>✓ Yes</p>
<p>Integration with the street objective</p> <ul style="list-style-type: none"> • To integrate the layout of the development with the street <p>54.02-2 Standard A2</p>	<p>The dwelling is easily accessible from the street and the entry is clearly visible.</p>	<p>✓ Yes</p>
<p>Street setback objective</p> <ul style="list-style-type: none"> • To ensure that the setbacks of the buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site <p>54.03-01 Standard A3</p>	<p>The setback of the new dwelling is as per the existing dwelling is unaltered and is approximately 2.18 metres.</p>	<p>✓ Yes</p>

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<p>Building height objective</p> <ul style="list-style-type: none"> To ensure that the height of buildings respects the existing or preferred neighbourhood character <p>54.03-02 Standard A4</p>	<p>The proposed dwelling does not exceed the 11 metres maximum building height allowed by the Commercial 1 Zoning, having a max. building height of 10.89 metres.</p>	<p>✓ Yes</p>
<p>Site coverage objective</p> <ul style="list-style-type: none"> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site <p>54.03-03 Standard A5</p>	<p>Site coverage does not exceed 60%. Residence footprint incl. Garage 238.61sqm Site Area 476.12sqm. Site Coverage 36.98%.</p>	<p>✓ Yes</p>
<p>Permeability objective</p> <ul style="list-style-type: none"> To reduce the impact of increased stormwater run-off on the drainage system To facilitate on-site stormwater infiltration <p>54.03-04 Standard A6</p>	<p>Less than 80% of the site is covered by impervious surfaces. Total Building footprint 238.61sqm. Total Paving 47.66sqm. Total Coverage 256.27sqm. Total Coverage percentage 60.13%. Total Permeability 39.87%.</p>	<p>✓ Yes</p>
<p>Energy efficiency objectives</p> <ul style="list-style-type: none"> To achieve and protect energy efficient dwellings and residential buildings To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy <p>54.03-05 Standard A7</p>	<p>The dwelling has been orientated to make appropriate use of solar energy and will achieve a 6-star energy rating.</p>	<p>✓ Yes</p>
<p>Significant trees objectives</p> <ul style="list-style-type: none"> To encourage development that respects the landscape character of the neighbourhood. To encourage the retention of significant trees on the site <p>54.03-6 Standard A8</p>	<p>The existing trees within the dwelling footprint will be removed and Landscaping will soften the facade and provide significant replacements in alternative locations. It is noted that no planning permit is currently required to remove the vegetation on site.</p>	<p>✓ Yes</p>

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<p>Side and rear setbacks objective</p> <ul style="list-style-type: none"> To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings <p>54.04-01 Standard A10</p>	<p>The proposed dwelling complies substantially with Building Regulation setback requirements. Being in Commercial 1 zoning these have been marginally exceeded. The Nagambie Style Guidelines assessment further considers this.</p>	<p>✓ Yes</p>
<p>Wall on boundaries objective</p> <ul style="list-style-type: none"> To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings <p>54.04-02 Standard A11</p>	<p>The garage is located on the Eastern boundary and its wall comply with the requirements of the Planning Scheme.</p>	<p>✓ Yes</p>
<p>Daylight to existing windows objective</p> <ul style="list-style-type: none"> To allow adequate daylight into existing habitable room windows <p>54.04-03 Standard A12</p>	<p>Sufficient daylight is available to existing habitable room windows of adjoining properties.</p>	<p>✓ Yes</p>
<p>North-facing windows objective</p> <ul style="list-style-type: none"> To allow adequate solar access to existing north-facing habitable room windows <p>54.04-04 Standard A13</p>	<p>North facing windows of adjoining property to the south are facing their driveway and separated by the access lane and are more than 13 metres from dwelling.</p>	<p>✓ Yes</p>

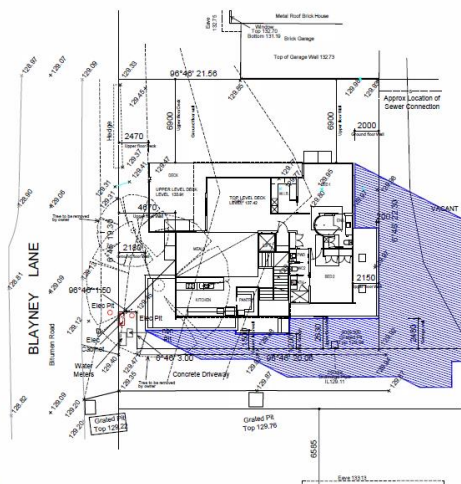
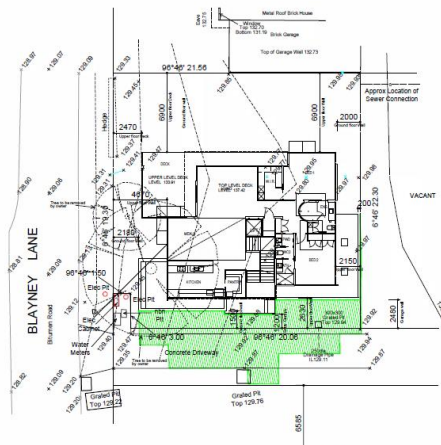
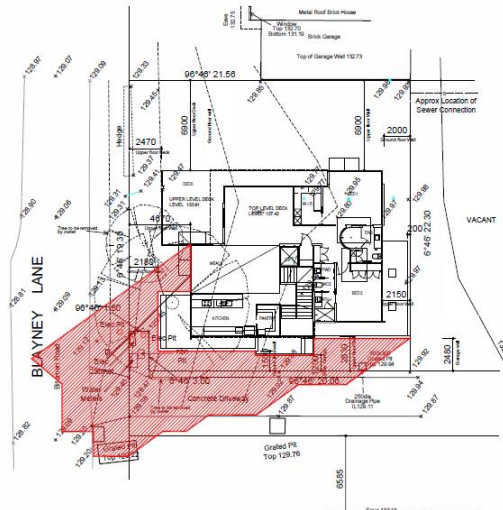
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Overshadowing open space objective

- To ensure buildings do not significantly overshadow existing secluded private open space

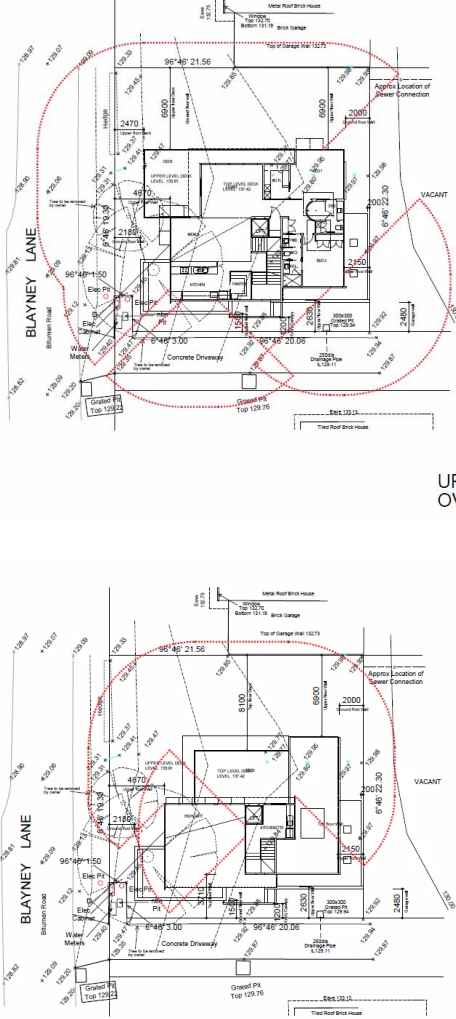
54.04-05 Standard A14

Sunlight to the usable private open space of adjoining properties has not reduced to less than 40 sqm for a minimum of 5 hours.



✓ Yes

9.5 Planning Permit Application No. P2020-148
- Use and development of land for a dwelling ~ 1/58 Blayney Lane Nagambie (cont.)

<p>Overlooking objective</p> <ul style="list-style-type: none"> To limit views into existing secluded private open space and habitable room windows <p>54.04-06 Standard A15</p>	<p>Private open space or habitable room windows of adjoining dwellings visible within 9m to be screened.</p>  <p>UPPER FLOOR OVERLOOKING</p> <p>TOP FLOOR OVERLOOKING</p>	<p>✓ Yes</p>
<p>Daylight to new windows objective</p> <ul style="list-style-type: none"> To allow adequate daylight into new habitable room windows <p>54.05-01 Standard A16</p>	<p>All new habitable rooms have access to daylight.</p>	<p>✓ Yes</p>
<p>Private open space objective</p> <ul style="list-style-type: none"> To provide adequate private open space for the reasonable recreation and service needs of residents <p>54.05-2 Standard A17</p>	<p>A minimum area of 80 sqm of private open space has been provided. The dwelling has at least 200 sqm of private open space.</p>	<p>✓ Yes</p>

9.5 Planning Permit Application No. P2020-148
- Use and development of land for a dwelling ~ 1/58 Blayney Lane Nagambie (cont.)

<p>Solar access to open space objective</p> <ul style="list-style-type: none"> To allow solar access into the secluded private open space of new dwellings and residential buildings <p>54.05-3 Standard A18</p>	<p>North access to private open space has been provided to the dwelling.</p>	<p>✓ Yes</p>
<p>Design detail objective</p> <ul style="list-style-type: none"> To encourage design detail that respects the existing or preferred neighbourhood character <p>54.06-01 Standard A19</p>	<p>The application has been assessed against the Nagambie Style Guidelines.</p>	<p>✓ Yes</p>
<p>Front fences objective</p> <ul style="list-style-type: none"> To encourage front fence design that respects the existing or preferred neighbourhood character <p>54.06-02 Standard A20</p>	<p>Any front fence will be part of landscaping and in accordance with regulations and the Planning Scheme.</p>	<p>✓ Yes</p>

The decision guidelines of Clause 65

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

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

9.5 Planning Permit Application No. P2020-148
- Use and development of land for a dwelling ~ 1/58 Blayney Lane Nagambie (cont.)

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

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

- *Nagambie Growth Management Plan*, Planisphere, December 2008
- *Nagambie Style Guideline*, Planisphere, December 2008.

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.

POLICY CONSIDERATIONS

Council Plans and Policies

There are no implications on the Council Plan or any Council Policies as a result of this decision.

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The state policies are considered in the *Planning Policy Framework* section (above) from the Strathbogie Planning Scheme.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

This application is being considered under Section 61 of the *Planning and Environment Act 1987*.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

9.5 Planning Permit Application No. P2020-148
- Use and development of land for a dwelling ~ 1/58 Blayney Lane Nagambie (cont.)

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This application is being heard by Council as there is an unresolved submission. Hearing the application in the public meeting will allow all parties the opportunity to be heard by the councillors prior to a decision being made.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The proposal is for a dwelling that will provide for an increase in capital improved value on this site.

Social

There are no broader social implications from the proposed dwelling or as a result of this application beyond that raised by the objector and discussed in the consultation section above.

Environmental

The application has been assessed against the relevant provisions of the *Planning and Environment Act 1987* and will have no negative impact on the environment.

Climate change

The Strathbogrie Planning Scheme has incorporated broader considerations on Climate Change, with the assessment that the proposed dwelling will not have an impact on climate change within the municipality, as all construction works will be required to comply with relevant legislation.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications with this proposal. The application is being assessed in accordance with relevant legislation, and all parties will be afforded all relevant rights of appeal at the Victorian Civil and Administrative Tribunal.

SUMMARY OF KEY ISSUES

With regard to the Commercial 1 Zone: The proposal is for a dwelling development within the existing township of Nagambie. If this site was in the General Residential Zone, a planning permit would not be required, however, a dwelling on this lot is considered appropriate in the broader context of the use of this area.

With regard to Clause 54, One dwelling on a lot: The proposed dwelling complies with the objective and standards.

9.5 Planning Permit Application No. P2020-148
- Use and development of land for a dwelling ~ 1/58 Blayney Lane Nagambie (cont.)

In summary, the proposal does meet the objectives of the Planning Policy Framework, Local Planning Policy Framework, Commercial 1 Zone and Clause 54, One Dwelling on a Lot.

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, in accordance with the officer recommendation.

ATTACHMENTS

Attachment 1: Subject Land Map

Attachment 2: Locality Map.

Attachment 3: Shadow diagrams

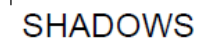
ATTACHMENT 1:



ATTACHMENT 2:

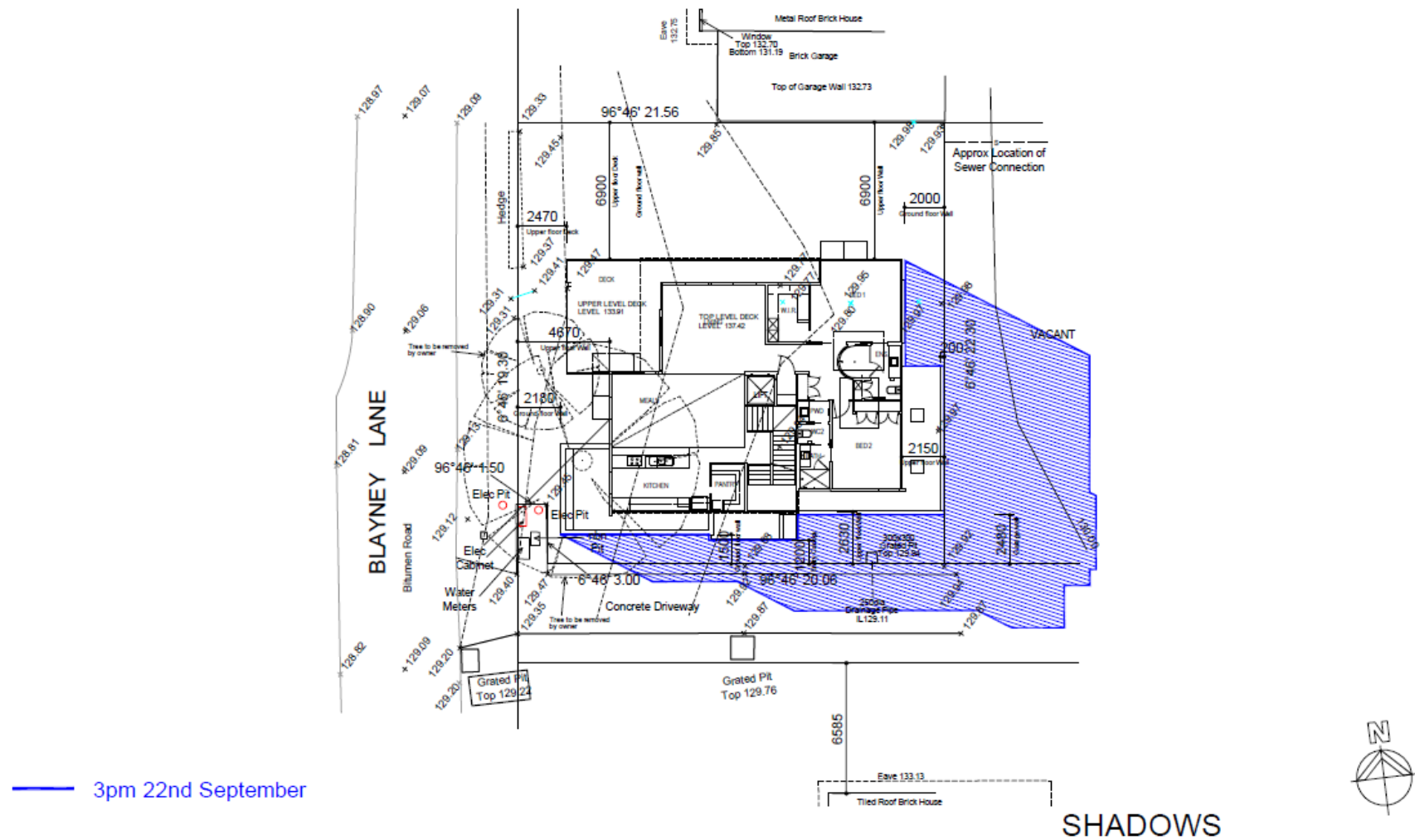


9am 22nd September





SHADOWS



9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook

Author: Principal Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for a dwelling at 437 Creek Junction Road, Kithbrook.
- The application was advertised and no objections were received.
- The application is being heard before the Council due to dwelling being on a small lot in the Farming Zone.
- The application has not been assessed within the 60-day statutory time frame due to the Christmas period and agenda timeframes.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework, the Farming Zone and the Erosion Management Overlay.
- It is recommended that Council resolve to Grant a Permit in accordance with the Officer's recommendation.

APPLICATION DETAILS

Application is for:	Use and development of land for a dwelling
Applicant's/Owner's Name:	Troy Spencer
Date Received:	28 May 2020
Statutory Days:	77
Application Number:	P2020-065
Planner: Name, title & department	Melissa Crane Principal Planner Planning and Investment Department
Land/Address:	Crown Allotment 10 Section C, Parish of Marraweeny, Certificate of title Volume 03147 Folio 571 437 Creek Junction Road, Kithbrook VIC 3666
Zoning:	Farming Zone
Overlays:	Erosion Management Overlay
Is a CHMP required?	No, not in an area of sensitivity.
Is it within an Open Potable Catchment Area?	Yes, application referred to Goulburn Murray Water.
Under what clause(s) is a permit required? (include description)	Clause 35.07, Farming Zone – planning permit required to use the land for a dwelling on a lot of less than 40 hectares Clause 35.07, Farming Zone – planning permit required for buildings and works associated with a section 2 use; planning permit required for buildings and works less than 100m from a waterway Clause 44.01, Erosion Management Overlay – Planning permit required for buildings and works.
Restrictive covenants on the title?	No
Current use and development:	Agriculture

- 9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

RECOMMENDATION

That Council:

Having caused notice of Planning Application No. P2020-065 to be given under section 52 of the Planning and Environment Act 1987 and having considered all matters required under Section 60 Planning and Environment Act 1987, decides to grant a planning permit under the provisions of Clause 35.07 Faming Zone and 44.01, Erosion Management Overlay of the Strathbogie Planning Scheme in respect of the land known Crown Allotment 10 Section C, Parish of Marraweeny, Certificate of title Volume 03147 Folio 571, 437 Creek Junction Road, Kithbrook VIC 3666, for the use and development of land for a dwelling in accordance with endorsed plans subject to the following conditions:

Endorsed Plans

- 1. 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.***

Section 173

- 2. Prior to the issue of a Statement of Compliance a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:***
 - a. Prevent subdivision of the land so as to excise the approved dwelling.***
 - b. Require that the use of the land for a dwelling must be undertaken in accordance with an agricultural use of the property in accordance with the Whole Farm Plan endorsed as part of this permit.***
 - c. The Owner acknowledges and accepts that the possibility of nuisance from adjoining or nearby agricultural operations may occur. The possible off site impacts include but are not limited to dust, noise, odour, waste, vibration, soot, smoke or the presence of vermin, from animal husbandry, animal waste, spray drift, agricultural machinery use, pumps, trucks and associated hours of operation.***

The Section 173 Agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be recorded on the folio of the Register to the subject land pursuant to Section 181 of the Planning and Environment Act 1987

Cottage

- 3. Within three (3) months of the commencement of use of the dwelling, the cottage as shown on the endorsed plans will be altered to remove all facilities that allow it to be used for accommodation to the satisfaction of the Responsible Authority.***

- 9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

Environmental Health:

4. ***Prior to installation works commencing on the septic tank system, a Permit to Install must be obtained from Council.***
5. ***All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Act 1970 and the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016) and the Responsible Authority. All wastewater shall be disposed of within the curtilage of the land and sufficient area shall be kept available for the purpose of wastewater disposal to the satisfaction of the Responsible Authority. No wastewater shall drain directly or indirectly onto an adjoining property, street or any watercourse or drain to the satisfaction of the Responsible Authority.***
6. ***All wastewater and liquid are to be contained and treated on site by an approved septic tank system or equivalent. The system must be at least 300 metres from potable water supply. The system must be at least 60 metres from any watercourse and/or dam (non-potable water supply) for primary sewage and 30 metres for secondary sewage, on the subject or neighbouring properties, and must meet the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).***
7. ***No buildings or works shall occur over any part of the approved waste disposal system including the septic tank in accordance with the requirements of the Environment Protection Act 1970, the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).***

Engineering Conditions:

8. ***Prior to the commencement of works on site, any new, relocated, alteration or replacement of required vehicular entrances 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.***
9. ***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 4 metres.***

9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

10. *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.*
11. *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.*
12. *Any damage to the Responsible Authority's assets (i.e. sealed roads, kerb and channel, trees, nature strip etc), and boundary fences, must be repaired at the cost of the applicant all to the satisfaction of Responsible Authority.*

Infrastructure Provision

13. *Fire Fighting Water Supply*
Prior to the commencement of use associated with the dwelling hereby permitted, the permit holder must provide 10,000 litres of effective water supply for firefighting purposes which meets the following requirements:
 - a. *Be stored in an above ground water tank constructed of concrete or metal.*
 - b. *Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.*
 - c. *Include a separate outlet for occupant use.*
 - d. *Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.*
 - e. *Be located within 60 metres of the outer edge of the approved building.*
 - f. *The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.*
 - g. *Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64-millimetre CFA 3 thread per inch male fitting).*
 - h. *Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling)*

Access

14. *Prior to the commencement of use associated with the dwelling hereby permitted, the permit holder must provide access for firefighting purposes which meets the following requirements*
 - a. *All weather construction.*
 - b. *A load limit of at least 15 tonnes.*

9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

- c. *Provide a minimum trafficable width of 3.5 metres*
 - d. *Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.*
 - e. *Curves must have a minimum inner radius of 10m.*
 - f. *The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.*
 - g. *Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.*
15. *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.*
16. *The dwelling must be connected to a reticulated electricity supply of have an alternative energy source*

General

17. *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.*
18. *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.*

Goulburn Murray Water

19. *All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).*
20. *All wastewater from the dwelling must be treated and disposed of using an approved system. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.*
21. *The wastewater disposal area must be located at least: 100 metres from any waterways, 40 metres from any drainage lines, 60 metres from any dams, and 20 metres from any bores.*

9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

22. *The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.*
23. *No buildings are to be located within 30 metres of any waterways.*

Expiry

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

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.*
- Any works on a waterway may need a "Works on Waterway Permit" from the Goulburn Broken Catchment Management Authority*

Environmental Health:

- A Land Capability Assessment will 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.*

Engineering:

- 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.*

9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

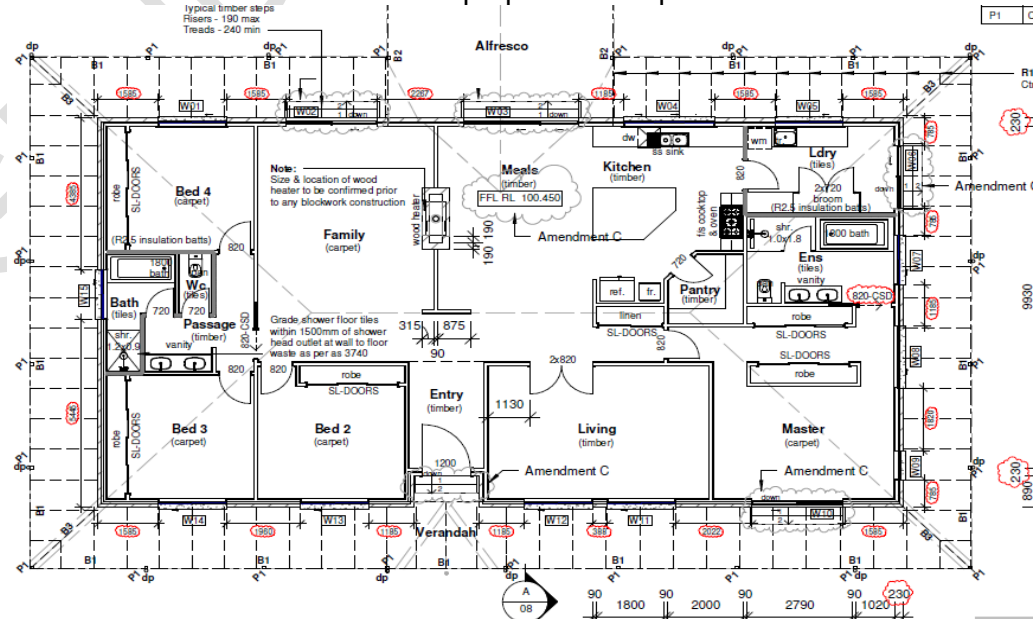
Proposal

The application is for the use and development of the land for a dwelling at 437 Creek Junction Road, Kithbrook. The dwelling is associated with a lamb and beef enterprise. A farm dwelling was located on the land however it was lost in a house fire several years ago.

A permit was issued for its redevelopment however the timing of the construction was impacted by several years of drought. The replacement dwelling can now be constructed following the recent autumn break and end of drought conditions. The owners are currently living in a cottage on the site, which will be converted to shedding when the new dwelling is constructed. The proposed dwelling is to be located as follows:



The proposed dwelling is a single storey, four bedroom house, to be constructed in bricks with a Colourbond roof. The proposed floor plan is as follows:



9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

The Whole Farm Plan submitted with the application details fat lamb and oat cropping production that is undertaken on site. The plan also provides for an environmental outcome, with fencing and replanting of two larger areas of the site as follows:

Planting Schedule



SUBJECT SITE AND LOCALITY

The subject site is a 66 acre allotment (approximately 26 hectares) rectangular parcel of land. The site currently contains a cottage and associated shedding. The site is accessed from Creek Junction Road. The area is predominantly used for extensive farming practices as is undertaken on this site. The property is bounded by Creek Junction Road on the south, Mackrells Road to the east, and privately owned farming land on all other boundaries. There is a seasonal waterway running through the site. The proposed dwelling is located approximately 50 metres from this waterway. There are two dams on the site, with remnant native vegetation across different areas on the property.

9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)



PERMIT/SITE HISTORY

A search of Council's electronic records results in planning permit P2012-107 issued for a dwelling in 2012 that was not acted upon.

COMMUNITY ENGAGEMENT

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

- Sending letters to adjoining landowners
- Placing (a) sign on site.

The notification has been carried out correctly.

Council has received no objections to date.

REFERRALS

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Goulburn Murray Water – No objections subject to conditions.
Section 52 Notices	Notice of application to 12 nearby and adjoining landowners.

Internal Council Referrals	Advice/Response/Conditions
Asset Services	No objections subject to conditions
Environmental Health	No objections subject to conditions

- 9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

ASSESSMENT

Farming Zone

Purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *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.*

Officer Comment:

The proposal has been assessed against the decision guidelines of the zone as follows:

Decision Guidelines	Officer Comments	Complies?
General Issues		
The Municipal Planning Strategy and the Planning Policy Framework	Refer below	✓ Yes
Any Regional Catchment Strategy and associated plan applying to the land	The application is setback from the waterway, and conditions on the permit require all effluent be a minimum of 100 metres from the waterway to ensure appropriate protection of water quality.	✓ Yes
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	The land is capable of treating and retaining wastewater in accordance with the requirements of the <i>Environment Protection Act 1970</i> .	✓ Yes
How the use or development relates to sustainable land management	The application is supported by a Whole Farm Plan that provides for both ongoing farming practices and environmental works to achieve a balanced and sustainable outcome for the site.	✓ Yes
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	The site is proposed be used in a similar manner to surrounding land and is considered compatible with nearby and adjoining land uses.	✓ Yes
How the use and development makes use of existing infrastructure and services.	The site is accessed from an existing sealed road and will have access to all available services.	✓ Yes

9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

Agricultural issues and the impacts from non-agricultural uses		
Whether the use or development will support and enhance agricultural production	The application is supported by a Whole Farm Plan that provides for both ongoing farming practices and environmental works to achieve a balanced and sustainable outcome for the site.	✓ Yes
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	The environmental works will provide for an improved outcome around the waterway with biodiversity improvements.	✓ Yes
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	The site has been used for a dwelling in the past, and this will continue.	✓ Yes
The capacity of the site to sustain the agricultural use	The site is currently sustaining an agricultural use, this is demonstrated in the Whole Farm Plan.	✓ Yes
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	There will be no negative impact on the agricultural qualities of the land as a result of this dwelling.	✓ Yes
Any integrated land management plan prepared for the site.	A Whole Farm Plan has been prepared for the site which provides for environmental works in areas of the property that are not as high a quality.	✓ Yes
Dwelling issues		
Whether the dwelling will result in the loss or fragmentation of productive agricultural land	There is an existing residential use on the land and a new dwelling will not result in the fragmentation of agricultural land.	✓ Yes
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.	There is an existing residential use on the land which is not affected by nearby agricultural activities.	✓ Yes
Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	The site is proposed be used in a similar manner to surrounding land and is considered compatible with nearby and adjoining land uses.	✓ Yes
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.	There is an existing residential use on the land and a new dwelling will not result in additional dwellings in the area.	✓ Yes

9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

Environmental Issues		
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	There will no adverse impact on the natural physical features of the area.	✓ Yes
The impact of the use or development on the flora and fauna on the site and its surrounds.	No native vegetation or fauna will be impacted by the proposal.	✓ Yes
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.	The application provides for additional planting and biodiversity works on the site.	✓ Yes
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	The land is capable of treating and retaining wastewater in accordance with the requirements of the <i>Environment Protection Act 1970</i> .	✓ Yes
Design and siting issues		
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 dwelling is being located in the existing built area of the property and will not remove additional land from agricultural use.	✓ Yes
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.	A condition will be placed on the permit ensuring that all materials are in muted tones to blend with the rural environment.	✓ Yes
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.	There will be no impact on areas or features of architectural, historic or scientific significance or of natural scenic beauty as a result of this dwelling.	✓ Yes

9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities	No new roads are proposed.	Not applicable
Whether the use and development will require traffic management measures.	No traffic management measures will be required.	Not applicable

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.*

Officer Comment:

The dwelling is to be located in the same location as the old dwelling, and no significant earthworks are proposed. Standard conditions will be placed on the permit to ensure any works are managed appropriately.

The Planning Policy Framework (PPF)

Clause 13.04-2S Erosion and landslip

Objective

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

Officer Comment:

The subject site is within the Erosion Management Overlay and conditions will be included on any planning permit issued to ensure any works required for the construction of the dwelling or ancillary services will be stabilised to the satisfaction of the Responsible Authority.

Clause 14.01-1S Protection of agricultural land

Objective

- To protect the state's agricultural base by preserving productive farmland.

Clause 14.01-2S Sustainable agricultural land use

Objective

- *To encourage sustainable agricultural land use.*

9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

Officer Comment:

The site is 26 hectares in area and contains two dams, the proposed dwelling is to be placed within the existing domestic area of the allotment. The land will continue to be used for agricultural production in accordance with the relevant policies within the Planning Policy Framework. The Whole Farm Plan which includes details of environmental works will be endorsed a part of any Planning permit issued and any conditions will include a Section 173 agreement prohibiting any future subdivision including house lot excision to prevent any proliferation of dwellings in the area.

The development of a dwelling on this lot is unlikely to create a detrimental impact on the adjoining land uses. The dwelling has been appropriately setback and located towards the rural living area.

Clause 14.02-1S, *Catchment planning and management*
Objective

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

Officer Comment:

The dwelling is proposed to be located away from the waterways. Standard drainage conditions will be included on any planning permit issued.

The Local Planning Policy Framework (LPPF) - including the Municipal Planning Strategy (MPS) and local planning policies

Clause 21.02-4 *Rural Zones*
Objective

- *To protect and maintain established farming areas.*
- *To ensure suitable land is available to provide for emerging rural enterprises, e.g. intensive animal husbandry, horticulture and equine industry.*

Officer Comment:

The subject site is in an area of 40 hectares for an as of right use for a dwelling. The land is 26 hectares. The land is proposed to be developed in a manner that will still be able to be used for agricultural production in accordance with the relevant policies within the Planning Policy Framework. A condition will be included on any planning permit issued requiring Section 173 Agreement that acknowledges amenity impacts from surrounding agricultural pursuits.

Clause 21.02-6 *Building Material – Muted Tones*
Objective:

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

9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

Officer Comment:

The dwelling is proposed to be constructed of new materials. The materials are unlikely to impact the aesthetic amenity currently enjoyed in the area. Standard conditions will be included on any planning permit issued to ensure the materials are muted and non-reflective. As such, this proposed is consistent with this Local planning policy within the Strathbogie Planning Scheme.

Clause 22.01-3 *Dwellings on small lots in the Farming Zone*

Objectives:

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

Officer Comment:

The lot is accessed by Creek Junction Road. The existing rural access is proposed to be upgraded to meet Councils Infrastructure Design Manual (IDM) standards and will be conditioned on any planning permit issued.

It is considered the dwelling is appropriately setback on the subject site. A Section 173 Agreement included on title via conditions will ensure any future occupiers accept the potential of any adverse amenity impacts due to agricultural pursuits being undertaken on neighbouring sites. The agreement will also prevent further subdivision including house lot excision.

An assessment of how the proposal complies with the relevant policy is as follows:

Policy	Officer Comments	Complies?
The lot is accessed by an all-weather road and has appropriate service provisions.	The site is access from Creek Junction Road which is a sealed road on council's road register.	✓ Yes
Emergency ingress and egress is at an appropriate standard.	An upgrade to the vehicle crossing will be required as part of any permit issued.	✓ Yes
The dwelling will not inhibit the operation of agriculture and rural industries.	There is an existing residential use on the land and a new dwelling will not result in additional dwellings in the area.	✓ Yes
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;	The land is capable of treating and retaining wastewater in accordance with the requirements of the <i>Environment Protection Act 1970</i> .	✓ Yes

9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

<p>Meets at least one of the following requirements:</p> <ul style="list-style-type: none"> • 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 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. 	<p>The application has been supported by a Whole Farm Plan, with environmental as well as farming works proposed, which demonstrate that a dwelling is required on the land to manage that pursuit.</p>	<p>✓ Yes</p>
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9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

The decision guidelines of Clause 65

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

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

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

- 9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

POLICY CONSIDERATIONS

Council Plans and Policies

There are no implications on the Council Plan or any Council Policies as a result of this decision.

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The state policies are considered in the *Planning Policy Framework* section (above) from the Strathbogie Planning Scheme.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

This application is being considered under Section 61 of the *Planning and Environment Act 1987*.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This application is being heard by Council as it is for a dwelling on a small lot in the Farming Zone. Hearing the application in the public meeting will allow all parties the opportunity to be heard by the councillors prior to a decision being made.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The proposal is for a replacement dwelling, that will provide for an increased capital improved value of the site.

9.6 Planning Permit Application No. P2020-065
- Use and development of land for a dwelling ~ 437 Creek Junction Road, Kithbrook
(cont.)

Environmental

The application has been assessed against the relevant provisions of the *Planning and Environment Act 1987* and is considered to have no negative impact on the environment.

Climate change

The Strathbogie Planning Scheme has incorporated broader considerations on Climate Change, with the assessment that the proposed dwelling is not considered to have an impact on climate change within the municipality, as all construction works will be required to comply with relevant legislation.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications with this proposal. The application is being assessed in accordance with relevant legislation, and all parties will be afforded all relevant rights of appeal at the Victorian Civil and Administrative Tribunal.

CONCLUSION

With regard to the Farming Zone: The proposal is for a replacement dwelling on land used for agricultural purposes. The application is supported by a Whole Farm Plan that provides for an environmental outcome over and above the farming practices being undertaken on site and can be supported.

With regard to the Erosion Management Overlay: The proposed dwelling will have minimal earthworks that can be managed with appropriate conditions.

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

After due assessment of all the relevant factors, it is considered appropriate to grant a permit, subject to conditions, in accordance with the officer recommendation.

ATTACHMENTS

Attachment 1: Subject Land Map

Attachment 2: Locality Map

ATTACHMENT 1:



[illegible]

9.7 Planning Permit Application No. P2017-121
- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo

Author: Principal Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for the use and development of land for additional group accommodation, with supporting management infrastructure and a shelter and shearing shed at 1208 Reedy Lake Road, Whroo.
- The application was originally submitted in November 2017, with more accommodation and a proposal to have events on the site (including music festivals).
- After meetings with the permit applicant, the proposal was amended on 9 December 2020 to be for the additional group accommodation and supporting facilities as currently proposed.
- The original application was advertised, and two (2) objections were received. The amended proposal was also notified, and both original objections remained as initially submitted. The objections raised issues related to potential conflict of use with farming activities.
- The application is being heard before the Council due to the unresolved objections.
- The application has been assessed within the 60-day statutory time frame since the amended proposal was submitted.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework, the Farming Zone and the Bushfire Management Overlay.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

APPLICATION DETAILS

Application is for:	Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building, one administration and accommodation building), Managers residence and multipurpose shed, Development of land for field side shelter and shearing shed.
Applicant's/Owner's Name:	Sam McCardel
Date Received:	01 November 2017 Amended application received on 9 December 2020. Further information requested on 7 January 2021. Further information supplied on 29 January 2021.
Statutory Days:	35
Application Number:	P2017-121
Planner: Name, title & department	Melissa Crane Principal Planner Planning and Investment Department

9.7 Planning Permit Application No. P2017-121

- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

Land/Address:	Lot 1 on Plan of Subdivision 625373Y, Certificate of Title Volume 11156, Folio 277, Lot 2 on Plan of Subdivision 625373Y, Certificate of Title Volume 11156, Folio 278, Lot 3 on Plan of Subdivision 625373Y, Certificate of Title Volume 11156 Folio 279 and Lot 4 on Plan of Subdivision 625373Y, Certificate of title Volume 11156 Folio 280 1208 Reedy Lake Road, Whroo VIC 3612
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay
Is a CHMP required?	No, CHMP not required as works are not in an area of sensitivity.
Is it within an Open Potable Catchment Area?	No, not in an open potable catchment area.
Under what clause(s) is a permit required? (include description)	Clause 35.07, Farming Zone – Planning permit required for group accommodation. Clause 35.07, Farming Zone – Buildings and works associated with Section 2 use. Clause 44.04, Bushfire Management Overlay – Buildings and works associated with accommodation.
Restrictive covenants on the title?	No
Current use and development:	Leisure and recreation

RECOMMENDATION

That Council:

Having caused notice of Planning Application No. P2017-121 to be given under section 52 of the Planning and Environment Act 1987 and having considered all matters required under Section 60 Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 35.07 Farming Zone and 44.04, Bushfire Management Overlay of the Strathbogie Planning Scheme in respect of the land known Lot 1 on Plan of Subdivision 625373Y, Certificate of Title Volume 11156, Folio 277, Lot 2 on Plan of Subdivision 625373Y, Certificate of Title Volume 11156, Folio 278, Lot 3 on Plan of Subdivision 625373Y, Certificate of Title Volume 11156 Folio 279 and Lot 4 on Plan of Subdivision 625373Y, Certificate of title Volume 11156 Folio 280, 1208 Reedy Lake Road, Whroo VIC 3612, for the use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building, one administration and accommodation building), Manager's residence and multipurpose shed, Development of land for field side shelter and shearing shed in accordance with endorsed plans, subject to the following conditions:

- 9.7 Planning Permit Application No. P2017-121
- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

Plans:

1. ***The layout of the site and the size and type of the proposed buildings and works, including the materials of construction, as shown on the endorsed plan shall not be altered or modified without the consent in writing of the Responsible Authority.***

Consolidation or Section 173 Agreement:

2. ***Prior to the commencement of any works on site, one of the following must be undertaken to the satisfaction of the responsible authority:***
 - a. ***Either, Lot 1 on Plan of Subdivision 625373Y, Certificate of Title Volume 11156, Folio 277, Lot 2 on Plan of Subdivision 625373Y, Certificate of Title Volume 11156, Folio 278, Lot 3 on Plan of Subdivision 625373Y, Certificate of Title Volume 11156 Folio 279 and Lot 4 on Plan of Subdivision 625373Y, Certificate of title Volume 11156 Folio 280, must be consolidated into one title to the satisfaction of the responsible authority.***
 - b. ***Or, a Section 173 Agreement must be entered into at no cost to Council, which ensures the following:***
 - i. ***Should any of the lots be sold separately, the group accommodation hereby permitted must cease, and the buildings removed or given consent to be used in a manner in accordance with the Strathbogie Planning Scheme.***

The Section 173 Agreement must be prepared by Council's solicitors, to the satisfaction of the Responsible Authority and must be recorded on the folio of the Register to the subject land pursuant to Section 181 of the Planning and Environment Act 1987.

Environmental Health:

3. ***All sewage and sullage waters shall be treated in accordance with the requirements of the Environment Protection Act 1970 and the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016) and the Responsible Authority. All wastewater shall be disposed of within the curtilage of the land and sufficient area shall be kept available for the purpose of wastewater disposal to the satisfaction of the Responsible Authority. No wastewater shall drain directly or indirectly onto an adjoining property, street or any watercourse or drain to the satisfaction of the Responsible Authority.***

9.7 Planning Permit Application No. P2017-121

- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

- 4. If the existing septic system (S2013-171) cannot effectively treat and contain wastewater on-site due to the increased wastewater load, the septic system and disposal area must be upgraded in accordance with the requirements of the Environment Protection Act 1970 and to the satisfaction of the Responsible Authority.**
- 5. Air-conditioning and other plant and equipment installed on the subject building(s) shall be so positioned and baffled so that noise disturbance is minimised, to the satisfaction of the Responsible Authority.**
- 6. Animal wastes on the property must be treated or dispersed in such a manner to ensure that:**
 - a. Offensive odours are reduced to a minimum; and**
 - b. The wastes are not a nuisance as described in the Public Health and Well Being Act 2008 and are contained within the boundaries of the site to the satisfaction of the Responsible Authority.**
- 7. No buildings or works shall occur over any part of the approved waste disposal system including the septic tank in accordance with the requirements of the Environment Protection Act 1970, the Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891. 4 (2016).**

Engineering:

- 8. Prior to the commencement of the use all internal access roads must be constructed, formed and drained to avoid erosion and to minimise disturbance to natural topography of the land to the satisfaction of the Responsible Authority. Internal access, including the turn-around areas for emergency vehicles, must be all weather construction with a minimum trafficable width of 4 metres.**
- 9. All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.**
- 10. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority and must be carried out in accordance with the Construction Techniques for Sedimentation Pollution Control (EPA publication No. 275, May 1991)**

- 9.7 Planning Permit Application No. P2017-121
- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

- 11. 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).**
- 12. Before the development starts or subdivision works commences, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. 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.**

Patrons:

- 13. The maximum number of people to be accommodated away from their place of residence at any one time is 76, unless with prior written approval from the Responsible Authority.**
- 14. Only people staying away from their normal place of residence are to be accommodated with the group accommodation buildings hereby permitted.**

Muted tones:

- 15. 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.**

Amenity:

- 16. Noise from the site must comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.**
- 17. The emission of noise from the property including the surrounding environment and carpark areas either during or immediately after the hours permitted, must not cause annoyance to persons beyond the site.**
- 18. All refuse and rubbish associated with the use allowed must be removed from the area at least once weekly, and more often if required by the Responsible Authority.**

- 9.7 Planning Permit Application No. P2017-121
- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

- 19. 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.***
- 20. The amenity of the area must not be detrimentally affected by the use, through the:***
- (f) Appearance of any building, works or materials;***
 - (g) Transport of materials, goods or commodities to or from the land;***
 - (h) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;***
 - (i) Presence of vermin, and***
 - (j) Others as appropriate.***
- 21. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.***

Goulburn Broken Catchment Management Authority

- 22. The finished floor level of the proposed group accommodation (RT-01, RT-02, RT-03, RT-04 & RT-05) and manager residence must be constructed at least 300 millimetres above the general surrounding ground level, or higher level deemed necessary by the responsible authority.***

Department of Environment, Land, Water and Planning

- 23. All construction works adjacent to areas of native vegetation must be done in accordance with AS4970-2009, Protection of Trees on Development Sites.***
- 24. Before works start, tree protection fence(s) must be erected around areas of native vegetation adjacent to construction works. The fences will provide an obvious physical barrier to help protect tree roots, trunks and limbs from damage. The Tree Protection Zone (TPZ) fence must be erected at a radius of 12 times the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk. The tree protection fence(s) must remain in place until the completion of the works unless otherwise agreed in writing by the Responsible Authority.***

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- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

25. No vehicular or pedestrian access, trenching, storage of materials or equipment or soil excavation is to occur within the Tree Protection Zone unless otherwise agreed in writing by the Responsible Authority.

Country Fire Authority:

26. Bushfire Management Plan

Before the development starts, an amended Bushfire Management Plan (BMP) which is generally in accordance with BMP prepared by Dawson Planning Services Pty Ltd, dated 28th November 2020 must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire protection measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

a. Defendable Space

Show an area of defendable space for a distance of 32m around the proposed building/or to the property boundary where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.***
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.***
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.***
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.***
- Shrubs must not be located under the canopy of trees.***
- Individual and clumps of shrubs must not exceed 5sq. metres in area and must be separated by at least 5 metres.***
- Trees must not overhang or touch any elements of the building.***
- The canopy of trees must be separated by at least 5 metres.***
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.***

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- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

b. Construction Standard

Nominate a minimum Bushfire Attack Level of BAL – 29 that the building (RT-05) will be designed and constructed.

c. Water Supply

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

d. Access

Show the access for fire fighting purposes which meets the following requirements:

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

9.7 Planning Permit Application No. P2017-121

- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

- ***Incorporate a turning area for fire fighting vehicles close to the building by one of the following:***
 - ***A turning circle with a minimum radius of eight metres.***
 - ***A driveway encircling the dwelling***
 - ***The provision of vehicle turning heads – such as a T or Y head – which meets the specification of Austroad Design for an 8.8 metre Service Vehicle.***

27. Premises Closure

The use of the Group Accommodation Building (excluding the caretaker/manager occupation) approved under this permit must not operate after 10.00am on any day of Total Fire Ban for the Northern County TFB District.

28. Bushfire Emergency Plan

Before the development is occupied or the use commences, a bushfire emergency plan (BEP) must be prepared. The BEP must clearly describe the emergency management arrangements that will be implemented to reduce the risk of bushfire and should address the following matters: Describe property and business details.

- a. ***Identify the purpose of the BEP stating that the plan outlines procedures for:***
 - i. ***Closure of premises on any day of Total Fire Ban for the Northern Country TFB District (excluding caretaker/manager occupation).***
 - ii. ***Evacuation (evacuation from the site to a designated safer off-site location).***
 - iii. ***Shelter-in-place (remaining on-site in a designated building).***
- b. ***Review of the BEP***
 - i. ***Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period.***
 - ii. ***Include a Version Control Table.***
- c. ***Roles & Responsibilities***
 - i. ***Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire and the triggers for acting. For example, when the facility will be closed and the circumstances under which guests and patrons will shelter in place or evacuate.***

- 9.7 Planning Permit Application No. P2017-121
- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

d. Emergency contact details.

e. Bushfire monitoring procedures

- i. Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.**
- ii. Describe and show (include a map) the area to be monitored for potential bushfire activity.**

Expiry

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

- (j) The development hereby permitted for at least one building is not started within two (2) years of the date of this Permit,**
- (k) The development for each additional building hereby permitted is not completed within four (4) years of the commencement of works on the previous building.**
- (l) The use of each building commenced within two (2) years of the completion of the development of that building.**

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:

Environmental Health:

- Under the provisions of the Public Health and Wellbeing Regulations 2020, an accommodation business will need to apply to be registered with its local council. The application must include a plan of the premises, drawn to a scale of not less than 1:100, and showing the proposed use of each room.**

9.7 Planning Permit Application No. P2017-121

- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

PROPOSAL

This application proposes to be a staged development of four new group accommodation buildings, a residence for a manager, an administration and accommodation building, a field side shelter for the polo field, a shearing shed and a multi-purpose shed.

Part of the application relates the existing building shown on the Master Plan as "The Savoy". This building was the subject of a planning permit that has lapsed (P2010/040). The permit applicant advises the building works permitted by the permit are complete, but the Certificate of Occupancy has not been issued due to the lapsed status of the permit. The total group accommodation capacity for the completion of all stages is proposed to be a maximum of 76 people (excluding staff).

This application seeks to group the uses and activities on the land under one planning permit and to allow the staged construction of further buildings and facilities to create a retreat that offers a 'sanctuary' environment for visitors seeking a relaxing contrast to the urban environment.

The proposal is to progressively stage the development of new buildings, with completion of an additional group accommodation every 1-2 years as the business develops. This application seeks planning approval for the whole development, to be constructed in stages over a timeframe of commencement within two years and completion by sequential construction of the group accommodation buildings. On overall development plan showing the location of existing and proposed development is attached to this report. The sequence of development of the facilities is as follows:

Staged Dev Program	Building Name	Accommodation	Reference
1.	The Savoy (existing - to be renovated))	6	R-03
2.	Workers Cottage	6	RT-02
3.	Multi-purpose Shed	-	RT-06
4.	Shearing shed	-	RT-08
5.	Recreation facility	-	RT-03
6.	Field side Shelter – WPC	-	RT-07
7.	The Dorchester	12	RT-01
8.	The Grosvenor	12	RT-04
9.	Carriberie	12	RT-05

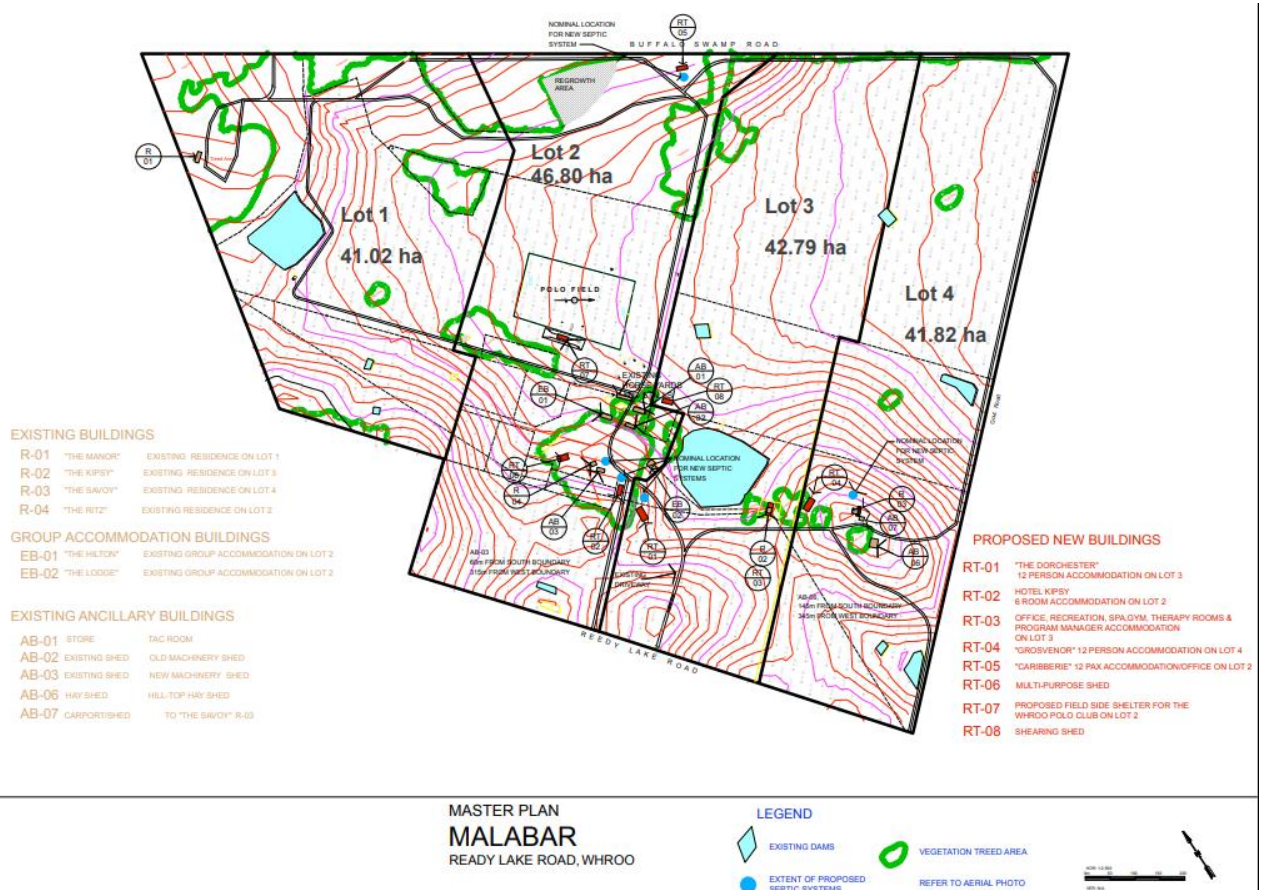
9.7 Planning Permit Application No. P2017-121

- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

There are currently three existing group accommodation buildings on site, as follows:

Building Name	Accommodation	Reference
The Ritz	8	R-04
The Hilton	12	EB-01
The Lodge	8	EB-02

Building RT-03 is for the purpose of an office/recreation/duty manager and residence with a capacity for 4 people. This is not included as group accommodation capacity as the occupants will have a management function. The layout of the site as follows:

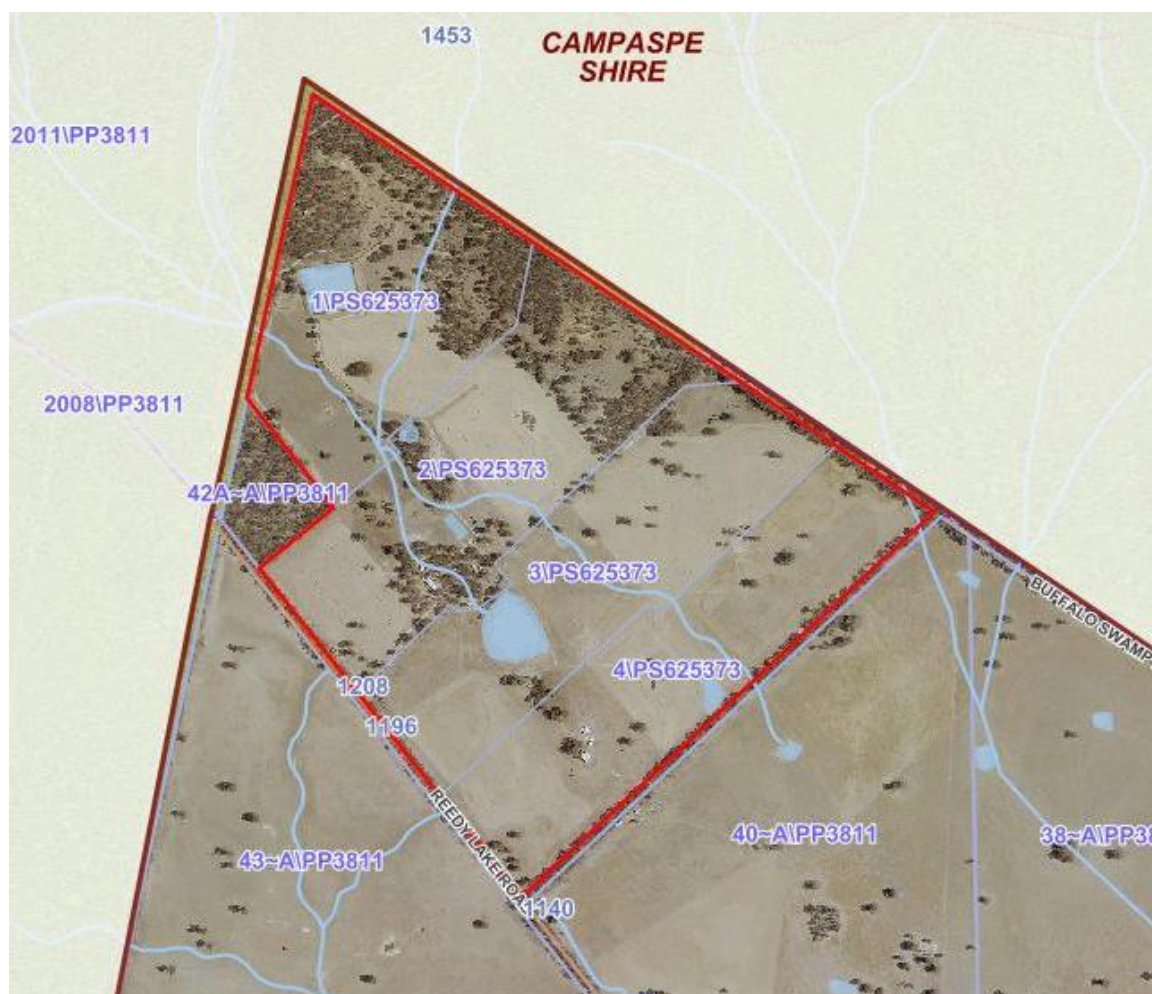


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SUBJECT SITE AND LOCALITY

Malabar is a farming property of approximately 172.43 hectares on four titles on Reedy Lake Road at Whroo, approximately 8 kilometres south-east from the town of Rushworth. The property sits within the north western section of the municipality, adjoining the north-western common shire boundary with Campaspe Shire. The land contains a mixture of cleared grazing land and remnant bushland with broadly distributed array of buildings comprising four existing dwellings, two existing group accommodation buildings and six ancillary buildings (two carports/sheds, a hay shed, two machinery sheds and an equestrian tac room).

The property is managed as an operating farm for sheep and cattle production and annual cropping. In addition to farming, the property has in the past been use for equestrian activities such as polo events. An aerial photograph of the site is as follows:



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PERMIT/SITE HISTORY

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

- P2010-040 – Dwelling – issued 29/6/2010
- P2008-035 – Subdivision – issued 19/6/2008
- P2007-112 – Building for residential and admin of property – 5/12/2007
- P2005-068 – Rabbit Breeding business – 30/11/2005
- P2003-083 – Caretakers house – 5/4/2004
- P2003-126 – Two annual polo events – 21/10/2003.

PUBLIC NOTIFICATION

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

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

The notification has been carried out correctly.

Council has received two (2) objections to date. In light of the amendment to the permit, the key issues that were raised in the objections related only to the proposal as it stands now are:

- Potential conflict of use:
 - With farming activities on adjacent land, with consideration of:
 - security
 - Wweeds and invasive plants
 - pest animals
 - increased fire risk
- Increased traffic on low quality roads.

The Applicant provided a response to the objections. The response can be summarised as follows:

- The subject land does and will continue to run as a farm, as does the adjoining property.
- There are large separation distances between the proposed buildings and any adjoining farming activities.
- The application is being assessed by the Country Fire Authority in relation to fire risk.

This response, and the amended proposal was sent to the objectors who did not withdraw their objections to the proposal.

COMMUNITY ENGAGEMENT

No consultation has been undertaken beyond the correspondence in relation to the changes to the proposal.

- 9.7 Planning Permit Application No. P2017-121
- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

REFERRALS

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	Country Fire Authority – No objections subject to conditions.
Section 52 Notices	Department of Environment, Land, Water and Planning – no objections, subject to conditions. Goulburn Broken Catchment Management Authority- no objections subject to conditions. Notice of application was sent to 8 adjoining owners and occupiers.

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

ASSESSMENT

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.*

Officer Response:

A planning permit is required for group accommodation in the Farming Zone. The site already has group accommodation operating for up to 28 people currently, with the proposal to increase accommodation for people for up to a maximum of 76. As the buildings are located across four separate parcels of land, a condition has been recommended in the permit that requires either the consolidation of all the lots or a Section 173 Agreement to ensure all the buildings are kept together in one ownership.

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- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

An assessment of the application against the decision guidelines of the zone is as follows:

Decision Guidelines	Officer Comments	Complies?
General Issues		
The Municipal Planning Strategy and the Planning Policy Framework	Refer below	✓ Yes
Any Regional Catchment Strategy and associated plan applying to the land	The application has been considered by the Goulburn Broken Catchment Management Authority who had no objections subject to conditions.	✓ Yes
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	The proposed buildings will be required to have effluent disposal in accordance with the <i>Environment Protection Act 1970</i> .	✓ Yes
How the use or development relates to sustainable land management	The land is currently used for a farming enterprise which will continue and can currently have up to 28 people staying on site in group accommodation. The extension of this use will not remove any land from farming activity and is compatible with the existing use of the land.	✓ Yes
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	The site is suitable for accommodation and the location of the new buildings will not create a conflict of use with adjoining and nearby land uses.	✓ Yes
How the use and development makes use of existing infrastructure and services.	The site is accessed from an existing gravel road on council's road register, and the permit holder will be required to provide internal infrastructure to support the development.	✓ Yes
Agricultural issues and the impacts from non-agricultural uses		
Whether the use or development will support and enhance agricultural production	The use of the land for agricultural purposes will continue. The placement of additional group accommodation buildings will not undermine the ability of the land to be farmed.	✓ Yes

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- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	The development will not remove land from agricultural production.	✓ Yes
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	The buildings are located well within the property and are able to achieve appropriate separate from adjoining agricultural land.	✓ Yes
The capacity of the site to sustain the agricultural use	There is no change proposed to the agricultural use of the land.	Not applicable
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	There is no change proposed to the agricultural use of the land.	Not applicable
Any integrated land management plan prepared for the site.	No integrated land management plan has been prepared for the site.	Not applicable
Dwelling issues		
Whether the dwelling will result in the loss or fragmentation of productive agricultural land	The dwellings proposed are for group accommodation to be used in conjunction with other accommodation on the site. No subdivision will occur and the requirement for consolidation or a Section 173 will ensure that the land is kept in one ownership or the accommodation must cease.	✓ Yes
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.	The buildings are located well within the property and are able to achieve appropriate separate from adjoining agricultural land.	✓ Yes
Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	The buildings are located well within the property and are able to achieve appropriate separate from adjoining agricultural land.	✓ Yes

9.7 Planning Permit Application No. P2017-121

- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

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 dwellings proposed are for group accommodation to be used in conjunction with other accommodation on the site. No subdivision will occur and the requirement for consolidation or a Section 173 will ensure that the land is kept in one ownership or the accommodation must cease.	✓ Yes
Environmental Issues		
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	There will be no impact on the natural physical features and resources of the area as a result of this proposal.	✓ Yes
The impact of the use or development on the flora and fauna on the site and its surrounds.	No native flora or fauna will be impacted by the proposed use and development.	✓ Yes
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.	No native vegetation is proposed to be removed to support the development, including for defendable space.	✓ Yes
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	The site is large enough to treat and retain all wastewater within the boundaries of the property.	✓ Yes
Design and siting issues		
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 buildings are located either near existing buildings or in locations on the site not used for agricultural purposes.	✓ Yes

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- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

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.	A condition is included in the recommendation requiring muted tones for all buildings. No buildings are located on any ridges or high points.	✓ Yes
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.	The development will not have any impact on features of architectural, historic or scientific significance or of natural scenic beauty.	✓ Yes
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities	The location predominantly uses existing roads within the development. Some upgrade works will be required, but no new roads are proposed.	✓ Yes
Whether the use and development will require traffic management measures.	No traffic management measures have been required.	✓ Yes

Bushfire Management Overlay

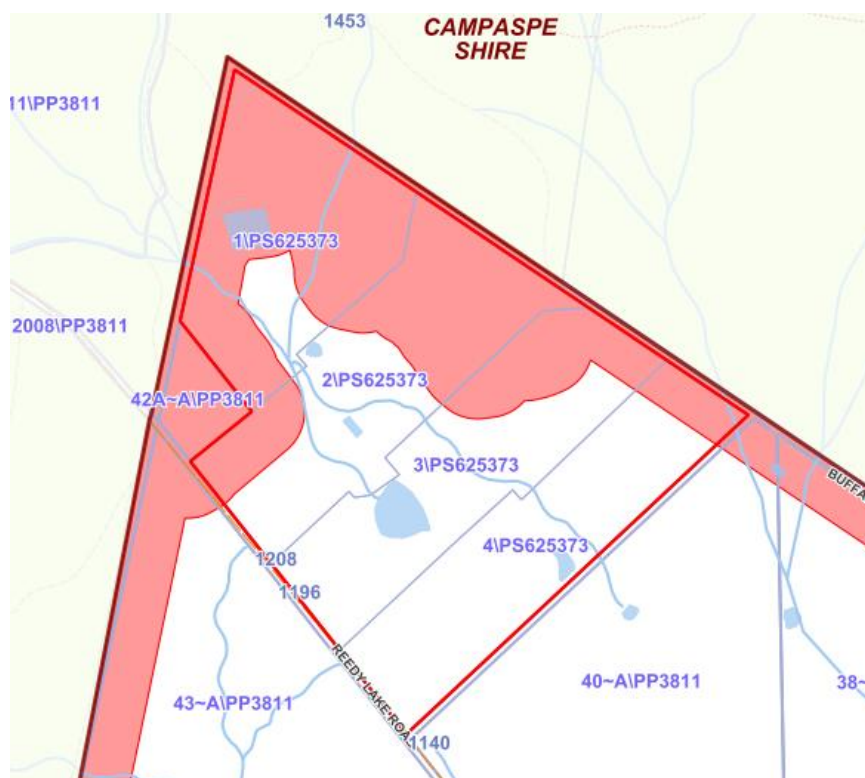
Purpose

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

- 9.7 Planning Permit Application No. P2017-121
- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

Officer Response:

Only part of the property is in the Bushfire Management Overlay, as shown in red, below:



While only one of the new buildings is proposed in the overlay area, this has been considered by the Country Fire Authority, who have given conditional consent. Further to this, a permit condition has been recommended that requires that building to not be used on total fire ban days. This is considered a reasonable response to the bushfire risk in the area.

The Planning Policy Framework (PPF)

Clause 13.02-1S *Bushfire planning*

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

Officer comment:

The proposal was referred to the CFA who offered no objection, subject to conditions.

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- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

Clause 13.05-1S *Noise abatement*

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

Strategy: *Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

Officer comment:

The proposed uses will need to comply with *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2*, which is a policy document within this provision. This is tied to the permit in an ongoing way with recommended condition 16.

Clause 13.07-1S *Land use compatibility*

Objective: *To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.*

Strategies:

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*

Officer comment:

Farming is considered an industry however, operational conditions have been included in the recommended conditions to ameliorate any potential land use conflicts that may arise from the proposed uses.

Clause 14.01-1S *Protection of agricultural land*

Objective: *To protect the state's agricultural base by preserving productive farmland*

Strategies: *In considering a proposal to use, subdivide or develop agricultural land, consider the:*

- *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
- *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
- *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*
- *Land capability.*

9.7 Planning Permit Application No. P2017-121

- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

Officer comment:

The proposed use will be undertaken in conjunction with an existing farming facility on the site, and with all buildings located in areas that are not used for farming purposes, it is considered that this will not remove any of the site from production. The impacts on adjoining land can be amenity impact measures as detailed in the recommended conditions.

Clause 17.01-1S *Diversity Economy*

Objective: *To strengthen and diversify the economy.*

Strategies:

- *Protect and strengthen existing and planned employment areas and plan for new employment areas*
- *Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities*
- *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
- *Support rural economies to grow and diversify.*

Clause 17.01-1R *Diversified Economy – Hume*

Strategy: *Encourage appropriate new and developing forms of industry, agriculture, tourism and alternative energy production.*

Officer comment:

The proposed uses are ancillary to and support an existing farming facility and allow the expansion of the business to provide more options for accommodation on the site.

Clause 17.04-1S *Facilitating Tourism*

Objective: *To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.*

Strategies:

- *Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.*
- *Seek to ensure that tourism facilities have access to suitable transport.*
- *Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.*
- *Create innovative tourism experiences.*
- *Encourage investment that meets demand and supports growth in tourism.*

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- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

Clause 17.04-1R *Tourism – Hume*

Strategies: *Facilitate rural tourism activities that support agricultural enterprises such as cellar door and farm gate sales and accommodation in appropriate locations.*

Officer comment:

The ancillary use will allow the equine facility to provide for an integrated activity on the site, which is aimed and, and compatible with, the existing use of the land.

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

Clause 21.02-4 *Rural Zones*

Objective:

- *To protect and maintain established farming areas.*
- *To ensure suitable land is available to provide for emerging rural enterprises, e.g. intensive animal husbandry, horticulture and equine industry.*

Strategies:

- *Limit inappropriate uses within farming areas, including dwellings not required to support an agricultural use.*
- *Support existing and new rural industries and tourism activities.*

Clause 21.06-3 *Tourism*

Objective: To promote the Shire as a tourism destination

Strategies:

- *Support new and existing tourism developments that promote key attributes of the Shire such as the natural environment, heritage, town character and niche/boutique industries.*
- *Support the strengthening of tourism links with surrounding municipalities.*
- *Encourage tourism developments associated with rural pursuits.*

Officer comment:

The proposed use of the land for group accommodation is encouraged within the Farming Zone in Strathbogie Shire as it is a tourism activity associated with a farming practice on the site.

- 9.7 Planning Permit Application No. P2017-121
- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

The decision guidelines of Clause 65

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

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

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

There are no relevant adopted State policies.

Relevant incorporated, reference or adopted documents

There are no relevant incorporated, reference or adopted documents.

Relevant Planning Scheme amendments

There are no relevant planning scheme amendments.

Risk Management

The author of this report considers that there are no significant Risk Management factors relating to the report and recommendation.

Strategic Links – policy implications and relevance to Council Plan

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

- 9.7 Planning Permit Application No. P2017-121
- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

POLICY CONSIDERATIONS

Council Plans and Policies

There are no implications on the Council Plan or any Council Policies as a result of this decision.

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The state policies are considered in the *Planning Policy Framework* section (above) from the Strathbogie Planning Scheme.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

This application is being considered under Section 61 of the *Planning and Environment Act 1987*.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This application is being heard by Council as there are unresolved submissions. Hearing the application in the public meeting will allow all parties the opportunity to be heard by the Council prior to a decision being made.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The proposal is for additional group accommodation that will bring more people into the region and allow a broader range of options in terms of accommodation.

- 9.7 Planning Permit Application No. P2017-121
- Use and development of land for Group Accommodation (four new accommodation buildings, completion of one accommodation building; one administration and accommodation building), Managers residence and multipurpose shed; Development of land for field side shelter and shearing shed ~ 1208 Reedy Lake Road, Whroo (cont.)

Social

There are no broader social implications from the proposed subdivision or as a result of this application beyond that raised by the objectors and discussed in the consultation section above.

Environmental

The application has been assessed against the relevant provisions of the *Planning and Environment Act 1987* and will have no negative impact on the environment.

Climate change

The Strathbogie Planning Scheme has incorporated broader considerations on Climate Change, with the assessment that the proposed development will not have an impact on climate change within the municipality, as all construction works will be required to comply with relevant legislation.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications with this proposal. The application is being assessed in accordance with relevant legislation, and all parties will be afforded all relevant rights of appeal at the Victorian Civil and Administrative Tribunal.

SUMMARY OF KEY ISSUES

With regard to the Farming Zone: The proposal is for additional group accommodation on a site that is currently used in this manner. The location of the buildings will allow for appropriate separation of the use from adjoining and nearby agricultural land and will not remove any additional land from agricultural production on the site itself.

With regard to the Bushfire Management Overlay: The application has been assessed by the Country Fire Authority, who have no objections subject to conditions.

In summary, the proposal does meet the objectives of the Planning Policy Framework, Local Planning Policy Framework, Farming Zone and the Bushfire Management Overlay.

CONCLUSION

After due assessment of all the relevant factors, it is considered appropriate to issue a Notice of Decision to grant a permit, subject to conditions, in accordance with the officer recommendation.

ATTACHMENTS

Attachment 1: Subject Land Map

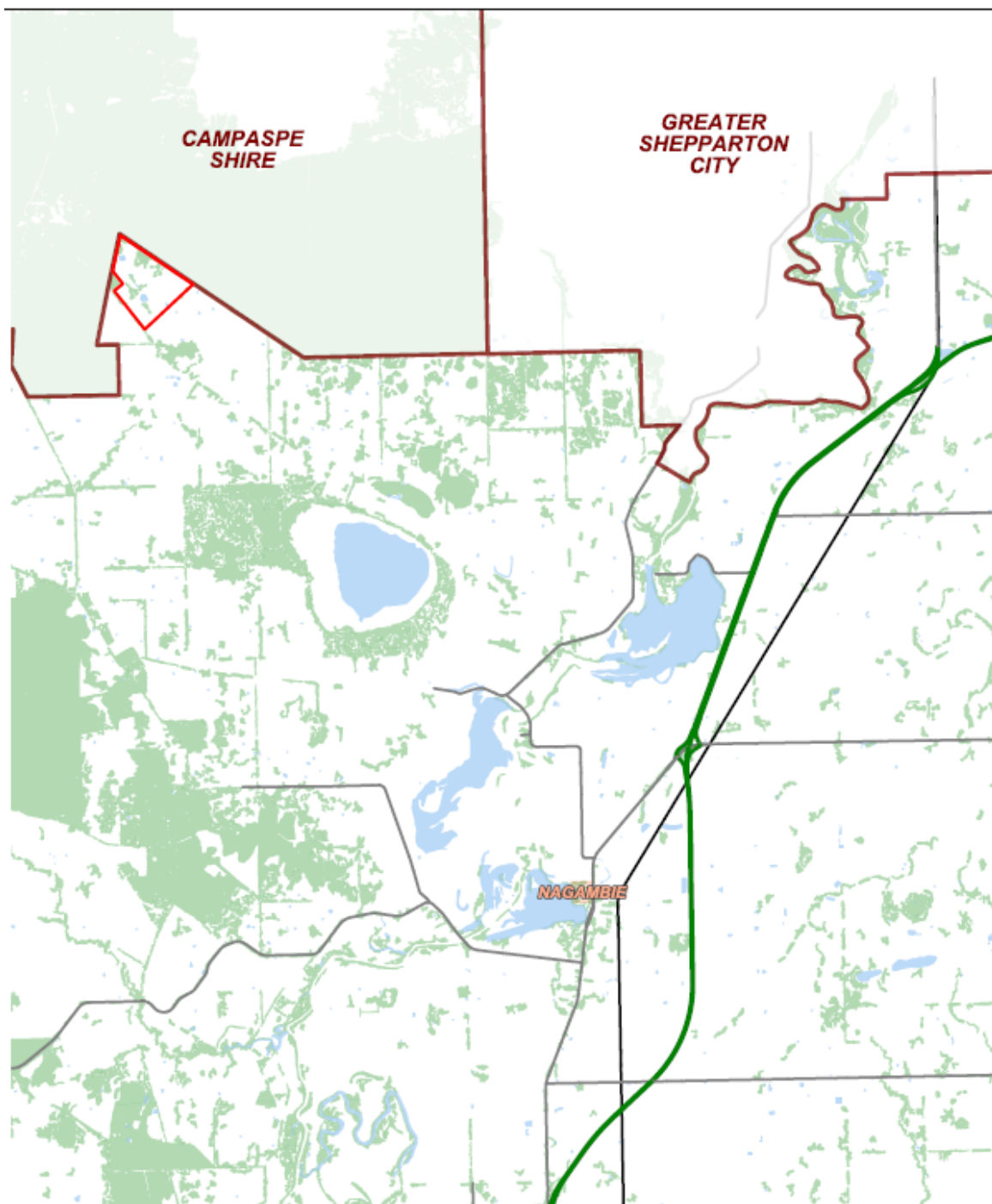
Attachment 2: Locality Map.

Attachment 3: Master Plan Diagram

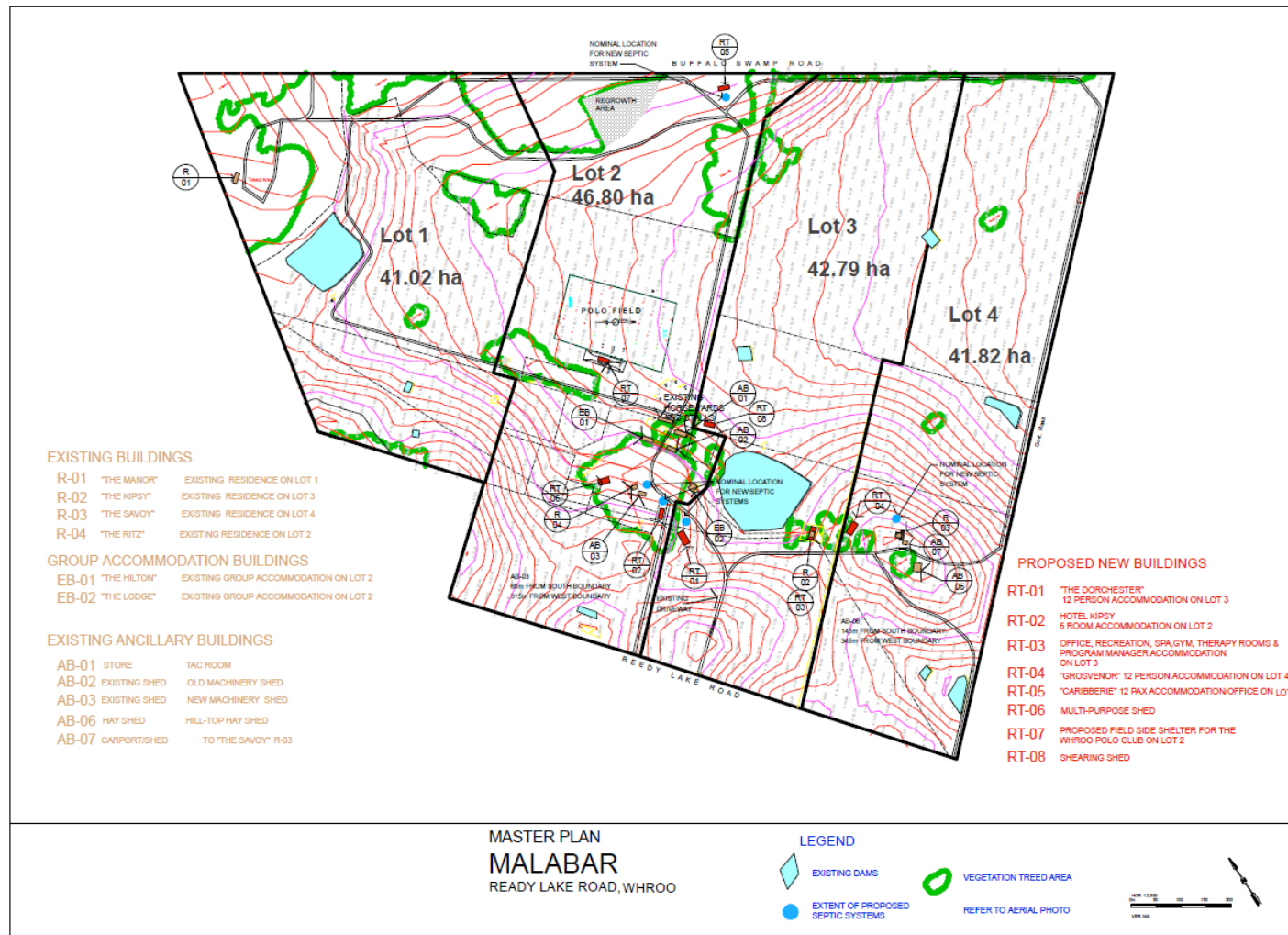
ATTACHMENT 1:



ATTACHMENT 2:



ATTACHMENT 3:



9.8 Planning Permit Application No. P2020-125
- Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa

Author: Town Planner

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

- The proposal is for the use of land for a Transfer Station and associated signage at 30 Boundary Road North, Euroa VIC 3666.
- Existing infrastructure is located on site.
- The application was advertised, and six (6) objections were received. Further detail is contained within this report.
- As a result of consultation with objectors, two (2) objections have been withdrawn. The application is being heard before the Council due to four (4) outstanding objections.
- The application has not been assessed within the 60-day statutory timeframe due to the Christmas period, agenda timeframes and consultation with objectors and applicant.
- The proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework, the Industrial 1 Zone, Floodway Overlay and the Land Subject to Inundation Overlay.
- It is recommended that Council resolve to issue a Notice of Decision to Grant a Permit in accordance with the Officer's recommendation.

APPLICATION DETAILS

Application is for:	Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage.
Applicant's/Owner's Name:	Jarrold Chilcott
Date Received:	29 September 2020 Application Received. 01 October 2020 Application Paid. 9 November 2020 Further Information. 19 November 2020 request to include collection and transfer of cars in proposal.
Statutory Days:	92 days
Application Number:	P2020-125
Planner: Name, title & department	Trish Hall Town Planner Planning and Investment Department
Land/Address:	Lot 3 on Plan of Subdivision 411986G, Certificate of Title Volume 10391 Folio 101 30 Boundary Road North, Euroa VIC 3666
Zoning:	Industrial 1 Zone
Overlays:	Land Subject to Inundation Overlay (Part) Floodway Overlay (Part)

- 9.8 Planning Permit Application No. P2020-125
- Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa (cont.)

Is a CHMP required?	No The subject site is not within a Culturally Sensitive Area.
Is it within an Open Potable Catchment Area?	No The subject site is not within an Open Potable Catchment Area.
Under what clause(s) is a permit required? (include description)	Clause 33.01-1 Section 2 use in the Industrial 1 Zone Clause 52.05-2 Signage
Restrictive covenants on the title?	No
Current use and development:	Vacant

RECOMMENDATION

That Council

Having caused notice of Planning Application No. P2020-125 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of Clause 33.01-1 Section 2 Use in the Industrial 1 Zone and Clause 52.05, Signage, of the Strathbogie Planning Scheme in respect of the land known as Lot 3 on Plan of Subdivision 411986G, Certificate of Title Volume 10391 Folio 101, 30 Boundary Road North, Euroa VIC 3666, for the Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage in accordance with endorsed plans, subject to the following conditions:

Amended Plans:

- 1. Prior to the commencement of any works on site, an amended site plan must be submitted to and approved by the Responsible Authority and Goulburn Broken Catchment Management Authority. The plan must be generally in accordance with the plan submitted with the application but include the following details:***
 - a. A maximum height of 2 metres for the scrap car storage area.***
- 2. Prior to the commencement of any works on site, plans must be submitted to and approved by the Responsible Authority and Goulburn Broken Catchment Management Authority, that detail the following:***
 - a. Details on the proposed bunded areas including the following:***
 - i. Proposed construction methods; and***
 - ii. How the bunded areas will ensure that any spills will be contained within the boundaries of the property and will not contaminate downstream waterways.***

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- b. Details on a secondary containment system for liquids which, if split, are likely to cause pollution or pose an environmental hazard.*
 - c. Details on proposed containment measures to prevent non-liquid scrap materials or contaminants from entering downstream waterways through the actions of both water runoff and wind.*
- 3. Prior to the commencement of use, a site management plan must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed and will form part of the permit. This plan must detail the ongoing management of the site, with the following matters addressed:*
 - a. How the permit holder will ensure nuisance dust and/or nuisance airborne particles from the site will not be discharged or emitted beyond the boundaries of the property.*
 - b. Management of the bunded areas to ensure that spills will be contained within the boundaries of the property and will not contaminate downstream waterways.*
 - c. Management of the secondary containment system.*
- 4. The storage area for chemicals, oil, fuel, grease, waste or other potential pollutants (including batteries) must be stored above the minimum elevation of 172.5 metres AHD.*

Endorsed Plans:

- 5. The use 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.*

Plans for Endorsement include:

- Emergency Response Procedure Flip Chart*
- Landscape Plan*
- Handling and Storage of Batteries Reference MS-PRO-10-03 Revision 4*
- Signage Plan prepared by Architect Nishan Ratinam on 6 of November 2020, TP02 Revision A*
- Carparking.*

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Engineering:

6. *Prior to the commencement of works, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, streetlights, 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.*
7. *Prior to the commencement of the use an upgrade to extend the vehicular entrance to the subject land from the road shall be constructed at a location and of a size and standard satisfactory to the Responsible Authority. The vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense. The final location of the crossing is to be approved by the Responsible Authority via a Vehicle Crossing Permit, with a drawing submitted for approval. Refer to Clause 12.9 "Vehicular Access" of the Infrastructure Design Manual and to standard drawing SD265.*
8. *Trucks must enter and exit the site from Boundary Road North via Euroa- Shepparton Road.*
9. *All stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge drains to the satisfaction of the Responsible Authority/Goulburn Murray Water or dissipated within the site boundaries. No effluent or polluted water of any type may be allowed to enter the stormwater drainage system.*

Hours of operation:

10. *Unless with the prior written consent from the Responsible Authority, the use hereby permitted (With exception of the compactor, as per condition 11) may only operate between the following hours:*
 - *Monday - Friday 7.30am - 4.30pm.*
 - *Saturdays - 9am – 12.00pm (Per EPA guidelines for Industrial Noise).*
11. *Unless with the prior written consent from the Responsible Authority, the compactor may only operate between the following hours:*
 - *Thursday - 2.30pm to 4.30pm.*

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Amenity:

- 12. The site must be used only for the handling and storage of metals for transfer to other sites.**
- 13. The Transfer Station must not accept:**
 - Tyres (other than those fixed to vehicles)
 - Household rubbish
 - Green waste
 - Hazardous items.
- 14. Materials received for handling, separation or sorting must be removed elsewhere for landfill or recycling.**
- 15. The recycling, processing or treatment of materials must not be carried out on the land.**
- 16. The shredding or shearing of metals must not be conducted onsite.**
- 17. The development and use hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:**
 - a. Transport of materials, good or commodities to or from the land.
 - b. Appearance of any building works or materials.
 - c. Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.
 - d. Presence of vermin.
- 18. The amenity of the locality must not be adversely affected by the activity on the site, the appearance of any buildings, works or materials, emissions from the premises or in any other way, to the satisfaction of the Responsible Authority.**
- 19. Stormwater contaminated with waste oil, grease, chemicals, leachate or sediments must not be discharged beyond the boundary of the premises.**
- 20. The applicant must ensure that litter is not deposited beyond the boundary of the premises.**
- 21. The permit holder must ensure no more than 12 vehicles as part of the scrap car storage, are stored on the site at any one time.**
- 22. The site shall at all times be kept in a neat and tidy condition to the satisfaction of the Responsible Authority. Any litter shall be immediately removed from the site and surrounding area at the direction of the Responsible Authority.**

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- 23. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.***
- 24. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.***
- 25. All materials are to be removed from site if the operation of the Transfer Station ceases "Use" to the satisfaction of the Responsible Authority.***
- 26. The use must comply with all EPA standards, regulations, policies and legislation undertaken on site.***
- 27. No more than five (5) staff members may be working on the site at any one time.***
- 28. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.***
- 29. All buildings and works, landscaping and signage must be maintained in good order and appearance to the satisfaction of the responsible authority.***

Landscaping:

- 30. Prior to the commencement of use, the landscaping must be carried out generally in accordance with endorsed plan submitted by Architect Ambient Architect TP01 Revision B. This plan may only be altered or modified with the prior written approval of the Responsible Authority, or to comply with statutory requirements.***

Bushfire Protection:

- 31. Grass areas must be regularly maintained and short cropped during the declared fire danger period.***
- 32. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.***

EPA Conditions:

- 33. The permit holder must ensure that nuisance dust and/or nuisance airborne particles must not be discharged or emitted beyond the boundaries of the premises.***

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34. The permit holder must ensure that nuisance dust and/or nuisance airborne particles must not be discharged or emitted beyond the boundaries of the premises.

35. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard.

Goulburn Broken Catchment Management Authority:

36. The identified scrap car storage area, scrap pressing metal storage area, ferrous unloading and heavy material storage area must be located on land with an elevation of at least 171.7 metres AHD.

37. Any chemicals, oil, fuel, grease, waste or other potential pollutants (including batteries) must be stored in areas at least 300 millimetres above the 100-year ARI flood level of 172.2 metres AHD, i.e. 172.5 metres AHD.

Goulburn Valley Water:

38. Connection of all sanitary fixtures within the development to reticulated sewerage, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation. All works required are to be carried out in accordance with AS 3500.2 - 'Sanitary plumbing and drainage', and to the satisfaction of the Corporation's Property Services Section.

39. Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement. The Owner and or occupier should contact Goulburn Valley Water's Trade Waste Section to determine if a Trade Waste Application is required.

Permit Expiry:

- 40. This permit will expire if one of the following circumstances applies:***
- (m) The development is not started within two (2) years of the date of this Permit,***
 - (n) The development is not completed within four (4) years of the date of this Permit***
 - (o) The use is not commenced within two (2) years of the completion of the development***

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

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

Planning Notes:

- This Permit does not authorise the commencement of any building construction works. Before any such development may commence, the Applicant must apply for and obtain appropriate Building approval.***
- This Permit does not authorise the removal of any native vegetation including for access. Before any such works may commence, the Applicant must apply for and obtain appropriate Planning approval.***
- This Permit does not authorise the creation of a new access way/crossover. Before any such development may commence, the Applicant must apply for and obtain appropriate approval from Council.***

Environment Protection Authority Notes:

- The permit holder must ensure any obligations or duties that arise under the Environment Act 1970 are met.***
- This includes compliance with the***
 - Waste Management Policy (Combustible Recyclable and Waste Materials) as published in the Government Gazette No S397 on 28 August 2018.***
 - Section 38 - Discharges of water to comply with policy including State Environment Protection Policy (Waters).***
 - Section 41 - Pollution of atmosphere including offences for discharging offensive odours to the sense of human beings.***
 - Section 46 - Emission of noise to comply with policy including State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) N-1.***

Goulburn Broken Management Authority Notes:

- The 100-year ARI flood is not the maximum possible flood. There is always a possibility that a flood larger in height and extent, than the 100-year ARI flood, may occur in the future.***

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PROPOSAL

The proposal is for a Transfer Station. The site is proposed to be used to collect, consolidate and temporarily store, sort and recover metals before transfer for disposal, recycling or use elsewhere.

Chilcorp Rural Recycling Pty Ltd are a metal and e-waste recycling company, who propose to operate a metal transfer business from 30 Boundary Road North. The applicant advises that no actual recycling or processing will be undertaken onsite other than the compaction of scrap vehicles for safe and effective transport off site. 30 Boundary Road North is proposed to be a collection point only with the material to be sent out to other facilities/companies for further processing and shipment for processing and recycling.

The proposal is for the collection of non-ferrous metals, ferrous metals (mainly composed of iron and have magnetic properties. Steel, an iron alloy containing carbon), e-waste (Electronics) and car bodies. Materials received will be copper, aluminium, steel, brass, stainless steel, lead, cables, lead acid batteries and electric motors. The different metals will be separated by into each category and placed into secure bins for transport. There will be no more than 100 tonnes of material onsite at any given time (majority being scrap steel) Material is to be sent out using semi tipper trucks carrying 22 tonnes each load. The material is to be sent out regularly due to changing metal market pricing and cash flow.

The proposed depot will offer a recycling solution for local people and businesses to drop off items and Chilcorp will also provide a pick-up service for the local community.

Smaller items will be handled manually, and larger machinery will be handled using a forklift or excavator. Semi tippers will transport materials for recycling. A compactor will also be onsite to compact cars for transport.

Entry and exit are proposed from Boundary Road North.

- Chilcorp staff to direct traffic on and off weighbridge/entry and exit of site.
- Designated waiting bays for exiting (up to four cars at one time.)
- No entry or exit via Graham Street
- Upon entry of the weighbridge the customers materials are to be inspected by a Chilcorp employee and directed to the designated area for that material.
- Depending on quantity and the customers vehicle, the material will be safely tipped, hand unloaded, or machine unloaded into the steel pile.
- Two separate steel piles to be made within the above area as when the first pile has reached 22 tonnes it can be loaded into semi tipper trucks at a safe distance from the 2nd pile.
- Safe waiting bays will be implemented for safe unloading.

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Traffic is proposed to be kept off the street due to multiple car spaces on-site as well as loading and unloading of material to be conducted on the concrete area and inside the warehouse. The delivery and dispatch of goods are proposed within the proposed business hours, per the recommended condition.



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The above area will not be utilised by Chilcorp Rural Recycling and can be used as additional car spaces if required. This will provide approximately 4081 sqm additional unused areas/potential car spaces in addition to concreted car spaces being provided. The remaining area on site will be for handling goods.

All non-ferrous material to be unloaded/loaded in the non-ferrous shed:

- Non-ferrous materials are to be kept in a safe inside area.
- Upon entry of the weighbridge the customers materials are to be inspected by a Chilcorp employee and directed to the designated area for that material.
- Several safe waiting bays will be implemented for safe unloading.

No buildings and works are proposed as part of the application other than bunding to provide environmental protection of storage sites, and the site has previously been utilised as a metal recycling depot and contains access, shedding, and weighbridge.

The grassed area not required for use in the facility is proposed to be maintained regularly with a ride on lawn mower to be purchased by Chilcorp rural recycling for the site.

A Works Approval or Waste Discharge Licence is not required from the Environment Protection Authority.

A licence under the *Dangerous Goods Act 1985* is not required. No dangerous good will be stored onsite. Lead acid batteries will be stored on a bunded pallet in a secure area and be undercover. The area is proposed to be free from combustible materials, appropriate Personal Protective Equipment and safety measures will be in place in accordance with Handling Batteries guidelines document (reference MS-PRO-10-03 Revision 4). The applicant has also provided emergency response procedure 2.7 which was revised August 2020. The emergency response procedure addresses possible risks including fire, evacuation and medical emergency procedures.

The proposed hours of operation are:

Monday - Friday 7.30am - 4.30pm

Saturdays 9am – 12.00pm (For unloading of materials only).

It is proposed a maximum of five 5 staff members will be onsite at any one given time, this may include:

- Site Manager
- Yard Manager
- Admin Assistant
- 2 Labourers.

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The application also includes business identification signage at the front of the main entrance to the site from Boundary Road North.

SUBJECT SITE AND LOCALITY

The subject site is located at 30 Boundary Road North and is formally identified as Lot 3 on Plan of Subdivision 411986G, Certificate of Title Volume 10391 Folio 101.

The land has an area of 9,839 square metres, is irregular in shape and typically flat and located on the northern edge of the Euroa township. The subject site has previously been utilised as a metals Transfer Station and contains access, weighbridge, eight formal carparking spaces, Colourbond fencing, shedding and grease traps.

The subject site is within the Industrial 1 Zone and has frontage and access from Boundary Road North. Boundary Road North is a Category 2 road on Council's road register and is sealed. The northern side of Boundary Road North adjacent to the subject site is in the Farming Zone. The properties in the Farming Zone has been developed with dwellings. In addition, there is also accommodation and restaurant facility (Butter factory) located approximately 380 metres to the east.

Euroa Showgrounds and Crown Land is 58 metres to the east. The nearest waterway is the Seven Creeks which is located 435 metres to the east. The southern boundary adjoins Graham Street. The proposal does not include any access from Graham Street. Any frontage is narrow.

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Industrial Zone 3 land is located adjacent to the subject site on the southern side of Graham Street. The General Residential Zone is a further 35 metres to the east not including the road.

The subject site is generally flat, not heavily vegetated and is located within the bushfire prone area. The subject site is partially affected by the Floodway and Land Subject to Inundation Overlay. Euroa-Shepparton Road is located approximately 230 metres to the west and is a Road Zone Category 1 providing linkage to Shepparton and the Hume Freeway.

PERMIT/SITE HISTORY

A search of Council's electronic records showed the following planning permits issued for the site.

- TP141 Three (3) lot subdivision
- E29183 Extension to caretaker's cottage
- P106/97 two (2) lot subdivision
- P2008-054 Use & Development of Land for Site Office, Work Shed, Storage Yard - Recycling of Metals.

PUBLIC NOTIFICATION

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

- Sending letters to 45 adjoining and nearby landowners
- Placing (a) sign on site.

The notification has been carried out correctly.

Six (6) objections have been received and two (2) withdrawn to date. The key issues that were raised in the objections are:

- noise
- traffic
- road surface deterioration/damage- Creation of better access
- reduction in property values
- damage to the Town and local Hospitality Venue
- complaints regarding the operation of other businesses operating in the area.
- unbunded areas subject to overland flows during rain events- potential contaminated run off to neighbouring property.
- unsightly appearance, noise, odour and safety of heavy vehicle traffic.
- detailed response regarding zoning, unsightly appearance, noise, odour and safety of heavy vehicle traffic.

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COMMUNITY ENGAGEMENT

Council received six (6) Objections to date. Two (2) Objections have been withdrawn as a result of consultation. The applicant was provided a copy of all objections and requested to provide a formal response to the concerns raised. Further to this, Council officers met and spoke with a number of the objectors to better understand their concerns in an effort to adequately address them should a permit be issued.

One objection was withdrawn after the permit applicant provided assurances in relation to traffic and noise impacts from the proposal. This has been incorporated in the recommended conditions. A second objection was withdrawn after an agreement from the permit applicant to widen the vehicle crossing into the site. This has also been incorporated into the recommended conditions.

The Applicant's response to the other grounds of objection were as follows:

- It is proposed that storage of scrap cars and any machinery that had previously held oil be kept within the external bunded area which is fitted with a grease interceptor (to which the surrounding ground falls) to ensure pollutants do not enter the stormwater or groundwater system.
- All other chemicals, oil, fuel, grease, waste or other potential pollutants (including batteries) will either be stored within the warehouse in secure heavy-duty cabinets or within the external bunded area.
- The height of external scrap metal storage areas will be limited to a maximum of 4.0m, minimising the amount of material held externally on site as well as the susceptibility of this material to be displaced by wind and pose a risk of contamination to downstream waterways.
- The relevant information was provided to council regarding Chilcorp's scope of works. Chilcorp was granted a permit to operate near the Melbourne CBD in a non-industrial zone with the same information provided.
- The benefit to the area is job creation, new revenue streams for the community along with recycling for the environment.
- No rubbish is to be received and all commodities received have a value and are purchased, and that they do not receive any rubbish/general waste/hazardous items.
- The area is the industrial area and it's the most suitable site for a metal collection facility. Our process allows us to receive the materials we receive and only the materials we receive, it would be impossible for the site to be used as a dumping ground unless people were to break into the secure site to dump waste illegally.
- Chilcorp is not a refuse station. All materials received have a value and this will create revenue in Euroa.
- The distance between Chilcorp's proposed site and the Butter factory as listed on google is 450 metres.
- No unsightly appearance as the internal processes keep the yards clean and the fence surrounding the property doesn't allow the general public to view the site.

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- Stockpile heights are a work safe requirement that varies from site to site but generally the stockpile is to not exceed 12 metres. Chilcorp will not exceed 4 metres high.
- Chilcorp Collingwood has operated next door to Jim's Greek tavern, an iconic Melbourne restaurant with zero complaints along with zero complaints to council for any reason, this includes noise pollution. The other neighbouring business is a recording studio and there have been zero complaints made to council. Chilcorp is very supporting and respectful to all neighbouring businesses and very mindful of any noise being made.
- 30 Boundary Road, North was used as a metal recycling yard for several years with no complaints regarding additional traffic from trucks, odours etc.
- A car compactor will be placed onsite to reduce the height of the cars for storage and transport.
- No shredding or shearing of metals will be conducted onsite.
- A traffic management plan was provided and considered as part of the application.
- The one type of batteries Chilcorp recycles are safely handled in a bunded area on a bunded pallet and would not be abandoned and these batteries hold a high recycling value. Chilcorp has a safe handling method for handling of lead acid batteries and this follows all EPA and Worksafe regulations and policies.
- Air pollution – EPA have no objections to our permit and this falls under the EPA.

Officer's Response:

The application was referred to Goulburn Broken Catchment Management Authority, Goulburn Valley Water, Assets and the EPA. The EPA has acknowledged there is a potential risk for contaminated run off and therefore have requested a secondary containment system. The referral authorities have all given Conditional consent and the impact of potential contamination has been considered particularly regarding overland flows. Additional Conditions relate to but not limited to are:

- Secondary Containment
- Bunding
- AHD Levels
- Connection to reticulated sewer
- Discharge of trade waste.

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The site is in the Industrial 1 Zone, where the Transfer Station and any signage is a permitted Use and requires a planning permit. Signage is of muted tones not externally illuminated and considered appropriate. Conditions have been recommended to address the applicants concerns these include but are not limited to:

- Hours of Operation
- Compactor operation limited to two hours a week
- Stormwater is to be appropriately managed
- Amenity must not be detrimentally impacted through
 - transport (Upgrade to the vehicular entrance to the satisfaction of the Responsible Authority)
 - Appearance
 - Emissions
 - Vermin
 - No more than 12 car bodies must be stored on site for transfer
- The site is to be utilised as a Transfer Station not Recycling Plan
 - Handling and storage of metals to transfer to other sites for processing
 - Must not accept tyres
 - Household rubbish
 - Green Waste
 - Hazardous items
 - No shredding or shearing of metals on site

REFERRALS

External Referrals/Notices required by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Section 55 Referrals	EPA - No Objection, comments provided for consideration Goulburn Broken Catchment Management Authority - No Objection Subject to Conditions. Worksafe – No Objection.
Section 52 Notices	Goulburn Valley Water – No Objection Subject to Conditions.

Internal Council Referrals	Advice/Response/Conditions
Asset Services	Assets - no objection, subject to conditions

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ASSESSMENT

Industrial 1 Zone

Purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

Officer's Response:

Under Clause 33.01-1 Industrial 1 Zone a planning permit is required for for a Transfer Station as a Section 2 Use. The land must be at least 30 metres from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone or land used for a hospital, an education centre, a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.

The subject site has previously been utilised as a metals Transfer Station and contains access, weighbridge, parking, Colourbond fencing, shedding and grease traps. The General Residential Zone is 35 metres to the east not including the road.

Under Clause 33.01-2 Council must consider the purpose of the use and the types of processes to be used along with the type and quantity of goods to be stored. The proposal is for the collection of non-ferrous metals, ferrous Metals (mainly composed of iron and have magnetic properties. Steel, an iron alloy containing carbon), e-waste (electronics) and car bodies. Materials received will be copper, aluminium, steel, brass, stainless steel, lead, cables, lead acid batteries and electric motors. The different metals will be separated by each category and placed into secure bins for transport. There will be no more than 100 tonnes of material onsite at any given time (majority being scrap steel). Material is to be sent out using semi tipper trucks carrying 22 tonnes each load. The material is to be sent out regularly due to changing metal market pricing and cash flow.

The applicant also proposes to accept vehicles. Conditions regarding the location, height, type and quantity of materials to be stored on the subject site will be included on any planning permit issued to the satisfaction of the Responsible Authority this includes no more than 12 vehicles stacked no higher than 2 metres.

The applicant must also ensure that any obligations or duties that arise under the *Environment Protection Act 1970* are met. This includes compliance with the *Waste Management Policy* (Combustible Recyclable and Waste Materials), as published in Government Gazette No. S397 on 28 August 2018 and the *Environment Protection Act 1970*, at all times including but not limited to:

- Section 38 - Discharges of water to comply with policy including State Environment Protection Policy (Waters).
- Section 41 - Pollution of atmosphere including offences for discharging offensive odours to the sense of human beings.

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- Section 46 - Emission of noise to comply with policy including State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) N-1.

Under Clause 33.01-5 signage within the Industrial 1 Zone is a Category 2 and will be assessed under Clause 52.05 (See Below). Car parking has been assessed under Clause 52.06 (See Below)

Floodway Overlay

Purpose:

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

Land Subject to Inundation Overlay

Purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *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.*

- 9.8 Planning Permit Application No. P2020-125
- Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa (cont.)

Officer's Response:

The subject site is partially affected by the Floodway and Land Subject to Inundation Overlay.



Although a planning permit is not specifically required under the Floodway Overlay or the Land Subject to Inundation Overlay the application was referred to the relevant flood authority; Goulburn Broken Catchment Management Authority to consider the potential flood risk to life, health and safety associated with the proposed use.

9.8 Planning Permit Application No. P2020-125
- Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa (cont.)

The applicant will be utilising the infrastructure and buildings already located on site. Goulburn Broken Catchment Authority do not object to the proposed use subject to conditions regarding bunding, AHD levels for storage areas and containment measures to reduce any risks and the effects of the use on environmental flows, and water quality across the site and onto neighbouring land to the west and south.

The Planning Policy Framework (PPF)

Clause 13.02-1S Bushfire planning

Objective

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

Officer's Response:

The subject site is generally flat, not heavily vegetated and is located within the bushfire prone area. The Farming Zone is located to the north, the Industrial 3 Zone and General Residential Zone to the south.

Approximately 4081 sqm of land located along the western boundary has been identified and as not required for immediate use. The applicant proposes to maintain land through regular mowing. Bushfire management Conditions to be included on any planning permit issued will address regular maintenance of leaves, debris and grassed areas.

Clause 13.03-1S Floodplain management

Objective

- *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.*

Officer's Response:

The applicant will be utilising the infrastructure and buildings already located on site. The environmental significance of floodway's has been carefully considered and conditions will be included on any planning permit issued to reduce any risk and protect the environment.

Clause 13.05-1S Noise abatement

Objective

- *To assist the control of noise effects on sensitive land uses. Strategy Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

9.8 Planning Permit Application No. P2020-125
- Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa (cont.)

Officer's Response:

The application was referred to the EPA who have given conditional consent. Conditions will be included to ensure appropriate noise attenuation measures and impacts of noise from the property to neighbouring properties, particularly residential land uses are minimised. This has been supported by the EPA with the inclusion of the following condition and their assessment against Practice Note 92 - Managing buffers for Land use Capability.

There must be no emissions of noise and/or vibrations from the premises which are detrimental to either of the following:

- the environment in the area around the premises; and
- the wellbeing of persons and/or their property in the area around the premises.

In addition, the applicant must ensure that any obligations or duties that arise under the *Environment Protection Act 1970* are met. This includes compliance with the Waste Management Policy (Combustible Recyclable and Waste Materials) as published in Government Gazette No. S397 on 28 August 2018. Including Section 46 - Emission of noise to comply with policy including *State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) N-1*.

Clause 13.06-1S Air quality management
Objective

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

Officers Response:

The application was referred to the EPA who have given conditional consent. Conditions included that the permit holder must ensure that nuisance dust and/or nuisance airborne particles must not be discharged or emitted beyond the boundaries of the premises.

The applicant must ensure that any obligations or duties that arise under the *Environment Protection Act 1970* are met. This includes compliance with the Waste Management Policy (Combustible Recyclable and Waste Materials) as published in Government Gazette No. S397 on 28 August 2018, including Section 41 - Pollution of atmosphere including offences for discharging offensive odours to the sense of human beings.

Clause 13.07-1S Land use compatibility
Objective

- *To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.*

9.8 Planning Permit Application No. P2020-125
- Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa (cont.)

Officer's Response:

The use of land for industry in proximity to residential land uses requires careful consideration. Based on the application, limits to the noise attenuation, staff numbers, number of materials to be accepted and the support from the EPA it is considered that the two land uses can appropriately co-exist.

Conditions will be included regarding amenity, noise, dust and odour to minimise adverse off-site impacts from the industrial use in accordance with EPA risk assessment and Conditions.

Clause 14.02-1S Catchment planning and management
Objective

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

Clause 14.02-2S Water quality
Objective

- *To protect water quality*

Officer's Response:

As discussed above the application was referred to Goulburn Broken Catchment Management Authority, EPA and Goulburn Valley Water. Referral authorities have assessed any associated risk and given conditional consent. Conditions will be included on any planning permit issued to ensure appropriate measures are undertaken to prevent sediment, chemical and waste discharge from the subject sites to protect water quality.

Clause 17.03-2S, Industrial development siting
Objective

- *To facilitate the sustainable development and operation of industry.*

Officer's Response:

The proposed land use is located within the Industrial 1 Zone and will utilise infrastructure already located on site for this purpose.

Clause 19.03-5S Waste and resource recovery
Objective

- *To reduce waste and maximise resource recovery so as to reduce reliance on landfills and minimise environmental, community amenity and public health impacts.*

Officer's Response:

The proposed Transfer Station will encourage an increase of metal recovery within Strathbogie Shire for treatment offsite to contribute to marketable end products. The proposal will facilitate sustainable waste and resource recovery close utilising transport links to larger Recycling sites.

Euroa-Shepparton Road is located approximately 230 metres to the west and is a Road Zone Category 1 providing linkage to Shepparton and the Hume Freeway.

- 9.8 Planning Permit Application No. P2020-125
- Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa (cont.)

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

Clause 21.01-2 Key Influences

- Sustainability
The Strathbogie Shire strives to continue to improve sustainability in all elements of the community including; settlement patterns, the natural and built environment, community services and facilities; economic development and growth, infrastructure and asset provision. To define the meaning of sustainability, we say that the general dictionary meaning applies, depending on the terms of reference i.e. environmental, economic etc. 'The ability to sustain itself'.

Officer's Response:

The proposal supports the diversification of the local economy with an industry.

- Settlement
In the coming years, the Shire is likely to build on 'tree change' growth in towns such as Nagambie and Avenel, due to their close proximity and access to Melbourne and the water features of Nagambie. Due to the picturesque nature of much of the area, the Shire is often faced with many land use conflicts, commonly between lifestyle properties and rural industries.

Officer's Response:

The area in which the development is proposed, is within the Industrial 1 Zone. The land does adjoin Farming Zone where lifestyle opportunities and dwellings have been constructed in the vicinity of the site. While dwellings are not always appropriate on land in the Farming Zone, those that exist have been legitimately approved or did not require a planning permit in the first place. These dwelling uses have legitimately established in the area and the proposed use needs to respond to them. In addition, there is also an accommodation and restaurant facility (Butter factory) in the Farming Zone that has also been legitimately established. In order to ensure land use conflicts are not created by the proposal, conditions have been recommended for any planning permit to be issued and it is considered that the proposed use can co-exist with surrounding land uses including the General Residential Zone. This determination is supported by the assessment and response from the EPA.

- Economic Growth
Economic Growth Development and growth is important, and within the Strathbogie Shire there are many opportunities for growth in the food, wine and equine industries and value-adding to the existing primary production, industries and retail enterprises/sectors.

Officer's Response:

The proposed Transfer Station is an industrial Use offering 5 additional jobs and the opportunity to deal in commodities.

9.8 Planning Permit Application No. P2020-125
- Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa (cont.)

Clause 21.03 Local Area Plans

Clause 21.03-2 Euroa

Objectives

To continue to develop Euroa as a weekend and short break destination, whilst maintaining its traditional roles as a rural service centre and 'drop in' location for Hume Freeway travellers. To maintain and enhance the Euroa "Village" character through strengthening its compact central area, the strong presence of services and the attractive historic buildings and streetscapes. To strengthen Euroa's relationship with its rural hinterland through showcasing activities, events and local products that portray the way the town's well vegetated streets and open spaces forge links with its landscape context.

Whilst supporting the continued development of industrial uses on existing industrial land to the north-west.

Clause 21.06-5 Commercial and Retail

Objectives

- To support retail and commercial/industrial development within the Shire.

Officer's Response:

The Transfer Station is proposed to be located in the Industrial 1 Zone to the north west. The site already contains shedding, carparking, access, grease traps, hard stand areas and weighbridge.

The site has close linkage to Shepparton and the Hume Freeway via Euroa Shepparton Road which is a Road Zone Category 1.

Generally speaking, further commercial and industrial development within the larger urban centres of the municipality is supported. While on its own, the proposal is one that this planning scheme could support in terms of this objective, consideration must be given to the context of the site and the wider area in which it sits. It is acknowledged that without strict control, the proposal could lead to land use conflict however if appropriately managed, it can be an appropriate land use.

Clause 21.07-5 Drainage

Objective

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

Officer's Response:

It is considered that appropriate drainage infrastructure can be provided on the site to manage the proposed buildings and works. This would be required by way of condition on any permit issued.

- 9.8 Planning Permit Application No. P2020-125
- Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa (cont.)

Relevant Particular Provisions

Clause 52.05 Signs

Purpose

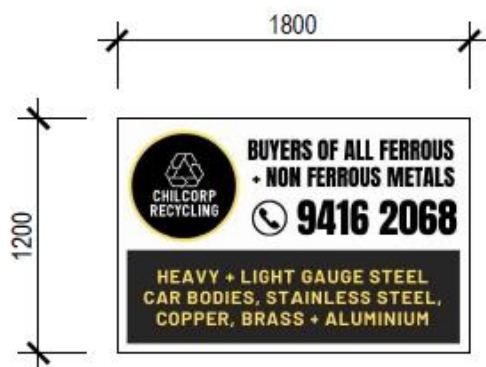
- *To regulate the development of land for signs and associated structures.*
- *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

Officer's Response:

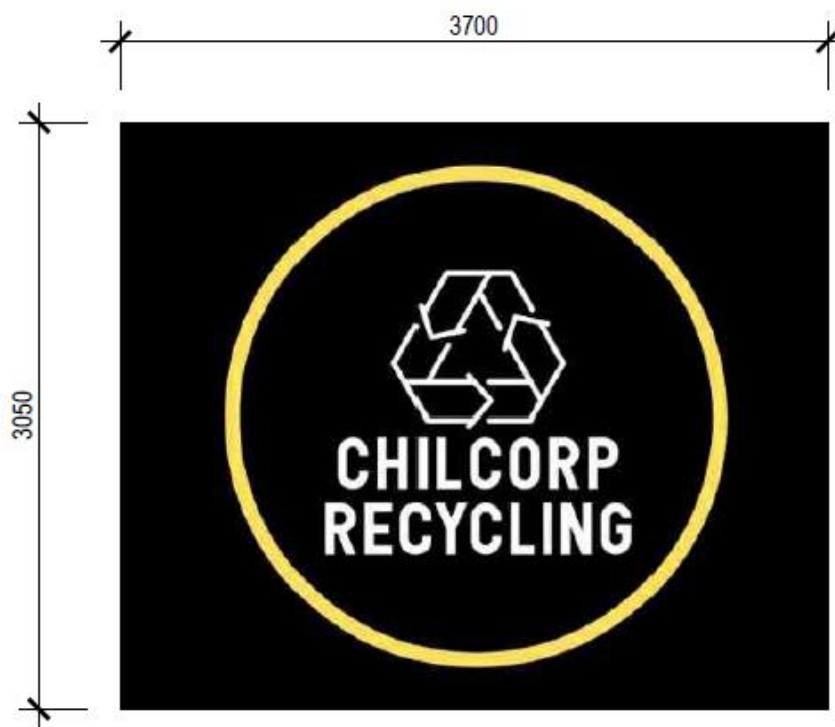
Under Clause 33.01-5 signage will be assessed as a Category 2 Office and Industrial.

SIGNAGE SCHEDULE		
SYMBOL	DESCRIPTION	SIZE (W x H)
A	CHILCORP RECYCLING DETAILS	1800 x 1200
B	CHILCORP RECYCLING	3700 x 3050
C	OPERATING HOURS	800 x 500
D	CHILCORP RECYCLING	1800 x 1500
E	FORKLIFT IN USE	600 x 500
F	CUSTOMER PARKING	600 x 500
G	SPEED LIMIT "5 KM/H"	600 x 500
H	TRAFFIC CONTROL SIGN	600 x 500
I	OPERATIONAL SIGN TBA	600 x 500
J	RESTRICTED AREA	600 x 500
K	RESTRICTED AREA	600 x 500
L	EMERGENCY ASSEMBLY AREA	600 x 500
NOTES: ADDITIONAL TEMPORARY & OPERATIONAL SIGNS MAY BE ERECTED AS REQUIRED WITHIN THE PUBLIC ACCESS AREAS. TO BE A MAXIMUM SIZE OF 600 x 500. COLOURS ARE TO COMPLY WITH AUSTRALIAN SAFETY STANDARDS.		

- 9.8 Planning Permit Application No. P2020-125
- Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa (cont.)



PRIMARY SIGNAGE ELEVATION - SIGN A (CHILCORP RECYCLING DETAILS)
SCALE 1:250



PRIMARY SIGNAGE ELEVATION - SIGN B (CHILCORP RECYCLING)
SCALE 1:250

9.8 Planning Permit Application No. P2020-125
- Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa (cont.)



In assessing an application, consideration must be given to the impacts of the signage on amenity, views, compatibility with the site, buildings and surrounding areas, lighting and road safety.

Business Identification Signs require a permit and must not exceed a total of 8 square metres to not require a planning permit. The total size of proposed business identification signage is 13.445 sq metres across the two signs. The proposed business identification signage and location is deemed appropriate, the signs are not proposed to be illuminated.

The proposed signage consists of the logo for the business operating from the site. It is relatively minor in nature and will not significantly impact on the amenity of the surrounding sites. It replaces existing signage for the property which was similar in nature. The signage will be visible from the front of the property but is unlikely to have any impact beyond the sites. The additional directive signage to be found on site is deemed appropriate to ensure safety.

9.8 Planning Permit Application No. P2020-125
- Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa (cont.)

For the reasons above, the proposed signage is considered appropriate.

52.06 Carparking

Purpose

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Officer's Response:

Car parking is required to be provided to the proposed use at a rate of 1 space per 100 square metres. Based on this, a total of 12 car parking spaces are required under the provision, where 8 formal car parks are existing on site and additional area is set aside on the plan for additional informal parking if required. The formal car parking area is considered appropriate based on the number of staff. Customer visitation to the site will be limited and a loading/unloading area is to be provided for cars and larger vehicles.

It is considered that the car parking proposed is appropriate based on the likely demand for car parking. The site is also considered large enough to accommodate any overflow car parking. Additionally, there is 4081 square metres approximately in unused areas in addition to concreted car spaces.

9.8 Planning Permit Application No. P2020-125
- Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa (cont.)



The applicant has provided eight formal carparks and additional area for informal parking if required, a non ferrous and ferrous unloading bay.



9.8 Planning Permit Application No. P2020-125
- Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa (cont.)

The above area will not be utilised by Chilcorp rural recycling and can be used as additional car spaces or overflow if required. There is 4081 square metres approximately in unused areas in addition to concreted car spaces.

Clause 53.10 Uses and activities with potential adverse Purpose

- *To define those types of industries and warehouses which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood.*

Clause 53.10 specifies setback distances from particular land uses to land in the following zoning categories and other existing land uses:

- *Residential Zones*
- *Capital City Zone*
- *Docklands Zone*
- *Land used for a hospital (or land in a Public Acquisition Overlay to be acquired for a hospital)*
- *Land used for an education centre (or land in a Public Acquisition Overlay to be acquired for an education centre)*

Officer's Response:

Under Clause 53.10-1 The threshold distance referred to in the table to this clause is the shortest distance from any part of the land to one of these zones or land uses. These setbacks can be varied with due consideration of all factors, including the response from the Environment Protection Authority.

An application for a transfer station accepting materials other than organic wastes should have a threshold distance of 200 metres from land (not a road) in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, Residential Zone or Rural Living Zone; or land used for a hospital, an education centre or a corrective institution; or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.

An application for vehicle recycling or disposal should have a threshold distance of 500 metres from land (not a road) in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, Residential Zone or Rural Living Zone; or land used for a hospital, an education centre or a corrective institution; or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution.

As the proposal does not meet the threshold distances of 200 metres for a Transfer Station from a Residential Zone and 500 metres for the disposal of vehicles, the application was notified to 44 nearby and adjoining property owners directly for consideration of the impacts on these uses and zones.

9.8 Planning Permit Application No. P2020-125
- Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa (cont.)
metal) ~ 30 Boundary Road North, Euroa (cont.)

Planning Practice Note 92 – *Managing buffers for Land use Capability*; the application is subject to the further assessment to determine its appropriateness. The application was referred to the EPA who have granted Conditional Consent. The EPA considers several factors in determining whether a referred proposal is acceptable, including:

- whether the proposal meets the relevant recommended separation distance in EPA Publication 1518
- the standard of industrial plant, equipment and emission control technology
- any completed risk assessment demonstrating potential off-site impacts
- the size of the proposal compared to comparable industries
- topographic or meteorological characteristics that may affect the dispersion of potential offsite impacts
- the likelihood of potential off-site impacts occurring
- cumulative impacts, where the clustering of certain industries may influence the significance of potential off-site impacts.

Noise, dust and odour are considered the three potential adverse impacts under Appendix A – Clause 53.10 for a Transfer Station. Noise and dust are the larger contributors for vehicle disposal. Chemical spillage was also considered by Goulburn Broken Catchment Management Authority, Goulburn Valley Water and EPA. These concerns have been addressed by Conditions on any planning permit issued.

It is noted that when stormwater that encounters metals there is a risk of contamination and pose risks to human health and environment. Conditions have been recommended to prevent contaminated water from entering stormwater and floodway's and have been structured based on the advice from all relevant referral authorities.

Considering all of the above the officer is in agrees with EPA recommendation to provide conditional consent although the threshold distances have not meet, any associated risk can be appropriately managed via conditions due to the location and size of the proposed Use.

Clause 53.14 Resource Recovery

Purpose: To facilitate the establishment and expansion of a Transfer station and/or a Materials recycling facility in appropriate locations with minimal impact on the environment and amenity of the area.

Officer's Response:

The proposal will contribute to achieving resource recovery targets established by the Victorian Government. The impact of the proposal on the amenity of the surrounding area has been considered throughout this report. It is considered appropriate to facilitate the establishment of the Transfer Station for metal resource recovery, based on the provided Conditions. Due to the location and size of the site Conditions have been recommended on how that use should be carried out including but not limited to hours of operation, number of staff and capacity limits to accept materials. Any further request for expansion on this site is not recommended.

- 9.8 Planning Permit Application No. P2020-125
- Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa (cont.)

The decision guidelines of Clause 65

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

- *The matters set out in section 60 of the Act.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

This clause does not apply to a VicSmart application.

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

There are no relevant incorporated, reference or adopted documents.

Relevant incorporated, reference or adopted documents

- *Euroa Neighbourhood Character Study*, Planisphere, March 2008
- *Euroa Structure Plan*, Planisphere, September 2010
- *Strathbogie Shire Industrial Land Study*, Urban Enterprise Pty Ltd, July 2008
- *Infrastructure Design Manual*, Shire of Campaspe, City of Greater Bendigo, Greater Shepparton City Council, Version 4, March 2013
- *Practice Note 92 – Managing buffers for Land use Capability*

Relevant Planning Scheme amendments

VC 66- 2nd August 2010

- Makes changes relating to waste management to Clauses 12.07 and 18.10 of the SPPF. Introduces a particular provision for resource recovery (Clause 52.45), revises Clause 52.10 and changes land use terms for 'Materials recycling' and 'Refuse transfer station' throughout the VPP. Prohibits a Transfer station and Materials recycling in the Mixed Use Zone. Introduces a permit requirement for a Transfer Station in the Township Zone, the Industrial 1 Zone, the Business 3 and 4 Zones and the Farming Zone.

9.8 Planning Permit Application No. P2020-125
- Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa (cont.)

Officers Response:

The subject site is within the Industrial 1 Zone and therefore a permitted Use.

VC 81- 18 February 2013

- Amends Clause 33.03 to prohibit a materials recycling or transfer station within 30 metres of a residential zone, Business 5 Zone or land used or to be acquired for a hospital or education centre.

Officers Response:

The application is more than 30 metres from a residential Zone and not in close proximity to a land used or to be acquired for a hospital or education centre.

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.

POLICY CONSIDERATIONS

Council Plans and Policies

There are no implications on the Council Plan or any Council Policies as a result of this decision.

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The state policies are considered in the *Planning Policy Framework* section (above) from the Strathbogie Planning Scheme.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

This application is being considered under Section 61 of the *Planning and Environment Act 1987*.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

- 9.8 Planning Permit Application No. P2020-125
- Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa (cont.)

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This application is being heard by Council as the proposal has four outstanding objections to the proposed Transfer Station. Hearing the application in the public meeting will allow all parties the opportunity to be heard by the councillors prior to a decision being made.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The proposal is for a Transfer Station, it will provide economic benefit within the Strathbogie Shire creating an additional five jobs.

Social

There are no broader social implications from the proposed subdivision or as a result of this application.

Environmental

The application has been assessed against the relevant provisions of the *Planning and Environment Act 1987* and referred to the relevant authorities any potential risk to the environment can be mitigated via Conditions. The EPA are in support of the proposed Transfer Station and have provided an assessment against any risks.

Climate change

The Strathbogie Planning Scheme has incorporated broader considerations on Climate Change, with the assessment that the proposed Transfer Station will not have an impact on climate change within the municipality, as all works will be required to comply with relevant legislation. The proposed Use will allow for the opportunity to recover resources.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications with this proposal. The application is being assessed in accordance with relevant legislation, and all parties will be afforded all relevant rights of appeal at the Victorian Civil and Administrative Tribunal.

- 9.8 Planning Permit Application No. P2020-125
- Use of land for Transfer Station (loading, unloading and handling of scrap metal including vehicles) and signage ~ 30 Boundary Road North, Euroa (cont.)

SUMMARY OF KEY ISSUES

With regard to the Industrial 1 Zone: Under Clause 33.01-1 Industrial 1 Zone a planning permit is required for for a Transfer Station as a Section 2 Use.

The land is more than 30 metres from land (not a road) which is in a residential zone. The subject site has previously been utilised as a metals Transfer Station and contains access, weighbridge, parking, Colourbond fencing, shedding and grease traps. The existing use rights have expired and a new contractor has applied for to use the site as a Transfer Station whilst utilising the existing infrastructure on site.

With regard to the Land Subject to Inundation Overlay and Floodway Overlay: Although a planning permit is not specifically required under the Floodway Overlay or the Land Subject to Inundation Overlay the application was referred to the relevant flood authority; Goulburn Broken Catchment Management Authority to consider the potential flood risk to life, health and safety associated with the proposed Use.

The applicant will be utilising the infrastructure and buildings already located on site. Goulburn Broken Catchment Authority do not object to the proposed use subject to conditions regarding bunding, AHD levels for storage areas and containment measures to reduce any risks and the effects of the Use on environmental flows, and water quality across the site and onto neighbouring land to the west and south.

In summary, the proposal meets the objectives of the Planning Policy Framework, Local Planning Policy Framework, Industrial 1 Zone, Land Subject to Inundation Overlay and Floodway Overlay.

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, in accordance with the officer recommendation.

ATTACHMENTS

Attachment 1: Subject Land Map

Attachment 2: Locality Map

ATTACHMENT 1:



ATTACHMENT 2:



**9.9 Planning Applications Received and Planning Applications Determined
- 1 to 28 February 2021**

Responsible Officer: Manager Planning and Investment

Listings of Planning Applications Received (Attachment 1) and Planning Applications Determined (Attachment 2) for the period 1 to 28 February 2021 are provided for information.

It is noted that, in this period, there were nine planning applications received, and fourteen planning applications determined, during this period.

RECOMMENDATION

That the report be noted.

ATTACHMENT 1:

PLANNING APPLICATIONS RECEIVED

Tuesday, 2 February 2021

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
108 Maggies Lane, Ruffy VIC 3666	P2021-022	Development of land for an extension to an existing dwelling		\$90,000.00
252 Killeens Hill Road, Gooram VIC 3666	P2021-021	Two lot Subdivision		\$0.00
Mitchellstown Road, Mitchellstown VIC 3608	P2020-098	Use of land for a camping and caravan park (8 caravans and 8 motorhomes).		\$0.00

Wednesday, 3 February 2021

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
2439 Euroa-Mansfield Road, Gooram VIC 3666	P2021-023	Development of land for an extension to a dwelling		\$160,000.00
3 Baird Street, Violet Town VIC 3669	P2021-024	Development of land for a dwelling (Replacement dwelling)		\$0.00

Thursday, 4 February 2021

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
54 Punt Road, Mitchellstown VIC 3608	P2021-025	Development of land for a jetty		\$0.00

Friday, 5 February 2021

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
9 Moss Road, Goulburn Weir VIC 3608	P2021-026	Development of land for replacement signage		\$55,000.00

Monday, 8 February 2021

Site Address	Application Number Display	Application Description	Applicant Name	Cost Of Works
87 Anderson Street, Euroa VIC 3666	P2021-027	Development of land for an extension of an existing dwelling		\$95,000.00
Hoods Lane, Moormbool West VIC 3523	P2021-028	Development of land for an agricultural shed		\$31,769.00

ATTACHMENT 2:

PLANNING APPLICATIONS DETERMINED

2/02/2021 12:00:00 AM

Site Address	Application Number Display	Application Description	Cost Of Works	Decision
1697 Arcadia Two Chain Road, Miepoll VIC 3666	P2021-014	Development of land for a shed (storage shed for farm machinery and workshop and two 22500 litre water tanks)	\$70,000.00	Issued
561 Longwood-Mansfield Road, Creightons Creek VIC 3666	P2021-012	Development of Land for a Concrete slab (above ground shipping container swimming pool)	\$0.00	Issued

4/02/2021 12:00:00 AM

Site Address	Application Number Display	Application Description	Cost Of Works	Decision
Mitchellstown Road, Mitchellstown VIC 3608	P2020-098	Use of land for a camping and caravan park (8 caravans and 8 motorhomes).	\$0.00	Issued

5/02/2021 12:00:00 AM

Site Address	Application Number Display	Application Description	Cost Of Works	Decision
33 Filson Street, Nagambie VIC 3608	P2020-150	Development of Land for a Shed	\$2,000.00	Issued

8/02/2021 12:00:00 AM

Site Address	Application Number Display	Application Description	Cost Of Works	Decision
Wedmores Lane, Kirwans Bridge VIC 3608	P2020-143	Use and development of land for a dwelling and shed	\$480,000.00	Issued

11/02/2021 7:57:50 AM

Site Address	Application Number Display	Application Description	Cost Of Works	Decision
470 Mitchellstown Road, Mitchellstown VIC 3608	P2019-146	Use of land for a place of assembly for camping and fishing competition event (GoFish Nagambie 2020, 2021 and 2022)	\$40,000.00	Lapsed

12/02/2021 12:00:00 AM

Site Address	Application Number Display	Application Description	Cost Of Works	Decision
105 Drysdale Road, Euroa VIC 3666	P2020-157	Development of land for two sheds	\$50,000.00	Issued
146 McKernans Road, Balmattum VIC 3666	P2020-058	Use and development of land for a second dwelling; Development of land for a shed	\$375,000.00	Issued
240 Goulburn Weir Road, Goulburn Weir VIC 3608	P2021-017	Development of land for a shed.	\$32,368.00	Issued
683 Selectors Road, Mangalore VIC 3663	P2020-144	Use and development of land for a new dwelling	\$395,000.00	Issued

16/02/2021 12:00:00 AM

Site Address	Application Number Display	Application Description	Cost Of Works	Decision
134 Byers Road, Tamleugh VIC 3669	P2019-103	Use and development of the land for caravan and camping park (up to 6 people in one camping site only), including the construction of a glamping tent; Use and development of land for place of assembly; Development of land for a carport; Development of land for a Roofed Entertainment Area.	\$7,000.00	NOD
Huggards Lane, Moormbool West VIC 3523	P2020-128	Use and development of land for a dwelling	\$80,000.00	Issued

17/02/2021 12:00:00 AM

Site Address	Application Number Display	Application Description	Cost Of Works	Decision
21 De Boos Street, Euroa VIC 3666	P2020-121	Two (2) lot subdivision	\$0.00	Issued

19/02/2021 12:00:00 AM

Site Address	Application Number Display	Application Description	Cost Of Works	Decision
Hoods Lane, Moormbool West VIC 3523	P2021-028	Development of land for an agricultural shed	\$31,769.00	Issued

23/02/2021 12:00:00 AM

Site Address	Application Number Display	Application Description	Cost Of Works	Decision
3 Tucknotts Lane, Euroa VIC 3666	P2021-018	Development of land for a garage and carport	\$8,509.00	Issued

24/02/2021 12:00:00 AM

Site Address	Application Number Display	Application Description	Cost Of Works	Decision
51 Cowslip Street, Violet Town VIC 3669	P2020-090	Development of land for replacement of balcony	\$84,000.00	Issued

9.10 Sport and Recreation Victoria Funding Application – Council Co-Contribution for Projects

Author: Manager Tourism and Community Services

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

Released on the 9th February 2021, the Local Sports Infrastructure Fund (LSIF) is delivered by Sport and Recreation Victoria and is a state-wide competitive Victoria Government program that provides a range of grant opportunities across five funding streams:

1. Better Indoor Stadiums
2. Female Friendly Facilities
3. Community Sports Lighting
4. Facilities for Active Seniors
5. Scoreboards and Fixed Equipment.

Council Officers have reviewed the priority projects within the community against the specified criteria of the five funding streams to determine 'shovel ready' projects for inclusion within a funding application – due on 22 March 2021. The following projects have been identified as appropriate for this funding round of the LSIF:

- a) Upgrade to Lighting at Nagambie Recreation Reserve; and
- b) Redevelopment of old tennis courts into two additional netball courts – Longwood Recreation Reserve.

RECOMMENDATION

That Council provisionally allocate a Council co-contribution of funds from the Council Budget pending the successful outcome of the application to the 2021 Local Sports Infrastructure Fund for the following projects:

- a) \$100,000 - Upgrade to Lighting at Nagambie Recreation Reserve (playing field and netball courts); and***
- b) \$140,000 - Redevelopment of old tennis courts into two additional netball courts – Longwood Recreation Reserve.***

PURPOSE AND BACKGROUND

This report provides information around the requirements of the Local Sports Infrastructure Fund (LSIF) and seeks a provisional financial commitment required of Council should the nominated projects be awarded funding by Sports Recreation Victoria (SRV).

9.10 Sport and Recreation Victoria Funding Application – Council Co-Contribution for Projects (cont.)

The Local Sports Infrastructure Fund (LSIF) priorities in this funding round are as follows:

- successful projects will need to commence construction within six (6) months of executing a funding agreement (in June 2021)
- supporting communities in areas of need that have experienced natural disasters, such as bushfires, flood and drought, or communities experiencing socio-economic disadvantage, strong population growth or significant change in circumstances (e.g. economic challenges)
- demonstrating specific participation outcomes for disadvantaged communities and under-represented groups, including women and girls, indigenous Victorians, people with a disability, seniors, disengaged young people, CALD communities, and LGBTIQ people
- demonstrating economic uplift in the form of job creation during construction and operation, nongovernment investment in the facility and local/ regional event attraction
- demonstrating implementation of universal design principles and environmentally sustainable design in project planning.

The following funding commitment ratio is required by Council for the applicable funding streams:

Stream 2: Female Friendly Facilities – SRV \$2: \$1 Local

Stream 3: Community Sports Lighting – SRV \$2: \$1 Local.

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

In review of the priorities and criteria listed for the LSIF, the following projects have been identified as having the most appropriate alignment with the funding streams as listed:

1. *Upgrade to Lighting at Nagambie Recreation Reserve (Stream 2 – Community Sports Lighting)*

Conduit has already been laid in provision for upgrade to the lighting infrastructure at the Nagambie Recreation Reserve as this was undertaken during the irrigation works that took place around the oval and also during the upgrade to the Netball courts.

The Nagambie Recreation Reserve Redevelopment Plan 2016 and the Nagambie Recreation Reserve Redevelopment Project 2019 have both highlighted the need for lighting upgrades around the oval and the netball courts (see extract below):

9.10 Sport and Recreation Victoria Funding Application – Council Co-Contribution for Projects (cont.)

What do we need?

FUNDING

The estimated cost of the Nagambie Recreation Reserve priority projects, based on current designs:

High priority projects	Estimated cost \$	Confirmed funding \$
1. Playing field irrigation (as designed)	\$210,000	\$185,000
2. Netball court lighting (100 lux LED system)	\$80,000	-
3. Netball court reconstruction and player shelters	\$150,000	\$50,000
4. Playing field lighting (150 lux LED system)	\$220,000	-
5. Cricket net expansion, synthetic turfing and enclosing	\$40,000	-
Total estimated project costs / funding shortfall	\$700,000	\$235,000

Priority 1 has already been completed with funding received from the Australian Cricket Infrastructure Fund and Priority 3 is currently being completed with funding received from the 2019 – 2020 Country Football Netball fund (SRV).

This leaves Priority 2 and 4 that meet the criteria of Stream 3 of the LSIF as options for inclusion in an application for the Community Sports Lighting Stream. The approximate cost of this lighting project as indicated in the table above is \$300,000. The funding ratio for Rural and Regional Shires for this stream is 2:1, which would result in Council being required to commit funds of \$100,000 to support an application for \$200,000 for this project.

2. Redevelopment of old tennis courts into two additional netball courts – Longwood Recreation Reserve (Stream 3 – Female Friendly Facilities)

Longwood Recreation Reserve are currently fundraising (they have raised around \$8,500 so far) to assist with support of a funding application for Stream 2 of the LSIF – Female Friendly Facilities. This is an extremely competitive funding stream, and in a meeting that Council Officers had with representatives from SRV on 18 February 2021, it was reiterated that “*Applications that do not sufficiently demonstrate existing female participation are not eligible for funding from this stream.*”

Council Officers have been liaising with the Longwood Football Netball Club throughout the past 6 months to understand the demands of the large increase in netball groups at Longwood over the past 18 months, which has seen the teams grow from three (3) teams to seven (7) with a mix of junior and senior teams. There is also a requirement from the Kyabram District Football & Netball Association to which Longwood belongs, to have a minimum of two (2) netball courts and at present there is only one (1).

9.10 Sport and Recreation Victoria Funding Application – Council Co-Contribution for Projects (cont.)

Their proposal is to convert two of the current underutilised tennis courts into netball courts, similar to projects that have been undertaken in the municipality, for example, Violet Town. The estimated total project cost for two (2) additional courts based on the scoped works at Violet Town is \$420,000. This funding Stream also has a 2:1 ratio which would make Council's contribution required \$140,000 for this project.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Community Engagement took place in the development of the Nagambie Recreation Reserve Redevelopment Plan 2016 and the Nagambie Recreation Reserve Redevelopment Project 2019 to list the priority projects and estimated associated costs (listed in previous table). This engagement also included external stakeholders AFL Victoria and Netball Victoria.

Further consultation will take place with the Longwood Football Netball Club and the Committee of Management in regards to their specific requirements for the redevelopment of their current unused tennis courts into new netball courts for inclusion into the funding application.

POLICY CONSIDERATIONS

Council Plans and Policies

The following goals of the Council Plan have been identified:

- Goal 1: To enhance community health and well being
- Goal 3: To provide quality infrastructure

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

The following documents will also be reviewed as part of the LSIF application:

- Active Victoria 2017 – 2021 strategic framework
- Netball Victoria Strategic Plan 2019 – 2022.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

9.10 Sport and Recreation Victoria Funding Application – Council Co-Contribution for Projects (cont.)

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

In the interest of transparency and open and honest communication with our community it is recommended that these applications for funding be acknowledged in a public forum providing full disclosure of the projects being put forward for funding and the amount of Council contribution to be allocated in the funding application.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

The budget considerations and required Council contribution in the funding applications towards the projects as described are summarised below:

1. Stream 2: Female Friendly Facilities – \$100,000
2. Stream 3: Community Sports Lighting – \$140,000.

It is requested that Council agree to make these funds provisionally available should the application for funding of these projects with Sports Recreation Victoria be successful. Please note that officers recommend that these projects will not be progressed without this much need funding.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The financing of these projects will enhance the playing areas for both Netball and Football and in turn further assist with attracting additional sporting events into the areas of both Nagambie and Longwood.

Social

Having playing areas that communities can feel proud of and that are fit for purpose contributes to a greater sense of community as well as an increase to the community's overall health and well-being.

Environmental

Universal design will form a part of the funding application and ensure incorporation of this principle in line with best practice.

COLLABORATION

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

9.10 Sport and Recreation Victoria Funding Application – Council Co-Contribution for Projects (cont.)

Collaboration will take place Council and relevant external stakeholders to ensure that the projects to be submitted for funding in the LSIF program adequately align with the priorities, objectives and criteria of this program.

HUMAN RIGHTS CONSIDERATIONS

The author of this report considers that the recommendation does not limit any human rights under the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

CONCLUSION

The Local Sports Infrastructure Fund is an opportunity to apply for financial assistance to deliver worthwhile community infrastructure projects that generate greater participation, utilisation of such facilities and increase community inclusion.

9.11 Advocacy Regarding Queensland Fruit Fly Control

Author: Economic Development and Projects Coordinator

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

Queensland fruit fly has become a significant problem for horticulture in the Goulburn Valley area.

The current fruit fly education and eradication programme expires on 30 June 2021.

At this stage, the State government has not committed to providing further funding to enable the continuation of the program.

It is anticipated that fruit fly infestations will become more common in the absence of a fully funded eradication programme causing significant impacts on commercial fruit and vegetable crops.

Strathbogie Shire is a member of the governing council off the Goulburn Murray Valley (GMV) Regional Fruit Fly Group which operates under the “*No flies on us*” banner. Key partners within the group are: Agriculture Victoria, Fruit Growers Victoria, Cobram and District Fruit Growers Association, Shire of Campaspe, Greater Shepparton City Council, Strathbogie Shire, Moira Shire and Berrigan Shire.

This group has been successful in lowering the incidence of fruit fly infestation across the region as well as educating residents and community groups about fruit fly control. The group is seeking assistance in advocating for further funding from the Victorian Government to allow it to continue operating into the future.

RECOMMENDATION

That Council:

- 1. Write to the Hon Mary Anne Thomas Minister for Agriculture and Minister for Regional Development seeking her urgent attention and support on this matter and request state government funding for the continuation of the current fruit fly education and eradication program that is due to expire on 30 June 2021; and***
- 2. Write to our local Members of Parliament seeking their support for advocacy for ongoing funding for this program.***

9.11 Advocacy Regarding Queensland Fruit Fly Control (cont.)

PURPOSE AND BACKGROUND

Over the last 10 years the Queensland fruit fly (*Bactrocera tryoni*, Froggatt) (QFF) has invaded and established permanent populations in regions of Victoria and southern NSW where, previously, it was unable to. Whether global warming, insect acclimatisation, reduction in the number and range of approved pesticides or combinations of these are at fault it is of little consequence as the pest now impacts heavily on these regions. The presence, or likely presence, of QFF in these areas has caused significant adverse impacts on both horticultural productivity and horticultural exports.

Pest fruit flies are not native to Victoria. All pest fruit flies that have been recorded, from time to time, in Victoria have been due to human-aided incursions. Recently observed over-wintering populations of QFF have become established in Victoria, including in and around the Goulburn valley, due to a combination of reduced pest control options, the pest's innate ability to adapt to new conditions and, possibly, changes in climate.

Between 1949 and 2012 the Victorian State Government undertook the responsibility to eradicate QFF and Medfly incursions as they occurred. During those years, it was thought that QFF could not establish itself in Victoria due to cold winters. Medfly (Mediterranean fruit fly) is a known pest in Western Australia but has not been detected in Victoria for several decades.

In 2015 the State Government introduced the Managing Fruit Fly in Victoria Action Plan 2015-2020 requiring that all stakeholders take responsibility for controlling Fruit Fly rather than government alone.

It appears that a major oversight in this approach was that there was no provision under this plan for compulsory control of the fly in private gardens whereas previously the State government had undertaken this task. Any private participation is now entirely voluntary. As a result of this policy Fruit Fly infestations tend to occur in residential areas and can spread to nearby commercial crops. It should be noted that under windy conditions Fruit Fly have been known to travel up to 80 kilometres from their initial hatching location.

The Goulburn Murray Valley (GMV) Regional Fruit Fly Group was activated in 2016 to strengthen fruit fly management across the region. Strathbogie Shire is a member of this group with the author currently acting as the shire representative on the Committee. Its development has improved area wide coordination and allowed for effective collaboration between industry, government and the community.

Operating under the "*No Flies on Us Banner*" this group has conducted education campaigns, trapping surveys and worked with the community to assist in eradicating the QFF from the region. It has had good success however, the State government funding supporting this program is scheduled to cease on 30 June 2021 and the government has yet to give an undertaking to provide further funding.

The Group advises that it needs \$500,000.00 per annum from the State government to continue its operations.

9.11 Advocacy Regarding Queensland Fruit Fly Control (cont.)

A recent announcement by the Australian Government confirm that they will provide \$6.5 million towards the Strengthening Australia's Fruit Fly System Research Program. In addition, State and Territory governments have matched funding bringing the total to \$13 million. The program is part of the Australian Government's Smart Fruit Fly Management measure.

It should be noted that this funding is for research not eradication or control programs.

ISSUES, OPTIONS AND DISCUSSION

Fruit fly infestations under the current conditions may lead to greater impact of this pest into the future affecting the ability of producers to grow and harvest commercial quantities of fruit and vegetables. In this day of rising interest in home gardening and local production of fruit and vegetables it will also restrict the ability of residents to enjoy the amenity and rewards of home gardening. Essentially:

- Fruit fly is a very destructive pest that can have severe impact on residential gardens and commercial crops.
- Strathbogie Shire has been subjected to higher than average rainfall and mild conditions over the past 12 months which have created an ideal climate for fruit fly breeding.
- It is also possible that climate change has increased the incidence of fruit fly infestation across Victoria.
- It is not yet clear if the Victorian government intends to provide ongoing funding for fruit fly control post 30 June 2021.
- It is believed that local government advocacy for this funding will assist the Goulburn Valley Fruit Fly Management Group in securing ongoing funding.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Discussions have been undertaken with the GMV Regional Fruit Fly Group who are now collectively advocating for continued State Government financial support.

POLICY CONSIDERATIONS

Council Plans and Policies

- Council Plan: Goal 2 – to sustainably manage our natural and built environment.

9.11 Advocacy Regarding Queensland Fruit Fly Control (cont.)

Regional, State and National Plans and Policies

- Federal Government – National Fruit Fly Strategy 2020-2025

The National Fruit Fly Strategy 2020-25 provides a framework for stakeholders to coordinate fruit fly activities across Australia. While no new funding has been provided for the strategy, this implementation plan has been developed to identify and monitor key activities that have been prioritised by stakeholders and resourced in 2020-21. The Council will prepare a formal report against the implementation plan annually and will use this as a basis to review progress against the Strategy's Strategic Framework (overleaf) and to identify priorities for the financial year ahead.

- Victorian Government - Managing Fruit Fly in Victoria Action Plan 2015 to 2020. This plan has now elapsed and the Victorian Government has yet to commit to further action on Fruit fly control

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that Council decisions are to be made and actions taken in accordance with the relevant law.

The subject of this report is that of advocacy and there are no specific legal consideration or powers relating to this matter.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that Council decisions, actions and information is to be ensured.

In the interest of transparency and open communication with our community this report details the advocacy work undertaken by our Shire to support the continuation of this important program.

FINANCIAL VIABILITY CONSIDERATIONS

It is anticipated that there will be negligible cost to Council in adopting this recommendation. Council is advocating for a commitment for additional resources for the continuation of the this program.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

9.11 Advocacy Regarding Queensland Fruit Fly Control (cont.)

Economic

Fruit fly is a very destructive pest that can have severe impact on residential gardens and commercial crops. This in turn places significant pressure on the economic viability for our local growers. The continuation of the education programs is vitally important to ensure the continuation of this industry.

Social

Social implications relate to levels of resilience and social cohesion amongst both businesses and the agricultural community more broadly. State Government support is critical to assisting business and agricultural sector to continue producing quality products with a reduced level of threat from fruit flies.

Environmental

Strathbogie Shire has been subjected to higher than average rainfall and mild conditions over the past 12 months which have created an ideal climate for fruit fly breeding. This group has been successful in lowering the incidence of fruit fly infestation across the region as well as educating residents and community groups about fruit fly control. The group is seeking assistance in advocating for further funding from the Victorian Government to allow it to continue operating into the future.

Climate change

It is also possible that climate change has increased the incidence of fruit fly infestation across Victoria. Over the last 10 years the Queensland fruit fly (*Bactrocera tryoni*, Froggatt) (QFF) has invaded and established permanent populations in regions of Victoria and southern NSW where, previously, it was unable to. Whether global warming, insect acclimatisation, reduction in the number and range of approved pesticides or combinations of these are at fault it is of little consequence as the pest now impacts heavily on these regions. The presence, or likely presence, of QFF in these areas has caused significant adverse impacts on both horticultural productivity and horticultural exports.

COLLABORATION

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

The author of this report considers that it would be beneficial to collaborate with other local government areas in promoting the control and eradication of fruit fly across the region.

HUMAN RIGHTS CONSIDERATIONS

There are no significant human rights implications to be considered as part of *The Charter of Human Rights and Responsibilities Act 2006*.

CONCLUSION

The Victorian government has yet to indicate its intentions regarding the future of eradication and control programmes for fruit fly across the state.

9.11 Advocacy Regarding Queensland Fruit Fly Control (cont.)

Strathbogrie Shire is a member of the governing council of the Goulburn Murray Valley (GMV) Regional Fruit Fly Group which operates under the “*No flies on us*” banner. Key partners within the group are: Agriculture Victoria, Fruit Growers Victoria, Cobram and District Fruit Growers Association, Shire of Campaspe, Greater Shepparton City Council, Strathbogrie Shire, Moira Shire and Berrigan Shire.

This group has been successful in lowering the incidence of fruit fly infestation across the region as well as educating residents and community groups about fruit fly control. The group is seeking assistance in advocating for further funding from the Victorian Government to allow it to continue operating into the future.

ATTACHMENTS

Attachment 1: Draft Letter to Victorian Minister for Agriculture, final letter of which will be signed by Mayors of Moira Shire Council, Greater Shepparton City Council, Campaspe Shire Council and Strathbogrie Shire Council

ATTACHMENT 1:

DRAFT LETTER TO VICTORIAN MINISTER FOR AGRICULTURE

Re: Support for Goulburn Murray Valley Regional Fruit Fly Project (GMV Project)

Northern Victoria's horticulture sector is a major contributor to Victoria's agricultural sector, producing 455,000 tonnes of fruit and vegetables worth \$777M annually and creating 5,000 jobs. But it has reached a tipping point with labour shortages, export restrictions and difficult seasonal conditions all resulting in fruit rotting on the ground and setting up vast breeding grounds for Queensland Fruit Fly (QFF).

We have a massive challenge to keep fruit fly under control but our on the ground work and financial support by the Victorian Government in partnership with growers, corporates, service clubs, local councils and Macquarie University is working. QFF populations have been reduced by 60% across the region and by 83% in locations where a sterile insect trial is being conducted.

Without ongoing Victorian Government support we will have to wind back the program and all the progress and investment to date will be wasted as QFF explodes in abandoned fruit that cannot be sold or harvested economically.

As you would appreciate much of our region has borne a huge social and economic impact through state border closures to combat the spread of COVID. The impact on our tourism sector and rural towns has been devastating and now our horticulture sector is in serious trouble.

We do understand the financial pressure the State budget will be under as it is the same with local council budgets. However if the State abandons this successful program it will be returning us to the situation before the Andrew's Government where eradication of QFF had largely been rejected as impossible to achieve by successive Governments.

Like COVID, eradication is not currently possible, but by building on the success to date we can reach the point where it will no longer be a major threat to our horticultural sector and our locally grown fresh fruit and vegetables can be enjoyed in supermarket shelves around Australia and through export markets.

We urge you as our Agriculture Minister to do all you can to secure funding so that this necessary and successful program can continue.

To be signed by Mayors –

- Moira Shire Council
- Greater Shepparton City Council
- Campaspe Shire Council
- Strathbogrie Shire Council

9.12 Euroa Leash Free Area Declaration

Author: Director Corporate Services

EXECUTIVE SUMMARY

This report proposes formal declaration of a leash free area at the Euroa Showgrounds to allow dog owners to exercise their animals without the need for them to be on a leash but subject to effective control. The report also outlines rules that will apply to the area.

When properly established and managed, Off-Leash Areas represent a valuable asset providing physical and mental health to the community derived from physical exercise, social interaction and pet kinship.

RECOMMENDATION

- 1. That Council declare the area identified on the attached plan to be a leash free area as provided for in Council's Community Local Law;***
- 2. That rules for the operation of the park be approved; and***
- 3. That a public information campaign be undertaken to raise awareness of the facility.***

PURPOSE AND BACKGROUND

A key strategy in the current Council Plan is "*Work with the community to implement provision of dogs off leash areas* "

Over recent years a process was undertaken to identify a suitable site in Euroa and with the cooperation of the Euroa Agricultural Society, an area at the Showground was deemed suitable and available.

Fencing has now been completed and before it can be used Council needs to declare the area as a leash free area and identify rules to apply.

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The need for a leash free area was identified from consultation and public submissions when the Council Plan was being prepared by the previous Council.

9.12 Euroa Leash Free Area Declaration (cont.)

At its meeting of 16 July 2019 Council endorsed a number of recommendations including:

- *Endorse the area adjacent to the Euroa Showgrounds and Euroa Kennel Club as a preferred location for a Dogs Off Leash area in Euroa;*
- *Delegate the Group Manager Community Assets to negotiate and enter into an agreement with the Euroa Agricultural Society Inc. for the use of part of their land to be included in the proposed Dogs Off Leash area;*
- *Subject to an agreement being entered into, approve the expenditure of Council funds for relevant infrastructure as described In this report*

An agreement has been entered into and expenditure provided for in Council's Budget and fencing has been completed.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

A community engagement process was conducted between 2 November 2018 and 31 January 2019 which involved:

- Consultation with the Euroa Agricultural Society
- In May 2018, Council received a petition with 51 signatories for the consideration of a "fenced off leash dog park in Euroa".
- Following receipt of this petition, at the Ordinary Meeting on 16 October 2018, Council resolved to "commence a community engagement process to investigate locations and requirements for Dogs Off Leash areas in Euroa and Nagambie
- During a previous "Pick My Project" process, a submission was developed by a local community member seeking to establish an "off leash dog park accessible from Apex walking track, Euroa."
- Engagement was undertaken by inviting feedback and ideas via the MyStrathbogie Summer Bulletin, social media and advertising on Council's website.
- The Society also accepted an invitation to be involved in the final wording of the signage to be installed at the entrance to the proposed off leash area.

POLICY CONSIDERATIONS

Council Plans and Policies

The Council Plan has a Key Strategy related to establishment of a leash free area.

Regional, State and National Plans and Policies

The Domestic Animals Act 1994 has as its purpose "to promote animal welfare, the responsible ownership of dogs and cats and protection of the environment" and a leash free area assists in achieving this.

9.12 Euroa Leash Free Area Declaration (cont.)

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

Council's Community Local Law provides :

- *Dogs on leads - A person in charge of a dog on any road or in any public place must ensure that the dog is secured by a chain, cord or leash in any area zoned under the Strathbogie Planning Scheme as Township, Residential (including low density residential) or Business or Industrial, unless it is an off leash area designated and signposted for the purpose.*
- *Unleashed dogs - A person may unleash a dog in an area designated by Council and sign posted for the purpose except that: (a) a person who unleashes a dog must keep the dog under effective control; and (b) the provisions of this clause do not apply to greyhounds, dangerous dogs or restricted breed dogs.*

RISK MANAGEMENT

In order to mitigate risk it is proposed that the following rules apply and that signage say

"Please observe these rules:

- *All visitors use the park at their own risk.*
- *All dogs must be under the effective control of a responsible person at all times*
- *All dogs must be registered with Council*
- *Dispose of your dog's waste with the bags provided*
- *Dogs showing aggression must be immediately removed from the park*
- *Children under the age of 16 years should be under the control of a responsible adult and supervised closely at all times*
- *If a dog digs a hole, the owner is responsible for filling it prior to their departure.*
- *Number of dogs per person is limited to two.*

It is recommended that:

- *All dogs be kept on a lead until completely inside the park*
- *All dogs be vaccinated*
- *You bring your own water bowl for your dog*
- *You refrain from eating food or smoking in and around the dog park*
- *Puppies under four months old and aggressive dogs should not use the park*

Please consider other dog park users

- *Supervising a child and a dog at the same time can be difficult and may put other users of the park at risk*
- *Never let your child approach an unknown dog without the owners approval*
- *A playful child unaccompanied by an adult may attract the attention of a dog. Friendly dogs can accidentally knock a small child to the ground and cause injury*

9.12 Euroa Leash Free Area Declaration (cont.)

Caution : Dogs will be roaming off leash in the enclosed dog park

***Please report all hazards and vandalism
Phone 1800065993 All hours”***

Rules will be posted on Council’s website and signs installed at and around the park.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This matter has been the subject of discussion within the community and is considered reasonably well known.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

Costs will be contained within the \$25,000 allowed by Council for establishment.

Costs include:

- Installation of approximately 100 metres of 1.8m cyclone fence
- Installation of one dog/pedestrian gate
- Installation of a “Dog Bag Dispenser” and servicing
- Provision and weekly servicing of two litter bins
- Cutting of grass on an as needs basis
- Weekly cleaning of toilet block
- Planting and seating
- Water - installation of drinking vessels
- Installation of appropriate signage
-

Some minor works remain to be completed before the park can be opened

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

9.12 Euroa Leash Free Area Declaration (cont.)

Social

The proposal provides for social interaction between residents and their animals.

Environmental

With appropriate waste disposal processes in place, there are expected to be no adverse environmental impacts.

COLLABORATION

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

The project has seen extensive collaboration between Council, community and the Agricultural Society.

HUMAN RIGHTS CONSIDERATIONS

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

CONCLUSION

The recommendations in this report will complete the process to allow for the establishment of a leash free area in Euroa.

ATTACHMENTS

Attachment 1: Plan of Leash free area at Euroa Showgrounds

Attachment 2: Proposed Rules for Signage

ATTACHMENT 1:



ATTACHMENT 2:

Please observe these rules:

- All visitors use the park at their own risk
- All dogs must be under the effective control of a responsible person at all times
- All dogs must be registered with Council
- Dispose of your dog's waste with the bags provided
- Dogs showing aggression must be immediately removed from the park
- Children under the age of 16 years should be under the control of a responsible adult and supervised closely at all times
- If a dog digs a hole, the owner is responsible for filling it prior to their departure.
- Number of dogs per person is limited to two

It is recommended that:

- All dogs be kept on a lead until completely inside the park
- All dogs be vaccinated
- You bring your own water bowl for your dog
- You refrain from eating food or smoking in and around the dog park
- Puppies under four months old and aggressive dogs should not use the park

Please consider other dog park users -

- Supervising a child and a dog at the same time can be difficult and may put other users of the park at risk
- Never let your child approach an unknown dog without the owners approval
- A playful child unaccompanied by an adult may attract the attention of a dog. Friendly dogs can accidentally knock a small child to the ground and cause injury

Caution: Dogs will be roaming off leash in the enclosed dog park

Please report all hazards and vandalism

Phone 1800 065 993 All hours

9.13 Instruments of Appointment and Authorisation Update

Author: Director Corporate Operations

Responsible Director: Director Corporate Operations

EXECUTIVE SUMMARY

Following recent appointments to vacant positions several changes are required to be made to the following instruments:

- S11 Instrument of Appointment and Authorisation,
- S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*).

The amended authorisations, once approved by Council, will remain in force until the next Delegations and Authorisations update is prepared or following staff position title change/s, and / or staff changes.

RECOMMENDATION

That in the exercise of the powers conferred by section 224 of the Local Government Act 1989 (the Act) and the other legislation referred to in the attached instrument of appointment and authorisation (S11) and instrument of appointment and authorization (Planning and Environment Act 1997) (the instrument), Strathbogie Shire Council (Council) resolves that –

- 1. The members of Council staff referred to in the instruments be appointed and authorised as set out in the instruments.***
- 2. The instruments come into force immediately the common seal of Council is affixed to the instruments and remains in force until Council determines to vary or revoke it.***
- 3. The instruments be signed and sealed by Council under the Strathbogie Shire Council Local Law No. 1 – Use of the Common Seal.***

PURPOSE AND BACKGROUND

There is a basic distinction between a delegation and an appointment to authorise an officer. A delegate acts on behalf of the Council, exercising the Council's powers. In contrast, a person who is appointed to a position has the authority to exercise the powers of that position directly from the enabling legislation.

Appointments identify the office to which the person is being authorised to exercise the powers legislation provides to it.

Although the new Local Government Act 2020 is largely in place (it has been phased in over for tranches during the past year), the power to authorise and officer still sits under the 1989 Act.

9.13 Instruments of Appointment and Authorisation Update (cont.)

Authorisations also allow the relevant officers of Council to generally institute proceedings for offences against Acts and regulations as Authorised Officers under the various Act/s.

ISSUES, OPTIONS AND DISCUSSION

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The main reason this report is required is to provide Council's new Team Leader Compliance, with authorisations relevant to the position, and to make some minor adjustments to other authorisations to include Council's two Directors following a restructure of the organisation, one director fills a new role and the other, who did not previously have delegation under the *Planning and Environment Act 1987*, now has overall responsibility for planning compliance.

It is vital that the Instruments be updated to reflect the names and position titles of the officers that are to hold authority under a range of legislation.

COMMUNITY ENGAGEMENT

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the municipal community is to be engaged in strategic planning and strategic decision making. Given that the instruments of authorisation are internal documents responding to a legislative requirement community engagement is not considered necessary.

POLICY CONSIDERATIONS

Council Plans and Policies

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan including Council Plan Goals:

- To enhance community health and wellbeing.
- To sustainably manage our natural and built environment.

Regional, State and National Plans and Policies

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making. The authorisation of officers enables them to work with other agencies to ensure compliance with legislation, particularly the *Planning and Environment Act 1987* and adherence to local laws and powers under the *Domestic Animals Act 1994*.

LEGAL CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The Team Leader Compliance works across a number of areas:

- Local laws
- Building Control
- Environmental Health
- Planning Compliance.

9.13 Instruments of Appointment and Authorisation Update (cont.)

Failure to keep the authorisation instruments up to date can potentially impact on the enforcement of legislation and jeopardises Council's compliance with its legal obligations.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

By considering this report the community becomes aware of some structures that Council has in place to manage public safety and authorised officers capable of administering various pieces of legislation.

COLLABORATION

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

This is not a major consideration in this case, however ensuing officers have appropriate authorisations enables a coordinated approach to planning, environmental and domestic animal enforcement with State agencies.

HUMAN RIGHTS CONSIDERATIONS

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

CONCLUSION

The endorsement and sealing of instruments of authorisation enables Council to fulfil its obligations in relation to a number of public safety matters and the enforcement of various pieces of legislation.

ATTACHMENTS

Attachment 1: S11 – Instrument of Appointment and Authorisation

Attachment 2: S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1997*)

ATTACHMENT 1:

S11 Instrument of Appointment and Authorisation



Strathbogie Shire Council

Instrument of Appointment and Authorisation

(Personal information has been redacted. Members of the community can request to view the full Instrument of Appointment and Authorisation during business hours)

[illegible]

By this Instrument of Appointment and Authorisation Strathbogie Shire Council–

PART A

under s 224 of *the Local Government Act 1989* – appoints the officers to be authorised officers for the administration and enforcement of –

the <i>Building Act 1993</i>	[MBS, DMBS, SBS, BS, TLC, SEHO]
the <i>Country Fire Authority Act 1958</i>	[SEHO, TLC, FMO (MERO), MO (MFPO), DCO/MO (DMERO), DCO/C (AMFPO), TOP (MRM), SEHO (DMRM)]
the <i>Domestic Animals Act 1994</i>	[TLC, SEHO, LLO]
the <i>Emergency Management Act 1986</i> ¹	[SEHO, TLC, LLO, FMO (MERO), DCO/MO (DMERO), MO (MFPO), DCO/C (AMFPO), TOP (MRM), SEHO (DMRM)]
the <i>Environment Protection Act 1970</i>	[SEHO, MPI, PP, TP, TLC, EWC, LLO, DCP]
the <i>Fire Rescue Victoria Act 1958</i> formerly known as <i>the Metropolitan Fire Brigades Act 1958</i>	[SEHO, TLC, FMO (MERO), DCO/MO (DMERO), MO (MFPO), DCO/C (AMFPO)]
the <i>Fire Services Property Levy Act 2012</i>	[DCO, RVC, VO, FM, SFO]
the <i>Food Act 1984</i>	[TLC, SEHO]
the <i>Graffiti Prevention Act 2007</i>	[MBS, DMBS, SEHO, TLC, LLO]
the <i>Housing Act 1983</i>	[SEHO, TLC, MBS, DMBS, SBS, BS]
the <i>Impounding of Livestock Act 1994</i>	[TLC, LLO]
the <i>Land Act 1958</i>	[MBS, DMBS, TLC, MI, MO, DCP, DCO]
the <i>Local Government Act 1989</i>	[EMGCS, DCP, DCO, SEHO, TLC, MBS, DMBS, LLO] MO, MI, VO, RVC, FM, SFO, PP, TP, PTO, MPI, SBS]
the <i>Local Government Act 2020</i>	[EMGCS, DCP, DCO, SEHO, TLC, MBS, DMBS, LLO] MO, MI, VO, RVC, FM, SFO, PP, TP, MPI, SBS]
the <i>Public Health and Wellbeing Act 2008</i> ²	[SEHO, TLC]
Part 14 of the <i>Residential Tenancies Act 1997</i>	[MBS, DMBS, TLC, SEHO]
the <i>Road Management Act 2004</i>	[TLC, LLO, MO, MI]
the <i>Road Safety Act 1986</i>	[TLC, LLO, MO, MI]
the <i>Sex Work Act 1994</i>	[PP, TP, MPI, DCP]
the <i>Summary Offences Act 1966</i>	[SEHO, TLC, LLO]

¹ On 1 December 2020 (unless proclaimed earlier), reference to this Act is to be replaced by the *Emergency Management Act 2013* (Vic).

² Council only to appoint a person suitably qualified or trained under s 31(2) of the Act.

the *Tobacco Act 1987*³

[SEHO, TLC]

the *Valuation of Land Act 1960*

[DCO, FM, SFO, RVC, VO]

the Regulations made under each of those Acts

the local laws made under the *Local Government Act 1989* or the *Local Government Act 2020*

and any other Act, Regulation or local law which relates to the functions and powers of the Council;

PART B

under s 3 of the *Building Act 1993* – appoints the officer to be Municipal Building Surveyor for the purposes of the *Building Act 1993*.
[MBS]

under s 96A(1)(a) of the *Country Fire Authority Act 1958* – appoints the officer to be the fire prevention officer. [MO (MFPO)]

under s 96A(1)(b) of the *Country Fire Authority Act 1958* – appoints the officers to be assistant fire prevention officers. [DCO/C (AMFPO)]

under s 72 of the *Domestic Animals Act 1994* – appoints the officer to be a Council authorised officer for the purposes of the *Domestic Animals Act 1994*. [TLC]

under s 72A(1) of the *Domestic Animals Act 1994* – appoints the officers to be Council contracted authorised officers for the purposes of the *Domestic Animals Act 1994* and such appointment is for a period of 12 months from the date of issue of this instrument.⁴ [LLO]

under s 21 of the *Emergency Management Act 1986* – appoints the officers to be Municipal Emergency Resource Officers.⁵ [FMO (MERO), DCO/MO (DMERO)]

³ This Act provides for the CEO of a Council to nominate a person to be an inspector for the purposes of the Act and the Secretary may then appoint them to be an inspector (see s 36). An EHO appointed under the Act is also regarded as an inspector under the Act.

⁴ Council may appoint a person who is not an employee of the Council if the person has the qualifications or experience prescribed by the Secretary.

⁵ On 1 December 2020 (unless proclaimed earlier), this is to be replaced by the following:

- under s 59G(1) of the *Emergency Management Act 2013* – appoints the officers to be municipal emergency management officers.
- under s 59H(1) of the *Emergency Management Act 2013* – appoints the officers to be municipal recovery managers.

under s 4(1) of the *Environment Protection Act 1970* – appoints the officers to be litter enforcement officers for the purposes of the *Environment Protection Act 1970*.
[SEHO, TLC, LLO, EWC]

AND

under s 48A of the *Environment Protection Act 1970* – appoints the officers to be authorised officers for the purposes of s 48A of the *Environment Protection Act 1970*.
[SEHO, TLC, LLO]

under s 5A(1)(a) of the *Fire Rescue Victoria Act 1958* formerly known as the *Metropolitan Fire Brigades Act 1958* – appoints the officer to be the fire prevention officer for the purposes of the *Fire Rescue Victoria Act 1958*.
[MO (MFPO)]

under s 5A(1)(b) of the *Fire Rescue Victoria Act 1958* formerly known as the *Metropolitan Fire Brigades Act 1958* – appoints the officers to be assistant fire prevention officer for the purposes of the *Fire Rescue Victoria Act 1958*.
[DCO/C (AMFPO)]

under s 23 of the *Fire Services Property Levy Act 2012* – appoints the officer to be authorised officers for the purposes of the *Fire Services Property Levy Act 2012*.⁶
[RVO, VO, DCO, FM]

for the purposes of s 20 of the *Food Act 1984* – appoints the officer to be an authorised officer for the purposes of the *Food Act 1984*.⁷⁸
[SEHO]

under s 19(1) of the *Graffiti Prevention Act 2007* – appoints the officers to be authorised persons for the purposes of carrying out Council's functions under s 18 of the, *Graffiti Prevention Act 2007* for a term of.⁹
[LLO, TLC]

under s 71(1) of the *Housing Act 1983* – appoints the officer to be an authorised person for the purposes of entering a house or building and conducting an inspection under s 71 of the *Housing Act 1983*.
[DMBS, MBS, SBS, BS, SEHO]

under s 3 of the *Infringements Act 2006* – appoints the officer to be an issuing officer for the purposes of the *Infringements Act 2006*.
[LLO, TLC, SEHO, EMGCS, MO, MI, PP, TP, MPI, MO (MFPO), DCO/C (AMFPO)]

⁶ Persons appointed or authorised officers under the *Local Government Act 1989* are taken to be authorised officers for the purposes of the *Fire Services Property Levy Act 2012* (except in Part 4 of that Act).

⁷ Council must be satisfied that the person appointed is suitably qualified or trained to be an authorised officer.

⁸ EHOs appointed under s 29 of the *Public Health and Wellbeing Act 2008* are regarded as an authorised officer for the purposes of the *Food Act 1984*.

⁹ Authorised person must agree in writing to exercise functions and powers of an authorised person under Part 4 of the Act and in accordance with any performance criteria determined by Council (see s 19(2)).

under s 190 of the *Land Act 1958* – authorises the officers for the purposes of s 190 of that Act.¹⁰
[LLO, TLC, MO, MI, DCO, DCP]

under s 81Y of the *Local Government Act 1989* – appoints the officer to be the Principal Conduct Officer.¹¹ [EMGCS(PCO)]

under s 29 of the *Public Health and Wellbeing Act 2008* – appoints the officer to be an Environmental Health Officer¹² for the purposes of enforcing the *Public Health and Wellbeing Act 2008* and the *Food Act 1984*. [SEHO]

under s 525(2) of the *Residential Tenancies Act 1997* – appoints the officers to exercise the powers set out in s 526 of the *Residential Tenancies Act 1997*. [SEHO, MBS, DMBS]

under s 71(3) of the *Road Management Act 2004* – appoints the officers to be authorised officer for the purposes of the *Road Management Act 2004*. [LLO, TLC, MI, MO, DCO, DCP]

under s 59(1)(a)(ii) of the *Road Safety Act 1986* – authorises the officers to exercise the powers under s 59(1)(a) of that Act. [TLC, LLO]

AND

under s 59(1)(d) of the *Road Safety Act 1986* – authorises the officers to exercise the powers under s 59(1)(d) of the *Road Safety Act 1986*. [TLC, LLO]

AND

under s 87(1A) of the *Road Safety Act 1986* – authorises the officer to exercise the power in s 87(1A) of the *Road Safety Act 1986*.¹³ [TLC, LLO]

AND

under s 87(1B)(c) of the *Road Safety Act 1986* – authorises the officer to exercise the power in s 87(1B)(c) of the *Road Safety Act 1986*. [TLC, LLO]

AND

under s 87(8) of the *Road Safety Act 1986* – authorises the persons who are not a member of Council's staff for the purposes of s 87 of the *Road Safety Act 1986*. [LLO]

¹⁰ Authorisation requires the consent of the Minister (see s 190 of the Act).

¹¹ Only an 'eligible person' may be appointed (see the requirements in s 81Y of the Act). Section 81Y is to be repealed on 24 October 2020 and replaced with s 150 of the *Local Government Act 2020*, which deals with the appointment of the Councillor Conduct Officer.

¹² Council must be sure that the EHO is suitably trained or qualified under s 31(2) of the *Public Health and Wellbeing Act 2008*.

¹³ Council must ensure that a person appointed under s 87 is competent, of good repute and character and has agreed in writing to exercise the functions conferred on an authorised person (see s 87(1C) of the Act).

under r 5 of the *Road Safety (Traffic Management) Regulations 2019* – authorises the officers for the purposes of r 14 of the *Road Safety (Traffic Management) Regulations 2019*.

[LLO, SCS]

under s 3(1) of the *Sex Work Act 1994* – appoints the officer to be an authorised officer of the responsible authority for the purposes of enforcing Parts 4 and 5 of the *Sex Work Act 1994*. [DCP, MPI, PP, TP]

under s 13DA(1) of the *Valuation of Land Act 1960* – appoints the person who is not a member of Council's staff for the purposes of s 13DA of the *Valuation of Land Act 1960*.¹⁴

[VO]

AND

under s 13J of the *Valuation of Land Act 1960* – appoints the person for the purposes of s 13J of the *Valuation of Land Act 1960*.¹⁵ [VO]

PART C

under –

s 313 of the *Local Government Act 2020*¹⁶

s 527 of the *Residential Tenancies Act 1997*

s 77(2)(b) of the *Road Safety Act 1986*¹⁷

s 77(4) of the *Road Safety Act 1986*

ss 48A(9)(c) and 59(3) of the *Environment Protection Act 1970*

s 241 of the *Building Act 1993*

s 92 of the *Domestic Animals Act 1994*¹⁸

s 96 of the *Road Management Act 2004*

¹⁴ Council must ensure that the person appointed holds the qualifications or experience specified from time to time by the Minister by notice published in the Government Gazette.

¹⁵ Council must ensure that the person appointed holds the qualifications or experience specified from time to time by the Minister by notice published in the Government Gazette.

¹⁶ A person authorised under s 313 of the *Local Government Act 2020* is also authorised to bring proceedings under the *Fire Services Property Levy Act 2012* (see s 22 of the *Fire Services Property Levy Act 2012*).

¹⁷ A person authorised under ss 77(2)(b) and/or 77(4) of the *Road Safety Act 1986* is also an authorised officer for the purposes of rr 203 and 307 of the *Road Safety Road Rules 2017*.

¹⁸ Council may only appoint an authorised officer who is also appointed under s 72 of the Act.

s 33A of the Impounding of Livestock Act 1994

s 10(4) of the *Graffiti Prevention Act 2007*

s 219 of the Public Health and Wellbeing Act 2008

s 45AC of the *Food Act 1984*

authorises the officers generally to institute proceedings and represent Council in proceedings for offences against the Acts, Regulations and local laws described in this instrument.

It is declared that this Instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This Instrument is authorised by a resolution of the Strathbogie Shire Council made on 16th March 2021.

The Common Seal of the)Councillor

Shire of Strathbogie)Councillor

was hereunto affixed)Chief Executive Officer

on the of March 2021

ATTACHMENT 2:

*S11A Instrument of Appointment and Authorisation
(Planning and Environment Act 1987)*



Strathbogie Shire Council

Instrument of Appointment and Authorisation

(Planning and Environment Act 1987 only)

(Personal information has been redacted. Members of the community can request to view the full Instrument of Appointment and Authorisation during business hours)

Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

In this instrument "**officer**" means –

Town Planner [TP]

Town Planner [TP]

Principal Planner [PP]

Manager Planning & Investment [MPI]

Director Community & Planning [DCP]

Senior Environmental Health Officer [SEHO]

Team Leader Compliance [TLC]

Director Corporate Operations [DCO]

By this instrument of appointment and authorisation Strathbogie Shire Council –

4. under s 147(4) of the *Planning and Environment Act 1987* – appoints the officers to be authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
5. under s 313 of the *Local Government Act 2020* authorises the officers either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

[TP, PP, MPI, DCP, TLC, DCO, SEHO]

It is declared that this instrument –

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This instrument is authorised by a resolution of the Strathbogie Shire Council on
..... March 2021

The Common Seal of the)Councillor
Shire of Strathbogie)Councillor
was hereunto affixed)Chief Executive Officer
on the of March 2021

9.14 Southern Aurora Memorial Mural – Application for Sponsorship

Author: Manager Tourism and Community Services

Responsible Director: Director Community and Planning

EXECUTIVE SUMMARY

The Southern Aurora Memorial Committee originally applied for a RE3 COVID Response Community Grant in Round 1, however a component of the overall project that they submitted their application for did not align with this particular grant funding.

It was recommended to the committee by Council Officers that they change the scope of their funding application and apply for sponsorship funding from the Arts and Culture budget allocation of Council.

The Southern Aurora Memorial Committee have requested funding support of \$5,000 to paint a mural relating to the Southern Aurora crash on an existing fence bordering the Memorial Gardens in Violet Town.

The Arts and Culture budget of Council currently has \$15,000 remaining for this financial year.

RECOMMENDATION

That Council approve the request for \$5,000 in sponsorship from the Arts and Culture budget for the Southern Aurora Memorial Mural project which will result in positive community, tourism and economic benefit to both the township of Violet Town and the Strathbogie Shire as a whole.

PURPOSE AND BACKGROUND

The Southern Aurora Memorial Committee want to paint a huge, spectacular mural on an existing fence bordering the Memorial Gardens in Violet Town. It will feature the Southern Aurora train, complimented by passengers, drivers, interested onlookers etc, ready to board it at Sydney Central, the night before the tragedy that was ahead of them at Violet Town. This mural will catch the eye of tourists and will enhance one side of the gardens. The wall is being enlarged with additional external funding and it will be designed and painted by a local artist, forming a gateway for the North-East wall and Silo art trail.

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that Priority is to be given to achieving the best outcomes for the municipal community, including future generations

The committee originally applied for funding for an alternative part of the project in Round 1 of the RE3 COVID Response Community Grants, however this part of the project did not directly align with the criteria of the grant.

9.14 Southern Aurora Memorial Mural – Application for Sponsorship (cont.)

Subsequently it was recommended to the committee by Council Officers that they resubmit their project for consideration of sponsorship in the Arts and Culture component of the project – being a mural relating to the Southern Aurora crash.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the municipal community is to be engaged in strategic planning and strategic decision making.

The local community of Violet Town, other relevant external stakeholders and Council Officers have all be consulted in the development of this project.

POLICY CONSIDERATIONS

Council Plans and Policies

This initiative addresses the key objectives of the Council Plan 2017 – 2021 as follows:

- Goal One: To enhance community health and wellbeing
 - Key strategies - Support and drive community, arts and cultural events

This initiative also directly relates to the Arts and Culture Strategy 2019 -2023 as follows:

- Goal 1: A Connected and Vibrant Community which is focused on strengthening the strong sense of belonging and community pride, by increasing the opportunities for creative stimulation and connectedness.
 - Strategic Objective 1.1 – we will support initiatives that bring people together, encourage collaboration and partnerships and create networks.

The community and committee members involved in managing, planning and delivering this project have come together and reached out to other community groups and individuals to be involved in the project. This has created new connections, lots of collaboration and is building a sense of pride and achievement in their community to bring this project to fruition. It will work directly to achieving the outcomes of; stimulating creativity, enhancing social connections, physical and mental health and wellbeing improved and a sense of civic pride is enhanced.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

9.14 Southern Aurora Memorial Mural – Application for Sponsorship (cont.)

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

In the interest of transparency and open and honest communication with our community it is recommended that this request for sponsorship for the Southern Aurora Memorial Mural be acknowledged in a public forum providing full disclosure of how funding is being distributed within our community.

FINANCIAL VIABILITY CONSIDERATIONS

The Arts and Culture budget of Council currently has \$15,000 remaining for this financial year.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The mural has the potential to increase economic development within Violet Town and the surrounding region as has been the case in other towns, becoming the gateway of the North-East Arts trail. It will become the third tier necessary for a brown tourist information sign to be positioned on the freeway showcasing Violet Town and bring in much needed tourist revenue to the shops. Already, many visitors are stopping at the gardens as they are within easy access to the freeway and a striking, dramatic mural will enhance the experience. Visitors are the lifeblood of Violet Town's economic prosperity and by developing a wall art reputation, both businesses and the community will benefit.

Social

The mural will promote community engagement as the artist is local and has drawn ideas from local contributions. It will reflect the central role railways and trains like the Southern Aurora played in the development of the Violet Town community and in reducing the impact of distance. The mural will be a compliment to the gardens and will demonstrate what can be done by engaging the whole community. It will enhance the pride that the community have in the Memorial Gardens and will showcase the volunteerism that Violet Town is known for and the committee believe that the mural will help relieve the trauma of the tragedy and offer some closure to its victims.

COLLABORATION

The Southern Aurora Memorial Committee have collaborated with both the local community and external stakeholders in the development of a mural wall for the Memorial Gardens with a view to assisting with both the economic and social development of Violet Town and the Strathbogie Shire as a whole.

9.14 Southern Aurora Memorial Mural – Application for Sponsorship (cont.)

HUMAN RIGHTS CONSIDERATIONS

The author of this report considers that the recommendation does not limit any human rights under the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

CONCLUSION

This project has the opportunity to form part of a larger tourism trail, and as such should be both encouraged and supported. It is being organised by a passionate, multiskilled group of locals, and is suggested that it will positively impact on the local economy and bring first time visitation to Strathbogie Shire enabling the opportunity to increase both awareness in our region and further tourism visitation into the future.

ATTACHMENTS

Attachment 1: Proposed Mural Location Site

Attachment 2: Example of proposed mural structure

ATTACHMENT 1:



ATTACHMENT 2:



9.15 Reduction in Load Limit for Kirwans Bridge

Author: Manager Asset Planning

Responsible Director: Director Community & Planning

EXECUTIVE SUMMARY

In 2020 Council undertook a detailed inspection and assessment of the load carrying capacity of Kirwans Bridge crossing the Goulburn River. The structure was found to be in poor condition and there are several outstanding maintenance items that require rectification.

The bridge currently has a 6-tonne load limit as well as a 20 km/h speed limit and the load limit analysis has indicated that the bridge is not capable of supporting typical Country Fire Fighting (CFA) type fire fighting vehicles.

Given the deteriorating condition of the bridge, it is proposed that a 3-tonne load limit be imposed and that the existing 20 km/h speed limit be continued to maintain the integrity of the structure.

To support the implementation of the reduced tonne limit a staged communications approach will be enacted. The first stage of this plan is broad communications. It is informing the CFA, the community, the public and stakeholders that the bridge's load limit is being reduced and why. This will require open, honest and clear communications so the community understands the decision to reduce the load limit is not one that has been taken lightly, but is essential.

The next stage of this plan will be the engagement phase. In this stage we will seek community and stakeholders views on the future of the bridge to ensure Council understands this important feedback. Please note: a communications plan has been developed for stage one, with stage two in progress.

A 3-tonne limit will restrict the ability of numerous vehicle types and combinations from utilising Kirwans Bridge, many vehicles would be required to travel around western side of Lake Nagambie utilising Kettles Road (sealed), Reedy Lake Road (gravel for 0.23km) Weir Road (gravel for 2.47km), Nagambie/Rushworth Road (sealed) and Vickers Road (sealed) to reach the township of Nagambie. To support the increase in traffic volume from approximately 100 vehicles per day to over 500 vehicle per day, it is also proposed that Council seal the gravel pavements along this route once funding has become secured.

The ability for ambulances (under flashing lights) to traverse Kirwans Bridge shall remain.

9.15 Reduction in Load Limit for Kirwans Bridge (cont.)

RECOMMENDATION

That Council:

- 1. Impose a 3-tonne gross load limit for Kirwans Bridge and continue the existing 20 km/h speed limit, under section 132(2)(j) of the Road Management Act 2004.***
- 2. Write to the CFA to formally advise of the change to the gross load limit.***
- 3. Seal Weir Road between Nagambie/Rushworth Road and Hudson Road, continuing along Reedy Lake Road to Kettels Road, subject to securing Government funding.***

PURPOSE AND BACKGROUND

Opened in 1890, Kirwans Bridge is historically, scientifically, socially and aesthetically significant at the State level. Kirwans Bridge has a uniquely angled and exceptionally long timber deck with occasional passing bays. It is, with the Barwon Heads Bridge, equally the longest timber road bridge in Victoria, and retains its original 48 spans measuring 5 metres, with its original 7 main river channel spans of 10 metres, giving a deck length of approximately 308 metres.

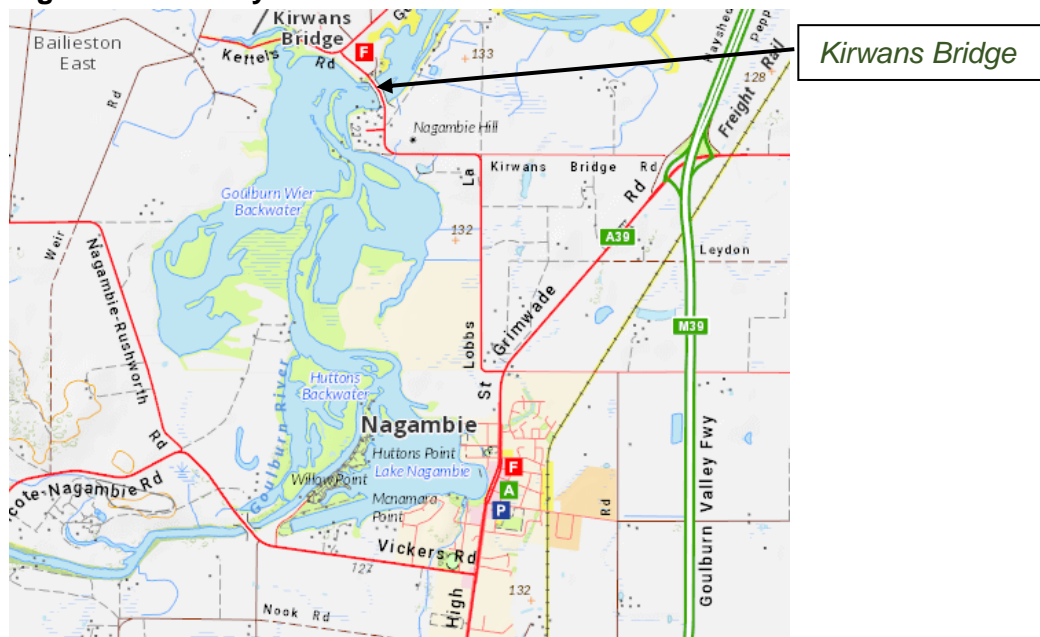
The original superstructure was timber and used a strutted corbel style of construction. This was removed in 1955 and steel RSJ's with long decking, similar to VicRoads standard 'light traffic bridge' design was installed. The bridge was reduced from two lanes to one lane, although some overtaking bays have been retained. It is not clear what the design vehicle load was in 1955, however, it will be less than a 10-tonne or-15 tonne truck typical of other timber bridges.

The bridge currently has a 6-tonne load limit as well as a 20 km/h speed limit. The approach roads are two lanes and there is a horizontal curve located at the approach abutment. This structure is unique in that it has a horizontal curve approximately halfway along its length. The bridge has been recently subject to significant refurbishment of the substructure. These repairs included concrete collars, banding and installation of jackets with a cementitious mortar infill. A large number of the jackets have failed which require rectification.

The load limit analysis indicates that the bridge is not competent supporting typical CFA firefighting type vehicles without significant upgrades. This is unsurprising as the crossbeams and long decking are constructed of smaller elements than the ones used for the 10-tonne and 15-tonne timber bridges. The long decking and crossbeams will need to be replaced with larger sizes as well as additional bracing installed to the girders in order to increase the load carrying capacity to support a typical CFA truck.

9.15 Reduction in Load Limit for Kirwans Bridge (cont.)

Figure 1 – Locality Plan



ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations.

It is proposed that a 3-tonne load limit be imposed to continue to maintain the integrity of the structure.

The principal purpose of bridges managed by Council is to carry vehicular traffic. Permissible masses and volumes of vehicles, particularly heavy vehicles, are continuing to increase and are generally well in excess of those envisaged at the time of design and construction of the bridges. In the latter part of the 20th century, vehicle loadings increased at a rate of approximately 10% per decade. The new Austroads traffic loading standard provides for further substantial increases in design vehicle loadings. Council is thus faced with a continuing challenge of managing bridges to perform their primary role while conserving their heritage value.

9.15 Reduction in Load Limit for Kirwans Bridge (cont.)

Recent traffic counts on Kirwans Bridge (19 January – 11 February 2021) have highlighted the following average two-way traffic volume is 532 vehicles per day (vpd) – [max 689vpd; min 424vpd].

Time	Vehicles per day (vpd)
Average Daily traffic volume	532vpd
Average Weekday traffic volume	512vpd
Average Weekend traffic volume	587vpd
Weekday AM peak hourly traffic volume	49vph
Weekday PM peak hourly traffic volume	56vph
Weekend AM peak hourly traffic volume	70vph
Weekend PM peak hourly traffic volume	69vph

Speed Details:

- Maximum - 73.7 km/h
- Minimum - 10.0 km/h
- Mean - 24.5 km/h
- 85% Speed - 31.05 km/h
- 95% Speed - 36.81 km/h
 - 25.5% of vehicles travelled between 10 to 20 km/h
 - 56.4% of vehicles travelled between 20 to 30 km/h
 - 15.6% of vehicles travelled between 30 to 40 km/h
 - 2.5% of vehicles travelled greater than 40 km/h
 - 0.8% of the vehicle class were Bicycles or Motorcycles
 - 89% of the vehicle class were sedans, wagons, 4WDs, utility's or light vans
 - 2.6% of the vehicle class were vehicles towing a trailer, caravan, boat, etc
 - 7.2% of the vehicle class were two axle trucks or buses
 - The remaining 0.4% consisted of three to four axle trucks and three to four axle articulated vehicles or rigid vehicles and trailers.

Options for reducing risks posed by Kirwans Bridge, include the following:

- imposition of a speed restriction
- imposition of vehicle gross weight and/or axle weight restrictions
- limiting the number of heavy vehicles permitted on the bridge at the same time
- closing the bridge to heavy vehicles and rerouting these around a bypass.

9.15 Reduction in Load Limit for Kirwans Bridge (cont.)

Introducing a proposed 3 tonne limit whilst maintaining the current 20 km/h speed limit, will ensure that the structural integrity of the bridge is maintained. To support the rerouting of heavier vehicles around western side of Lake Nagambie, it is also proposed that Council seal the gravel pavements along this route (Reedy Lake Road - gravel for 0.23km) and Weir Road - gravel for 2.47km), once Government funding has become secured.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Consultation

To support the implementation of the reduced tonne limit a staged communications approach will be enacted. The first stage of this plan is broad communications. It is informing the community, the public and stakeholders that the bridge's load limit is being reduced and why. This will require open, honest and clear communications so the community understands the decision to reduce the load limit is not one that has been taken lightly, but is essential.

The next stage of this plan will be the engagement phase. In this stage we will seek community and stakeholders views on the future of the bridge to ensure Council understands this important feedback. Please note: a communications plan has been developed for stage one, with stage two in progress.

The CFA have been notified that CFA vehicles must not use the bridge under any circumstances. There is a very high risk of failure where the vehicle and the occupants may end up in the lake.

Community Implications

By reducing the tonne limit any vehicles over 5-tonne (traveling from Kirwans Bridge) would be required to travel around western side of Lake Nagambie utilising Kettles Road (sealed), Weir Road (gravel for 2.7km), Nagambie/Rushworth Road (sealed) and Vickers Road (sealed) to reach the township of Nagambie.

This alternative route adds approximately 5.7km to the travel into the centre of Nagambie.

Risk Management

The analysis of a fully laden CFA truck indicates that the long decking and crossbeams are severely overstressed and are at risk of failure should this continue. Many of the crossbeams are in a severely deteriorated state.

9.15 Reduction in Load Limit for Kirwans Bridge (cont.)

POLICY CONSIDERATIONS

Council Plans and Policies

- Council Plan: -
 - Goal 3 - To provide quality infrastructure;
 - Key Strategy – Provide best practice management of all assets including roads, bridges and facilities;
 - Approach – Target major capital works projects to seek government funding to reduce Council's costs.
- Asset Management Policy
 - Asset renewal – is the upgrading or replacement of an existing Asset, or a component, that restores the service capability of the Asset to its original functional condition and performance.
- Asset Management Strategy
 - Ensure the Shires infrastructure enhances efficiency for people and freight movement, service delivery and community amenities.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

Council has a number of powers in relation to local roads. These are described in Schedule 10 of the Local Government Act 1989, the Road Management Act 2004 and the Planning and Environment Act 1987.

These include powers to: -

- discontinue roads
- deviate roads
- alter road levels or widths
- rename roads
- erect road signs
- require people to number their premises.

Council also has a number of powers in regard to traffic under Schedule 11 of the Local Government Act. These include powers to restrict the use of roads in some circumstances, as well as some powers to determine speed limits.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

9.15 Reduction in Load Limit for Kirwans Bridge (cont.)

Decisions made by Council will be: -

- undertaken in accordance with the Act and the Governance Rules;
- conducted in an open and transparent forum with information available via Council reports,

Council meetings will be open to the community or can be viewed on the livestream (and available as a recording) unless closed for reasons permitted by s.66(2) of the Act.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured. Any options regarding any further future works will be considered as per annual budgeting processes.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The imposing of a 3 tonne limit to the Kirwans Bridge will still allow for vehicles under this threshold to continue to utilise the bridge safely.

Social

Kirwans Bridge has always provided and still does provide a highly valued amenity to those who live to the west of the Goulburn River but depend on Nagambie for basic services. So significant was this social role in the mid 1950's, that a threat to the bridge's continuing future led to a municipal secession movement that enlarged the Shire of Goulburn at the expense of Kirwans' original builders, the Shire of Waranga. The current narrowed timber deck with passing bays, supported by rolled steel joists placed over the ancient piers, remains a memorial to that municipal protest.

The author of this report has considered the following social implications of the proposal:

- (a) sense of community – stakeholder participation, cultural heritage and social cohesion;
- (b) community services – the maintaining of accessibility to services by preventing infrastructure failure; and
- (c) transport – ensuring safety for travellers and maintaining transportation needs of all people.

Environmental

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

9.15 Reduction in Load Limit for Kirwans Bridge (cont.)

Climate change

By reducing the gross tonne limit, this will require vehicles over 3-tonne to seek an alternative route.

HUMAN RIGHTS CONSIDERATIONS

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

CONCLUSION

Based on the findings of the load carrying capacity of Kirwans Bridge, there is a need to reduce the current 6-tonne load limit to 3-tonnes and maintain the 20 km/h speed limit to continue to preserve the integrity of the bridge.

9.16 Road Exchange – Un-named Road Reserve (Gilgai Farm)

Author: Manager Asset Planning

Responsible Director: Director Community & Planning

EXECUTIVE SUMMARY

Council approval is sought to commence proceedings to deviate a road for a road reserve adjacent to the un-named road within 4316 Heathcote-Nagambie Road, Gilgai Farm (the Property) for Lots 3 and 8 on Title Plan TP 009233Q, as shown on Attachment 1.

A road exchange will then be undertaken for private property in the western part of Lot 8 - TP 009233Q un-named road, as shown on Attachment 2.

In exchange for the western part of Lot 8 - TP 009233Q as shown on Attachment 2, to realign the unused road reserve with the physical track, the eastern part of the Property adjacent to Lot 3 - TP 009233Q, as shown on Attachment 1, will revert to private property for the construction of staff accommodation. The un-named road (Road) traverses through the Property. The Road is used by Department of Environment, Land, Water and Planning (DELWP), Goulburn Murray Water (GM-W) and is open to members of the public to access the Goulburn River.

The new *Local Government Act 2020* is being introduced gradually over four tranches. At the time of writing this report, the provisions of the *Local Government Act 1989* remain in place in relation to council powers over roads. Further, the requirements for the proposal to be advertised to the public for a period of 28 days and allow written submissions to be lodged under section 223 of the Act still remain in place.

RECOMMENDATION

That Council:

- 1. Determines under the powers of section 206 and clause (2) Schedule 10 of the Local Government Act 1989 that the road reserve to Lot 3 - TP 009233Q is not required for public access or any future public use.***
- 2. Resolve to advertise its intention to deviate part of the road reserve adjacent to Lot 3 - TP 009233Q in the eastern section of the private property, pursuant to Section 206 of the Local Government Act 1989.***
- 3. Authorise Council officers to place a public notice of the proposed road deviation and the road exchange in local newspapers and to obtain the consent of the Minister for Energy, Environment and Climate Change administering the Land Act 1958 via the Department of Environment, Land, Water and Planning in accordance with sections 206, 207a and section 223(a) of the Local Government Act 1989;***

9.16 Road Exchange – Un-named Road Reserve (Gilgai Farm) (cont.)

RECOMMENDATION (cont.)

- 4. Appoints a Committee comprising the whole of Council with a quorum of five Councillors, to hear and consider any written public submission received in relation to the proposed road exchange in accordance with section 223(b) of the Local Government Act 1989.**
- 5. Nominates 6th April at 1:00pm as the date and time for the Committee to consider any written, or hear any verbal submissions in support of written submissions, in accordance with section 223(b) of the Local Government Act 1989.**
- 6. Proceeds to publish a notice in the Government Gazette and all relevant documentation surrounding the exchange to be lodged with the Registrar of Title if no submissions are received on the proposed road exchange.**
- 7. Be provided with a report outlining a recommendation from the Committee hearing for presentation at the next available Council meeting for its consideration, should any submissions be received regarding the proposed road exchange in accordance with section 223© of the Local Government Act 1989.**
- 8. Following the advertising period, if no public submissions are received, authorise officers to undertake the exchange of road reserve adjacent to Lot 3 - TP 009233Q for part of Lot 8 on TP 009233Q with the owner of 4316 Heathcote-Nagambie Road, with all costs to be borne by the owner.**

PURPOSE

The purpose of this report is to seek authorisation from Council to commence proceedings for a road deviation for road reserve adjacent to Lot 3 - TP 009233Q in the eastern part of the Property.

Following the road deviation, an area of road reserve being 5,215m² adjacent to Lot 3 - TP 009233Q within the eastern part of the private property (identified by cross hatching on Attachment 2) will be exchanged for an area of 6,357m² in the western section of the property following the existing physical track. The part of the property in the western exchanged is part of Lot 8 - TP 009233Q (identified by shaded area on Attachment 2) which traverses through the property. This part of the Road is used by DELWP, GM-W and is open to members of the public to access the Goulburn River.

ISSUES, OPTIONS AND DISCUSSION

A Council may deviate a road through private land, Crown land or land held by licensees under the *Land Act 1958* (whether or not the land is subject to any rights of way).

9.16 Road Exchange – Un-named Road Reserve (Gilgai Farm) (cont.)

This un-named road reserve commences in the northwest of the Property at the Heathcote/Nagambie Road and traverses southeast through the Property for approximately 510m before diverting further south for an additional 270m to the Goulburn River. This section of un-named road is not on Council's road register, nor is it maintained by Council.

All of the property is within the Farming Zone and is partly affected by the Flood Overlay. The Property (Gilgai Horse Farm) currently includes a dwelling, caretaker house, stable complex, gardens, gravel tracks and extensive horse paddock fencing. Parts of the Property comprises of undulating land, gains access from Heathcote/Nagambie Road and is readily accessible to the Goulburn River.

The subject land is part of an agricultural precinct that is identified as being a mix of traditional grazing and equine land uses. The land is considered to be suited to agriculture and in this case an equine breeding farm.

In January of this year, the owner of the Property applied to Council for a planning permit to construct two staff accommodation buildings within Lot 3, where the owner also identified that part of the works are within the road reserve.

The owner of the Property has requested the Council undertake a road exchange process to exchange the Road Reserve area adjacent to Lot 3 - TP 009233Q proposed for the staff accommodation buildings in the eastern part of the Property (hashed on Attachment 2) with part of Lot 8 - TP 009233Q in the western section of the Property (outlined yellow on Attachment 2) that is used by members of the public to access the Goulburn River. On advice from the owner, the areas proposed to be exchanged result in an increase in road reserve area of 1,142m², from 5,215m² to 6,357m². By undertaking this road exchange the owner will be able to construct the two staff accommodation buildings, which will enable the onsite housing for the large number of overseas employees that work during the foaling and spring racing seasons. Currently the owner books out the Nagambie Motel for the staff during these periods.

The proposed area of road reserve adjacent to Lot 3 - TP 009233Q, refer Attachment 2, is required to construct the accommodation buildings and is required to be deviated as a road before the exchange can take place.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Members of the public will be entitled to make a submission in response to the public notice and hearing process conducted. People may also request an opportunity to make a verbal presentation to the committee appointed by Council to consider public submissions. This committee in turn reports the outcomes of the submissions and makes recommendations to Council.

9.16 Road Exchange – Un-named Road Reserve (Gilgai Farm) (cont.)

There will be no negative identifiable community impact as this section of road reserve is not being used by the public and is not required to be used by the public as a public highway.

There have been discussions with, and assistance provided by, DELWP in determining that Crown Land (road) is discontinued under the Clause 2 process of the *Local Government Act 1989*.

POLICY CONSIDERATIONS

Council Plans and Policies

- Council Plan: -
 - Goal 3 - To provide quality infrastructure;
 - Key Strategy – Provide best practice management of all assets including roads, bridges and facilities.
 - Goal 4 – To support and drive economic development.
 - Key Strategy – Promote and support local business and produce.
- Asset Management Strategy
 - Ensure the Shires infrastructure enhances efficiency for people and freight movement, service delivery and community amenities.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The new *Local Government Act 2020* is being introduced gradually over four tranches. At the time of writing this report, the provisions of the *Local Government Act 1989* remain in place in relation to council powers over roads. Further, the requirements for public submissions to be lodged under section 223 of the Act still remain in place.

The following provisions of the *Local Government Act 1989* are relevant and at this stage, are continuing indefinitely:

- Section 206(1) (Power of Councils over Roads)
- Clause 2 (Power to deviate Roads) of Schedule 10 (Powers of Councils over Roads)
- Section 207A (Submissions under section 223)
- Section 223 (Right to make submissions)
- Section 207B (Certain land used, or to be used for Roads to vest in Council)
- Section 207D(1)(b) (Registration of titles of land affected by action concerning roads)
- Section 207E Alterations to titles if land exchanged)

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

9.16 Road Exchange – Un-named Road Reserve (Gilgai Farm) (cont.)

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

Decisions made by Council will be: -

- undertaken in accordance with the Act and the Governance Rules
- conducted in an open and transparent forum with information available via Council reports.

Council meetings will be open to the community or can be viewed on the livestream (and available as a recording) unless closed for reasons permitted by s.66(2) of the Act.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

There will be no financial cost to Council as the owner of the Property will incur all costs at his bequest.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The author of this report has considered the following economic implications of the development:

Local economy

- (a) Provide for local economic opportunities (including businesses; shared spaces etc.)
- (b) Offer good access to quality services and facilities

Social

The author of this report has considered the following social implications of the proposal:

- (d) sense of community – promoting social interaction;
- (e) community services – providing a range and quality of services for different groups, accessibility of services;
- (f) education and skills development – providing education options for the community;

Environmental

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community

9.16 Road Exchange – Un-named Road Reserve (Gilgai Farm) (cont.)

Climate change

The State Planning Policy Framework (SPPF) currently includes high level strategic objectives and statements which encourage strategies to respond to the impacts of climate change including:

- Siting and designing buildings to minimise the impact on the natural environment.
- Encouraging reduced energy and water consumption through environmentally sustainable subdivision and building design.

HUMAN RIGHTS CONSIDERATIONS

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

CONCLUSION

Conditional on the outcome of public consultation, Council has the power and complete discretion whether to deviate a road within its municipality. Council can declare a Government Road to be 'unused' in consultation with Department of Land Water Planning and Environment's (DELWP) and the responsibility transfers to DELWP.

Gazetting of a notice of discontinuance in the Victoria Government Gazette frees the land from all private and public rights and encumbrances save for certain rights and powers of public authorities.

The discontinuance of this un-named road is not viewed as a significant action for the reason that there is: -

- no loss of legal access to any party (emergency service providers and statutory service authorities), or the public
- have any effects on Council infrastructure and services, and
- have any effects on abutting properties and buildings and their owners and occupiers.

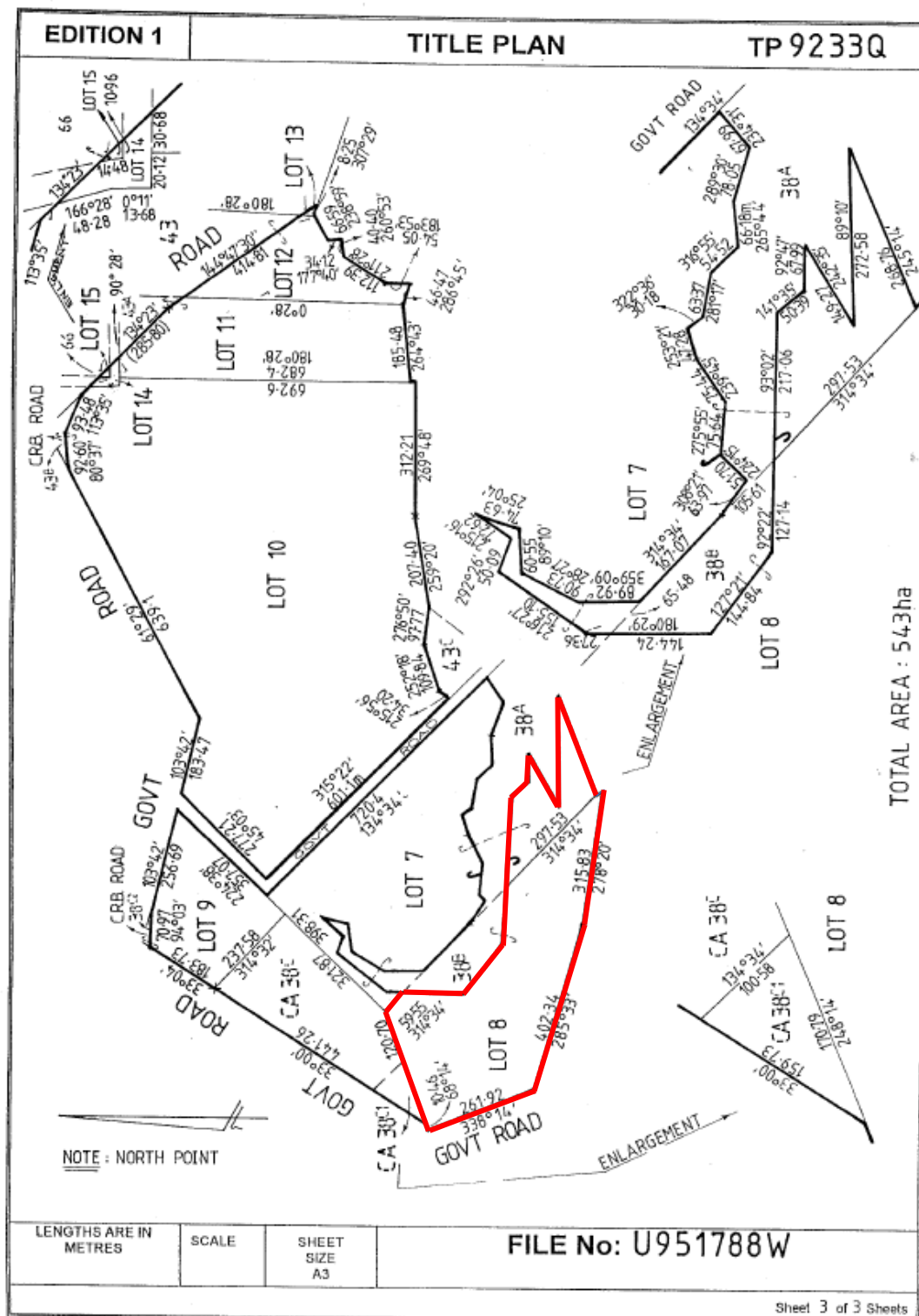
The road exchange will allow the newly created road reserve to following the existing physical track leading back to the Goulburn River.

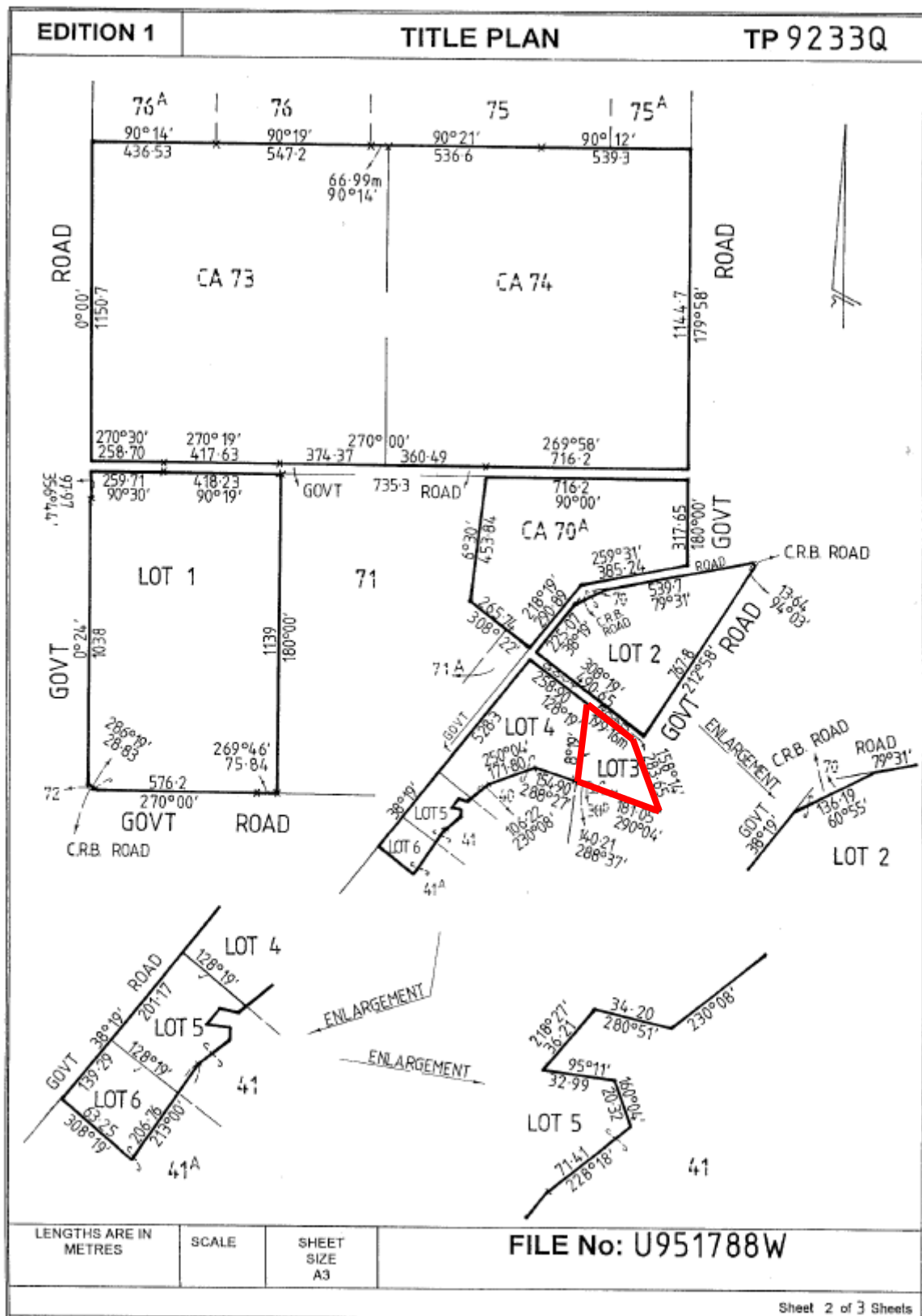
ATTACHMENTS

Attachment 1: Title Plan TP 009233Q

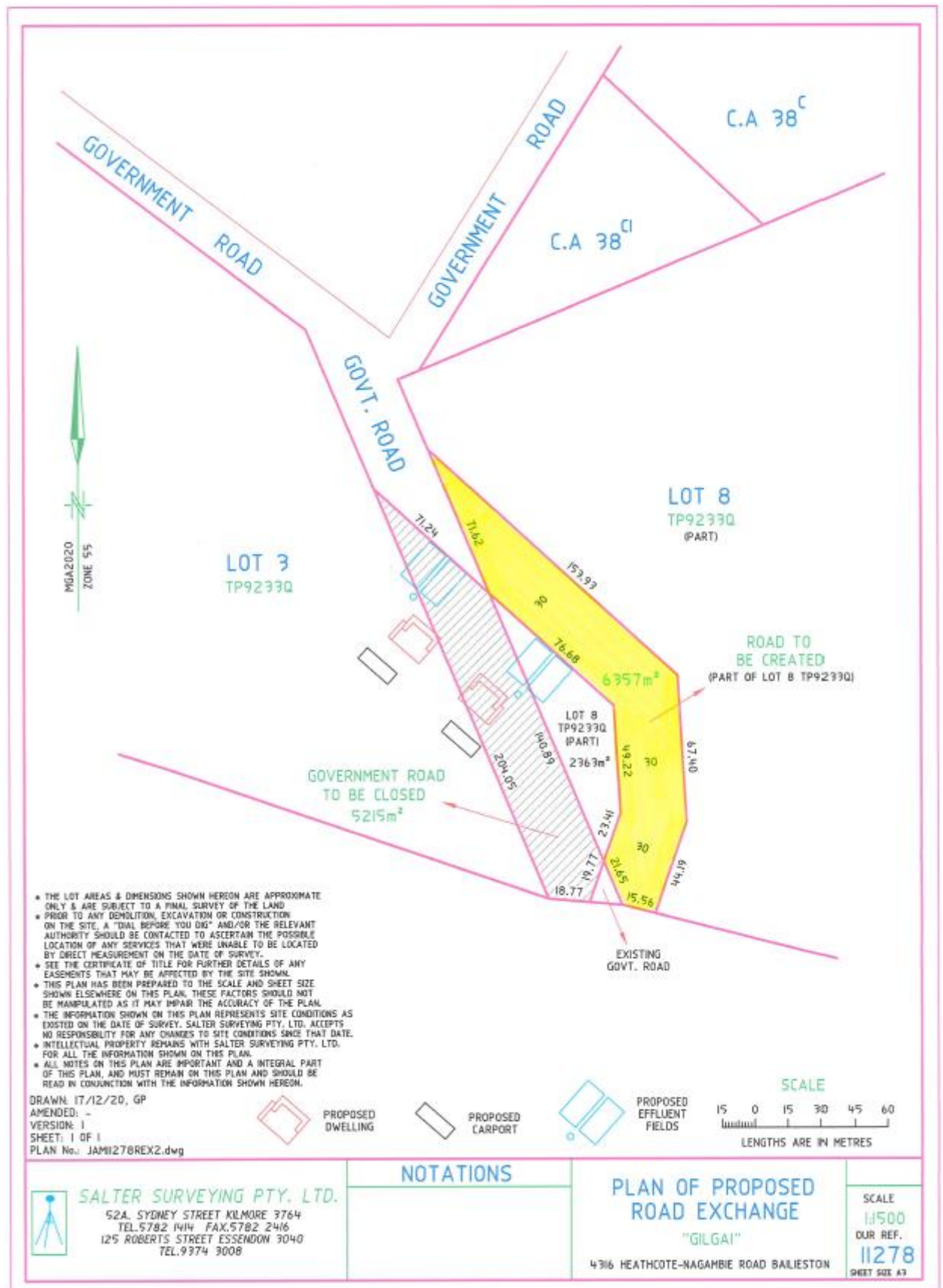
Attachment 2: Plan of Proposed Road Exchange

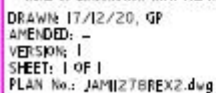
ATTACHMENT 1: Title Plan TP 009233Q





ATTACHMENT 2: Plan of Proposed Road Exchange





9.17 Australian Rail Track Corporation (ARTC) Advocacy Call for Genuine Community Engagement and Funding for the development of a Railway Precinct Concept Plan

Responsible Director: Director Community & Planning

EXECUTIVE SUMMARY

The Commonwealth Government's Inland Rail Project lead by the Australian Rail Track Corporation (ARTC) has a clear aim of getting more freight on rail. To support this vision, in Victoria as part of the Tottenham to Albury project, work will be undertaken along the existing rail corridor throughout North East Victoria.

More specifically in Euroa, there is not adequate clearance under the Anderson Street Bridge and new infrastructure will be required to safely allow for double-stacked carriage trains. This large investment also supports the opportunity to take a holistic view of the station precinct more broadly by developing a Railway Precinct Concept Design.

The development of a Euroa Railway Precinct Concept Design would conceptualise and itemise the potential redevelopment of the Euroa rail precinct to provide greater connectivity and accessibility, and a visionary approach to the area. To enable Council to undertake this important piece of work, external financial assistance is required. It is recommended that letters be sent to local State Government Members of Parliament requesting the provision of financial assistance to enable Council to develop a Euroa Rail Precinct Concept Design in partnership with the community that will better inform the ARTC design process.

Further, the ARTC is currently seeking feedback on the Urban Design Framework for the Euroa Station Precinct. The Urban Design Framework is a key strategic document that sets a long term integrated design vision to guide the future use and development of an area. Community sessions were undertaken on the 9th and 10th of March. There was minimal notice provided to the community and key stakeholders publicly advising of these sessions. This inadequate notice period raises considerable concern for Council and the community that the ARTC is not genuine in their community engagement approaches. In addition, we seek a commitment from the ARTC that they provide evidenced based options to enable the community to make informed decisions.

To enable a thorough engagement process by the ARTC, Council seeks an extension to the current community consultation period by offering additional sessions with reasonable notice.

9.17 Australian Rail Track Corporation (ARTC) Advocacy Call for Genuine Community Engagement and Funding for the development of a Railway Precinct Concept Plan (cont.)

RECOMMENDATION

That Council:

1. ***Write to the following State Government Members of Parliament requesting the provision of financial assistance to enable Council to develop a Euroa Railway Precinct Concept in partnership with the community:***
 - *Ms Steph Ryan Member for Euroa*
 - *Mr Mark Gepp Member for Northern Victoria*
 - *The Hon. Wendy Lovell Member for Northern Victoria*
 - *Ms Tania Maxwell Member for Northern Victoria*
 - *Mr Tim Quilty Member for Northern Victoria*
 - *The Hon. Jaclyn Symes Member for Northern Victoria.*
2. ***Note the letter written to the Australian Rail Track Corporation Ltd advocating for genuine engagement of the Urban Design Framework by extending the timelines for the community consultation and by offering additional sessions with reasonable notice.***
3. ***Note that the Australian Rail Track Corporation Ltd Urban Design Framework does not provide any further context or assurance to community.***
4. ***Continue to advocate for best practice engagement by taking a step back in the process and implementing a deliberative engagement process using evidence based design options that will allow the community to reach a group decision on the future design of the Euroa Railway Precinct.***

PURPOSE

The ARTC is continuing to undertake community consultation regarding delivering the Inland Rail Project on the North East line in Victoria. More specifically in Euroa, the future design of the Anderson St Bridge, the Euroa Railway Precinct and the movement of vehicles (rail and road) has a significant impact on our town's future. Our vision for Euroa is a united community. One that is not divided by a railway.

To support this vision it is recommended that a Euroa Railway Precinct Concept plan be developed. This piece of strategic work would conceptualise and itemise the potential redevelopment of the Euroa rail precinct to provide greater connectivity and accessibility and provide a visionary approach to the area. This is an exciting piece of work as good design creates inspired and connected communities.

9.17 Australian Rail Track Corporation (ARTC) Advocacy Call for Genuine Community Engagement and Funding for the development of a Railway Precinct Concept Plan (cont.)

To support this important piece of work, external financial assistance is required. It is proposed that Council advocate to local State Members for financial support to enable this strategic work to come to fruition.

In addition, the ARTC is currently seeking feedback on the Urban Design Framework for the Euroa Station Precinct. An Urban Design Framework is a reference document developed by involving stakeholders, such as the community and those with specialist skills, to consider all aspects of a location or place. Consideration of strategies, sustainability, synergy, responsiveness, specificity and quality in regard to the preparation of realistic design concepts should be considered, as highlighted with Urban Design Framework Planning Practice Note – 17, by the Department of Environment, Land, Water and Planning, (DELWP).

At a recent meeting with the ARTC, the ARTC committed to broad community engagement to inform the development of the Urban Design Framework for the precinct. Communications inviting community and stakeholders to information sessions on the 9th and 10th of March was circulated on the 4th March 2021. This does not provide the community with an adequate notice period and subsequently raises considerable concern for Council and the Community that the ARTC is not genuine in their community engagement approaches. To enable a thorough engagement process, an extension to the current community consultation period should be applied and by offering additional sessions with reasonable notice.

The recent resignation of five members of the Euroa Working Group means it is now even more important that the ARTC uses best practice engagement to involve the community in this important decision. Council continues to advocate for the ARTC to take a step back in the process. To implement a deliberative engagement process that will allow the community to reach a group decision on the future design on the Euroa Railway Precinct.

ISSUES, OPTIONS AND DISCUSSION

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that priority is to be given to achieving the best outcomes for the municipal community, including future generations. This is an important project for the Euroa community and is incumbent upon Council to continue to strongly advocate for our community to achieve the best outcomes for our community.

Subject to external funding being secured, Council would lead the development of the Euroa Railway Precinct Concept plan in partnership with the community. This plan would look at the broader station precinct area. Amongst other key elements, the development of the concept plan would require the engagement of our community and key stakeholders. Following the completion of the concept plan, it is anticipated that the ARTC would work within the parameters of the plan to fully inform the Euroa Station Precinct and future works to be undertaken to accommodate the deliverables of the Inland Rail Project.

9.17 Australian Rail Track Corporation (ARTC) Advocacy Call for Genuine Community Engagement and Funding for the development of a Railway Precinct Concept Plan (cont.)

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Despite attempts by the ARTC and continually advocacy from Council, the community does not feel it has been part of the decision-making process. The Euroa Community is very passionate and have a great sense of community ownership when it comes to the Euroa Railway Precinct. As such, the community must be actively and genuinely engaged in the design solution. The future design of the Anderson St Bridge, the Euroa Railway Precinct and the movement of vehicles (rail and road), pedestrians and cyclists has a significant impact on Euroa's future.

Furthermore, the ARTC has committed to broad community engagement to inform the development of the Urban Design Framework, however the limited notice period for the community and stakeholder engagement sessions raises considerable concern for Council and the Community that the ARTC is not genuine in their community engagement approaches. To enable a thorough engagement process, an extension to the current community consultation period should be applied.

Council firmly believes that best practice engagement that will put the community at the heart of the decision making process.

POLICY CONSIDERATIONS

Council Plans and Policies

- Council Plan: -
 - Goal 3 - To provide quality infrastructure;
 - Key Strategy – Provide best practice management of all assets including roads, bridges and facilities.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

9.17 Australian Rail Track Corporation (ARTC) Advocacy Call for Genuine Community Engagement and Funding for the development of a Railway Precinct Concept Plan (cont.)

This report continues to demonstrate that Council is being transparent in its position in relation to the Inland Rail Project and its advocacy role for the broader community in this project.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

It is imperative that Council continue to advocate for our community so that the best outcome is achieved. Consideration regarding design and delivery is fundamental to ensure there is no financial burden on Council to “make good” the rail precinct as a result of a project which is not driven by Council.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The Inland Rail Project with the re configuration of the Anderson Street overpass has the potential to create significant economic enhancements for Euroa if considered carefully. These works have potential to place the township of Euroa in a far greater position to capture people passing the town via road or train to stay or visit Euroa as a destination of choice by enhancing a railway precinct to bring greater community economic benefit.

Social

Council's decision to support ongoing advocacy is in the best interest of the community to achieve an acceptable outcome.

Environmental

The Inland Rail project (Anderson Street overpass) has an opportunity to clean up an unsightly piece of land i.e. VicTrack land with the old goods shed. The rail precinct could be created into an inviting green space as well as a space for a community hub, arts and cultural precinct and car parking as reflected in several strategic studies. Conversely, should the ARTC project be delivered poorly this would result in adverse amenity impacts.

Climate change

Council can advocate with the community that the impact of climate change are taken into consideration, in particular detailed design addressing Climate Change.

HUMAN RIGHTS CONSIDERATIONS

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

- 9.17 Australian Rail Track Corporation (ARTC) Advocacy Call for Genuine Community Engagement and Funding for the development of a Railway Precinct Concept Plan (cont.)

CONCLUSION

It is recommended that Council write to local State Government Members of Parliament requesting financial assistance to support the development of the Euroa Rail Precinct Concept and continue advocate for an extended and genuine consultation period for the Urban Design Framework.

ATTACHMENTS

Attachment 1: Letter to Mr Mark Campbell – Chief Executive Officer, Australian Rail Track Corporation

ATTACHMENT 1:



1800 065 993

109a Binney Street, Euroa VIC 3666
PO Box 177, Euroa VIC 3666
info@strathbogrie.vic.gov.au
www.strathbogrie.vic.gov.au

11 March 2021

Mark Campbell
Chief Executive Officer
Australian Rail Track Corporation
E: VHutchinson@artc.com.au

Dear Mr Campbell,

I am writing today for several reasons. Firstly, thank you for taking the time to meet with our Chief Executive Officer Julie Salomon and I on 24 February 2021.

We are always appreciative of the time the Australian Rail Track Corporation (ARTC) takes to inform us about your important project.

I know we spoke about our letter (dated 3 February 2021), but we continue to seek a formal response.

We believe the recent resignation of five members of the Euroa Working Group means it is now even more important that the ARTC uses best practice engagement to involve the community in this important decision.

Our community is concerned.

We are too.

The future of the Anderson St Overpass and the Euroa Railway Precinct will have a significant impact on our town's future.

We again urge you to take a step back in the process. To implement a deliberative engagement process that will allow our community to reach a group decision on the future design on the Euroa Railway Precinct.

We are seeking openness, honesty, and transparency.

On this, I would also like to raise Council's concerns about the Euroa Community Sessions held this week (March 9 and 10).

We are worried residents were not given enough notice to attend these important sessions.





1800 065 993

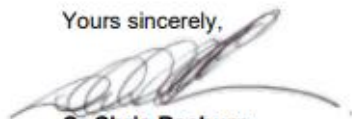
109a Binney Street, Euroa VIC 3666
PO Box 177, Euroa VIC 3666
info@strathbogrie.vic.gov.au
www.strathbogrie.vic.gov.au

Community input into the urban design framework is essential and we urge you to provide our community with further opportunities to have their say.

Our community is calling for ARTC to explore more design options.

We again urge you to listen.

Yours sincerely,



Cr Chris Raeburn
Mayor
Strathbogrie Shire Council



www.strathbogrie.vic.gov.au

9.18 Tender for Contract No. 20/21-14: for Provision of House Protection Levee

Author: Manager Asset Planning

Responsible Director: Community & Planning

EXECUTIVE SUMMARY

Council undertook a public tender process for Contract 20/21-14 – Provision of a House Protection Levee at 183 Euroa Main Road, Euroa commencing on 29 May 2020.

At tender closing 25 June 2020 two (2) tenders were received. The two tenders have been assessed, with one tender being deemed as non-conforming. A preferred tenderer was determined, however pricing was outside of original budget range, and instructions were sought from Council as to how to proceed.

A report titled Continuation of the Castle Creek Flood Mitigation Project was published in Council Meeting dated 15 December 2020. As a result of this report, Council resolved that -

1. *Agree that the House Protection Levee activity is to be completed under this grant funding,*
2. *Negotiate with the preferred tenderer to identify cost savings for this project in an effort to undertake the required work within the current budget allocation and in this financial year', and*
3. *If substantial savings cannot be achieved without undermining the intended outcomes, to allocate the required expenditure within the 2021/2022 Council Budget to complete the works.*

As a result of the Council resolutions, Council Officers were unable to negotiate a price reduction with the preferred tenderer. A financial budget review was conducted and additional budget has been identified from savings within the Major Culvert Renewal Program to support the House Protection Levee Project.

This report recommends that Council proceed with awarding Contract 20/21-14 – Provision of House Protection Levee Project to the preferred tenderer for a total amount of \$246,817 excluding GST.

RECOMMENDATION

That Council:

1. ***Awards the tender received from BroMCC Civil Pty Ltd of 13 Foy Street Euroa 3666 for Contract 20/21-14 – Provision of House Protection Levee Project for a total amount of \$246,817 excluding GST;***
2. ***Authorises the Chief Executive Officer to execute the Contract by signing and affixing with the Common Seal of Strathbogie Shire Council; and***
3. ***Authorise officers to advise the unsuccessful tenderers.***

9.18 Tender for Contract No. 20/21-14: for Provision of House Protection Levee (cont.)

PURPOSE

In February 2019, Council was successful in obtaining grant funding for the Castle Creek Flood Mitigation Project. One of the projects focused on the construction of additional spur levees to protect houses still exposed to flooding.

A report titled Continuation of the Castle Creek Flood Mitigation Project was published in Council Meeting dated 15 December 2020. As a result of this report, Council resolved that

1. Agree that the House Protection Levee activity is to be completed under this grant funding,
2. Negotiate with the preferred tenderer to identify cost savings for this project in an effort to undertake the required work within the current budget allocation and in this financial year', and
3. If substantial savings cannot be achieved without undermining the intended outcomes, to allocate the required expenditure within the 2021/2022 Council Budget to complete the works.

Tender Process

Tenders were invited from suitably qualified and experienced contractors to undertake Contract 20/21-14 for the House Protection Levee Project. By close of tenders at 4.00pm on 25 June 2020, two tenders had been received.

All tenders were accessed for their compliance including the contractual terms and conditions and the requirements of the response schedules. Only one tender submission was deemed conforming.

Table 1 below lists the tenders that were received at the close of the advertised tender period.

Table 1: Tender Submissions Received

Tender Submissions Received at the close of Tender Period (in Alphabetical Order)
BroMCC Civil Pty Ltd
FRF Civil Contractors Pty Ltd

Table 2 below lists the tender offer (excluding GST) at the close of the advertised tender period.

Table 2: Tender Offers Received (excl GST)

Tender Offers Received at Close of Tender Period (excl GST) in lowest to highest order
\$246,817.00
Non-conforming tender

ISSUES, OPTIONS AND DISCUSSION

The original design was for an earthen bank surrounding the house, but this type of design affected the functionality of the property due to the required width and was changed to a retaining wall utilising concrete blocks. It is through this change in the type of retaining wall required that increased the price for construction.

9.18 Tender for Contract No. 20/21-14: for Provision of House Protection Levee (cont.)

The preferred tenders' price is in the order of \$74,000 above the current remaining budget for the works. The additional budget will be utilised from savings identified within the Major Culvert Renewal Program to support the House Protection Levee Project.

COMMUNITY ENGAGEMENT

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Ongoing from the flood recovery meeting with residents, this project also includes community education and awareness of best practice for mitigation at a local level. This process will focus on the sharing of lessons learnt from previous events and an explanation of the infrastructure improvements and their benefits/outcomes anticipated once the floodplain management plan has been completed.

Additionally, the overall project will include increasing community knowledge, understanding and resilience. This will be delivered via a number of flood planning workshops, information sessions and training opportunities that will increase the community's capacity to deal with unexpected flooding.

POLICY CONSIDERATIONS

Council Plans and Policies

- Council Plan: -
 - Goal 3 - To provide quality infrastructure;
 - Key Strategy – Provide best practice management of all assets including roads, bridges and facilities;
 - Approach – Target major capital works projects to seek government funding to reduce Council's costs.
- Asset Management Policy
 - Asset renewal – is the upgrading or replacement of an existing Asset, or a component, that restores the service capability of the Asset to its original functional condition and performance.
- Asset Management Strategy
 - Ensure the Shires infrastructure enhances efficiency for people and freight movement, service delivery and community amenities.

Regional, State and National Plans and Policies

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

9.18 Tender for Contract No. 20/21-14: for Provision of House Protection Levee (cont.)

This project is part of the initiative under the *Natural Disaster Resilience Grants Scheme* with financial commitments by the Australian, State and Local Governments. This initiative is fundamentally about building flood resilient for those at-risk communities, and importantly to assist with future land-use and development assessment through incorporating flood zone and overlay controls with improved knowledge of flood behaviour (i.e. flood intelligence). Further, it may inform the future strategic land-use planning particularly in and around township areas throughout the study area.

The Goulburn Broken Regional Floodplain Management Strategy (2018-2028) seeks to improve flood resilience through the delivery and implementation of four programs, namely:

1. Flood Mitigation Infrastructure.
2. Total Flood Warning Systems.
3. Land-use Planning; and
4. Municipal Flood Emergency Plans.

LEGAL CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

There is no specific legislative power which applies to this matter, Council may rely on its general power under s.10 of the Act which provides that subject to any limitations or restrictions imposed by the Act or any other Act, Council has the power to do all things necessary or convenient to be done in connection with the performance of its role.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

Decisions made by Council will be: -

- undertaken in accordance with the Act and the Governance Rules;
- will be conducted in an open and transparent forum with information available via Council reports,

Council meetings will be open to the community or can be viewed on the livestream (and available as a recording) unless closed for reasons permitted by s.66(2) of the Act.

9.18 Tender for Contract No. 20/21-14: for Provision of House Protection Levee (cont.)

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

The preferred tenders' price is in the order of \$74,000 above the current remaining budget for the works. The additional budget will be utilised from savings within the Major Culvert Renewal Program to support the House Protection Levee Project.

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

The following economic implications of the proposal are to support the following considerations:

- (a) land – protection of resource used to produce goods and services;
- (b) labour – minimise the requirements from emergency services; and
- (c) capital – minimising the need to spend capital on flood repair works.

Social

The following social implications are supported and progressed by the proposal:

- (a) community services – the maintaining of accessibility to services by preventing infrastructure failure; and
- (b) community health and well-being – ensuring public safety by the minimising local flooding.

Environmental

The author of this report considers that the recommendation has no significant environmental or amenity implications for Council or the broader community.

Climate change

The effects of Climate Change, with regards to the level of service of the Castle Creek levee, is to be assessed within the new floodplain management plan.

HUMAN RIGHTS CONSIDERATIONS

The author of this report considers that the recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

CONCLUSION

Following the tender assessment process and subsequent unsuccessful negotiations with the preferred tenderer, Council proceed with awarding Contract 20/21-14 – Provision of House Protection Levee Project for a total amount of \$246,817 excluding GST.

9.19 Business Management System

The March 2021 Business Management System Report includes reports as follows:-

- Building Department – February 2021 Statistics
- Planning Department – Planning Application Approvals – Development Cost (Capital Improved Value) - February. 2021
- Customer Enquiry Analysis Report – Report for February 2021
- Waste Management Reporting ~ Year to Date – February 2021
- Actioning of Council Reports Resolutions – Council Meeting 16 February 2021
- Outstanding Actions of Council Resolutions to 28 February 2021
- Review of Council Policies and Adoption of new Policies – February 2021
- Records of Council Briefings / Meetings

By reporting on a monthly basis, Council can effectively manage any risks that may arise. The Business Management System will also incorporate Council's corporate goals and objectives.

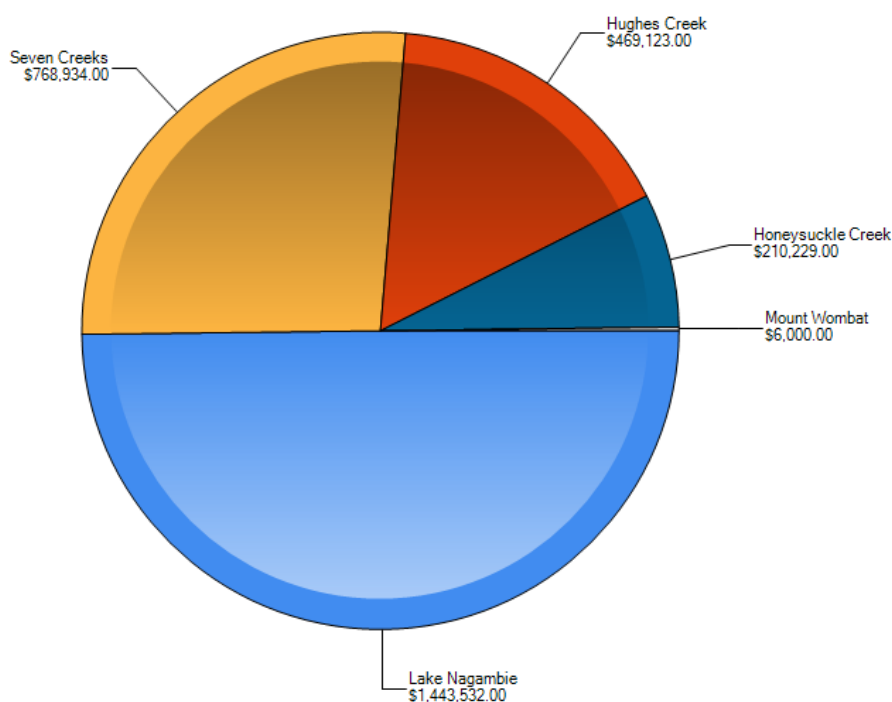
RECOMMENDATION

That the report be noted.

BUILDING ACTIVITY

FEBRUARY 2021

Council ward	Number of lodgements	Total works value
Honeysuckle Creek	5	\$210,229.00
Hughes Creek	1	\$469,123.00
Lake Nagambie	8	\$1,443,532.00
Mount Wombat	1	\$6,000.00
Seven Creeks	6	\$768,934.00
	21	\$2,897,818.00



Honeysuckle Creek

Permit Number	Permit Date	Works	Building Use	Town	Cost of Works
1806792215091	12/01/2021	Alteration to	Shed	Earlston	\$12,000.00
2796403374154	2/02/2021	Construction of	Carport, Spa safety barrier	Violet Town	\$14,800.00
2991534582929	9/02/2021	Construction of	Toilet Block	Violet Town	\$169,133.00
4601722319126	9/02/2021	Construction of	Shed	Violet Town	\$6,000.00
8071715797838	9/02/2021	Construction of	Garage	Violet Town	\$8,296.00

Hughes Creek

Permit Number	Permit Date	Works	Building Use	Town	Cost of Works
9657293676585/0	13/02/2021	Construction of	Dwelling	Avenel	\$469,123.00

Lake Nagambie

Permit Number	Permit Date	Works	Building Use	Town	Cost of Works
2232819815259	3/02/2021	Construction of	Swimming Pool, Swimming Pool Barrier	Nagambie	\$41,405.00
5032989324420	4/02/2021	Extension to	Factory	Nagambie	\$100,000.00
5552977178837	26/02/2021	Construction of	Garage	Goulburn Weir	\$32,368.00
5708799813090	20/02/2021	Construction of	Dwelling & Garage	Nagambie	\$312,427.00
6276902116295	1/02/2021	Construction of	Shed	Graytown	\$46,602.00
7783590579106	4/02/2021	Construction of	Dwelling & Garage	Nagambie	\$505,000.00
8541662267185	13/02/2021	Construction of	Dwelling & Garage	Nagambie	\$350,235.00
9284892393010	23/02/2021	Installation of	Swimming Pool, Swimming Pool Barrier	Nagambie	\$55,495.00

Mount Wombat

Permit Number	Permit Date	Works	Building Use	Town	Cost of Works
2185150163631	16/02/2021	Construction of	Swimming Pool, Swimming Pool Barrier	Creightons Creek	\$6,000.00

Seven Creeks

Permit Number	Permit Date	Works	Building Use	Town	Cost of Works
174169198568	5/02/2021	Demolition of	Dwelling	Euroa	\$9,700.00
2485619837234	5/02/2021	Construction of	Verandah	Euroa	\$9,350.00
3265605686492	29/01/2021	Construction of	Dwelling & Garage	Euroa	\$269,308.00
4311006553323	5/02/2021	Construction of	Shed	Euroa	\$15,800.00
8781180500598	12/02/2021	Construction of	Dwelling & Garage	Euroa	\$264,776.00
9538976010721	11/02/2021	Alterations & Additions to	Factory	Euroa	\$200,000.00

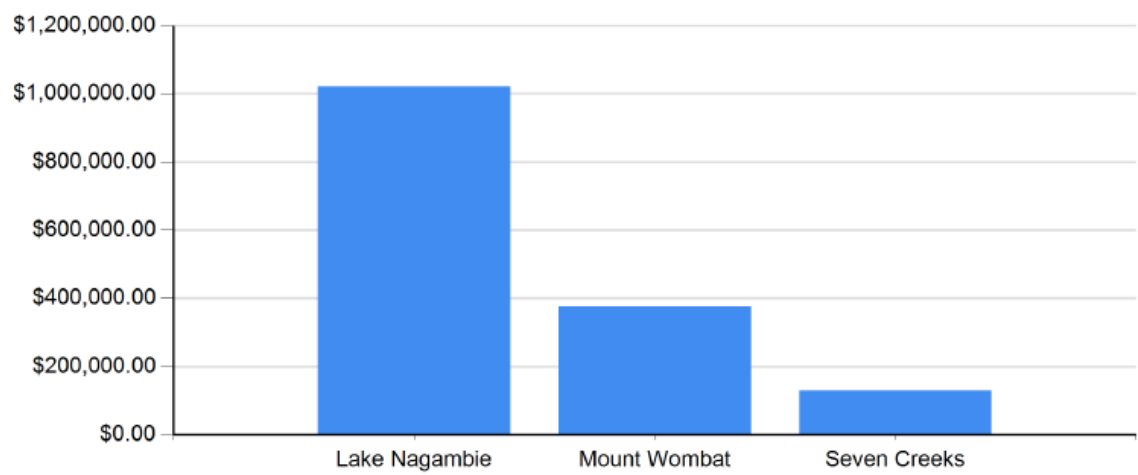
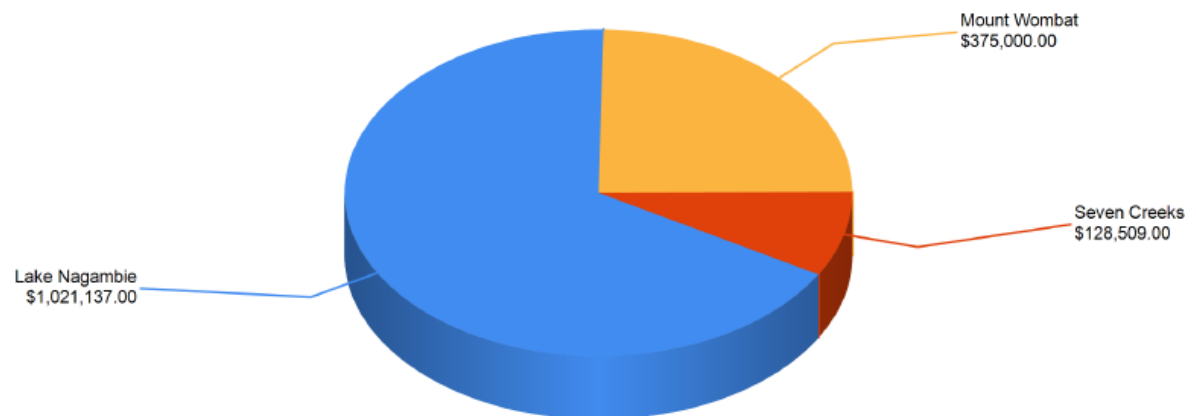
**PLANNING APPLICATION APPROVALS – DEVELOPMENT COST (CAPITAL
IMPROVED VALUE)
FEBRUARY 2021**



Planning Applications Determined

February 2021

Lake Nagambie	\$1,021,137.00
Goulburn Weir	\$32,368.00
Kirwans Bridge	\$480,000.00
Mangalore	\$395,000.00
Moormbool West	\$80,000.00
Moormbool West	\$31,769.00
Nagambie	\$2,000.00
Mount Wombat	\$375,000.00
Balmattum	\$375,000.00
Seven Creeks	\$128,509.00
Euroa	\$50,000.00
Euroa	\$8,509.00
Miepoll	\$70,000.00
Total Value	\$1,524,646.00



CUSTOMER ENQUIRY ANALYSIS REPORT - REPORT FOR FEBRUARY 2021



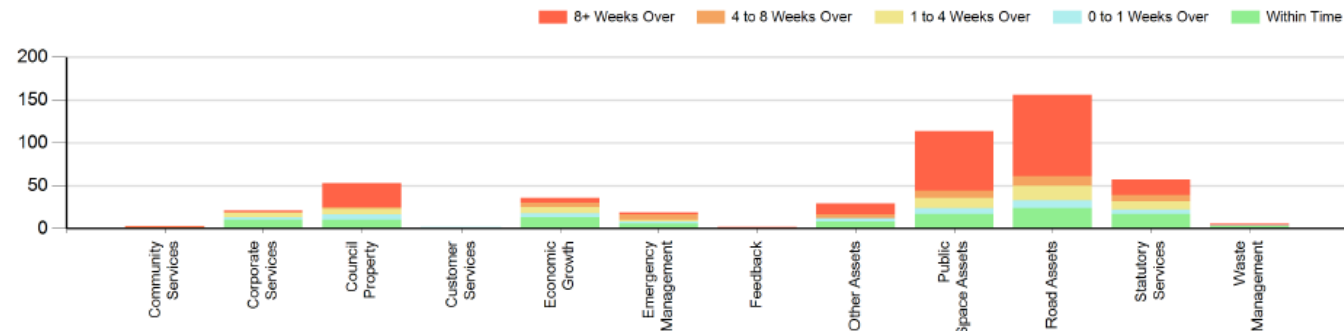
Request Throughput Analysis

01/02/2021 to 28/02/2021

C N	Complete / New	> 80%	50-80%	< 50%
	Overdue / Remaining	< 33%	34-70%	> 70%

Service Area	Existing Requests	New Requests	Completed Requests	Remaining Requests	C N	Within Time	Over Time	O R	Pending Resources	Service Area Usage
Community Services	12	26	35	3	✓	0	3	✗	0	
Corporate Services	28	115	122	21	✓	10	11	⚠	0	
Council Property	84	64	95	53	✓	10	43	✗	0	
Customer Services	1	10	9	2	✓	0	2	✗	0	
Economic Growth	41	282	287	36	✓	13	23	⚠	0	
Emergency Management	44	50	75	19	✓	6	13	⚠	0	
Feedback	4	3	5	2	✓	0	2	✗	0	
Other Assets	38	38	47	29	✓	8	21	✗	0	
Public Space Assets	122	63	51	114	✓	17	97	✗	20	
Road Assets	193	96	133	156	✓	24	132	✗	0	
Statutory Services	58	136	136	58	✓	17	40	⚠	0	
Waste Management	7	21	22	6	✓	3	3	⚠	0	
Total	632	904	1017	499		108	390		20	

Request Ageing



Service Usage



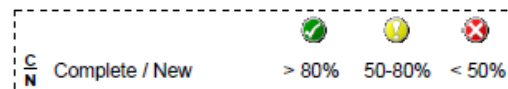


		Community Services	Corporate Services	Council Property	Customer Services	Economic Growth	Emergency Management	Feedback	Other Assets	Public Space Assets	Road Assets	Statutory Services	Waste Management
2020	June			2				1	1	4	5	1	
	July			3						5	8	1	
	August			2		2			1	5	4	4	1
	September			2			1		1	7	13	2	
	October		1	1		2			4	8	12	4	1
	November	1		11		1	1		1	11	10	3	
	December	1	1	4			4		4	16	18	2	
2021	January		4	5		8	3		2	12	20	13	1
	February	1	15	20	2	22	10	1	12	37	38	26	2
Total		3	21	53	2	36	19	2	28	134	154	58	6

Definitions

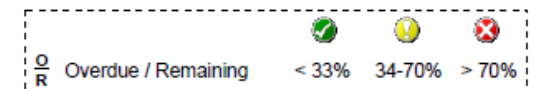
Service Area	Grouping of services by area of responsibility
Existing	Requests open prior to reporting period
New	Requests made during reporting period
Within Time	Remaining Requests where defined deadline is after reporting period
Pending Resources	Requests where additional resources are required to continue. This includes labour, materials, and financial resources.

Complete New An indicator showing the ratio of Completed requests and New requests. Designed to represent how well we are keeping up with the demand for a service.

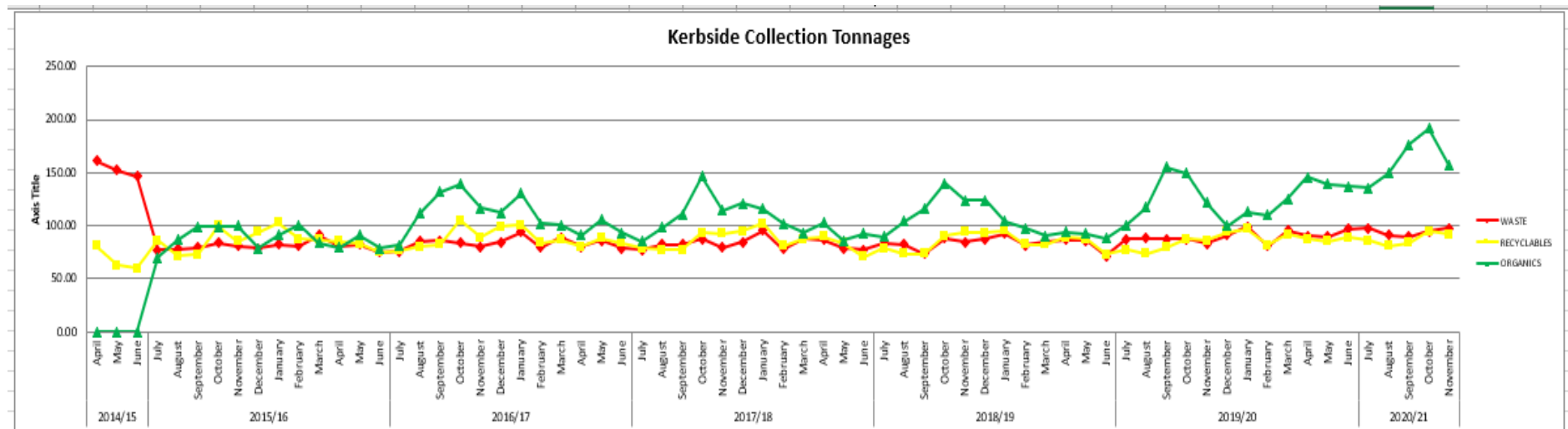


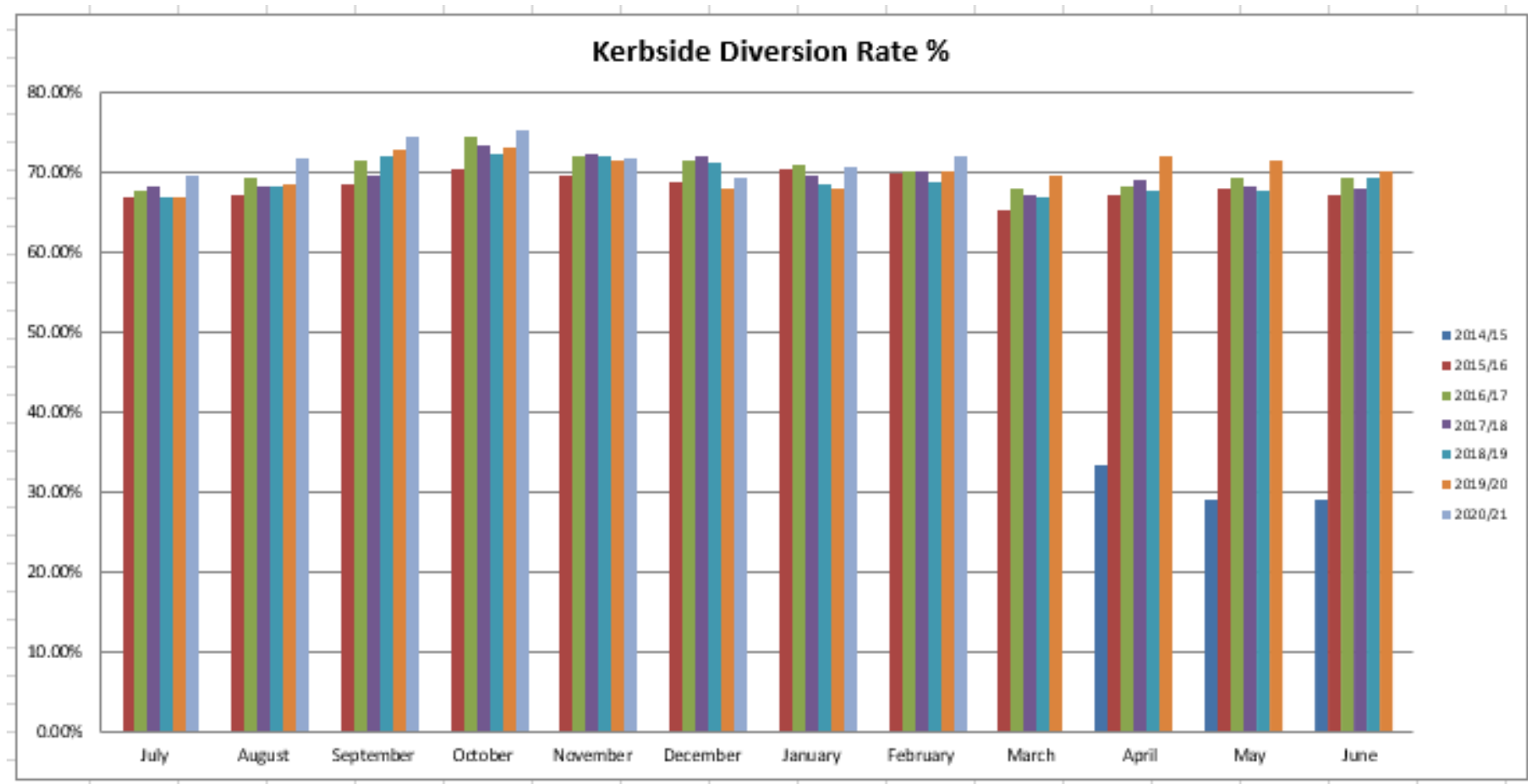
Service	Activities that provide value to the customer
Remaining	Requests incomplete at end of reporting period
Completed	Requests completed during reporting period
Over Time	Remaining Requests where defined deadline is before the end of the reporting period

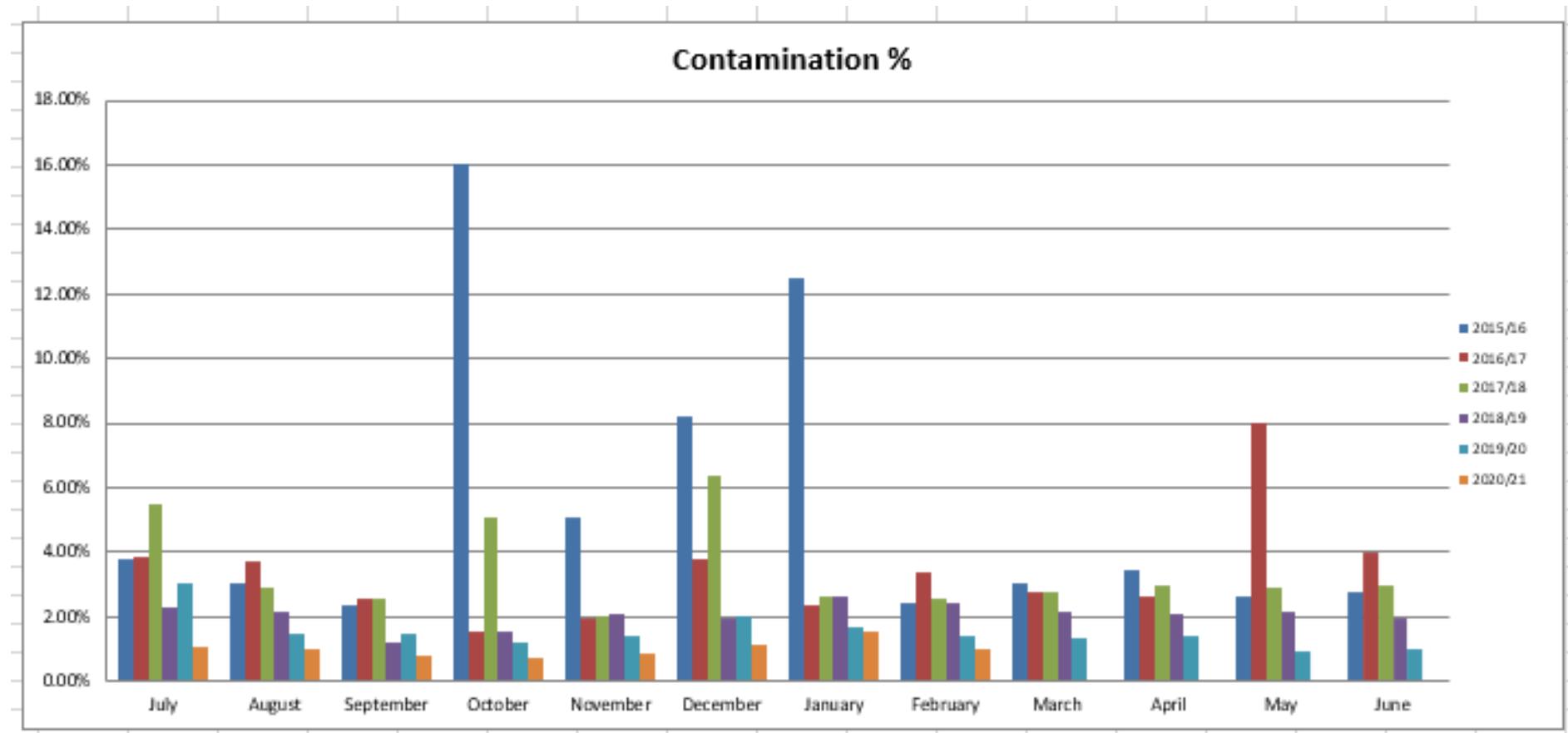
Overdue Remaining An indicator showing the ratio of Overdue requests and Remaining requests. Designed to represent how well we are keeping to the defined deadlines.



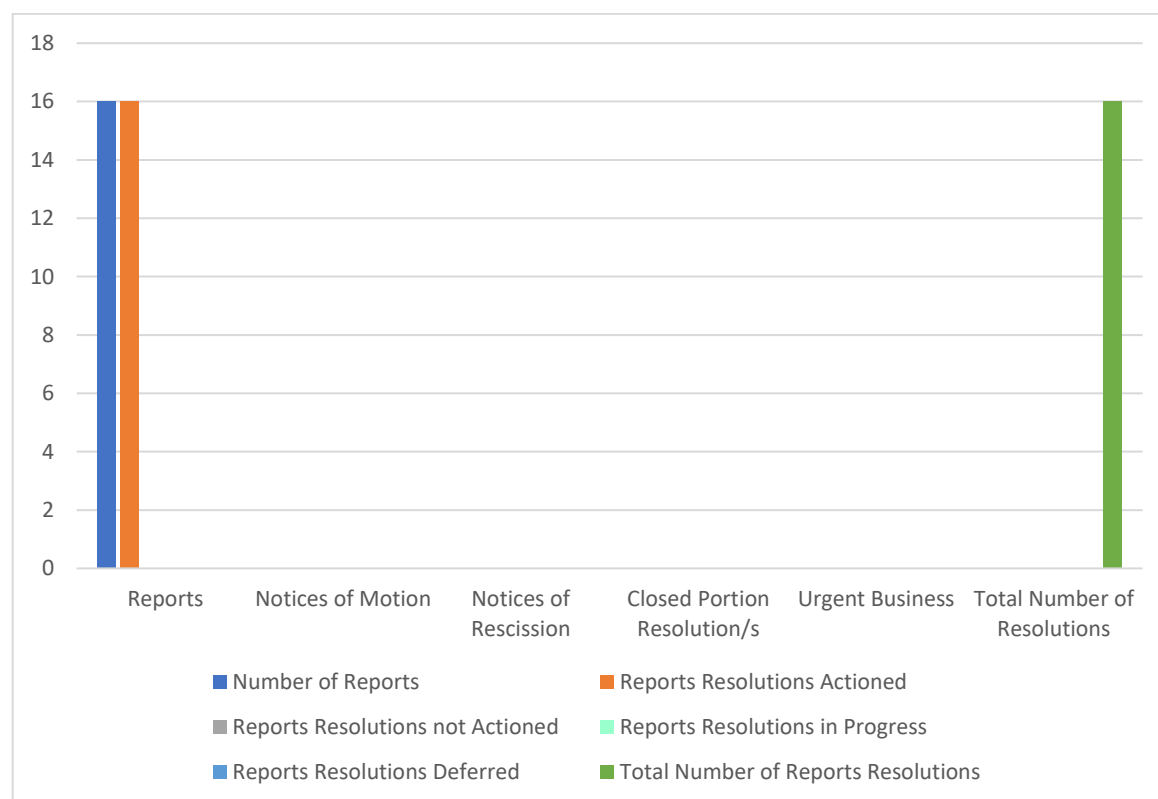
WASTE MANAGEMENT REPORTING **YEAR TO DATE - FEBRUARY 2021**







ACTIONING OF COUNCIL REPORTS RESOLUTIONS
COUNCIL MEETING – 16 FEBRUARY 2021



OUTSTANDING ACTIONS OF COUNCIL RESOLUTIONS TO
28 FEBRUARY 2021

This Report is to advise the Executive Management Team, Councillors and the community of the status of previous Council resolutions which are in progress but are yet to be finalised.

Council Meeting Date	Item No.	Description
<i>Nil</i>		

REVIEW OF EXISTING COUNCIL POLICIES
AND ADOPTION OF NEW POLICIES

Review of Policy / New Policy	Policy Name	Details
<i>Nil</i>		

RECORDS OF COUNCIL BRIEFINGS / MEETINGS

For period 3 February to 1 March 2021

Record in accordance with Council's Public Transparency Policy 2020

Note: Details of matters discussed at the meeting that have been designated confidential under Rule 103 of the Governance Rules and sections 3 and 125 of the LG Act 2020 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Councillor Induction and Briefing Session

Date of Meeting: Tuesday 9 February 2021

Time: 9.00 a.m. – 5.30 p.m.

Attendees:

Councillors

Chris Raeburn

Laura Binks

Reg Dickinson

Sally Hayes-Burke

Kristy Hourigan

Melanie Likos

Paul Murray

Officers

Julie Salomon (Chief Executive Officer)

David Roff (Director, Corporate Operations)

Amanda Tingay (Director, Community and Planning)

Dawn Bray (Executive Manager, Governance and Customer Service)

Kristin Favaloro (Executive Manager, Communications and Engagement)

Apologies

Nil

1. Kirwans Bridge Development Boundary Site Inspection
 2. Kirwans Bridge Development Water Perspective Tour
- Meetings held at Nagambie Lakes Regatta Centre*
3. Councillors / CEO Discussions
 4. Lake Nagambie Waterways Management and Projects Briefing
 5. Draft February Council Meeting Agenda Review
 6. Budget Preparation
 7. Community Engagement Policy

Councillor/s - Declaration of Interest/s / Direct or Indirect - NIL

Officer/s - Declaration of Interest/s / Direct or Indirect – NIL

Record of Council Briefings / Meetings

Record in accordance with Council's Public Transparency Policy 2020

Note: Details of matters discussed at the meeting that have been designated confidential under Rule 103 of the Governance Rules and sections 3 and 125 of the LG Act 2020 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Councillor Induction and Briefing Session

Date of Meeting: Tuesday 16 February 2021

Time: 1.30 p.m. – 7.57 p.m.

Attendees:

Councillors

Melanie Likos
Laura Binks
Reg Dickinson
Sally Hayes-Burke
Kristy Hourigan
Paul Murray

Officers

Julie Salomon (Chief Executive Officer)
David Roff (Director, Corporate Operations)
Amanda Tingay (Director, Community and Planning)
Dawn Bray (Executive Manager, Governance and Customer Service)
Kristin Favaloro (Executive Manager, Communications and Engagement)
Chris Dube (Executive Manager, People and Culture) (*Item 3*)

Apologies

Councillor Chris Raeburn (*joined Council meeting at 7.12 p.m.*)

1. Councillors Only Discussions
2. Councillors / CEO Discussions
3. Gender Equity, Diversity and Inclusiveness Briefing
4. February Council Agenda Review
5. February Council Meeting

Councillor/s - Declaration of Interest/s / Direct or Indirect - NIL

Officer/s - Declaration of Interest/s / Direct or Indirect – NIL

Record of Council Briefings / Meetings

Record in accordance with Council's Public Transparency Policy 2020

Note: Details of matters discussed at the meeting that have been designated confidential under Rule 103 of the Governance Rules and sections 3 and 125 of the LG Act 2020 are described in a separate "confidential addendum" that will be reported to the next closed Council meeting

Name of Meeting: Councillor Induction and Briefing Session

Date of Meeting: Tuesday 23 February 2021

Time: 10.00 a.m. – 3.00 p.m.

Attendees:

Councillors

Chris Raeburn
Laura Binks
Reg Dickinson
Sally Hayes-Burke
Kristy Hourigan
Melanie Likos
Paul Murray

Officers

Julie Salomon (Chief Executive Officer)
David Roff (Director, Corporate Operations)
Amanda Tingay (Director, Community and Planning)
Dawn Bray (Executive Manager, Governance and Customer Service)
Kristin Favaloro (Executive Manager, Communications and Engagement)
Emma Kubeil (Manager, Planning and Investment) *(Item 3)*
Melissa Crane (Principal Planner) *(Item 3)*
Claire Taylor (Manager, Tourism and Community) *(Item 4)*

Apologies

Nil

1. Councillors Only Discussions
2. Councillors / CEO Discussions
3. Community and Planning Department Briefings
4. Sport and Recreation Victoria Proposed Funding Projects
5. Presentation on proposal for Whitewater Rafting Course at Lake Nagambie by Paddle Victoria President

4.00 p.m. – 6.00 p.m.

6. Share Strathbogie Drop-In Session at Strathbogie Memorial Hall

Councillor/s - Declaration of Interest/s / Direct or Indirect - NIL

Officer/s - Declaration of Interest/s / Direct or Indirect – NIL

10. NOTICES OF MOTION

10.1 Notice of Motion ~ Council Meeting - 16 March 2021 Climate Emergency Declaration - Lodged by Councillors Sally Hayes-Burke and Reg Dickinson (Notice of Motion Ref. No: 01/2021)

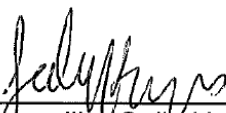
Significant climate change events such as the millennial and current drought, severe frosts, storms, extreme heat, and rainfall events directly impact our community, health and economy. Transformational change is needed across our society and economy to reduce our carbon emissions and resource adaptation to living in an unstable climate.

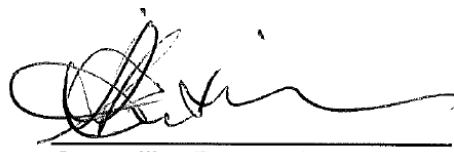
This Notice of Motion recommends the declaration of a Climate Emergency. By declaring a Climate Emergency, we are acknowledging the significant impact the climate will have on the livability and viability of our shire. We are also positioning ourselves to demonstrate strong leadership to our community and begin mitigating and adapting to the changing climate.

MOTION

That Council:

1. ***Declare a Climate Emergency; and***
2. ***Following community engagement, develop an Emissions Reduction Pledge under the Climate Change Act 2017 and in accordance with the Sustainable Strathbogrie 2030 Strategy and Action Plan.***


Councillor Sally Hayes-Burke


Councillor Reg Dickinson

Date : 9 / 2 / 2021

10.1 Notice of Motion ~ Council Meeting - 16 March 2021
Climate Emergency Declaration
- Lodged by Councillors Sally Hayes-Burke and Reg Dickinson
(Notice of Motion Ref. No: 01/2021) (cont.)

BACKGROUND

Climate is the average typical weather for a region over a period of thirty years or longer and climate changes refers to shifts in the long-term weather patterns of that region. Modelling has predicted that a hotter, drier global climate with increasing instability in weather patterns resulting in more extreme weather events. Most recent modelling has shown that these conditions have become reality at a faster rate than predicted with unexpected impacts.

In Australia and New Zealand over 100 local government areas have already declared a Climate Emergency. This shows that although climate change is a global issue it has impacts on our local communities.

With the development of the Sustainable Strathbogie 2030 Strategy Plan Council has already made progress in minimising our impacts on the changing climate. The declaration of a Climate Emergency confirms our position as a leader in our community in this space.

DISCUSSION

One of the Overarching governance principles in section 9 of the Local Government Act 2020 is that Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

The global mean surface temperature of the Earth increased by around 0.9°C from 1880 to 2012, and the observed warming in recent decades is consistent with the fundamental theories of the physics of the atmosphere and its behaviour. The rate of warming has been most rapid in the latter half of the 20th century. Since the 1980s every decade has been warmer than any other decade since 1850 and each successive decade has been warmer than the previous.

It is widely accepted that human activities have increased the concentration of greenhouse gases in the atmosphere and have contributed significantly to observed warming. This increase of greenhouse gases in the atmosphere can be directly linked to the burning of fossil fuels, broad scale deforestation and other human activities. There will be significant impacts on natural environment and residents of Strathbogie Shire from the changing climate.

Increasing occurrences of extreme weather events will impact agriculture and tourism in our shire. The natural environment will deteriorate with hotter and drier conditions which will increase the loss of habitat allowing pest plants and animals to out compete native species. This will subsequently lead to a decrease in the health of our catchment.

Increasing heat will impact our energy and infrastructure and increase air pollution and community health problems. It will also see our traditional agricultural methods such as livestock and soft fruit production deal with a range of stresses. Climate change was a major contributing factor to the Black Summer Bushfires 2019-2020 that devastated approximately 18.6 million hectares and it is predicted by CSIRO and other scientific organisations that bushfires are increasing country wide. Our rural shire is not exempt from this trend and many of our local areas are at direct risk

10.1 Notice of Motion ~ Council Meeting - 16 March 2021
Climate Emergency Declaration
- Lodged by Councillors Sally Hayes-Burke and Reg Dickinson
(Notice of Motion Ref. No: 01/2021) (cont.)

Vulnerable communities are at a greater risk of sickness and death due to an increasingly unsafe climate. Those with poor quality housing and limited access to cool spaces face severe heat stress throughout increasingly common heatwaves and extreme weather events and will bear the worst outcomes because of financial limitations to adapt.

Financial and legal requirements underpin Council's proactivity in both climate change mitigation (emissions reduction) and adaptation (impact risk management and strategy). Local governments are particularly exposed to litigation arising from the risks of climate change from such matters as development approvals and conditions that do not adequately have regard to current and future climate risks; failure to implement strategies for protection of properties and assets from the physical climate change risks and ensuring that climate change is accounted for and embedded in strategic documents and governance arrangements. Auditors have identified climate change as an inherent risk for Councils and it is anticipated that scrutiny in relation to risk mitigation will only increase in this area.

Now more than ever, it is important that we recognise that climate change presents an unprecedented challenge – both globally and locally. The planet's climate is changing, with dangerous heatwaves, droughts, storms, and flooding becoming more intense and destructive. The magnitude of the change means that incremental change or a business-as-usual response is no longer adequate.

The declaration of a Climate Emergency by Council demonstrates leadership in increasing awareness on the issue, allocates resources and instigates actions to mitigate against climate change and focuses our attention on complying with legal obligations. A declaration sends a clear message to the community that Council is serious about mitigating against the risks that climate change pose for the social, economic, and environmental prosperity of our community.

FINANCIAL VIABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured. Officers have advised that declaring a Climate Emergency will lead to no immediate financial implications for this financial year as all actions will be completed within existing budgets.

Peak bodies such as the Business Council for Sustainable Development (BCSD Australia) and the Global Compact Network Australia are calling for action on Climate, as a viable economic future is no longer secure with a reliance on fossil fuels. The Climate Council of Australia provides compelling evidence that we can build a circular, clean, renewable energy powered economy. The Shire of Strathbogie cannot be left behind.

The development of an Emission Reduction Pledge and the Sustainable Strathbogie 2030 Strategy will need future budget allocations to ensure that all actions can be undertaken. The long-term goal of these plans is to reduce the operational costs of Council, not increase them.

- 10.1 Notice of Motion ~ Council Meeting - 16 March 2021
Climate Emergency Declaration
- Lodged by Councillors Sally Hayes-Burke and Reg Dickinson
(Notice of Motion Ref. No: 01/2021) (cont.)

SUSTAINABILITY CONSIDERATIONS

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social, and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

Significant economic impacts are available through declaring a Climate Emergency including ensuring risk mitigation is understood and planned for under an emergency management lens, Council is positioned to strategically target opportunities to attract investment in new and innovative technologies and business to support the successful transition of our existing and emerging industries.

Social

There are significant social benefits as it will provide all levels of Council to engage with the community on the implication of climate change, understand how it is currently affecting our community and way of life, how they are currently adapting and what opportunities there are to work together to ensure there is no net loss of our way of life but net gain and no member of the community, importantly the most vulnerable members, are left behind.

Environmental

Declaring a Climate Emergency will have significant environmental and sustainability benefits to council, the community, and the environment. It will enable immediate action to support the future prosperity of our natural world and key assets and provide a framework for sustainable principles to be embedded in council activities.

Climate Change

By declaring a Climate Emergency Council is acknowledging that we need to take immediate action to embed sustainability and climate change adaption and mitigation into all areas of Council. Furthermore, Council will join many other Councils around Australia and the world to improve the legacy that we are leaving for future generations. It is important that Council continue to work with our fellow member Councils of the Goulburn Broken Greenhouse Alliance to undertake projects that mitigate and adapt to our changing climate.

CONCLUSION

This Notice of Motion acknowledges that current levels of global warming and future warming is the single greatest challenge of our time and it needs urgent action from every level of government, businesses, and our community.

10.1 Notice of Motion ~ Council Meeting - 16 March 2021
Climate Emergency Declaration
- Lodged by Councillors Sally Hayes-Burke and Reg Dickinson
(Notice of Motion Ref. No: 01/2021) (cont.)

By declaring a Climate Emergency, Council will lead our community in the upcoming challenges that we will face from a hotter drier climate and more extreme weather events. As the tier of government that is closest to the community, local government has a key role in bringing people together to tackle climate action and we seek our fellow Councillors support in endorsing this report and acknowledging that we need to take immediate action to embed sustainability and climate change adaption and mitigation into all areas of Council.

10.2 Officer Report – Financial, legal and policy implications of Notice of Motion - Climate Emergency Declaration

Author: Environment and Waste Coordinator

Responsible Director: Director Corporate Operations

EXECUTIVE SUMMARY

A Notice of Motion has been submitted by Councillors Hayes-Burke and Dickinson, which forms item 10.1 on this Agenda.

Under Chapter 1, Rule 35 of Council's Governance Rules, the Chief Executive Officer must inform Council about the legal and cost implications of the notice of motion. Further, the report needs to outline the policy, financial and resourcing implications of the notice of motion.

The purpose of this report is to fulfill these requirements and enable Councillors to develop an informed view prior to considering the Notice of Motion tabled in this agenda.

ISSUES, OPTIONS AND DISCUSSION

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

In 2019 Council adopted the Sustainable Strathbogie 2030 Strategy and Action Plan that looks at six areas where climate change will impact its operations and the wider community. There is a corresponding action plan that outlines actions that will be taken to mitigate and adapt. Furthermore, Strathbogie is one of 139 councils that have joined the Cities Power Partnership, a national local government climate network committed to lowering carbon emissions through switching to renewable energy and working in partnership to tackle climate change. Council is also partnering with about 40 local governments across Victoria to procure large scale renewable power from which to purchase our electricity.

If the Notice of Motion is carried, Strathbogie Shire Council will join many other Councils locally and nationally in declaring a state of climate emergency.

COMMUNITY ENGAGEMENT

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the municipal community is to be engaged in strategic planning and strategic decision making. Staff have not yet undertaken any community engagement around this climate emergency declaration.

Community engagement was undertaken during the development of the Sustainable Strathbogie 2030 Strategy and engagement will be undertaken when goals are developed as part of Council's emissions reduction pledge.

10.2 Officer Report – Financial, legal and policy implications of Notice of Motion - Climate Emergency Declaration (cont.)

POLICY CONSIDERATIONS

Council Plans and Policies

The current Council Plan, under the goal “To sustainably manage our environment” has the following key strategies:

- Support sustainable energy initiatives in the Strathbogie Shire in conjunction with the Environment and Sustainable Development Advisory Committee
- Continue to support the Goulburn Broken Greenhouse Alliance

And under “Mitigate and adapt to a changing climate”

- Implement initiatives contained within the Sustainable Strathbogie 2030 Plan

The Sustainable Strathbogie Strategy 2030 shows that our Council is already aware of the risks of our changing climate.

Council would have the opportunity to further embed climate mitigation and adaptation actions through the development of the new Council Plan. Council will also be required to consider the impacts of climate change when drafting the new Council Plan.

Regional, State and National Plans and Policies

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that regional, state and national plans and policies are to be taken into account in strategic planning and decision-making.

There are policies and initiatives at federal and state level focussed on reducing impacts of climate change and instilling sustainability principles into decision making.

The new Local Government Act 2020 states that councils must consider climate change impacts in its decision-making processes and when developing key strategic documents such as the community vision, council plan and long term financial/asset plans.

It is noted that the City of Greater Shepparton and Indigo Shire Council have already declared climate emergencies in our region.

LEGAL CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The legal landscape continues to evolve in relation to responsibility and liability of climate change impacts and business preparedness. Should Council declare a climate emergency and implement actions that respond to the emergency, it will assist with legislative compliance and perhaps reduce the likelihood of litigation when compared to taking less decisive and comprehensive action.

10.2 Officer Report – Financial, legal and policy implications of Notice of Motion - Climate Emergency Declaration (cont.)

Council is also bound to implement the *Climate Change Act 2017* through making an emissions reduction pledge that is submitted to the state government. The *Planning and Environment Act 1987* requires councils to consider environmental implications of its strategies and decisions. Section 9(2)(c) of the *Local Government Act 2020* requires councils to promote the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks.

Notices of Motion

Chapter 1, Rule 35 of Council's Governance Rules provides Councillors with the ability to place an item on the agenda through a Notice of Motion. Sub rules 35.6 and 35.8 require the Chief Executive Officer to provide an officer report on the Notice of Motion to ensure that Councillors and the public are fully informed of the legal, financial and policy consequences that may arise should the motion be passed by Council. This report fulfills these requirements.

Conflict of Interest Declaration

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

Transparency

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

This item is being discussed in an open Council meeting and all strategy documents will be available on Council's website for the community to view.

FINANCIAL VIABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured. Declaring a climate emergency will lead to no immediate financial implications for this financial year as all actions will be completed within existing budgets.

The development of an Emission Reduction Pledge and the Sustainable Strathbogie 2030 Strategy would need future budget allocations to ensure that identified actions can be undertaken. The long-term goal of these plans is to reduce the operational costs of Council.

SUSTAINABILITY CONSIDERATIONS

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Economic

Declaring a climate emergency potentially positions Council to strategically target opportunities to attract investment in new and innovative technologies and business to support the successful transition of our existing and emerging industries.

10.2 Officer Report – Financial, legal and policy implications of Notice of Motion - Climate Emergency Declaration (cont.)

Social

There are considered to be significant social benefits as it would allow all levels of Council to engage with the community on the implications of climate change, understand how it is currently affecting our community and way of life, how they are currently adapting and what opportunities there are to work together to ensure there is no net loss of our way of life but net gain and no member of the community, importantly the most vulnerable members, are left behind.

Environmental

Declaring a climate emergency would further strengthen Councils commitment to embedding sustainable principles when delivering services and maintaining assets into the future.

Climate change

The declaration of a climate emergency, with the subsequent embedding of principles around sustainability and climate change adaptation being instilled in Council's decision making frameworks, aligns with the requirements of legislation, particularly the *Climate Change Act 2017* and *Local Government Act 2020*.

COLLABORATION

One of the Overarching governance principles in section 9 of the *Local Government Act 2020* is that collaboration with other councils, levels of government and statutory bodies is to be sought.

Regardless of the outcome of the Notice of Motion, Council will continue to work with our fellow member Councils of the Goulburn Broken Greenhouse Alliance to undertake projects that mitigate and adapt to our changing climate.

CONCLUSION

This report outlines the legal, financial and policy implications raised by the Notice of Motion under Item 10.1 on this Agenda in accordance with Rule 35 of Council's Governance Rules so that Councillors are fully informed of the consequences of passing the motion.

11. NOTICES OF RESCISSION

12. URGENT BUSINESS

13. CONFIDENTIAL BUSINESS

NEXT MEETING

The next Ordinary Meeting of the Strathbogie Shire Council is scheduled to be held on Tuesday 20 April 2021, at the Euroa Community Conference Centre, commencing at 6.00 p.m.

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