

Planning Report – Standard

Application Details:

Application is for:	Use and development of the land for a Camping and Caravan Park, Restaurant and Place of Assembly, Two Lot Subdivision, Creation of an Easement, and Removal of Native Vegetation
Applicant:	Tomkinson Group
Lodged Date:	29 November 2023
Statutory Days:	More than 60 days 60 days = Monday 8 July 2024. Amended application submitted on 9 May 2024.
Application Number:	P2023-128
Assessing Officer:	Braydon Aitken Manager Planning and Investment Department
Address and Title Details:	L1 TP578242L V9667 F723 82 Kirwans Bridge Road, Nagambie VIC 3608 Also known as 225 Lobbs Lane & Lot 2, TP878622C V2274 F974 (Goulburn- Murray Water land where jetties will be located).
Current Use / Development:	Farming Zone and restaurant/function centre.
Zone/s:	Farming Zone Public Park and Recreation Zone (jetties only).
Overlay/s:	Floodway Overlay (no proposed additional mapping as part of C52).
Permit Trigger/s:	<p>Permit Triggers</p> <p><u>Farming Zone (FZ)</u> 35.07-1 – Use of the land for a Camping and Caravan Park (including manager's residence) & Place of Assembly and Restaurant.</p> <p>35.07-3 – Subdivision of land to create smaller lots in 40ha area. Two lot subdivision to create a lot for an existing dwelling.</p> <p>35.07-4 – Buildings and works associated with the above proposed land uses.</p> <p><u>Public Park and Recreation Zone (PPRZ)</u> 36.02-1 Use and development of the land for a Camping and Caravan Park. Consent from the Public Land Manager has been obtained.</p>

	<p>36.02-2 – Buildings and works for Jetties. Consent from the Public Land Manager has been obtained.</p> <p><u>Floodway Overlay (FO)</u></p> <p>44.04-3-2 Buildings and works (jetties)</p> <p>44.04-3 Subdivision – the subdivision will not create any new lots entirely within the FO.</p> <p>The permit triggers under the FO are exempt from notice and appeal rights.</p> <p><u>Clause 52.02 Easements, Restrictions and Reserves</u></p> <p>Creation of an easement for shared access to existing water infrastructure.</p> <p><u>Clause 52.17 Native Vegetation</u></p> <p>52.17-1 planning permit required to remove native vegetation. 0.1.05ha of native vegetation is proposed for removal, which includes patches of wetland vegetation (including small trees) to allow for the construction of jetties. No large trees are proposed to be removed.</p> <p>The removal falls within the Intermediate Assessment Pathway. No section 55 referral required. Given the environmental issues raised with this site as part of the previous application (P2020-124), a section 52 referral will be sent to DEECA.</p> <p>Other Matters</p> <p><u>Clause 52.06 Car Parking</u></p> <p>No reduction in car parking requirements sought. No specific rate specified for Camping and Caravan Park. See assessment section of report for further detail on this and an assessment of restaurant and place of assembly parking requirements. In summary the land is a large self-contained site with enough room to provide adequate car parking for the proposed uses.</p> <p><u>Clause 52.06 Signs</u></p> <p>The application does not seek approval for any advertising signage.</p> <p><u>52.34 Bicycle Facilities</u></p> <p>Spaces can be required as a condition of the planning permit. Should one be granted.</p>
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	Manager's residence is included as part of Camping and Caravan Park Use (see previous VCAT decision – P2020-124)
Any garden area requirements	No
Is a CHMP required: Consider AH Regs 2018 and Tool	Yes – CHMP has be prepared and approved for the land and the proposal – CHMP No. 16855. Approved CHMP covers activity area.
Encumbrances on Title:	Nil.
Open Potable Catchment Area: Consider Clause 66.02-5	No
Contamination: Consider PPN30	The land is no considered to be potentially contaminated. No sensitive land use proposed, and risk of contamination considered to be low. There is no know activity that has been undertaken on the land whereby contamination might be considered. No further work required.
HP Gas Line: Section 52 to APAProtection@apa.com.au	No
Adjacent to the Principal Road Network: Section 55 to DoT	No
Proximity to any activity that may impact amenity either way:	Yes – agriculture – assessment to be undertaken as part of application process.
Bushfire Prone Area: Consider Clause 13.02	Yes – Bushfire Management Plan and Emergency Management Plan provided as part of the application.
Clause 71.02-3 'Integrated Decision Making' assessment:	Considered in report
Clause 71.03-2 'Acceptable Outcomes':	Considered in report

Application Checklist:

Application form <input checked="" type="checkbox"/>	Title <input checked="" type="checkbox"/>	Fee paid <input type="checkbox"/> - invoice sent
Plans of Proposal <input checked="" type="checkbox"/>	Planning Report <input checked="" type="checkbox"/>	LCA – not required - sewerage <input checked="" type="checkbox"/>
Geotechnical Report N/A <input type="checkbox"/>	Bushfire Reports <input checked="" type="checkbox"/>	Biodiversity Report <input type="checkbox"/>
Pre-Application Meeting Document ID Braydon <input checked="" type="checkbox"/>	Clause 54/55/56 - N/A <input type="checkbox"/>	Any other -

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

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

Yes ☐

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

No ☒

Recommendation

That Council -

- having caused notice of Planning Application No. P2023-128 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a **Notice of Decision to Grant a Permit** under the relevant provisions of the Strathbogie Planning Scheme in respect of the land known as L1 TP578242 V9667 F723, **82 Kirwans Bridge Road Nagambie VIC 3608**, for the **Use and development of the land for a Camping and Caravan Park, Restaurant and Place of Assembly, Two lot subdivision, creation of an easement and removal of native vegetation**, in accordance with endorsed plans, subject to the following conditions:

Conditions:

General

Amended Plans

1. Before the use or development 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 the permit. The plans must be generally in accordance with the plans (prepared by Tomkinson, Nagambie Waters Kirwans Bridge Road, Nagambie, drawing number 501347SPO1 dated July 2024), but modified to show:
 - (a) Updated site plan showing buffers (building exclusion zones) along the northern boundary (20m), eastern boundary (40m) and southern boundary (50m).
 - (b) Provision of 10 bicycle parking spaces.
 - (c) A shared path connection for pedestrian and cyclists from the development to the existing footpath network in Nagambie. Should the shared path connection traverse private land, a Section 173 Agreement must accompany the plans that secures, permission to use the land for this purpose and the required ongoing maintenance of the shared path to the satisfaction of the Responsible Authority.
 - (d) The location, height, size and floor areas of all buildings located on site
 - (e) Elevation for all buildings, including colours and materials using muted tones for external materials.
 - (f) A guest management plan for each of the uses approved under this planning permit, including:
 - Measures to manage noise, litter and guest access to the eastern backwater (waterway).
 - Operating hours for the restaurant and function centre.
 - An approved liquor licence for the function centre and restaurant (including patron numbers).

Layout Not Altered

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Buildings and Works to be Completed Prior to Use

3. Prior to the commencement of use for each stage, all buildings and works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. Endorsed management plans must be implemented to the satisfaction of the Responsible Authority.

Staged Development

4. The development must proceed in the order of stages as shown on the endorsed plans unless otherwise agreed to in writing by the responsible authority.

Design and Amenity

5. The external cladding of all proposed buildings, including the roof's, must be constructed of new materials of muted colours to enhance the aesthetic amenity of the area. Material having a highly reflective surface must not be used.
6. External 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.
7. The site shall always 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.
8. The caravan and camping park must not be used to accommodate any person for a period of more than three (3) months in any calendar year, with the exception of within the on-site manager's residence.
9. 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.

Subdivision Mandatory Requirements

10. 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.

11. 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.
12. The plan of subdivision submitted for Statement of Compliance under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Flora and Fauna Assessment

13. The flora and fauna assessment approved under this permit must be complied with and implemented, including the identified mitigation measures, to the satisfaction of the Responsible Authority.
14. Prior to the commencement of any works the targeted surveys and hydrological assessments recommended as part of the flora and fauna assessment must be completed to the satisfaction of the Responsible Authority. Any mitigation measures identified as part of these documents must be implemented to the satisfaction of the Responsible Authority.

Integrated Land and Waterway Management Plan

15. Before the use and development starts, an integrated land and waterway management plan for the management and operation of the land must be submitted and approved by the Responsible Authority. The plan must:
 - a) be prepared to the satisfaction of the responsible authority
 - b) be prepared by a suitably qualified person
 - c) be submitted in electronic form
 - d) include the following details:
 - i. Overall environmental objectives for management of the land and techniques to achieve these objectives.
 - ii. Techniques to protect and enhance the biodiversity of the land, including the retention of vegetation and faunal habitat and the need to revegetate including riparian buffers along waterways and property boundaries.
 - iii. An implementation and staging plan.
 - iv. Methods for the control and eradication of weeds.
 - v. Methods for the control of pest animals.
 - vi. The use of fencing which is permeable for native fauna.
 - vii. Re-vegetation of the site using native and indigenous species.
 - viii. Improving the condition of waterway frontages with vegetation.
 - ix. Preventing stock access to waterways
 - x. Practices and procedures to ensure that no significant adverse environmental impacts occur because of the use
 - xi. Detail of how moorings will be prohibited at all jetties and along the foreshore of the site.
 - xii. Detail of how the site will be managed to prevent the launching of powered vessels from the site into the eastern backwater.
 - xiii. Implementation of all recommendations from the approved Flora and Fauna report.

Environmental Construction Management Plan

16. Before the use and development starts, a construction environmental management plan must be submitted and approved by the Responsible Authority. The plan must:
- a) manage impacts and assign accountabilities for impacts on biodiversity, including but not limited to:
 - i. Preparation and implementation of management strategies or plans for mitigation and offsetting of impacts on native vegetation.
 - ii. Preparation and implementation of management strategies or plans for flora and fauna species listed under the Flora and Fauna Guarantee Act.
 - iii. Monitoring, reporting and auditing of relevant activities and environmental outcomes, including the role of an independent auditor to be appointed by the applicant.
 - iv. Mechanisms for ensuring compliance for all construction activities.

Landscaping

17. Prior to the commencement of works, an updated landscape masterplan must be submitted and approved by the Responsible Authority. The updated plan must:
- a) Be consistent with the landscape buffer areas shown on the endorsed site plan
 - b) Be consistent with the endorsed integrated land and waterway management plan.
 - c) Be consistent with the approved Bushfire Management Plan.
18. Prior to the commencement of use all landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

Native Vegetation

Notification of Permit Conditions

19. Before works start, the permit holder must advise all persons undertaking the vegetation removal of works on site of all relevant permit conditions and associated statutory requirements or approvals.

Protection of Patches of Native Vegetation and Scattered Trees

20. Before works start a native vegetation protection fence must be erected around all patches of native vegetation and scattered trees to be retained on site. This fence must be erected around the patch of native vegetation at a minimum distance of 5 metres from retained native vegetation and/or at a radius of 12 x the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree. The fence must be constructed of star pickets and flagging tape or webbing to the satisfaction of DEECA Hume region. The fence must remain in place until all works are completed to the satisfaction of DEECA Hume region.

Alternatively, if the layout of the site does not allow space and clearance for fencing off retained vegetation then before works begin all trees to be removed must be clearly marked so there can be no confusion about which vegetation is to be retained and what is being removed. All staff and contractors undertaking works must be clearly briefed on

what the tree markings mean to ensure only permitted vegetation is removed or otherwise impacted.

Except with the written consent of the DEECA Hume region within the area of native vegetation to be retained and tree protection zone associated with the permitted use and/or development, the following is prohibited –

- a) Vehicular or pedestrian access.
- b) Trenching or soil excavation.
- c) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
- d) Entry and exit pits for underground services.
- e) Any other actions or activities that may result in adverse impacts to retained native vegetation.

Offset Requirement

21. To offset the removal of 0.105 hectares of native vegetation the permit holder must secure a native vegetation offset in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)* as specified below –

General Offset

A general offset of 0.058 General Habitat Units –

- Located within the Goulburn Broken Catchment Management Authority boundary or Strathbogie Shire municipal district.
- With a minimum strategic biodiversity score of at least 0.710.

22. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of Strathbogie Shire. This evidence is one or both of the following –

- a) An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site and/or
- b) Credit extract(s) allocated to the permit from the Native Vegetation Credit Register. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority a copy of the endorsed offset evidence must be provided to the

Engineering

Roads, Pathways and Common Access

23. 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 and an electronic copy in both .dwg and .pdf formats must be provided.
24. The final design parameters for the roadways and pathways must be based on the relevant Australian and VicRoads standards and in accordance with the requirements of 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.

Use

25. Prior to the commencement of use, internal roads shall be formed, drained and surfaced in accordance with detailed plans and specifications prepared by the Applicant/ Owner and approved by the Responsible Authority.
26. For Common Access, the drainage system must be constructed before commencement of the use and development as per the approved plans

Urban Vehicle Crossing Requirements

27. Prior to the commencement of use, the proposed development must have a vehicular crossing constructed according to the council's Infrastructure Design Manual standard drawing SD250 and must:
- a) Be constructed at a right angle to the road or as otherwise approved, any redundant crossing shall be removed and reinstated to the satisfaction of the Responsible Authority.
 - b) Have adequate pipe capacity to cater for any upstream flow, if required.
 - c) Be setback a minimum of 1.5 meters from any side-entry pit, power or telecommunication pole, manhole cover, or marker, or 3 meters from any street tree.
 - d) Include a sealed bell mouth to the access to prevent overspill of loose stones.
 - e) Obtain a works within Road Reserves permit from the Responsible Authority prior to carrying out any vehicle crossing works.
28. The vehicle crossing to the land is to be located, constructed and maintained to the satisfaction of the Responsible Authority.

29. The vehicle crossing to the land shall be located so that adequate sight distance is achieved to comply with Australian Standards AS2890.1 Section 3.2.4 and as specified in Austroads' Guide to Road Design Part 4A Section 3.4 – 'Sight Distance at Property Entrance'.

Subdivision Requirements

30. 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.
31. 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.
32. 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.
33. Prior to the issue of a Statement of Compliance, lighting must be provided to all areas of the park which are in use including pathways, roadways, common areas and recreation, and that intersections and pedestrian crossings are provided with lighting as per AS/NZS 2890.1 and AS/NZS 1158.3.1. Areas which are not in use (for example: sections closed in low season) do not have to be illuminated until they are in use.

Urban Drainage – Works

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

Drainage Discharge Plan

Works

36. Prior to the commencement of works, 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) Provision for any exiting overland flow paths and measures for ensuring these flows will be directed away from the proposed development.
- c) A maximum discharge rate from the site to be determined by computations in accordance with the IDM to the satisfaction of the Responsible Authority.
- d) Computations including total energy line and hydraulic grade line for the existing Underground pipe drains conveying stormwater to the legal point of discharge.
- e) 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.
- f) Documentation demonstrating approval from the relevant authority for the legal point of discharge.
- g) The details of the incorporation of water sensitive urban design in accordance with clause 20.3.1 of the Infrastructure Design Manual.
- h) Maintenance schedules for treatment elements.
- i) discharge from the development must be directed into the council's existing drainage infrastructure.
- j) The proposed finish surface level of the lot and the finished slope of the lot.
- k) All roof water from buildings and surface water from hard paved areas must be collected and conveyed to a drainage easement or to the legal point of discharge to prevent stormwater nuisance to adjoining land.
- l) Indication of extent and depth of cut and/or fill to be carried out to the natural profile of the land.
- m) The potential flood risk to life, health and safety associated with the development. Flood risk factor to consider include but not limited to the frequency, duration, extent, depth and velocity of flooding of the site and accessway.
- n) The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.
- o) The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded.

Use

- 37. Prior to the commencement of use all works shown on the approved drainage discharge plan must be completed to the satisfaction of the Responsible Authority.

General construction management requirements

- 38. 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.

39. 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. The SEMP must include (but not necessarily limited to) details regarding the following:

- a) Identification of all stockpiles, storage, parking and machinery storage locations and management requirements during the construction of the development.
- b) Appropriate sediment control, erosion, and drainage management to be implemented on site, to ensure no sediment or sediment laden runoff enters waterways, wetlands or moves off site during the construction of the development.
- c) Weed control and management on site, including appropriate vehicle hygiene measures, during the construction of the development.
- d) Appropriate monitoring/compliance and reporting requirements for the approved use and development, and the components of and actions set out in the SEMP.
- e) The person/s responsible for implementation and compliance of each aspect of the SEMP.
- f) All persons undertaking works on site must be fully briefed on all aspects and requirements of the endorsed SEMP.

40. The SEMP approved under this permit must be complied with and implemented at all times to the satisfaction of the Responsible Authority.

41. No excavated or construction materials may be placed or stored outside the site area or on the adjoining road reserves, except where the materials are required in connection with any road or footpath construction works in such reserves that are required as part of the permit.

42. 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 Council's assets/Public infrastructure caused as a result of the development or use permitted by this permit.

43. Appropriate signage and line marking shall be provided to the satisfaction of the Responsible Authority.
44. Appropriate steps must be taken to retain all silt and sediment on site during the construction phase to the satisfaction of the Responsible Authority and must be carried out in accordance with the following EPA guidelines and policies: -
 - Environmental Guidelines for Major Construction Sites (EPA publication No. 480, December 19985); and
 - Construction Techniques for Sedimentation Pollution Control (EPA publication No. 275, May 1991)
45. 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.
46. The permit holder shall ensure that dust suppression is undertaken in the form of constant water spraying or other natural based proprietary dust suppressant to ensure that dust caused by vehicles moving along the access road and/or within the site does not cause a nuisance to surrounding properties to the satisfaction of the Responsible Authority. The development shall not have an adverse impact on existing or future air quality.
47. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.
48. 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.
49. The approved SEMP must be implemented to the satisfaction of the Responsible Authority.

Car Parking

Works

50. Prior to the commencement of works, associated with the provision of car parking, detailed layout plans demonstrating compliance with Austroads publication 'Guide to Traffic Management Part 11 Parking Management Techniques', Australian Standards "AS2890: Parking Facilities" and to the satisfaction of the Responsible Authority must be submitted to

and approved by the Responsible Authority. The plans must be drawn to scale with dimensions.

Use

51. Prior to the commencement of use, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must: -

- a) Be surfaced with an all-weather surface and treated to prevent dust,
- b) Be drained in accordance with an approved drainage plan,
- c) Provide for vehicles to pass on driveways,
- d) Be constructed and completed to the satisfaction of the Responsible Authority, and
- e) Provide an area that is adequate for loading/unloading of recurring deliveries.

Environmental Health Conditions

52. The Restaurant is required to be registered with Council under the Food Act 1984.

53. The Caravan Park will require registration with Council under the Residential Tenancies Act 1997 and comply with the requirements of the subsequent Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020. The owner is required to liaise with Council's Environmental Health Officer prior to the commencement of works in relation to compliance with the Regulations Part 3, Division 1 – Fire and Emergency Management and Division 3 – Standards for movable dwellings and annexes.

It is noted that the proposed development cannot commence without the connection of reticulated sewerage and water.

Goulburn Valley Region Water Corporation

54. Payment of new customer contribution charges for water supply to the development, such amount being determined by the Corporation at the time of payment.

55. 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. (The works may include, but not be limited to the construction of a water boosting pumping station, supply mains and gravity mains and tanks). Substantial downstream augmentation works will be required at the developer's expense. This will be confirmed during liaison with the Developer's engineering consultant.

56. Provision of one water tapping for proposed Lot 1 at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of the Goulburn Valley Region Water Corporation.

57. Provision of water supply meter/s to proposed Lot 1, located at the property boundary and to the satisfaction of Goulburn Valley Region Water Corporation.

58. If required, provision of reserves for water supply purposes over existing and/or

proposed water supply Infrastructure located within private property. The reserve must be adequately sized to enable unrestricted access to the water supply infrastructure for operation and maintenance purposes. The reserve must not be encumbered by any easements. The reserve will be required to be fenced to the satisfaction of Goulburn Valley Water at the developer's expense.

59. Payment of new customer contributions charges for sewerage services to the development, such amount being determined by the Corporation at the time of payment.
60. 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 etc. Substantial downstream augmentation works will be required, at the developers' expense. This will be confirmed during liaison with the Developer's engineering Consultant.
61. Reserves for sewage pump stations to be in favour of Goulburn Valley Region Water Corporation. The reserve must be adequately sized to enable unrestricted access to the sewage pump station for operation and maintenance purposes. The reserve must not be encumbered by any easements.
62. 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 department.
63. Payment of any outstanding contributions towards existing sewerage scheme, such an amount being determined by the corporation at the time of payment.
64. Provision of easements in favour of the Goulburn Valley Region Water Corporation over all existing and proposed sewer mains located within private property.
65. Pursuant to Section 36 of the Subdivision Act, if the Corporation considers that, for the economical and efficient subdivision and servicing of the land covered by the Application for Permit, it requires the owner of the land to acquire an easement over other land in the vicinity. That is, any land not owned by the Developer through which a sewerage extension servicing the development is to be located, easements shall be created in favour of the Corporation.
66. Discharge of trade waste from the development shall be subject to a Trade Waste Consent Agreement. Application to determine the specific requirements for your development may be required. Please contact the Business Customer Service Team on 5832 4800 or via email mail@gvwater.vic.gov.au to discuss your business' needs

67. The land to be included in an extension of the Sewer and Water Supply District and the owner agree to contribute to the actual cost to extend the District Boundary necessary to provide reticulated sewer and/or water to this development. Such amount being determined by the Authority at the time of payment.
68. 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.
69. 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*.

Country Fire Authority

70. Before the development starts site plans to the satisfaction of CFA and Responsible Authority showing compliance with the Firefighting Equipment (Objective 1), Access (Objective 2) of CFA's Caravan Park Fire Safety Guidelines 2024.
71. Before the development starts an amended Bushfire Management Plan (BMP) generally in accordance with the BMP prepared by Tomkinson, Revision B dated 24th April 2024 but modified to show and reference vegetation management to the property boundary.
72. The site is managed in accordance with the Emergency Management Plan prepared by Tomkinson, Version 2 updated November 2023

Goulburn Broken Catchment Management Authority

73. The finished floor level of all proposed tents must be elevated at least 300 millimetres above the 100- AEP flood level of 126.45 metres AHD, i.e. 126.75 metres AHD, or higher level deemed necessary by the responsible authority.
74. A Works on Waterways Permit is obtained from the Goulburn Broken CMA prior to the removal of any vegetation within the bed, banks and surrounds of the waterway.
75. A Works on Waterways Permit is obtained from the Goulburn Broken CMA prior to construction of the stormwater discharge pipes.
76. A Works on Waterways Permit is obtained from the Goulburn Broken CMA prior to the construction of the proposed jetties.
77. The proposed jetties must be licenced by Goulburn-Murray Water.

Goulburn Murray Water

78. 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.
79. The Plan of Subdivision must show either building envelopes or building exclusion zones to prevent future buildings from being located within 50 metres of the Full Supply Level of Goulburn Weir (measured from the 124.24 m AHD level).
80. All construction and ongoing activities must be in accordance with sediment control principles outlined in EPA Publication 1834.1, Civil Construction, Building and Demolition Guide (September 2023)
81. No buildings or works may be erected or carried out within 50 metres of the Full Supply Level of Goulburn Weir (measured from the 124.24 m AHD level).
82. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of Goulburn Valley Water.
83. Wastewater collection pits and pump stations must be located a minimum setback of 100m from the full supply level of Goulburn Weir (measured from the 124.24 m AHD level) and must be sufficiently bunded to contain overflow (prior to emergency response) in the event of a pump or power failure.
84. All stormwater must be treated in accordance with Water Sensitive Urban Design principals via infrastructure which must be located on the subject land.
85. Prior to Certification of the Plan of Subdivision:
- a. the applicant must enter into a Foreshore Assets Agreement in accordance with Section 173 of the Planning and Environment Act 1987 with Goulburn-Murray Water, the Responsible Authority and the Goulburn Broken Catchment Management Authority.
 - b. the applicant must enter into an Occupation Licence with Goulburn-Murray Water.
 - c. a Foreshore Landscape Plan incorporating proposed vegetation, jetties, boat ramp, pathways and any other foreshore infrastructure must be prepared by the applicant in conjunction with Goulburn-Murray Water, the Responsible Authority and the Catchment Management Authority. The Foreshore Landscape Plan and a works schedule outlining timing of works must form part of the section 173 agreement in relation to foreshore assets.
86. Prior to commencement of any works on Goulburn-Murray Water foreshore land:

- a. The Foreshore Landscape Plan must be approved to the satisfaction of Goulburn-Murray Water, the Responsible Authority and the Catchment Management Authority.
- b. The applicant must obtain a 'Works Approval' from Goulburn Murray Water for any works on GMW land.
- c. The applicant must obtain a 'works on a waterway' permit from the Goulburn Broken Catchment Management Authority.

Expiry

Subdivision

87. This permit as it relates to the development (subdivision) will expire if one of the following circumstances applies:

- (a) The plan of subdivision has not been certified under the *Subdivision Act 1988* within 2 years of the issued date of this permit.
- (b) A statement of compliance is not issued within 5 years of the date of certification.

In accordance with Section 69 of the *Planning and Environment Act 1987* an application may be submitted to the responsible authority for an extension of the periods referred to in part.

Development:

88. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:

- (a) The development is not started within 2 years of the issued date of this Permit.
- (b) The development is not completed within 4 years of the issued date of this Permit.

In accordance with Section 69 of the *Planning and Environment Act 1987* an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Proposal

The Application proposes the Use and development of the land for a Camping and Caravan Park, Restaurant and Place of Assembly, Two Lot Subdivision, Creation of an Easement, and Removal of Native Vegetation. The majority of the proposal would occur on the land know as 82 Kirwans Bridge Road. Two proposed jetties would also cross over onto public land (Lot 2, TP878622C V2274 F974). Consent from the public land manager (GMW) to make the application to include the jetties has been obtained from the planning permit applicant.

A summary of the various elements of the application is provided below:

Overall Development Plan



Figure 9 – Proposed site plan

Use of the land for Camping and Caravan Park

The proposed use of the land will operate year-round for accommodation use of the proposed tent units. There will be no provision for caravan parking for accommodation or individual tent sites. Guest will park their vehicles in the parking space provided and either walk or be transported via golf car to their respective rooms following check in at the main existing building. Three camp kitchens will be provided that include seating areas and electric barbeques for guests. The tent units will include small kitchenets with small fridge, microwave and sink.

Proposed buildings

The proposal includes the construction of 80 prefabricated glamping style tent units. These structures will be used as the accommodation component of the camping and caravan park and will comprise a main living area/bedroom with a three-person capacity, a kitchenette with sink and microwave, a separate bathroom with toilet and shower and decking area. See Figures 10 and 11 below

The proposed units will be built on a galvanised steel frame to be fixed into the ground with Eco Anchor footings to minimise ground disturbance. The outer walls will utilise a light brown canvas finish with the internal flooring constructed from a wood composite floorboard. The finished floor height of the structures will measure 625mm above natural ground level.

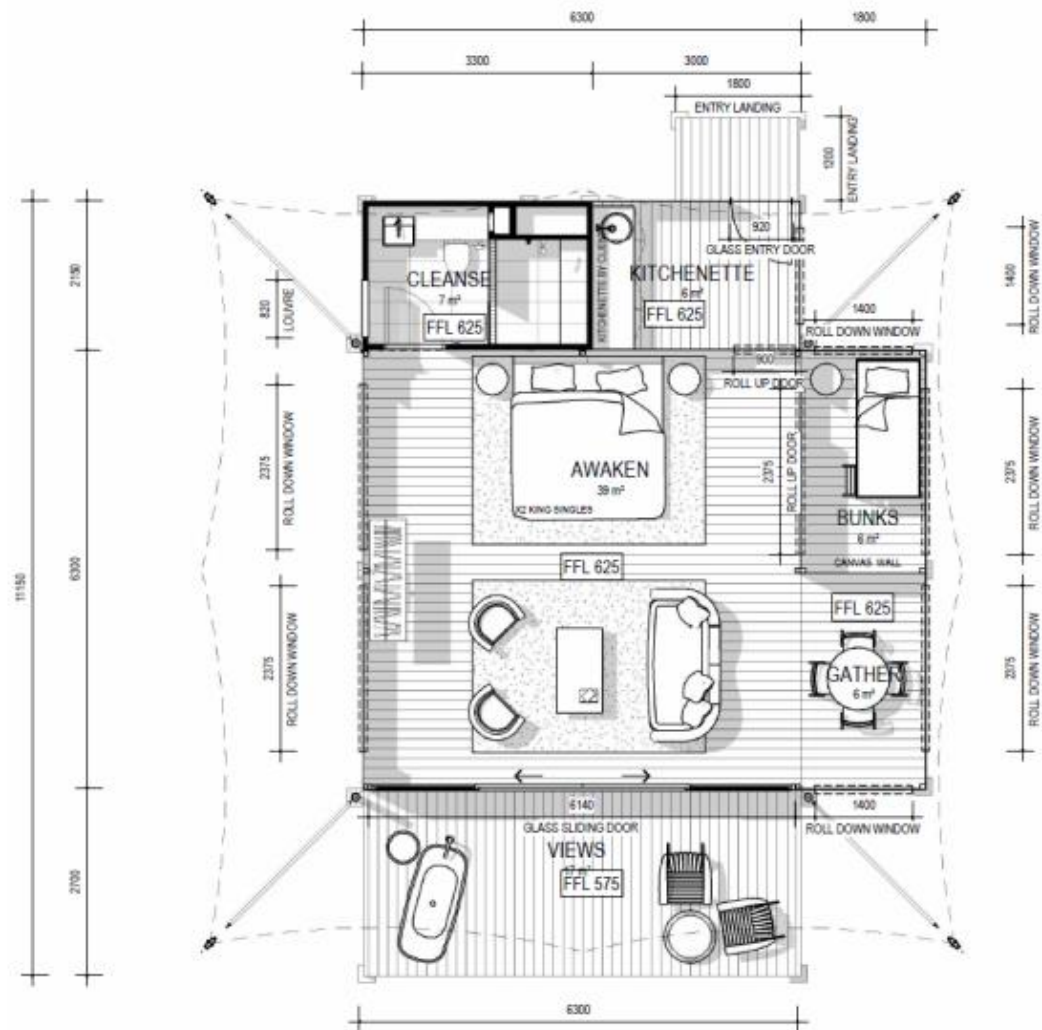
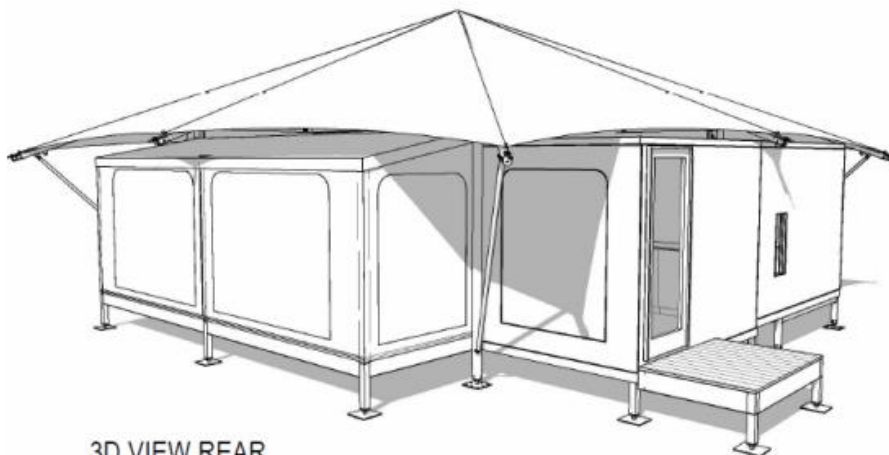


Figure 10 – Layout plan of the proposed tent accommodation.



3D VIEW FRONT



3D VIEW REAR

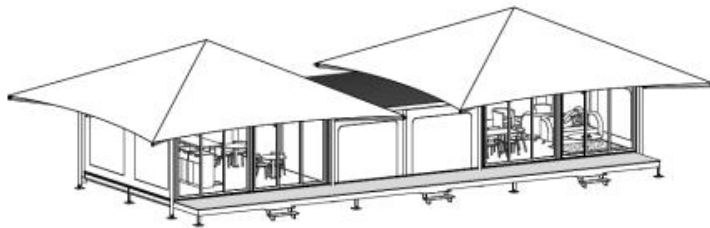
Figure 11 – 3D render of the proposed tent accommodation.

Communal Pool Building.

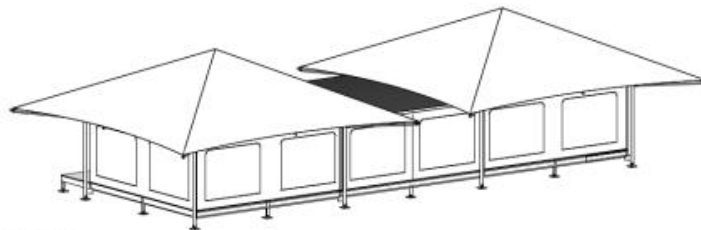
The proposal includes a communal pool and associated building. The communal pool building will be situated near the north of the site, with the pool located southeast of the building and will be used by patrons of the Camping and Caravan Park and will be used as part of the Place of Assembly use for functions. The proposed building will comprise three separate rooms and will be of a similar construction and finish to the proposed tent accommodation units described above. Figure 12 and 13 below detail the proposed building.



Figure 12 – Layout of the proposed pool building.



3D VIEW FRONT



3D VIEW REAR

Two Lot Subdivision

In order to separate the proposed and existing land uses on the subject site, a two lot subdivision of the land is also proposed.

Lot 1 – will contain the proposed Camping and Caravan Park land use with the associated buildings and works. This proposed allotment will occupy the western half of the existing parent title utilising the existing access from Kirwans Bridge Road on the northern boundary.

Lot 2 – will contain the existing dwelling on the subject site and form the balance lot on the eastern side portion of the parent title. The existing access to Lobbs Lane will be retained as well as the existing water rights.

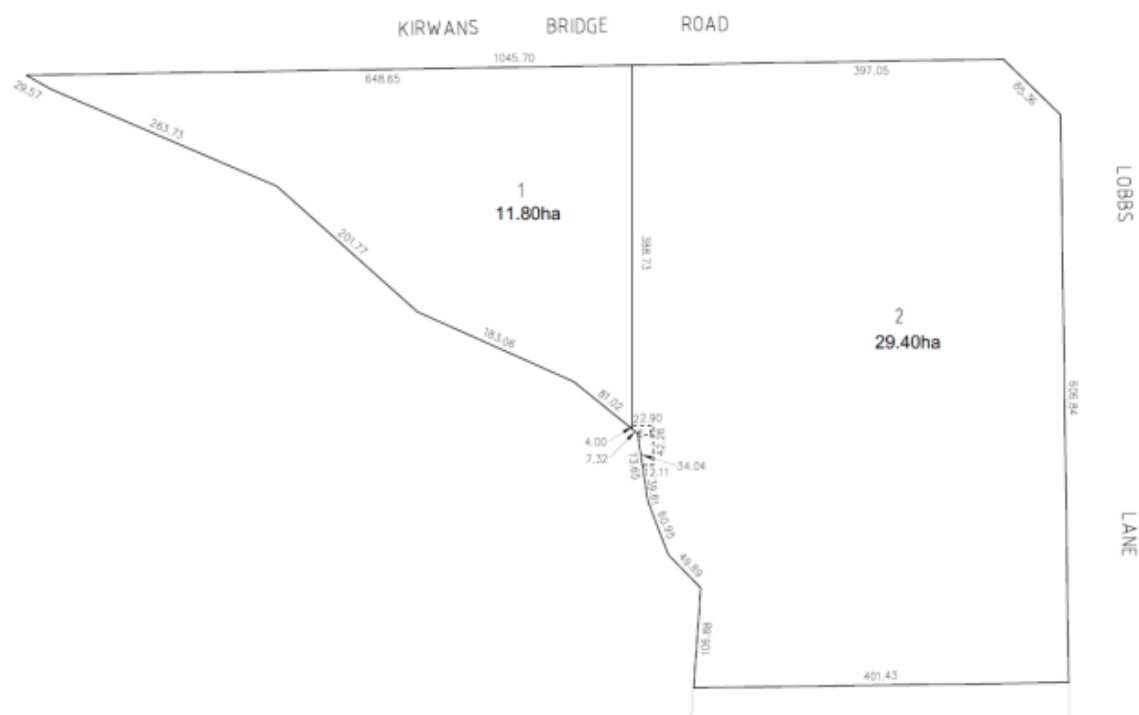


Figure 14 – Proposed plan of subdivision.

Easement

An easement labelled E-1 is proposed as part of the subdivision of the land into two lots. The proposed easement will fall over the existing water infrastructure on the western shore boundary that allows for the extraction of the water rights held by the parent allotment. The proposed easement will allow for future shared use of this asset when the water rights are split between proposed Lot 1 and 2.

Native Vegetation Removal

As part of the application, native vegetation will be required to be removed to provide for the proposed jetties located on the foreshore to Goulburn Weir Backwater on the south. There will be no need to remove any large trees. A detailed Flora and Fauna Assessment has been prepared that should be read in conjunction with this report.



Figure 15 – Map detailing areas of native vegetation onsite and those proposed to be removed. Nature Advisory, Flora and Fauna Report 2023.

Managers residence

A single dwelling is proposed as part of this application to be used as a Managers Residence for the senior staff member responsible for the ongoing operation of the proposed Camping and Caravan Park. The proposed dwelling will be located approximately 30 from the northern road boundary to the northwest of the existing function centre building. The proposed dwelling will contain three bedrooms, two bathrooms, kitchen, and combined meals and living room. Figure 16 and 17 below illustrate the proposed building.

Place of Assembly (Function Centre) and Restaurant (Nagambie Waters).

The proposal includes the use of the land for a place of assembly and restaurant in the existing Nagambie Waters building on the subject site. The proposed pool building will also form part of the Place of Assembly land use to be used for functions. While the existing function centre has existing use rights as permitted in permit 2007/117 (amended), the previous VCAT order noted that a future application should include these land uses to provide a holistic planning approach. The proposed use of the land for a Place of Assembly is required to use the existing building for functions such as weddings, corporate events and the integrated use with the proposed camping and caravan park. It is proposed to limit the number of people for the proposed Place of Assembly to 150 patrons, excluding staff members.

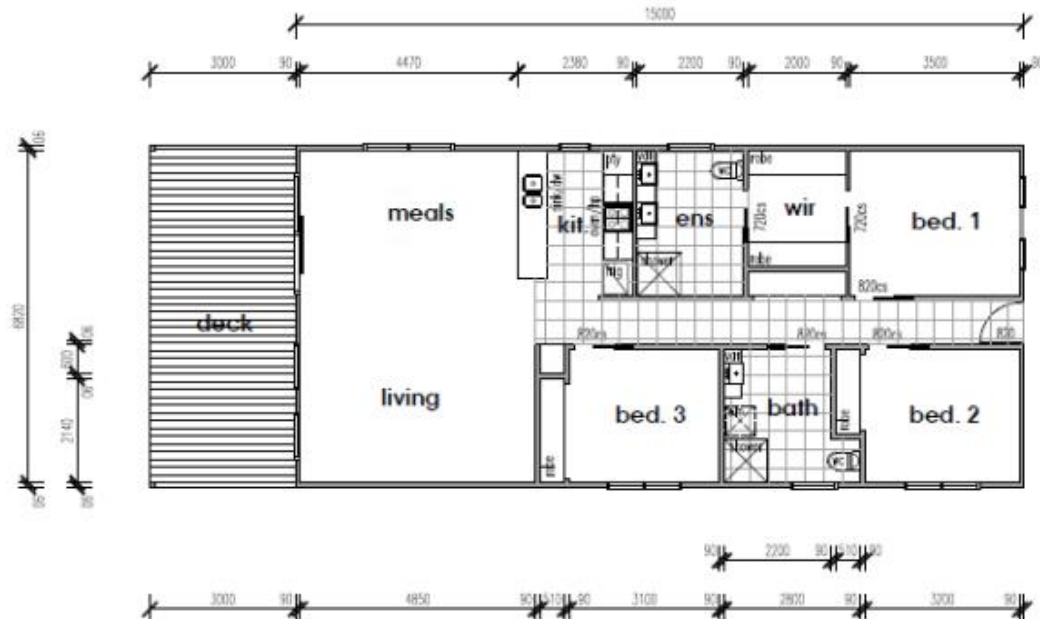


Figure 16 – Layout plan of the proposed managers residence.



Figure 17 – concept design of the proposed manager's residence.

Jetties

The proposal includes the construction of two jetties on the foreshore to the Goulburn Weir Backwater on the southwestern boundary of the subject site. Each proposed jetty will be in accordance with the GMW Standard Fixed Type Private Jetty drawing number 470916. The northern jetty will measure approximately 30m in length and the southern jetty will have a length of approximately 48m. Both jetties will not extend beyond the 9m maximum distance into the full water supply level. Figure 18 below illustrates the standard design.

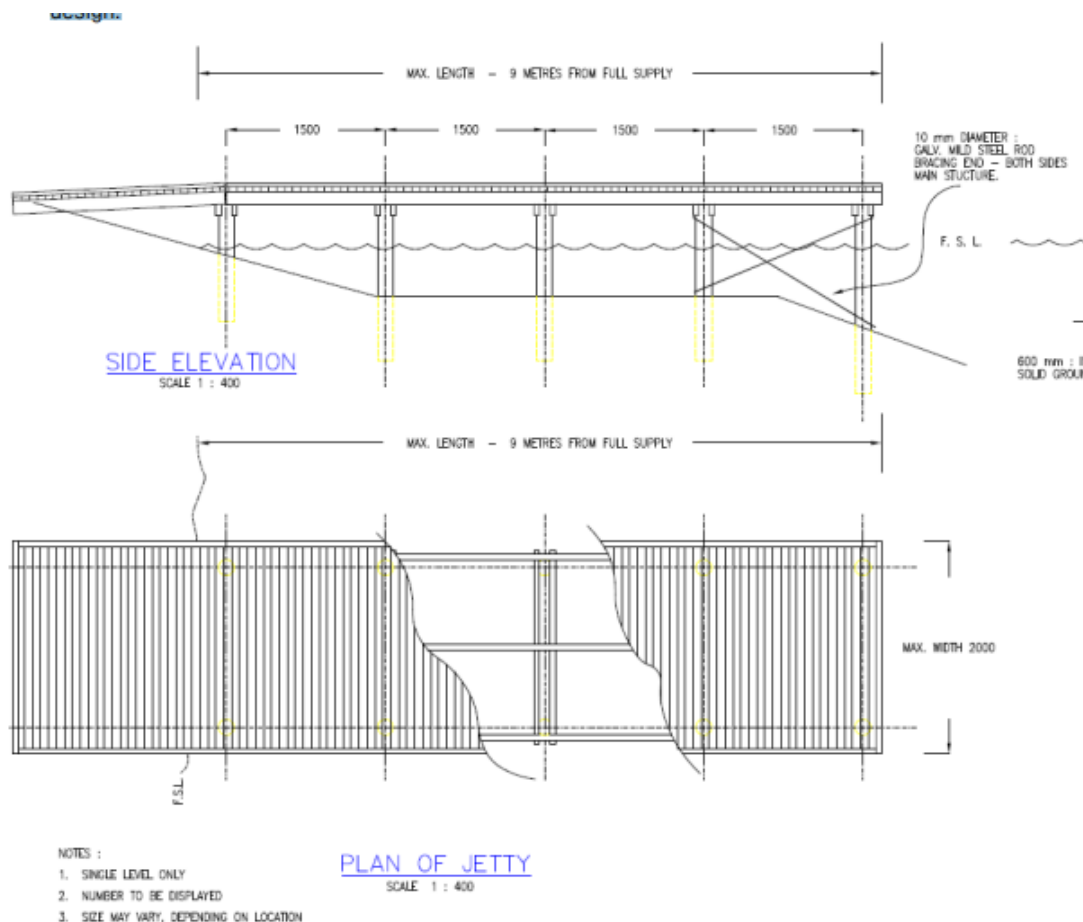


Figure 18 – GMW standard Jetty plan, drawing number 470916.

Infrastructure.

The proposed use and development will be connected to reticulated services including Power supply, Potable Water and Reticulated Sewer. Overhead Power supply currently traverses the site and supplies the current buildings with power. This supply may require upgrades (Eg: new substation) subject to Ausnet assessment, advice and detail design. From the mains supply, a private power supply system will be reticulated throughout the site including lighting. Reticulated onsite potable drinking water system is proposed to be provided from Goulburn Valley Water's (GVW) reticulated network. A mains extension from High Street, along Lobbs Lane, to the subject site is proposed. Subject to detail design, a clear water storage (buffer tanks) and booster pump station may also be required nearby to ensure secure supply is provided. This extension and assets may include upsizing for future precinct rezoning and other adjacent developments. These works are subject to an agreement with GVW. To minimise potable water demand, it is proposed that the development's landscape irrigation will utilise the site's existing licenced supply and existing pump system which is obtained from the Lake's backwater. A private gravity sewer network is proposed to collect wastewater from each facility on the subject site. A connection for subject site to the GVW reticulated sewerage network is also proposed. The private reticulation system will discharge to a proposed GVW Sewer Pump Station (SPS) on site. The SPS will pump wastewater from the development via a proposed Lobbs Lane rising main to the existing GVW network in Nagambie township (Discharge is likely to be the existing rising main in High Street/Racecourse Road). These assets may include up-sizing for future precinct rezoning and other adjacent developments. These works are subject to an agreement with GVW. There will be no provision of reticulated gas services to the subject site.

Site Visit

Inspection date/s: Various (see below for site photos)	Officer: Braydon Aitken
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Subject Site and Locality

The subject site currently contains a single dwelling on the east side of the lot and a commercial building used as a place of assembly and restaurant located on the western side of the allotment. Two large water tanks are also located on the west side of the Kirwans Bridge Rd crossover near the restaurant building. The land is largely flat with a small decline from the road boundaries down to the waters edge. A ribbon of remnant native vegetation is located along the foreshore to the Goulburn River backwater along the western boundary. Rows of planted native vegetation are located adjacent to the existing dwelling onsite. The dwelling is accessed from Lobbs Lane on the eastern boundary and the restaurant building is provided access from Kirwan's Bridge Road to the north. In addition to the onsite buildings and land uses for a dwelling and restaurant, the balance of the land is currently used for broadacre agriculture. An existing water supply pump station and associated infrastructure is located southwest of the dwelling on the western boundary from the Goulburn River Backwater.

Surrounding land is used for a mixture of cropping, grazing and rural lifestyle and rural living purposes.

A number of visits to the site have been undertaken by officers. Photos below, taken during a site visit shown the site in detail.



View looking from the front of the restaurant/function centre looking towards the existing vehicle access to Kirwan's Bridge Road.



View from the front of the restaurant/function centre looking northwest.



View of the front of the existing restaurant/function centre.



View from inside the existing restaurant/function centre.



View from the rear of the exiting restaurant/function centre looking south-west toward the back water and riparian corridor.



View from the rear of the exiting restaurant/function centre looking south-east toward the back water and riparian corridor.



View from the rear of the exiting restaurant/function centre looking east towards Lobbs Lane.



View from within the site looking south-east over the area of the land that would form part of Stage 2 of the development (Shed in the background is located close to the common boundary of proposed subdivision).



View from within the site looking south-west over the area of the land that would form part of Stage 1 of the development and southern boundary of the land.



View of the site looking west showing general area of the camping and caravan park.



View of riparian corridor along backwater looking west. In general terms the location of glamping tents will not encroach further than cluster of trees in the foreground.



View of the proposed location of the camping and caravan park area looking west with a view of the rear of the restaurant/function centre.



S



Close up view of riparian corridor and backwater.



View of proposed camping and caravan park location looking west.



View from edge of riparian corridor looking north towards restaurant/ function centre and location for future amenities and car parking.



View looking west from site towards property boundary and existing vegetation screening views from nearby housing in Woodlea Court.



View from site looking north towards Kirwan's Bridge Road along the western extent of the proposed Stage 1 of the camping and caravan park.



View looking north from edge of riparian corridor across proposed location of camping and caravan park.

Permit/Site History

A search of Council's planning electronic records results in the following planning permits being issued for the site (see doc id 748175):

- P2007-117- Restaurant, Reception Centre and Conference Centre and On-Premises Licence
- P50-98 – Wine Tasting building
- P54-98 – Farm Shed and Office and Staff Amenities
- P61-2001 – Restaurant, Reception Centre and Conference Centre
- P119-2001 – On-Premises Licence
- P2012-148 Fixed wireless facility
- P2012-024 Use of Ground Floor existing buildings for accommodation
- P2008 – 019 Leisure and Recreation use
- P2020-124 – Camping and Caravan Park

Further Information

Further Information Required: What was requested? Flora & Fauna Report – provided 20/12/23	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Traffic Impact Assessment Report that also addresses car parking - provided 20/12/23.
Written Consent from the Public Land Manager – provided 7/2/24.

FI Requested: 7 December 2023

FI Due: 5 Feb 2024 – date extended until 8 March 2024

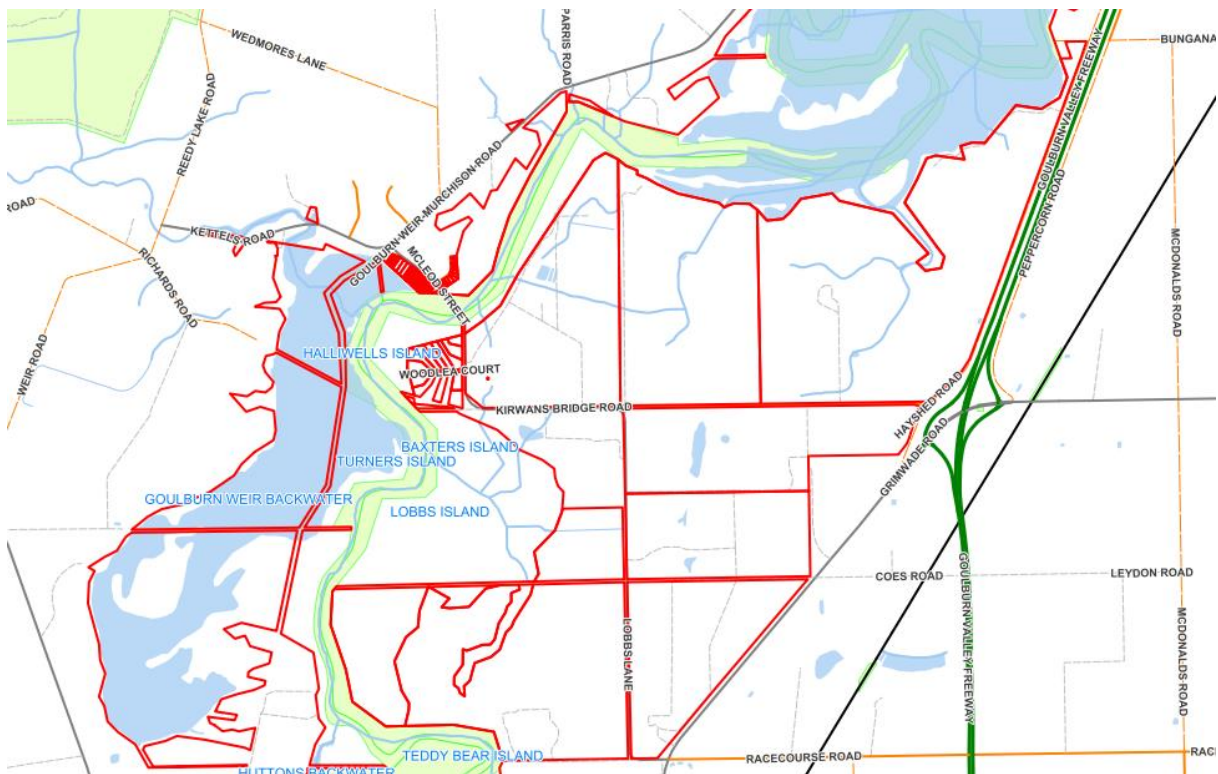
FI Received: 7 Feb 2024

Further information was also requested following the Notice and referral period (CFA & DEECA).

This information has now been provided and both the CFA and DEECA have provided conditional consent.

Advertising/Public Notification

Advertising Map (Doc ID is: 912121 – PDF in e-mail – snip below)



Is notification/advertisement required under section 52? ☒ Yes ☐ No ☐ Exempt

Advertising is required by the following means:

- Letters to owners and occupiers
- Signs on site

- Documents and notice on Council website.
- Notice in Euroa Gazette and Nagambie Voice

Please use the following wording for advertising:

Use and development of the land for a Camping and Caravan Park, Restaurant and Place of Assembly, Two Lot Subdivision, Creation of an Easement; and Removal of Native Vegetation

Please use the following address:

L1 TP578242L V9667 F723
82 Kirwans Bridge Road, Nagambie
& Lot 2, TP878622C V2274 F974

Advertised by:		<input checked="" type="checkbox"/> Council		<input type="checkbox"/> Applicant	
Internal Documents: Advertising list - Advertising map –		Website Documents: Documents identified in notice documents column to be placed on website along with notice of application		Notice Documents: <ul style="list-style-type: none"> • Doc ID's: 898793 & 898792 (Manager's Residence) • Doc ID: 898795 (Landscape Masterplan) • Doc ID: 898796 (Pool Building) • Doc ID: 898797 (Site Plan) • Doc ID: 898798 (Tent Plans) • Doc ID 898799 (Stormwater Strategy) • Doc ID: 898801 (BMP) • Doc ID 898802 (Plan of Subdivision) • Doc ID 898803 (EMP) • Doc ID 899399 (Planning report) • Doc ID 899402 (Planning Permit Application form) • Doc ID 899406 (Copy of Title) • Doc ID 899412 (Managers Residence) • Doc ID 899414 (Site Context Plan) • Doc ID 903305 (Two PDF attachments to e-mail) 	
		Sent to Comms 20/02/2024		Sent to Applicant 20/02/2024	
Add Instructions on Spear		<input type="checkbox"/> Yes		<input checked="" type="checkbox"/> No	
Letters: to neighbors – make sure same properties	Signs: Yes – 2 on Lobbs Lane, 1 on gate at restaurant	Paper: Yes, Nagambie Voice & Euroa Gazette	Sent: 20/02/2024 Closes:		Stat Dec Rec: «Date»

(owners and occupiers) are notified.	and one further along Kirwans Bridge Road near intersection with Lobbs Lane			
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Objections received?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Number: 37
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Summary of Objection Grounds	Officers Response
<ul style="list-style-type: none"> • There is no net community benefit • Inappropriate siting and form • Lack of consideration of cumulative environmental impacts • Impacts of flooding • Potential impacts on the Eastern Backwater. • Impacts on future housing growth • Impacts on productive agricultural land and inconsistency with Farming Zone. • Need for suitable buffers from surrounding land uses. • Lack of sufficient mitigation measures to protect flora & fauna • Insufficient environmental impact assessment • Distance from town • Insufficient infrastructure • Noise, lighting, traffic, parking overflow, litter & loss of rural character • Potential to encourage additional water-craft usage • Impacts on Brolga – protection during breeding • Impacts on Flora and Fauna • Subdivision should not be supported • Blue Green Algae in Backwater – potential for impacts on Health and Safety. 	<p>These grounds of objection are all relevant considerations and have been addressed as part of the assessment section of this report.</p>

<ul style="list-style-type: none"> • Limited pedestrian access from proposal to Nagambie. • Potential fire risk. 	
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Consultation

The following consultation was undertaken –

- Site visits were undertaken with the applicant
- Site and context visits were undertaken with a number of objectors, including a tour of the eastern backwater via kayak.
- A drop-in session to discuss the application was held with a number of objectors on 16 May.
- Councillor briefing sessions were held with both the applicant and a number of the objectors.
- Additional discussions were held with the GBCMA and GMW in relations to the objectors concerns in relation to flooding and blue green algae in the Eastern Backwater.
- In order to thoroughly consider potential impacts on flora and fauna and the eastern backwater, an independent review of the flora and fauna report submitted with the application was undertaken by Biosis. Officers have worked closely with Biosis and DEECA to get an understanding of the ability of any potentials impacts to be managed to an acceptable level. This process is outlined in the officer assessment section of this report.

Referrals

External Referrals/Notices required by the Planning Scheme:

REFERRALS					
Add instructions on SPEAR:				<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Referrals Authority	Type of Referral	Referral Clause and Description	Additional Instructions	Date sent	Date received including Advice/Response/Condition
CFA	Section 52 - Recommending	Choose an item.		Sent 20/02/2024 Doc 912911	Received 28/05/2024 Doc ID 934062 Conditional Consent
DEECA	Section 52 - Recommending	Choose an item.	This referral is for consideration of the proposed native vegetation removal.	Sent 20/02/2024 Doc 912916	Requested further information 19/4/2024 Doc ID 926212 Further information provided and consent and suggest conditions provided 5/7/2024 Doc ID 947375.
GBCMA	Section 55 - Recommending	Clause 66.03 - Other State Standard Provisions		Sent 20/02/2024 Doc 912912	Received 19/03/2024. Conditional Consent Doc ID 919175
GMW	Section 52 - Recommending	Choose an item.		Sent 20/02/2024 Doc 912915	Received 27/03/2024 Conditional Consent Doc ID 921228

GVW	Section 52 - Recommending	Choose an item.		Sent 20/02/2024 Doc 912914	Received 5/03/2024 Conditional Consent Doc ID 916236
AusNet Electricity	Section 52 - Recommending	Choose an item.		Sent 20/02/2024 Doc 912908	No response received – no conditions required. Officers followed up on several occasions.
HEALTH	Internal			16/02/2024 Workflow created – Doc 899402	Received 16/05/2024 Conditional Consent Doc ID 924877
ENGINEER	Internal			16/02/2024 Workflow created – Doc 899402	Received 11/06/2024 Conditional Consent Doc ID 944949
Taungurung Land and Water Council – via e-mail (see P2023- 096 for example)	S52 Recommending			Sent 20/02/2024 Doc 912917	Response received 15/05/2024. No objections and no conditions. Satisfied that current approved CHMP 16855 remains current and is adequate to address proposed activities.

ASSESSMENT

Zoning

35.07 – Farming Zone (FZ)

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.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

Decisions Guidelines

General issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

Agricultural issues and the impacts from non-agricultural uses

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.
- Whether Rural worker accommodation is necessary having regard to:
 - The nature and scale of the agricultural use.
 - The accessibility to residential areas and existing accommodation, and the remoteness of the location.
- The duration of the use of the land for Rural worker accommodation.

Environmental issues

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- 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 location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

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 impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use and development will require traffic management measures.

36.02 – Public Park and Recreation Zone (PPRZ)

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To recognise areas for public recreation and open space.
- To protect and conserve areas of significance where appropriate.
- To provide for commercial uses where appropriate.

Decisions Guidelines

- The Municipal Planning Strategy and the Planning Policy Framework.
- The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.
- Whether the development is appropriately located and designed, including in accordance with
- any relevant use, design or siting guidelines.

Overlays

44.03 Floodway Overlay (FO)

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 by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

Decision Guidelines

- The Municipal Planning Strategy and the Planning Policy Framework.
- The local floodplain development plan or flood risk report.
- Any comments of the relevant floodplain management authority.
- The Victorian River Health Strategy (2002) and any relevant regional river health strategy and associated wetland plan.
- Any other matters specified in a schedule to this overlay

Municipal Planning Strategy

2.02 – Vision

The vision in the Shire of Strathbogie Council Plan 2013-2017 is to provide a framework for improving the social, physical, environmental and economic wellbeing of the community.

From a land use and development perspective, this vision means:

- Supporting investment for population growth, shared wealth and wellbeing.
- Facilitating the provision of infrastructure and sustainable economic and community development.
- Planning for long term sustainability in settlement patterns, the natural and built environment, community services, economic development and growth.

2.03-1 – Settlement

Nagambie is a popular lakeside town, and as such its population is growing significantly. Nagambie attracts an additional 4000 to 5000 people during the peak tourism season. This increase in population must be considered when planning for the future of Nagambie. Nagambie is an agricultural service centre as well as a visitor, lifestyle and retirement centre.

2.03-2 – Environmental values and biodiversity

The Shire recognises the significance of local native flora and fauna and the importance of maintaining the health of soil and waterways. However, the natural environment is under increasing pressures from development, agricultural practices and the emerging threat of climate change.

Council's strategic directions for environment and biodiversity are to:

- Protect and enhance native vegetation, fauna and waterways, including riparian areas.
- Encourage connectivity between vegetation corridors including roadsides and waterways.
- Protect medium to high-quality roadside vegetation.

2.03-3 – Environmental risk

Council's strategic directions for environmental risks are to:

- Support use and development that adapts to the impacts of climate change.
- Encourage development to be responsive to potential environmental risks.

- Protect floodplains and their role in conveying and storing floodwater, to preserve and minimise the deterioration of environmental values.
- Discourage development in areas of bushfire risk.

2.03-4 – Natural Resource Management

Agriculture

Council's strategic directions for agriculture are to:

- Retain areas of high-quality rural land for farming and agricultural purposes.
- Encourage consolidation of small rural lots within the Farming Zone.
- Encourage emerging rural enterprises, such as intensive animal husbandry, horticulture and the equine industry.
- Prioritise productive farming development over residential development.
- Encourage value adding rural industries.
- Protect, maintain and grow environmentally sustainable intensive agriculture.
- To promote the clustering of co dependant uses.

Water

The Strathbogie Shire has significant water assets including Goulburn River, Lake Nagambie, Seven Creeks and Hughes Creek. The many spring fed waterways start in the Strathbogie Ranges and subsequently flow down into the main creeks and rivers eventually running from the shire into the neighbouring shires and forming a part of the Murray Darling Basin.

Council's strategic direction for water is to:

- Protect proclaimed water supply catchments (and water quality) from development that would compromise water catchments.

2.03-5 Built environment

The Shire has significant natural landscapes and views that are an important asset. Buildings can be intrusive in this type of environment if sited and designed unsympathetically or if they are constructed of materials that are not sympathetic to the surrounding environment.

Council's strategic directions for design are to:

- Protect views and vistas of the Shire's natural features through sympathetic building design.
- Ensure development is sited and designed to maintain and enhance the aesthetic amenity of the area.

2.03-7 – Tourism

Tourism in the Shire consists of sporting and recreational activities, wineries, heritage buildings, cycling, exploring environmental features and following the history of Ned Kelly.

Council's strategic direction for tourism is to:

- Encourage new and existing tourist development that supports employment and recreation, natural environment and heritage.

2.03-9 – Infrastructure

The Shire covers an immense area of different terrain, has four main towns and other smaller villages which all have significant infrastructure requirements. Infrastructure within the Shire is aging and will need replacing in the near future. Most settlements have poor drainage. Council seeks to leverage sustainable infrastructure for the community using clear and consistent guidelines.

Council's strategic directions for infrastructure are to:

- Encourage a consistent approach to the design and construction of infrastructure across the municipality.
- Provide reticulated services to growing settlements.

Planning Policy Framework

12 Environmental and Landscape Values

Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.

Planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.

12.01-S Protection of Biodiversity

Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites.

Strategically plan for the protection and conservation of Victoria's important areas of biodiversity.

Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of:

- Cumulative impacts.
- Fragmentation of habitat.
- The spread of pest plants, animals and pathogens into natural ecosystems.

Avoid impacts of land use and development on important areas of biodiversity.

Assist in the identification, protection and management of important areas of biodiversity.

Assist in the establishment, protection and re-establishment of links between important areas of biodiversity, including through a network of green spaces and large-scale native vegetation corridor projects.

Support land use and development that contributes to protecting and enhancing habitat for indigenous plants and animals in urban areas.

12.01-2S Native Vegetation Management

Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (Department of Environment, Land, Water and Planning, 2017):

- Avoid the removal, destruction or lopping of native vegetation.
- Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
- Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.

12.03 Water Bodies and wetlands

Protect the environmental, cultural, landscape values of all waterway systems as significant economic, environmental and cultural assets.

Conserve waterway systems and the landscapes and environmental values surrounding them by protecting ecological values, indigenous vegetation, terrestrial and aquatic habitats and encouraging biodiversity.

Sensitively design and site development to maintain and enhance the waterway system and the surrounding landscape setting, environmental assets, and ecological and hydrological systems.

Address the impacts of use and development on drought and flooding events at a catchment and site scale to protect the health and natural function of waterway systems and their surrounding landscape and environment.

Protect geomorphology, bank stability and flood management capacity to strengthen the environmental value and health of waterway systems by:

- Retaining, enhancing and re-establishing indigenous riparian vegetation along waterway systems, ensuring it responds to the bushfire risk of a location.
- Enhancing and re-establishing both terrestrial and aquatic habitats and their linkages along and surrounding waterway systems.
- Limiting earthworks in proximity to waterway systems to minimise alterations to geomorphology, natural drainage, natural flows and water quality.
- Facilitating the restoration of waterway systems through the removal of weeds, invasive species and pests.
-

Retain and enhance the recreation and amenity values along waterway systems by:

- Planning for surrounding green spaces as recreation and tourism resources without adversely impacting environmental values and flood management capacity.
- Protecting and enhancing public access to waterway systems and surrounding parklands.

- Enhancing existing and providing new green links, pedestrian and cycle connections and open space.

Design and site development to maintain and enhance the natural environment of waterway systems by:

- Minimising the visual intrusion of development on the natural landscape views from major roads, bridge crossings, public open space, recreation trails and within waterway systems themselves.
- Ensuring development is visually subordinate to the local landscape setting, including through the use of vegetation to filter views of development.
- Ensuring development adjacent to waterways adopts high quality materials and respectful design and siting.
- Avoiding impeding the natural flow of waterways and future flood events.
- Directing growth to established settlements where water and wastewater can be managed.

Policy guidelines

- Locating earthworks, including dams, a minimum of 30 metres from waterway systems.
- Locating development a minimum of 30 metres from the banks of waterway systems.
- The views of floodplain and waterway managers.

12.05 Significant Environmental Landscapes

Protect environmentally sensitive areas with significant recreational value from development that would diminish their environmental conservation or recreational values.

Ensure development does not detract from the natural qualities of significant landscape areas.

Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.

Recognise the natural landscape for its aesthetic value and as a fully functioning system.

Ensure important natural features are protected and enhanced.

13.02 Bushfire Management

Ensure settlement growth and development approvals can implement bushfire protection measures without unacceptable biodiversity impacts by discouraging settlement growth and development in bushfire affected areas that are important areas of biodiversity.

Consider the risk of bushfire to people, property and community infrastructure.

Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.

Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.

13.03-1S – Floodplain Management

Avoid intensifying the impact of flooding through inappropriately located use and development.

Ensure land use on floodplains minimises the risk of waterway contamination occurring during floods and floodplains are able to function as temporary storage to moderate peak flows and minimise downstream impacts.

13.03-1L – Floodplain Management

Discourage development and subdivision of land that is subject to significant flooding.

Ensure development maintains the free passage and temporary storage of floodwater, minimises flood damage, is compatible with flood hazard and local drainage conditions, and minimises soil erosion, sedimentation and silting.

14.01-1S Protection of agricultural land

Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and **processing sectors**.

14.02-1S Catchment planning and management

Retain natural drainage corridors with vegetated buffer zones at least 30 metres wide along each side of a waterway to:

- Maintain the natural drainage function, stream habitat and wildlife corridors and landscape values,
- Minimise erosion of stream banks and verges, and
- Reduce polluted surface runoff from adjacent land uses.

Undertake measures to minimise the quantity and retard the flow of stormwater from developed areas.

Require appropriate measures to filter sediment and wastes from stormwater prior to its discharge into waterways, including the preservation of floodplain or other land for wetlands and retention basins.

Ensure that development at or near waterways provide for the protection and enhancement of the environmental qualities of waterways and their instream uses.

Ensure land use and development minimises nutrient contributions to water bodies and the potential for the development of algal blooms.

Require appropriate measures to restrict sediment discharges from construction sites.

Ensure planning is coordinated with the activities of catchment management authorities.

Ensure that water quality infrastructure is designed to minimise risk of harm to surface waters and groundwater.

15.01.2L Building Design

Design development to be sympathetic to heritage places, the streetscape and neighbourhood character.

Ensure the use of buildings materials and colours that are in context with the surrounding environment, including through:

- The use of muted colour tones.
- External finishes that are non-reflective.

Encourage screening vegetation to minimise the visual intrusion of buildings.

17.01S – Diversified Economy

Support rural economies to grow and diversify.

17.04 Tourism

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.

Support tourism development near Lake Nagambie and Goulburn River.

Support niche and boutique industry tourist development that promote and enhance the natural environment, heritage and town character.

19.03-3S – Integrated water management

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

Ensure that development protects and improves the health of water bodies including creeks, rivers, wetlands, estuaries and bays by:

- Minimising stormwater quality and quantity related impacts.
- Filtering sediment and waste from stormwater prior to discharge from a site.
- Managing industrial and commercial toxicants in an appropriate way.
- Requiring appropriate measures to mitigate litter, sediment and other discharges from construction sites.

Relevant Particular Provisions

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.

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

Decision guidelines

Before deciding that a plan prepared under Clause 52.06-8 is satisfactory the responsible authority must consider, as appropriate:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
- The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
- The type and size of vehicle likely to use the parking area.
- Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
- The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier.
- Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).

52.17 Native Vegetation

Purpose

To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):

1. Avoid the removal, destruction or lopping of native vegetation.
2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.
3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.

The Decision Guidelines at Clause 65

Approval of and application or Plan

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.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- 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 environment, human health and 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.
- The impact the use or development will have on the current and future development and operation of the transport system.

Approval of an application to subdivide land

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The layout of roads having regard to their function and relationship to existing roads.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.
- The provision and location of reserves for public open space and other community facilities.
- The staging of the subdivision.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- The provision of off-street parking.

- The provision and location of common property.
- The functions of any owners corporation.
- The availability and provision of utility services, including water, sewerage, drainage, electricity, and, where the subdivision is not a residential subdivision, gas.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.
- The impact the development will have on the current and future development and operation of the transport system.

Clause 71.02-3 Integrated Decision Making

Victorians have various needs and expectations such as land for settlement, protection of the environment, economic wellbeing, various social needs, proper management of resources and infrastructure. Planning aims to meet these needs and expectations by addressing aspects of economic, environmental and social wellbeing affected by land use and development.

The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. However, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.

Planning authorities should identify the potential for regional impacts in their decision making and coordinate strategic planning with their neighbours and other public bodies to achieve sustainable development and effective and efficient use of resources.

Clause 71.03-2 Making Decision about Section 2 Uses

Because a use in Section 2 does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the Municipal Planning Strategy, the Planning Policy Framework, the purpose and decision guidelines of the zone and any of the other decision guidelines in Clause 65.

Officer Assessment

Zone Controls

The land is located in the Farming Zone (FZ) and planning permit approval is required for the use of the land for a camping and caravan park and place of assembly and restaurant.

VCAT has previously determined that the restaurant and function centre on the land has existing use rights. This information can be found in the VCAT decision relating to the previous application for a camping and caravan park on the land (P2020-124). Despite this it is important to assess the proposed uses forming part of this application holistically to ensure an integrated approach. Therefore, the application also seeks the formal approval for the existing building on the land that is used for a restaurant/function centre (place of assembly). Both of the uses are a permit required use in the FZ. The restaurant/function centre has operated for a number of years on the land without any concerns raised with officers in relation to its impact on the amenity of the area. Officers are satisfied that it can continue to operate from the land without impacting surrounding land uses and in conjunction with the other proposed uses on the land. Officers have included the requirement for a guest management plan as part of the recommendation of this report to ensure that uses can operate in a way that minimises the impact on the amenity of the area.

Approval of a camping and caravan park on the land will lead to a loss of agricultural land. Officers will need to determine if this loss of agricultural land is fatal to the application when it is weighed up with all the other relevant considerations within the Planning Scheme. While the

land is located in the FZ and broadacre agriculture does occur on surrounding land, the land is also located in close proximity to the Nagambie township, existing Low Density Residential Land to the south and existing rural living allotments to the north-west. This context needs to be taken into consideration when assessing the proposal. The fact that the land has also been used for a restaurant and function centre (commercial use) also requires consideration.

The objectives of the FZ clearly support the use of the land for agriculture and the retention of productive agricultural land, however, also allow for a number of other uses subject to the consideration of the decision guidelines of the Zone.

It is the officers view that the scale of the proposal and context of the area mean that approval of a camping and caravan park, on the site would lead to an acceptable planning outcome. The proposal is of a smaller scale to the previous application for a camping and caravan park. It provides for suitable buffers from the backwater, the proposed adjoining agricultural lot and surrounding land uses. The existence of the restaurant/function centre (commercial use) on the land also adds some weight to a portion on the land being use for non-agricultural activities.

The proposed glamping style tent units will be well screened from existing dwellings in the nearby Woodlea Court by existing vegetation. The provision of water and sewerage controlled and treated stormwater drainage and the ability to enhance the existing riparian corridor along the backwater, as part of the proposal, provide an opportunity for more sustainable land use practices on the land.

Given the location of the site it is unlikely that approval of the application will limit the operation of expansion of adjoining and nearby agricultural land uses. The land already contains an existing commercial land use and is in close proximity to rural living size allotments in Woodlea Court, limits any opportunities for the consolidation of agricultural land.

The impact of the proposal on the environmental values of the site and the adjoining backwater is discussed in the planning policy framework section below. The siting of the proposed buildings and works is appropriately setback from property boundaries with the inclusion of vegetation screening where possible. The design of the buildings, including bulk, height, colours and materials has considered the rural aspect of the area. A Traffic Impact Assessment was submitted with the application and has been reviewed by Council's engineer's and deemed satisfactory.

The proposed two lot subdivision is permissible under the FZ as it will create a lot for an existing dwelling. The proposed subdivision will retain the balance of the land to be used for agricultural purposes, minimising the possibility of this part of the land being underutilised or managed poorly. Even if the size of the allotment lends itself to a larger rural lifestyle lot where agricultural activities are undertaken, this would not be out of context for the surrounding area, where there are a number of other lots of a similar size containing a dwelling.

It is also proposed to construct two jetties in the Public Park and Recreation Zone (PPRZ). Planning approval is required to use the land for this purpose and for the associated buildings and works. Consent to seek this approval has been obtained from the public land manager Goulburn Murray Water, who have also provided conditional consent to the application. The provision of two jetties is a significant reduction from the 4 jetties and a boat ramp proposed under the previous application. Consideration of the impact on the jetties on the biodiversity of the area is addressed in the policy sections below.

Overlay Controls

Planning permit permission is required for buildings and works and subdivision in the Floodway Overlay (FO). The buildings and works relate to the construction of an internal

pathway, drainage infrastructure and the two jetties. None of the buildings associated with the Camping and Carvan Park are to be located within the FO. The avoidance of any buildings within the FO will allow for a suitable buffer of 50m from the riparian corridor located along the backwater.

The application was referred to the relevant floodplain manager, the Goulburn Broken Catchment Management Authority (GBCMA) who have provided conditional consent to the proposal.

The proposed two lot subdivision is to provide a lot for the balance of the land for the existing dwelling and agricultural purposes and is permissible under the overlay. The existing vehicle access points for each lot are located outside of the FO.

Municipal Planning Strategy

The application is supported by a number of aspects of the Municipal Planning Strategy (MPS), including the provision of accommodation to support tourism in Nagambie and surrounding areas. The proposal provides an opportunity that supports employment and the further enjoyment of the natural environment that is the eastern backwater. There are also opportunities as part of the proposal to better protect and enhance the riparian corridor along the eastern backwater. A detailed assessment of the impact of the proposal on the eastern backwater and associated flora and fauna is provided in the Planning Policy Framework section below.

As discussed, approval of the application will lead to a loss of agricultural land and this needs to be considered as part of a balanced assessment of the application.

The siting of the development provides the ability to enhance the aesthetic amenity of the area via vegetated buffers, in particular along the eastern backwater.

Infrastructure will be provided to the development in the form of power, water and sewerage. None of the service authorities have raised concerns in relation to the proposal. The site is in close proximity to the existing township of Nagambie and can be accessed easily by the existing road network. The applicant is willing to provide for a pedestrian connection from the development into the township of Nagambie. This could be achieved either through private land or along existing road reserves. Conditions of the recommendation forming part of this report will require plans to secure this connection.

Planning Policy Framework

The environmental and landscape considerations of the planning policy framework at clause 12 seek to protect biodiversity and environmental landscape values.

The VCAT decision in relation to the previous application for a camping and caravan park on the land had determined that a cumulative assessment of the environmental impacts of the proposal was required. This included an assessment of the environmental impacts on the backwater. The decision also noted that the proposal failed to provide adequate buffers to the backwater and the inclusion of the jetties and boat ramp added to this concern. The decision concluded that insufficient work had been done to identify and consider the impacts of the development on the core riparian zone and back water. Noting that while the environmental impacts on the backwater are likely to be manageable, the potential impacts on fauna had not been adequately identified and the potential mitigation measures, such as reducing the number of jetties or limiting the type of craft that can enter the water, had not been appropriately defined.

The applicant provided a flora & fauna assessment with the current application. In order to assist officers with their assessment of potential environmental impacts outlined above an independent peer review of the flora and fauna report was undertaken and the application was referred to DEECA for their advice. The advice obtained from the peer reviewer and DEECA has assisted officers in being satisfied that these impacts can be appropriately managed.

With assistance from Biosis and DEECA, officers have included conditions in the recommendation forming part of this report that require the implementation of mitigation measures identified within the Flora and Fauna report to manage any potential impacts on Flora and Fauna. Additionally, conditions will require the submission of an integrated land and waterway management plan and environmental construction management plan to further manage any potential impacts.

At the recommendation of Biosis conditions are also included to require a hydrological assessment, to confirm the reports findings that there will be no direct impacts to native vegetation and fauna habitat, and targeted surveys to determine if any separate approvals are required (outside of the planning permit process) in relation to the protection of flora and fauna.

Discussion with Biosis and DEECA have also indicated that having a designated areas for access to the backwater (jetties) and requiring the protection and revegetation of the remaining riparian area has the potential for positive environmental outcome. This is by allowing for the regeneration of riparian corridor and preventing the risk of damage by informal access points. Conditions are recommended to address this as identified above. Conditions are also recommended to ensure no boating is available as part of the proposed use and development of the site, with only kayaking available for parts of the year when conditions are appropriate.

Officers are satisfied that a Bushfire Management Plans submitted with the application can reduce bushfire risk to an acceptable level. The application was referred to the Country Fire Authority who supported this position with conditional approval.

The development has been designed to remove any buildings from within the Floodway Overlay. The proposed 50m setback or buffer from the backwater will help to minimise waterway contamination and any potential flood damage. Officers have held discussions with the objectors and the GBCMA in relation to potential impacts of flooding on the proposed development in light of recent flood events. The GBCMA is satisfied that flood free access is available to the proposed development via Lobbs Lane and that the proposal complies with its current Policy and Guidelines for development of flood affected land. The objectors have raised concern that flood levels may be higher than those documented under current flood controls. However, the GBCMA can only rely on its most recent available information when assessing development proposals.

The proposal has the potential to permanently remove productive agricultural land as the result of the proposed camping and caravan park. This is not in accordance with state planning policy that supports the retention of productive agricultural land. Officers are satisfied that this is not fatal to the application given the context of the area. Despite being located in the Farming Zone, the land is in close proximity to the Nagambie township, existing Low Density Residential zoned land to the south and an existing rural residential settlement to the north-west.

The proposed subdivision will provide a balance lot that will be retained for agricultural purposes. Given the size of the proposed lot it is possible that it could transition to a rural living allotment with ancillary agricultural activities. This in itself would not be out of character with

the surrounding area, which contains a number of allotments in the FZ of a similar size that contain existing dwellings.

The development has been designed to incorporate suitable buffers from adjoining agricultural land uses. A buffer of 40m has been proposed to agricultural land to the north (incorporating a 20m road reserve and 20m buffer on the land) and a 40m buffer to the proposed agricultural lot to the east.

A stormwater management strategy and report has been submitted with the application. The stormwater strategy identifies that the drainage strategy for the proposal will incorporate water sensitive design principles and that two retarding basins will be provided on the land to capture runoff and restrict flow to the legal point of discharge. Council's Engineers and the GBCMA & Goulburn Murray Water (GMW) are satisfied that water quality runoff can be adequately addressed. The retardation basins have been located to avoid the need to remove any native vegetation.

Officers are satisfied that the scale and appearance of the proposal is acceptable. The proposal has been designed to maximise setbacks from adjoining land and uses. The incorporation of buffers that can provide for vegetated screening will assist in reducing the impact of the proposal overtime. The requirement for the use of muted colour tones and the use of non-reflective materials will ensure that the proposed buildings will not be out of context with the surrounding area.

The proposal is supported by the relevant planning scheme policy in relation to tourism by supporting a tourism related development in close proximity to Lake Nagambie and the Goulburn River. The development provides an opportunity to enhance the natural environment through the revegetation and protection of the riparian corridor along the eastern backwater

Particular Provisions

Car and bicycle parking

The application proposes a shared onsite car parking area to the front of the land surrounding the existing restaurant/function centre. The car parking area will provide for 122 car parking spaces, including 2 disabled car parking spaces. No formal car parking rate is specified for a camping and caravan park. A traffic impact assessment (TIA) was provided with the application that provides justification for the number of parking spaces proposed. The parking demand assessment forming part of the TIA notes that a total of one carparking space per tent would be required (a total of 80 car spaces). This provides a surplus of 42 car parking spaces to cater for staff and visitors. Officers are satisfied that an adequate provision of car parking can be provided. The existing function centre/restaurant has exiting use rights so arguably does not generate the need for any additional car parking spaces. Historically, patrons have parked in the existing car parking area to the front of the land and will still have the ability to do so under the current proposal. The subject site is a large, self-contained site with enough room to provide adequate car parking for the proposed uses.

The proposal does not trigger the requirement for bicycle parking it is recommended that a condition is including to provide for 10 bicycle parking spaces to allow for the ability for cyclists to use the venue should the demand require.

Native Vegetation

The application seeks approval for the removal of native vegetation, including 1 small, scattered tree and some small patches of vegetation to facilitate the construction of the two proposed jetties. The applicant has demonstrated that they have avoided the removal of any large trees and have minimised the removal of native vegetation along the riparian corridor by reducing the number of jetties and removing a previously proposed boat ramp. The location of

the jetties was chosen to minimise the extent of native vegetation removal required. The applicant has confirmed that the required offset can be achieved via a third-party offset. Officers are satisfied that the removal of native vegetation has been managed to an acceptable level.

Objectors Concerns

The key concerns raised by the objectors are mostly all relevant planning considerations and a number of them have been addressed in detail in the assessment section of this report above.

Officers believe that there will be a level of community benefit as a result of the proposal. The proposal will be located in close proximity to the Nagambie Township and has the potential to generate employment opportunities within the town and additional usage to the township's businesses.

As outlined above officers are satisfied that the proposed siting and form of the development is acceptable, particularly when considering the context of the surrounding area.

Careful consideration has been given to the potential impacts of flooding on the development and on potential impacts on the eastern back water. The recommendation for conditions that require integrated land and water way management plans and environmental management plans with a focus on re-vegetation and restricting use of the eastern back water are directly focused on the objector's concerns. Mitigation measures contained in the Flora and Fauna report should be required to be implemented as part of any planning permit issued and include measures to provide additional protection to fauna such as broilgas, the little eagle and Sloane's Froglet.

The proposal will not impact on any area currently identified for future housing growth. While the proposal will lead to the loss of productive agricultural land, it has been designed to provide for suitable buffers from surrounding land uses and it considered appropriate given the context of the area. The proposal is in close proximity to the township of Nagambie with a short trip via vehicle. The applicant is willing to provide a pedestrian connection from the site into Nagambie to provide for improved pedestrian connectivity.

The applicant is able to provide for the required infrastructure including water, sewer and power. Officers, in conjunction with the CFA are satisfied that any potential fire risk can be addressed via the bushfire management plan submitted with the application.

Conditions have been included in the recommendation to manage any potential amenity impacts such as noise, lighting and litter. Conditions have also been included to require landscape treatments that match the rural character of the area and to prevent boats from being launched from the site.

Officers are satisfied that the proposed subdivision provides for a suitable outcome given the context of the area which includes a mixture of land uses and lots sizes, a number of which also contain dwellings.

Officers have discussed the issue of Blue Green Algae in the backwater with GMW and are satisfied that this is a separate management issue for GMW and that it is outside of the relevant planning considerations associated with this planning permit application.

Clause 65 Decision Guidelines

The relevant decision guidelines at Clause 65 have been considered as part of the detailed officer assessment above.

Integrated decision making

Clause 71.02-3 identifies the need for balanced decision making that takes in to account competing planning objectives. On balance officers believe that the application provides for an acceptable planning outcome. This does not mean that what is proposed is perfect, however officers believe the relevant planning considerations have been taken into account and that the majority of them can be implemented by appropriate conditions.

Clause 73.01-2 rightly points out that just because a planning permit can be applied for doesn't mean it should be granted. The proposal will lead to the loss of agricultural land, which is a concern, however given the context of the area, scale of development and requirements for improvements to the riparian corridor through revegetation have satisfied officers that the land is suitable for the proposed use and development. Conditions in relation to the management of potential impacts on flora and fauna and the eastern backwater are considered essential by officers in ensuring a good environmental outcome.

Relevant State Policy

- Melbourne Plan 20230
- Hume Regional Growth Plan 2014

Relevant incorporated, reference or adopted documents

- N/A

Relevant Planning Scheme amendments

- N/A

Risk Management

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

Strategic Links – policy implications and relevance to Council Plan

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

Summary and Conclusion

The proposed use and development raises a number of key planning considerations.

These considerations have been carefully considered and assessed to ensure any potential impacts can be managed to a suitable level.

Officers have undertaken a detailed assessment of the proposal against the relevant provisions of the Strathbogrie Planning Scheme and have carefully considered the concerns raised by objectors and information provided by referral authorities and other relevant experts.

On balance officers are satisfied that the proposal addresses the relevant planning considerations and that the conditions forming part of the recommendation section of this report adequately address the concerns outlined.

The application is recommended for approval.

Decision:

E Bulletin and Date -	Council Report and Date -
Grant <input checked="" type="checkbox"/> Refuse <input type="checkbox"/>	NOD Issued -
	Appeal lodged -



Declaration:

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

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

Attachments

Plans for endorsement Doc ID *condition 1 amended plans required so no plans to issue at this time*

Assessing Officer:	Braydon Aitken Manager	Reviewing Officer:	G Williamson Principal Planner
Signature:		Signature:	
Date:	6 August 2024	Date:	8 August 2024

Copy of permit to:

DEECA

GVW

CFA

GBCMA

GMW

Date sent: Initials: